

Sec. 2. This act shall be effective upon approval by a majority vote of the governing body of the county of Traverse.

Approved April 10, 1959.

CHAPTER 206—S. F. No. 797

[Not Coded]

An act relating to the salary of the county treasurer and county auditor in Fillmore County.

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

Section 1. **Fillmore County, auditor's and treasurer's salary.** The salary of the county treasurer and county auditor in the county of Fillmore may be increased by the county board by an amount not in excess of 20 percent above the amount provided by law as of December 1, 1958.

Sec. 2. The county treasurer and the county auditor shall be included under the provisions of Minnesota Statutes 1957, Section 375.43, and acts amendatory thereof.

Sec. 3. Nothing contained in section 1 of this act shall be construed as limiting the right of such officers to collect and retain fees, per diem payments, or any other payment which they are now authorized to collect in addition to the stated amount of their monthly salary.

Sec. 4. This act shall become effective upon approval by a majority of the governing body of the county of Fillmore.

Approved April 10, 1959.

CHAPTER 207—S. F. No. 803

[Not Coded]

An act relating to firemen's relief associations, pensions and levies therefor in the City of Albert Lea; amending Laws 1943, Chapter 397, Sections 12, 18, 20, 23, as amended.

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

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

Subd. 2. **Firemen's relief, Albert Lea, financing.** The city council of *Albert Lea* 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 one mill on all taxable property within the city. However, when the special fund shall reach or exceed \$150,000, the levy, each year, shall be *five-tenths* of a mill until the fund goes below \$150,000 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 a sum *equal to three percent of the then current basic monthly pay of a first grade fireman* from the basic monthly pay of all firemen of *whatever grade* 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. 2. Laws 1943, Chapter 397, Section 18, as amended by Laws 1949, Chapter 281, Section 2, Laws 1953, Chapter 44, Section 3, Laws 1957, Chapter 127, Section 7, is amended to read:

Sec. 18. **Disability benefits.** *Subdivision 1.* 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 50 percent of the base pay of a first grade fireman per month. No member shall be entitled to disability benefits under this section if such disability is the result of outside employment compensable under the provisions of the workmen's

compensation act, or compensable by any state or federal agency or if the disability is the result of self employment separate and apart from his duties as a fireman. Self employment shall be deemed engaging in a trade or business for profit as sole owner, partner or by corporate ownership where the corporation is owned by (a) three or less persons one of whom is the member fireman, or (b) is owned by the member fireman or his spouse, brother, brother-in-law, sister, sister-in-law, parents or father-in-law or mother-in-law or children, to the extent of 51 percent or more of the stock of any class. 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.

Subd. 2. A member of any relief association in Albert Lea 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 each month a sum equal to 45 percent of a first grade fireman's basic monthly pay on the date of such disablement from duty. Provided however that any member of such association drawing a disability pension computed as set out above shall, on request of the association, submit to it each year before May 1 a copy of his federal income tax return covering the period during which he was drawing such disability pension during the preceding year. In the event that the adjusted gross income of such member from salary, wages, and self employment as defined and computed for federal income tax purposes for the period during which disability pension was paid shall exceed, for the same period, 65 percent of the basic pay originally utilized to compute such pension, then the dollar amount of such excess shall be divided by 12 and this amount deducted monthly from the disability pension of such member for 12 months commencing on May 1 of the year following that in which the excess income was earned. If the amount of such deduction exceeds the amount of the disability pension, then such member shall not be entitled to any disability pension until May 1 of the following year and then only to the extent that his adjusted gross income from salary, wages, and self employment for the preceding year as defined and computed for federal income tax purposes does not exceed 65 percent of the yearly first grade fireman's pay originally utilized to compute his pension. If such wages, salary, and self employment income does exceed 65 percent of such amount, then such excess shall be divided by 12 and this latter sum deducted monthly for 12 months from any disability pension paid. No allowance for any 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.

Provided further that a member who is otherwise qualified to draw disability benefits from the association but for the operation of the excess earnings limitation set out above is still defined as a disability pensioner for purposes of determining other benefits available to him or to his family from the association under other provisions of the law or regulations governing such relief association.

Sec. 3. Laws 1943, Chapter 397, Section 20, as amended by Laws 1947, Chapter 274, Section 3, as amended by Laws 1949, Chapter 281, Section 3, as amended by Laws 1951, Chapter 233, Section 3, as amended by Laws 1953, Chapter 44, Section 4, as amended by Laws 1957, Chapter 127, Section 8, is amended to read:

Sec. 20. Pensions, certain members. *Subdivision 1.* 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 50 percent of the base pay of a first grade fireman per month for his natural life. Any and all such 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 50 percent of the base pay of a first grade fireman per month.

Subd. 2. A member of such association as herein defined, who is a member of a relief association in Albert Lea, and 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 equal to 40 per cent of the basic monthly pay of a first grade fireman at the time of his retirement for the rest of his natural life plus one percent of a first grade fireman's basic monthly pay at the time of his retirement for each year of active service over 20 years. 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.

Sec. 4. Laws 1943, Chapter 397, Section 23, as amended by Laws 1947, Chapter 274, Section 4, Laws 1949, Chapter 281, Section 4, Laws 1953, Chapter 44, Section 5, and Laws 1957, Chapter 127, Section 10, is amended to read:

Sec. 23. **Death benefits.** *Subdivision 1.* When a service pensioner, disability pensioner or deferred pensioner, or 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 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 a widow a pension of the sum of 27 percent of the base pay of a first grade fireman per month for her natural life, and a pension of: eight percent of the base pay of a first grade fireman per month for each child of such deceased member under 18 years of age but not to exceed more than 50 percent of the base pay of a first grade fireman per month in any one family. Provided if such a widow shall remarry, then her pension shall cease and terminate as of the date of her said remarriage.

(2) To such a child or children of a deceased member, after the death of a widow of such member, a monthly pension of eight percent of the base pay of a first grade fireman per month for each child until they reach the age of 18 years, but not to exceed the sum of 50 percent of the base pay

of a first grade fireman per month to the children of any one family.

Subd. 2. When a service pensioner, disability pensioner, or deferred pensioner, or an active member of any relief association in Albert Lea 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 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 monthly pension equal to 30 percent of a first grade fireman's basic monthly pay at the time of the member's death for her natural life and an additional monthly pension equal to 7.5 percent of a first grade fireman's basic monthly pay at the time of the member's death for each child of such member under 18 years of age. However the total amount of the pension payable per month to the widow and children shall not exceed 45 percent of the basic monthly pay of a first grade fireman at the time of the member's death. If the widow shall remarry, then her pension shall cease and terminate as of the date of her remarriage.*

(2) *To such child or children of a deceased member, after the death of the widow of such member, a monthly pension or pensions, in such amount or amounts in excess of 7.5 percent of a first grade fireman's basic monthly pay at the time of the member's death for each child as the board of trustees of such association shall deem necessary to properly support such child or children until they reach the age of 18 years but not to exceed a monthly sum equal to 45 percent of a first grade fireman's basic monthly pay at the time of the member's death to the children of any one deceased member.*

Sec. 5. Effective date. *This act shall take effect only*

after its approval by a majority vote of the city council of the city of Albert Lea.

Approved April 10, 1959.

CHAPTER 208—S. F. No. 814

[Not Coded]

An act relating to firemen's relief associations and firemen's pensions in the Village of Hibbing; amending Laws 1935, Chapter 192, as amended.

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

Section 1. Laws 1935, Chapter 192, Section 1, as amended by Laws 1951, Chapter 48, Section 1, and by Laws 1955, Chapter 294, Section 1, is amended to read :

Section 1. **Firemen's relief, Hibbing, pensions.** Subdivision 1. *The village of Hibbing, having a fire department relief association organized under the laws of this state and authorized to pay pensions under Minnesota Statutes, Section 424.30, 424.31, and 69.01 to 69.06, such fire department relief associations may pay retirement pensions in excess of the amounts so authorized, but not in excess of the following total amounts: A sum equal to one-half of his average monthly earnings during the last preceding three years of his service with said fire department to each member of the association who shall have reached the age of 55 years and shall have served 20 years or more as a member of the paid municipal fire department in the village. The monthly payments may be increased by adding thereto an amount not to exceed \$5 per month for each year of active service over 20 years of service before retirement, not to exceed five years for the purpose of pension computation. No such payment shall be made to any person while he remains a member of the fire department and the association may reduce or suspend such payments during the period of time that such person has substantially full employment at other jobs. The increased pension provided hereby shall not be applicable to persons already retired from the department, but such retired persons subject to the applicable bylaws of the association shall continue to receive pensions at rates existing prior to this amendment.*

Subd. 2. When a pensioned and retired or active member of a relief association of such a village dies leaving

(1) A widow who was his legally married wife, re-