

CHAPTER 189—H. F. No. 1271

An act relating to qualifications of county attorneys, amending Minnesota Statutes 1957, Section 388.01.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1957, Section 388.01, is amended to read:

388.01 Election; qualifications; term; bond. There shall be elected in each county a county attorney *who shall be learned in the law, and whose term of office shall be four years and until his successor qualifies.* Before entering upon his duties he shall give bond to the county in the penal sum of \$1,000, to be approved by the county board, conditioned that he will faithfully and impartially discharge the duties of his office and pay over without delay to the county treasurer all moneys which come into his hands by virtue thereof, which bond and his oath shall be filed for record with the register of deeds and when so recorded shall be forwarded by the register of deeds to the secretary of state.

Approved April 10, 1959.

CHAPTER 190—H. F. No. 1281

[Not Coded]

An act authorizing the commissioner of conservation to sell certain swamp lands.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Sale of certain swamp lands.** The commissioner of conservation is hereby authorized to sell Lot 8, Section 26, Township 53, Range 23, in Itasca county, in the same manner as provided by law for the sale of other state swamp lands, notwithstanding the fact that such lands border the waters of a meandered river.

Approved April 10, 1959.

CHAPTER 191—S. F. No. 89

[Not Coded]

An act relating to police pensions in the City of Duluth; amending Laws 1953, Chapter 91, Section 1, Subdivision 8,

and Sections 2; 3; 9; and Section 11, Subdivision 1, as amended.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Laws 1953, Chapter 91, Section 1, Subdivision 8, is amended to read:

Subd. 8. "Child" means a minor under the age of 18 years who is a legitimate issue of a deceased member or pensioner and whose mother qualifies as a "widow" under subdivision 7 of this section.

Sec. 2. Laws 1953, Chapter 91, Section 2, is amended to read:

Sec. 2. **Duluth police department.** The members of the police department of *the city of Duluth* shall organize a police pension association or maintain the police pension association now existing.

Sec. 3. Laws 1953, Chapter 91, Section 3, is amended to read:

Sec. 3. **Incorporation.** The association shall become incorporated. It shall be governed by a board of eight members. The *head* of public safety, the treasurer, and the chief of police of the city shall be ex officio members. The other members of the board shall be elected by the members of the association. Those elected to the first board shall be elected for terms of one, two, three, four, five years. At each annual meeting thereafter one elective member shall be elected for a term of five years. Each elective member shall hold office until his successor is elected and has qualified. Any vacancy in the office of an elective member shall be filled at a special election called for that purpose. Any member so elected shall hold office for the balance of the term for which his predecessor was elected. The affairs of the association shall be regulated by its articles of incorporation and its bylaws.

Sec. 4. Laws 1953, Chapter 91, Section 9, as amended by Laws 1955, Chapter 187, Section 4, is amended to read:

Sec. 9. **City contribution.** Subdivision 1. Except as provided in subdivision 2, in addition to the rate allowed to be levied by the charter of the city, the city shall levy an amount sufficient to pay pensions due and payable under this act in the following fiscal year at the time and in the manner in which it levies other taxes, and the proceeds of this tax shall be paid into the police pension fund. This levy shall never be less than *three* mills, shall be in addition to any per capita

limitation in the charter of the city, and shall not be considered as a part of the tax levy under any limitation in the charter of the city.

Sec. 5. Laws 1953, Chapter 91, Section 11, Subdivision 1, as amended by Laws 1955, Chapter 187, Section 6, is amended to read:

Sec. 11. **Pensions, payment.** Subdivision 1. The association shall grant pensions payable from the police pension fund in monthly installments in the manner and for the following purposes:

(1) To any member of the age of 50 years or more who performs duty as a member of the police department of the city for 20 years or more, upon his written application after retiring from such duty there shall be paid monthly during his lifetime a pension not to exceed 31 units and *one additional unit for each of the first three years of such service in excess of 20 years and one and one-half additional units for each year of such service in excess of 23 years*, but not to exceed 40 units.

(2) To any member who performs duty as a member of the police department of the city for 20 years or more who retires from such duty before he attains the age of 50 years, upon his written application after reaching the age of 50 years, there shall be paid monthly during his lifetime a pension not to exceed 31 units and *one additional unit for each of the first three years of such service in excess of 20 years and one and one-half additional units for each year of service in excess of 23 years*, but not to exceed 40 units.

(3) To any member who, while a member of the police department of the city, becomes diseased or sustains an injury which permanently unfits him from the performance of police duties there shall be paid monthly during his lifetime a pension, as provided in the bylaws of the association but not to exceed 40 units, while so disabled; but no member shall be awarded, granted, or paid a pension pursuant to this clause, except upon the certificate of two or more physicians or surgeons chosen by the governing board. This certificate shall set forth the cause, nature, and extent of the disability, disease, or injury of the member. No member shall be awarded, granted, or paid a pension pursuant to this clause unless the certificate states that the disability, disease, or injury was incurred or sustained by him while a member of the police department. Each such certificate shall be filed with the association; and at its discretion the governing board may require any such person to submit to a re-examination by a

competent physician chosen by the board. If found by this re-examination to be physically fit such person shall be reinstated to the position held immediately prior to the commencement of his disability.

(4) To the widow or to a surviving child of a member who dies while in the service of the police department of the city or to the widow or to a surviving child of any pensioner or any deferred service pensioner during the period of his deferment there shall be paid monthly a benefit as follows:

(a) Not to exceed 20 units to the widow, while she remains such;

(b) not to exceed 8 units to a surviving child until such child becomes 18 years of age.

In the event the widow and such surviving children reside together, the benefits to be paid to such children shall be paid to the widow for the support of the children, but such widow shall not receive more than 40 units per month in any event. If a widow remarry, her benefit shall cease as of the date of the remarriage. Upon the death of a widow, each surviving child shall receive a pension as provided in the bylaws of the association of not to exceed 40 units.

Sec. 6. **Effective act.** This act shall become effective after its approval by a majority vote of the city council of Duluth.

Approved April 10, 1959.

CHAPTER 192—S. F. No. 96

An act relating to the regulation and control of the parking of motor vehicles on parking facilities owned and operated by the State of Minnesota; providing penalties for the violation thereof; appropriating money therefor; and amending Minnesota Statutes 1957, Section 16.72.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1957, Section 16.72, is amended to read:

16.72 **State parking facilities.** Subdivision 1. **Powers and duties of commissioner of administration.** No motor vehicle, either privately or publicly owned, may be parked upon any parking lot or facility owned or operated by the state of Minnesota except as authorized by this section. The