

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

Section 1. **South St. Paul, city of; officials' salaries.**—The salary of the mayor of the city of South St. Paul shall be \$2,400 per year and the salary of each councilman shall be \$1,200 per year; such salaries shall be paid in equal monthly installments.

Sec. 2. Laws 1961, Chapters 24 and 464 are hereby repealed.

Sec. 3. This act is effective upon its approval by a majority of the members of the governing body of the city of South St. Paul and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 1, 1963.

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CHAPTER 443—S. F. No. 359

[Not Coded]

*An act relating to firemen's relief and retirement in the city of Winona; providing for a relief association and rules and regulations therefor; and providing for a tax levy.*

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

Section 1. **Winona, city of; firemen's relief and retirement; definitions.** For the purposes of this act the following terms shall have the following meanings:

(a) "Fire department" means the fire department of the city Winona, Minnesota.

(b) "Relief association" or "association" means the Winona fire department relief association.

(c) "Firemen" used alone means every person who is duly appointed and regularly entered upon the payroll of the fire department of the city of Winona and who is on active duty with that department. The term does not include temporary or emergency employees.

(d) "Member" used alone means every fireman who has been admitted to membership in the relief association as hereinafter provided.

(e) "Unit" means a fractional part of the monthly salary of a first class fireman as such salary is established from time to time

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by the council. A "unit" shall be not more than 1/75 and not less than 1/90 of such monthly salary as established from time to time in accordance with the provisions of this act.

(f) "Disability" means a physical or mental, or combination physical and mental, incapacity which renders a member unable to perform the duties of his position in the fire department.

(g) "Pensioner" means a member of the relief association who has qualified and is receiving a pension.

(h) "Deferred pensioner" means a member of the relief association who has completed not less than 20 years of service in the fire department of the city of Winona, and who retires before reaching the age of 50 years.

**Sec. 2. Relief association; organization.** The Winona fire department relief association, an existing corporation under the laws of the state of Minnesota, shall continue as a corporation and have perpetual corporate existence. The relief association shall be organized, operated, and maintained in accordance with its own articles of incorporation and bylaws and shall have all corporate powers which may be necessary or useful for the regulation of its management and affairs, subject, however, to the provision of this and the other laws of this state pertaining to corporations which are not inconsistent herewith.

**Sec. 3. Officers; trustees.** The officers of the relief association shall be a president, one or more vice presidents, a secretary, and a treasurer. The offices of assistant secretary and assistant treasurer may be created by the bylaws of such association. The affairs of the association shall be managed by a board of trustees elected in the manner prescribed by the articles of incorporation of the association.

The secretary and treasurer of the relief association shall each furnish a corporate bond to the association for the faithful performance of their duties in amounts as the association from time to time may determine. The relief association shall be and is hereby authorized to pay the premiums on such bonds from its special fund.

**Sec. 4. Secretary and treasurer to prepare statement of receipts and expenditures.** The secretary and treasurer of the relief association prior to February 1 in each year shall jointly prepare and sign with the approval of the association's board of trustees a detailed and itemized report of all receipts and expenditures in the association's special fund for the preceding calendar year, showing the source of such receipts, to whom and for what purpose the

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money had been paid and expended, and the balance of the fund. They shall file certified copies thereof with the city clerk and the state insurance department. No money shall be paid to the relief association by either the state of Minnesota or the city of Winona until the report is filed.

**Sec. 5. Board of examiners.** The relief association shall establish a board of examiners who shall when requested by the association's board of trustees make a thorough investigation and report on all applications for membership in the association; investigate and make a report on all applications for disability pension and make recommendations as to amount to be paid to the applicant; investigate and make report on all disability pensioners and make recommendations as to the amount of pension to be paid to them from year to year; and investigate and report on all applications for service pensions and claims for relief. This board shall consist of a competent physician selected by the association and at least three members of the relief association on active duty with the fire department.

**Sec. 6. Who are members of relief association.** Subdivision 1. Except as hereinafter provided every fireman as defined in section 1 shall be eligible to apply for membership in the relief association within the time and in the manner following: Any such fireman desiring to become a member shall not later than 90 days from the time when he is regularly entered on the payrolls of the fire department make written application for membership in the relief association on forms supplied by the association accompanied by one or more physician's certificates as required by the bylaws of the association. After the application has been filed the board of examiners of the association shall make a thorough investigation thereof and file their report with the secretary of the association. Such application must be acted upon by the association within six months from the date the applicant was entered on the payroll of the fire department. No fireman who is more than 35 years of age when his application is filed can become a member of the relief association except that such age limitation of 35 years shall not apply on application for reinstatement in the association.

Subd. 2. The relief association shall have the right to exclude all applicants for membership who are not physically and mentally sound so as to prevent unwarranted risks for the association.

**Sec. 7. City clerk to file report of existence of association.** The city clerk shall on or before October 31 in each year make and file with the insurance commissioner of this state his certificate stating the existence of the relief association.

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**Sec. 8. Insurance commissioner to inform insurance companies of existence of relief association.** The insurance commissioner shall enclose in his annual statement blank sent by him to all fire insurance companies doing business in this state a blank form containing the name of the Winona fire department relief association and shall require the companies at the time of making their annual statements to the insurance commissioner of the state on this blank the amount of the gross direct premiums, less return premiums, received by it on all direct business during the preceding year, upon property located within the corporate limits of the city of Winona, upon policies covering loss or damage by fire, lightning, extended coverage, loss or damage by water to goods and premises arising from the breakage or leakage of sprinklers, pumps, or other apparatus erected for extinguishing fires. Before July 1 following, the commissioner shall certify to the state auditor the information thus obtained together with the amount of taxes paid on account thereof in such year by each company.

**Sec. 9. State auditor to remit funds to relief association.** The state auditor at the end of each fiscal year shall issue and deliver to the treasurer of the relief association for the benefit of this relief association his warrant upon the state treasurer for an amount equal to the total amount of the tax paid by fire insurance companies upon the premiums received by the companies for properties insured within the corporate limits of the city of Winona together with the other appropriations or funds as may hereafter be appropriated or created and to which the association is entitled.

**Sec. 10. State treasurer to pay warrant.** The state treasurer shall upon presentation to him of the warrant of the state auditor specified in section 9 pay out of the general revenue fund of the state the amount thereof to the treasurer of the relief association upon presentation of the warrant.

**Sec. 11. Tax levy.** Subdivision 1. Except as provided in subdivision 2, in addition to all other taxes it may levy, the city of Winona shall levy a tax of two mills at the time and in the manner it levies other taxes, and the proceeds of this tax shall be paid into the relief association.

Subd. 2. At any time that the balance in the firemen's special fund reaches \$150,000 any levy in an ensuing year shall be only such as will be calculated to maintain this amount, but in no event shall any levy exceed two mills, or be less than three tenths of one mill.

Subd. 3. The amount necessary to extend or reduce tax

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levies as herein provided shall not be included as a part of the general tax levy for city purposes or in the calculation of any limitation of any percent of the assessed valuation upon which taxes are required to be extended.

Subd. 4. Any appropriation made to this fund from this tax levy is not to be considered a part of the cost of government as defined in the charter of the city.

**Sec. 12. Salary deductions.** *During all times that the relief association is in existence the city shall regularly deduct from the salary of each member of the association an amount equal to two percent of the monthly salary of a first class fireman. In the event the actual cash balance of cash and investments in the special fund ever becomes less than \$100,000, the city shall regularly deduct from the salary of each member of the association an amount equal to four percent of the monthly salary of a first class fireman, and continue to deduct such amount until the actual balance of cash and investments in the special fund again reaches \$100,000 or more. In no event shall any such deduction be less than two percent or more than four percent of such first class firemen's monthly salary. All salary deductions shall be remitted by the city to the treasurer of the relief association each month.*

**Sec. 13. Relief association to have custody of funds.** The relief association shall have full and permanent charge of and responsibility for the proper management and control of all funds that may come into its possession and particularly funds derived from the following sources:

(a) Funds derived from the state of Minnesota and interest from the investment thereof; and

(b) Funds derived from salary deductions and the tax levies by the city of Winona and the interest from the investment thereof; and

(c) Funds derived from private sources such as gifts, charges, rents, entertainments, dues paid by members, and from other sources.

**Sec. 14. Money to be kept in two funds.** The money received from the various sources shall be kept in two separate and distinct funds, one to be designated as the special fund and the other as the general fund. *All money received from the state of Minnesota, from salary deductions, from taxes levied by the city of Winona, and interest thereof shall be deposited in the special fund and expended only for purposes hereinafter authorized. All money received from other sources shall be deposited in the general fund*

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and may be expended for any purpose deemed proper by the association.

**Sec. 15. Special fund; authorized uses.** The special fund shall be used only for the following purposes:

(a) For the payment of service, or disability, or dependency pensions to members of the association and to their widows and children as hereinafter provided, and for the relief of sick, injured, and disabled members of the association; and

(b) For the payment of all expenses of administering said fund including expenses in connection with the investment and protection of moneys in said fund; and

(c) *For the payment of all expenses of operating and maintaining the association including the secretary's and treasurer's salaries.*

**Sec. 16. Pensions; limitations.** Subdivision 1. The relief association shall grant pensions to its members payable from the special fund in monthly installments in the following manner and for the following purposes:

(a) Any member of the age of 50 years or more who performs duty as a member of the fire department of the city for 20 years or more upon his written application after retiring from such duty shall be paid monthly during his lifetime a pension equal to 32 units and an additional unit for each year of such service in excess of 20 years but not to exceed 40 units; and

(b) Any member who performs duty as a member of the fire 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 shall be paid monthly during his lifetime a pension equal to 32 units and an additional unit for each year of such service in excess of 20 years but not to exceed 38 units; and

(c) Any member not eligible for a service pension who while a member of fire department of the city becomes diseased or sustains an injury which permanently unfits him for the performance of department duties shall be paid monthly during his lifetime a disability pension equal to 32 units while so disabled. No member shall be awarded, granted, or paid a disability pension under the provisions of this clause except upon the certificate of two or more physicians or surgeons chosen by the board of trustees. This certificate shall set forth the cause, nature, and extent of disability, disease, or injury of the member. No member shall be awarded,

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granted, or paid a disability pension pursuant to this clause unless the certificate states the disability, disease, or injury. Each such certificate shall be filed with the secretary of the association.

Subd. 2. In the case of an applicant for a pension pursuant to clauses (a) and (b) of subdivision 1 above who, following admission to membership in the association, has served in the military forces of the United States in any war or national defense emergency subsequent to January 1, 1940, and thereafter returned honorably discharged from such service and resumed membership in the association, the period that the applicant spends in military service shall be counted in computing the period of service required for benefits under this section. During such period of military service or defense emergency service any such person is not considered a member of the association and is not entitled to any service pension, disability benefits, or deferred pension as provided in clauses (a) and (b) of subdivision 1 above unless previously earned. If the member does not return to employment in the fire department of the city of Winona within one year from the time peace is declared or within one year from the termination of the period of emergency, whichever is later, the provisions of this subdivision shall not apply.

Subd. 3. Every member of the association who was retired on June 1, 1963, and was receiving a service pension on that date or had attained a deferred pensioner status on that date and who is eligible to receive a pension each month thereafter during the time he is so eligible shall receive a service pension equal to not less than 20 units and not more than 32 units as determined by a uniform rule established by the board of trustees.

Sec. 17. **Dependency pensions.** The association shall grant dependency pensions payable from the special fund to any widow or to any child under 18 years of age of any member as follows:

(a) When a service pensioner, deferred pensioner, disability pensioner, or an active member of the relief association dies leaving a widow who was his legally married wife residing with him and who was married while or prior to the time he was on the payroll of the fire department; and who, in case the deceased member was a service or deferred pensioner, was legally married to the member at least one year before his retirement from the department, then to such a widow a dependency pension of 18 units per month for her natural life, but if she remarries the pension shall cease as of the date of the remarriage.

(b) When a service pensioner, deferred pensioner, disability pensioner, or an active member of the relief association dies leaving

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a child or children who were living while the deceased was on the payroll of the fire department or born within ten months after the deceased was withdrawn from such payroll, then to each child, a dependency pension of six units per month until the child reaches the age of 18 years.

(c) The total dependency pensions payable under clauses (a) and (b) above for the widow and children of a deceased member shall not exceed 36 units per month.

**Sec. 18. Benefits.** Any member who becomes disabled from performing his duties as a member of the fire department by reason of sickness or accident, if off the payroll of the fire department because of having exhausted all sick leave and other benefits due him, is entitled to receive from the association during his disability such benefits as the bylaws of the association provide, but such benefits shall not extend beyond a six-month period. The bylaws may provide that such a member shall have completed a minimum number of years of service in order to be entitled to such benefits. Before any such benefits shall be paid or allowed, notice of disability and application for benefits on account thereof shall be made to the secretary of the association within 30 days after such sick leave or other benefits are exhausted.

**Sec. 19. Refunds.** If a member of the association is separated from his employment with the fire department due to resignation or other reason and at the time of such separation neither the member nor his dependents is entitled to a pension under the provisions of sections 17 or 18, the treasurer of the association shall refund from the special fund all of the amounts deducted from his salary up to the effective date of this act, without interest, and 75 percent of the amounts deducted from his salary subsequent to the effective date of this act, without interest.

**Sec. 20. Board of trustees to establish amount of unit.** The board of trustees shall establish from time to time the amount of the "unit" as defined in section 1 above upon which the amounts of the various pensions provided for in this act are calculated. The amount of the unit shall be established by written resolution adopted by a vote of not less than five sixths of all official members of the board of trustees. In establishing the amount of the unit the board of trustees shall take into consideration all pertinent facts and circumstances and shall limit the unit if possible to such an amount as will permit the payment of all pensions and anticipated pensions from anticipated funds available.

**Sec. 21. Present pension payments not to be reduced.**

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None of the provisions of this act shall have the effect of eliminating or reducing service, disability, or dependency pension payments which are being made on the effective date of this act.

**Sec. 22. Pension payments exempt from legal process.** Any payment made by this association under any provisions of this act is exempt from any legal process. No person entitled to any such payment may assign the same. The association may not recognize any assignment or pay any sum on account thereof.

**Sec. 23. Actions against association; bond.** No person shall sue for any benefits provided for unless he shall post a bond in a sufficient amount to defray the cost of the governing board of defending the action. In the event the governing board is sustained the portion of the bond necessary to defray these costs shall be forfeited.

**Sec. 24. Workmen's compensation act not affected.** None of the provisions of this act shall be construed as abridging, repealing, or amending the laws of this state relating to the provisions of the law commonly known as the workmen's compensation act.

**Sec. 25. Pension fund investment provisions.** The board of trustees of the relief association shall from time to time invest such portions of the pension funds as shall not be needed for current purposes. Investments shall be made and administered in accordance with the conditions and restrictions for the purchase and sale of securities applicable to the state employees retirement fund.

**Sec. 26. Public examiner to examine accounts.** The public examiner of the state of Minnesota shall each year examine the books and accounts of the relief association. If he finds that any money has been expended for purposes not authorized by the provisions of this act, he shall report the same to the governor who shall thereupon direct the state auditor not to issue any further warrants to the association until the public examiner shall report that money unlawfully expended has been replaced. The governor may also take such further action as may be desirable or required.

**Sec. 27.** This act supersedes all prior laws which conflict with the provisions of this act and which relate to the firemen's relief and retirement association in the city of Winona.

**Sec. 28. Effective date.** This act shall become effective only after its approval by a majority vote of the city council of

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Winona and upon compliance with Minnesota Statutes 1961, Section 645.021.

Approved May 2, 1963.

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CHAPTER 444—S. F. No. 919

*An act relating to wild animals; regulating the time for taking trout; amending Minnesota Statutes 1961, Section 101.42, Subdivision 8.*

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

Section 1. Minnesota Statutes 1961, Section 101.42, Subdivision 8, is amended to read:

Subd. 8. **Trout; time for taking.** Except as otherwise specifically permitted, it shall be unlawful to take trout, except lake trout, on the opening day of the season prior to the hour of 10:00 A.M., Central Standard Time, or on any other day of the open season, between ~~10:00~~ 11:00 P.M., Central Standard Time, and one hour before sunrise.

Approved May 2, 1963.

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CHAPTER 445—S. F. No. 1353

[Not Coded]

*An act relating to the appointment of an administrative assistant to the mayor of the city of Minneapolis.*

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

Section 1. **Minneapolis, city of; administrative assistant to the mayor.** Notwithstanding any provision in the Minneapolis City Charter, veterans preference or civil service rule, law or regulation to the contrary, the mayor of the city of Minneapolis may appoint any suitable person as an administrative assistant and such appointee shall be in the unclassified service of the city and hold office at the pleasure of the mayor.

Sec. 2. **Preservation of civil service rights.** If the person appointed as such administrative assistant is a member of the classified service of the City of Minneapolis such appointee shall be deemed

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