

of bartering, trading and selling of motor vehicles will be carried on as such in good faith and not for the purpose of evading this section, and at which place of business shall be kept and maintained the books, records, and files necessary to conduct the business at such place and shall not mean residence, tents, temporary stands, or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement;

(2) That if the applicant desires to sell, solicit or advertise the sale of new and unused motor vehicles, he must have a bona fide contract or franchise in effect with a manufacturer or distributor of the motor vehicle, or motor vehicles, he proposes to deal in; he shall also have adequate space in the building or structure wherein his business is conducted for the display of motor vehicles, not including house trailers, and shall also provide for the repair and servicing of motor vehicles and the storage of parts and accessories in the city or village where his business is located and conducted, such service may be provided through contract with bona fide operators actually engaged in such services. *But nothing herein contained shall require an applicant for a dealer's license who proposes to deal in new and unused motor vehicle bodies to have a bona fide contract or franchise in effect with the manufacturer or distributor of any motor vehicle chassis upon which the new and unused motor vehicle body is mounted.*

Approved February 25, 1953.

CHAPTER 44—S. F. No. 337

[Not Coded]

S. S. + Paul
Albert Lee

An act relating to firemen's relief associations and firemen's pensions and levies therefor in certain cities of the third class; amending Laws 1943, Chapter 397, Sections 1 as amended, 12 as amended, 18 as amended, 20 as amended, and 23 as amended.

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

Section 1. Laws 1943, Chapter 397, Section 1, as amended by Laws 1947, Chapter 274, Section 1, is amended to read:

Section 1. **Firemen's Relief Associations, cities third class.** The fire department of each city of the third class in this state having an assessed valuation of over \$8,000,000 and less than \$15,000,000 employing *twelve* or more regular and fully paid firemen and having a population of *not less than 15,000 and not more than 18,000* according to the last Federal

census; shall maintain a firemen's relief association which shall be duly incorporated under the laws of the state of Minnesota. All such associations now existing as such corporations, or hereafter incorporated under the laws of this state, shall have perpetual existence.

Sec. 2. Laws 1943, Chapter 397, Section 12, as amended by Laws 1947, Chapter 274, Section 2, Laws 1949, Chapter 281, Section 1, Laws 1951, Chapter 420, Section 1, is amended to read:

Sec. 12. **Tax levy.** Subdivision 1. The city council or other governing body of each such city wherein such a relief association is located shall each year at the time all tax levies for the support of the city are made and in addition thereto levy a tax of three-tenths of a mill on all taxable property within said city. Provided, however, that when said special fund shall reach or exceed \$100,000 the levy, each year, shall be one-tenth of a mill until the fund goes below \$100,000 when the levy shall again be three-tenths of one mill. *Provided also, that when the balance in the special fund falls below \$65,000, then the levy shall be one-half of a mill until the fund shall reach or exceed \$65,000 and then the levy shall again be three-tenths of one mill.* Any city whose maximum annual tax levy for all purposes is limited by charter provision or statute, may, notwithstanding said maximum of annual tax levy, levy the tax herein provided for in addition to the levy as limited by said charter or statute. Nothing contained in the provisions of any local charter or any general or special law shall limit or curtail the levy hereby authorized and directed. Provided, further, that in addition thereto and only if such tax is levied the city treasurer, finance commissioner or other officer charged with the responsibility of the city's finances, shall each month deduct the sum of \$2.50 from the basic monthly pay of all firemen and transfer the total thereof to the treasurer of the special fund of the firemen's relief association, who shall credit said total to the special fund and to the credit of the individual fireman. Provided, however, that if a fireman in such city is separated from the service under such circumstances that no pension benefits are payable to him or his widow or children, the treasurer of the special fund shall return to the fireman or to his immediate family in the event such separation is due to his death, all of the amounts so deducted from his base pay, without interest and less the amount of any disability or other benefits theretofore paid such fireman. The tax so levied shall be transmitted with other tax levies to the auditor of the county in which such city is situated, and by said county shall be collected and payment thereof enforced when and in like manner as state and county taxes are paid.

Subd. 2. The city council or other governing body of each such city wherein such a relief association is located, which has a population of not less than 12,000 nor more than 13,000 according to the 1940 national census and a total assessed valuation of not less than \$5,000,000 nor more than \$7,000,000 for the taxable year of 1950 shall each year at the time all tax levies for the support of the city are made and in addition thereto levy a tax of one mill on all taxable property within the city. However, when the special fund shall reach or exceed \$100,000, the levy, each year, shall be one-tenth of a mill until the fund goes below \$100,000 when the levy shall again be one mill. Any city to which this subdivision applies whose maximum annual tax levy for all purposes is limited by charter provision or statute, shall, notwithstanding the maximum annual tax levy, levy the tax herein provided for in addition to the levy as limited by the charter or statute. Nothing contained in the provisions of any local charter or any general or special law shall limit or curtail the levy hereby authorized and directed. If such tax is levied, then in addition thereto, the city treasurer, finance commissioner or other officer charged with the responsibility of the city's finances, shall deduct each month the sum of \$2.50 from the basic monthly pay of all firemen and transfer the total thereof to the treasurer of the special fund of the firemen's relief association, who shall credit the total to the special fund and to the credit of the individual firemen. However, if a fireman is separated from the service under such circumstances that no pension benefits are payable to him or his widow or children, the treasurer of the special fund shall return to the fireman or to his immediate family in the event such separation is due to his death, all of the amounts so deducted from his base pay, without interest and less the amount of any disability or other benefits theretofore paid such fireman. The tax so levied shall be transmitted with other tax levies to the auditor of the county in which such city is situated, and shall be collected and payment thereof enforced by the county in the same manner as state and county taxes are collected and paid.

Sec. 3. Laws 1943, Chapter 397, Sec. 18, as amended by Laws 1949, Chapter 281, Section 2, is amended to read:

Sec. 18. **Pensions, amount.** A member of such association who, by reason of sickness or accident, becomes disabled from performing the duties of a fireman on the fire department, shall be entitled to receive from the association \$150 per month. No allowance for such disabilities shall be made unless notice of such disability and application for benefits on account thereof shall be made by or on behalf of the disabled member to the secretary of the association within 30 days after

the beginning of such disability.

Sec. 4. Laws 1943, Chapter 397, Section 20, as amended by Laws 1947, Chapter 274, Section 3, Laws 1949, Chapter 281, Section 3, is amended to read:

Sec. 20. **Retirement.** A member of such association, as herein defined who has completed a period or periods on the fire department equal to 20 years or more, after he has arrived at the age of 50 years or more and has retired from the payroll of the fire department shall be entitled to a basic pension of \$125 per month for his natural life plus \$2.50 per month for each year of active service over 20 years, but the total of such pension shall not exceed the sum of \$150 per month. Any and all leaves of absence of more than 90 days, except such as are granted to a member because of his disability due to sickness or accident, shall be excluded in such computation. No deductions shall be made for a leave of absence granted to a member to enable him to accept an appointive position on said fire department. No member shall be entitled to draw both a disability and a service pension at the same time, and in no event shall the total pension exceed the sum of \$150 per month.

Sec. 5. Laws 1943, Chapter 397, Section 23, as amended by Laws 1947, Chapter 274, Section 4, Laws 1949, Chapter 281, Section 4, is amended to read:

Sec. 23. **Death benefits.** When a service pensioner, disability pensioner or deferred pensioner, or an active member of such relief association dies, leaving:

(a) A widow who became his legally married wife while or prior to the time he was on the payroll of the fire department and remained such continuously after such marriage until his death without having applied for any divorce or legal separation, and who, in case the deceased member was a service or deferred pensioner, was legally married to such member at least three years before his retirement from said fire department; and who, in any case, was residing with him at the time of his death. No temporary absence for purposes of business, health or pleasure shall constitute a change of residence for the purposes of this section.

(b) A child or children, who were living while the deceased was on the payroll of the fire department, or who were born within nine months after said decedent was withdrawn from the payroll of said fire department, such widow and such child or children shall be entitled to a pension as follows:

(1) To such widow a pension of the sum of \$85 per month for her natural life, and a pension of \$25 per month for each child of such deceased member under eighteen years of

age but not to exceed more than \$150 per month in any one family. Provided if such widow shall remarry, then her pension shall cease and terminate as of the date of her said remarriage.

(2) To such child or children of a deceased member, after the death of the widow of such member, a monthly pension of \$25 per month for each child until they reach the age of eighteen years, but not to exceed the sum of \$150 per month to the children of any one family.

Approved February 25, 1953.

CHAPTER 45—S. F. No. 434

An act relating to contracts for bridges; amending Minnesota Statutes 1949, Section 164.22.

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

Section 1. Minnesota Statutes 1949, Section 164.22, is amended to read as follows:

164.22 Contracts for bridges. No contract for the construction or erection of a bridge shall be entered into by any county, town, village, or city of the fourth class where the contract price of such bridge exceeds the sum of \$500.00, unless plans and specifications for the proposed bridge be filed with the county auditor, in case of county contracts, or with the town, village, or city clerk, respectively, in case a contract is to be entered into by a town, village, or city of the fourth class, at least three weeks prior to the time when such bids are to be considered and the contract entered into; nor shall any contract be let without first advertising for bids or proposals therefor in a legal newspaper published in the county. Such advertisement shall be published once a week for three successive weeks, the last publication to be made at least ten, and not more than 30, days before the time fixed for receiving bids and letting the contract, shall state the time and place of receiving bids and awarding the contract, and refer to the fact that plans and specifications are on file in the office hereinbefore specified.

Approved February 25, 1953.