

assessment. The municipality may collect the amount due on account of the right of way of any railroad or privately owned public utility by distress and sale of personal property in the manner provided by law in case of taxes levied upon personal property or by suit brought to enforce the collection of this indebtedness unless a different method of collecting such amounts is provided for by any contract between the owner of any right of way and the municipality.

Sec. 5. Minnesota Statutes 1961, Section 429.101, Subdivision 1, is amended to read:

Subd. 1. **Ordinances.** In addition to any other method authorized by law or charter, the council of any municipality may provide for the collection of unpaid special charges for all or any part of the cost of snow, ice, or rubbish removal from sidewalks, weed elimination from streets or private property, street sprinkling or other dust treatment of streets, the trimming and care of trees and the removal of unsound trees from any street, ~~or~~ the repair of sidewalks, *or the operation of a street lighting system* as a special assessment against the property benefited. The council may by ordinance adopt regulations consistent with this section to make this authority effective, including, at the option of the council, provisions for placing primary responsibility upon the property owner or occupant to do the work himself (except in the case of street sprinkling or other dust treatment, tree trimming, care, and removal, *or the operation of a street lighting system*), for notice before the work is undertaken, and for collection from the property owner or other person served of the charges when due before unpaid charges are made a special assessment.

Sec. 6. *This act becomes effective July 1, 1963, and the provisions of sections 1 and 2 of this act shall not affect any improvements or assessment proceedings commenced prior to such date.*

Approved May 17, 1963.

CHAPTER 772—S. F. No. 1488

[Not Coded]

An act relating to the village of Edina and to its firemen's relief association; providing for compulsory membership by fire department personnel in such association; providing for compulsory contributions thereto by such personnel; providing for compulsory contributions by the village of Edina as employer of such personnel; and describing certain limitations as to benefits for such personnel.

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

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

Section 1. **Edina, village of; fire relief association.** Subdivision 1. For the purposes of this act, the terms defined in this section shall have the meanings given them.

Subd. 2. "Association" means the Edina firemen's relief association.

Subd. 3. "Paid fireman" means a full time paid employee of the village of Edina now or hereafter serving as a member of its fire department as a firefighter.

Subd. 4. "PERA" mean the public employees' retirement association of the state of Minnesota.

Subd. 5. "Village" means the village of Edina, located in Hennepin county, Minnesota.

Subd. 6. "Volunteer" means a member of the fire department of the village of Edina who serves only as a volunteer fireman and is not a paid fireman. A full time employee of some other department of the village may be a volunteer fireman.

Subd. 7. "Widow" means the surviving wife of a member or retired member of the association who was living with him as his wife during the time he was on active duty as a member of the fire department, and, in the case of a retired member, who was married to him three or more years before he retired from the fire department.

Subd. 8. "Service" means service as a volunteer fireman and as a paid fireman of the village of Edina.

Subd. 9. "Member" means a person who is a member of the Edina firemen's relief association.

Sec. 2. The association may pay out of any funds received from the state, or from any other source, for any of the purposes provided in Minnesota Statutes, Section 424.31, subject to the provisions of this chapter.

Sec. 3. All paid firemen and volunteers shall be members of the association and shall not be members of the PERA; provided, however, that a volunteer fireman who is a full time employee of some other department of the village may be a member of the PERA in such other capacity.

Sec. 4. There shall be paid by the village to the association, as an employer's contribution, an amount equal to nine percent of the salary of each paid fireman not exceeding \$4,800 in every calendar year commencing July 1, 1963. The village is empowered to levy

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any tax which an employer is authorized to levy for employer contributions by Minnesota Statutes 1961, Section 353.28, subject to limitations as therein prescribed. There shall be paid by paid firemen of such department an employees' contribution in an amount equal to six percent of the salary of each member, provided that no deduction shall be made from any salary in excess of \$4,800 in any calendar year. Such employees' contributions shall be deducted from the wages paid by the village to such employees and shall be remitted to the treasurer of the association by the officers of the village in the same manner and at the same time as employee contributions to the PERA are deducted and paid. There shall be paid each month by volunteer members of the department, an employees' contribution equal to one third of the employees' contribution required to be made by a full time first class fireman in the department.

Sec. 5. The association shall in its bylaws define the sickness or disability entitling its members to any relief, shall specify the amounts of any benefits which this association is authorized to pay, and fix the age limit of children to whom pensions may be paid, but any such benefits shall not exceed the maximum benefits provided in this act. No disability pension may be paid to a volunteer fireman whose disability did not arise out of and in the course of his activity as a volunteer fireman. A paid fireman in his first year of service whose disability did not arise out of and in the course of his activity as a fireman shall be entitled to no more than one tenth of the maximum disability pension, and for each additional year of service he shall be entitled to no more than an additional one tenth of such maximum pension until after having begun his tenth year of service in the department.

Sec. 6. Subdivision 1. A paid fireman who has completed a period or periods of service on the fire department equal to 25 years or more, after he has attained the age of 55 years or more and has retired from the fire department, may receive a service pension, which shall not exceed one half the base salary of a first class paid fireman in said village as of January 1 of the year during which such pension is paid; provided, however, that any person who is a member of the association at the time of the effective date of this act may retire at age 65 with less than 25 years' service and be paid a service pension on a pro rata basis, proportionate to the ratio which his years of service bears to 25 years of service. The amount of such monthly service pension may be increased by adding to the maximum above prescribed an amount not exceeding per month one percent of such base salary for each year of active duty over 25 years of service before retirement; provided that such added amount may never exceed the sum of \$25 per month.

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Subd. 2. *The service pension which may be paid for service as a volunteer fireman shall never exceed one third of the amount of the service pension being paid by such association for service as a full time paid fireman.*

Subd. 3. No member shall be entitled to draw both a disability and a service pension and no disability pension shall exceed the amount of service pension provided for a member who was a full time paid fireman for 30 years and who has retired.

Subd. 4. A volunteer having performed service in the department for 20 years or more and having reached the age of 50 years may be paid a service pension.

Sec. 7. A paid fireman who has performed service on the fire department for 25 years or more but who has not reached the age of 55 years shall have the right to retire from the department without forfeiting his right to a service pension. He shall, upon application, be placed on the deferred pension roll of the association, and after he has reached the age of 55 years, the association shall, upon his application therefor, pay his pension from the date the application is approved. Any person making this application thereby waives all other rights, claims, or demands against his association for any cause that may have arisen from, or that may be attributable to his service in the department.

Sec. 8. When any member of the association or any pensioner who is a former member dies, there may be paid a death or funeral benefit not to exceed \$650 to defray or assist the family of the deceased in defraying the funeral expenses of the deceased.

Sec. 9. Until her death or remarriage, the widow of a deceased member of the association may be paid, in addition to the benefit authorized by section 8 hereof, a benefit or pension which shall not exceed the sum of \$120 per month.

Sec. 10. When any member of the association or any pensioner thereof dies leaving a child or children living at his death or born thereafter, a pension may be paid to the guardian of such child or children until the child or children reach an age of not more than 18 years. If there is one such child the pension shall not exceed \$45 per month; if there are two such children it shall not exceed \$80 per month; and if there are three or more such children it shall not exceed \$115 per month.

Sec. 11. All payments made, or to be made by the association, are exempt from any legal process. No persons entitled to any such payment may assign such payment. The association may

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not accept any purported assignment of any such payment or pay any sum on account thereof. Any attempt to transfer any right or claim to any such payment, or any part thereof, is void.

Sec. 12. When the employment of a member of the department is terminated before events occur which would establish eligibility for any pension from the association, the association shall refund to such person the amount of employee contributions he has made without interest, within 30 days of receipt of a written application from such person for such refund.

Sec. 13. Any tax levy hereafter made by the village to provide money for the employer's contribution under the provisions of this act may be made in addition to and notwithstanding any limitations upon any other ad valorem tax levies authorized by law.

Sec. 14. This act is effective only after approval by a majority of the village council of the village of Edina and upon compliance with Minnesota Statutes 1961, Section 645.021.

Approved May 17, 1963.

CHAPTER 773—S. F. No. 1748

An act relating to Ramsey county; relating to deputy clerks of district court; amending Minnesota Statutes 1961, Section 485.015.

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

Section 1. Minnesota Statutes 1961, Section 485.015 is amended to read:

Section 1. **Ramsey county; deputy clerks of district court.** The clerk of the district court of each county having more than 300,000 and less than 450,000 inhabitants may appoint and employ one chief deputy and ~~eighteen~~ *twenty-five* deputies. The appointment and employment of deputies other than the chief deputy shall be pursuant to the laws establishing civil service in such county.

Sec. 2. *This act shall take effect upon its approval by the Board of County Commissioners of Ramsey County, and upon compliance with Laws 1959, Chapter 368.*

Approved May 17, 1963.

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