

notice and a hearing by the commissioner as provided in section 297.09.

Approved April 17, 1961.

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CHAPTER 420—H. F. No. 1475

[Not Coded]

*An act relating to the firemen's relief association of the city of Virginia; amending Laws 1953, Chapter 399, Sections 1, 12, 14, 18, 20, and 29; repealing Laws 1953, Chapter 399, Section 30.*

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

Section 1. Laws 1953, Chapter 399, Section 1, is amended to read:

Section 1. **Firemen's relief associations, pensions; Virginia.** The fire department of ~~any the~~ city of the ~~third class having an assessed valuation of not less than \$20,000,000~~ *Virginia*, now maintaining a firemen's relief association ~~or hereafter organizing a firemen's relief association~~ under the laws of the state of Minnesota, shall have perpetual existence.

Sec. 2. Laws 1953, Chapter 399, Section 12, is amended to read:

Sec. 12. **Tax levy.** *Subdivision 1.* The council or other governing body of ~~each~~ such city shall each year at the time the 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. It shall levy taxes for such purposes in excess of the limitations of Minnesota Statutes, Section 275.11. When this special fund reaches or exceeds \$100,000 the levy, each year, shall be one-tenth of a mill until the fund goes below \$80,000 when the levy shall again be one mill. The tax so levied shall be transmitted with other tax levies to the auditor of the county in which the city is located and by the county shall be collected and payment thereof enforced when and in like manner as state and county taxes are paid. 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,

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shall each month deduct the sum of \$3 from the basic monthly pay of each fireman and transfer the total thereof to the treasurer of the special fund of the firemen's relief association, who shall credit this total to the special fund and to the credit of the individual fireman. If a fireman in such city is separated from the service under such circumstances that no pension benefits are payable to him, the treasurer of the special fund shall return to the fireman or to his immediate family all of the amounts so deducted from his base pay, without interest. 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 the county shall be collected and payment thereof enforced when and in like manner as state and county taxes are paid.

*Subd. 2. The council or other governing body of such city shall each year at the time the tax levies for the support of the city are made and in addition thereto levy a tax of two and one-half mills on all taxable property within the city. It shall levy taxes for such purposes in excess of the limitations of Minnesota Statutes, Section 275.11. When this special fund reaches or exceeds \$120,000, the levy, each year, shall be one mill until the fund goes below \$100,000 when the levy shall again be two and one-half mills. The tax so levied shall be transmitted with other tax levies to the auditor of the county in which the city is located and by the county shall be collected and payment thereof enforced when and in like manner as state and county taxes are paid. 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 four percent from the basic monthly pay of each fireman and transfer the total thereof to the treasurer of the special fund of the firemen's relief association, who shall credit this total to the special fund and to the credit of the individual fireman. If a fireman in such city is separated from the service under such circumstances that no pension benefits are payable to him, the treasurer of the special fund shall return to the fireman or to his immediate family all of the amounts so deducted from his base pay, without interest. 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 the county shall be collected and payment thereof enforced when and in like manner as state and county taxes are paid.*

*Subd. 3. Subdivision 1 shall not apply while subdivi-*

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*sion 2 is in effect. Subdivision 2 takes effect on the effective date of this act and expires on July 1, 1965.*

Sec. 3. Laws 1953, Chapter 399, Section 14, is amended to read:

Sec. 14. **Funds, control.** *Subdivision 1.* Such relief association shall have full and permanent charge of, and the 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.

(b) Funds derived from the tax levies by the city in which such relief association is located, and interest from the investment thereof.

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

*Subd. 2. The funds referred to in subdivision 1 shall be invested only in short term investments maturing within a period of one year or less.*

Sec. 4. Laws 1953, Chapter 399, Section 18, is amended to read:

Sec. 18. **Amounts of benefits.** 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 an amount equal to ~~one half the then existing base pay~~ *the retirement benefits he would be entitled to if he were then retiring.* 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. *A member shall not receive any amount from the association under this section if he is entitled to receive workmen's compensation benefits by reason of sickness or accident.*

Sec. 5. Laws 1953, Chapter 399, Section 20, is amended to read:

Sec. 20. **Base pay.** Base pay as hereafter referred to means the base pay of a Grade 3 fireman. A member of

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such association, 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 an amount equal to ~~one-half~~ of the existing base pay, \$175 per month for his natural life, plus \$2.50 per month for each year of active service after he has served 20 years; but in no event shall such pension be less than \$75 per month. The total of such additional pension shall not exceed the sum of \$25 per month. ~~The basic pension shall fluctuate so as to equal one-half of the basic pay at all times.~~ 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 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 one-half of the then existing base pay, plus \$25 per month.

~~The association shall have the right to cancel or suspend any pension or reduce the amount thereof during such time as the person otherwise entitled thereto is receiving a pension in any form from any municipal or other subdivision of the state or is regularly receiving income from a business or employment. No pension shall be reduced below the amount which, when added to the income from the other pension, business, or employment, equals the monthly pension to which the person would otherwise be entitled.~~

*Each member shall be entitled to earn from wages, salaries, and business activities not to exceed the sum of \$100 per month. Earnings in excess thereof shall proportionately reduce the benefits provided in this section. The provisions of this paragraph shall not apply to a member 65 years of age or over.*

Sec. 6. Laws 1953, Chapter 399, Section 29, is amended to read:

Sec. 29. **Continuance of present pension payments.** The payment of pensions or benefits by such a relief association to retired members, widows, and children now on pension rolls on April 17, 1953, shall *continue on the same, after the effective date of this act, be on a maximum basis as now* provided by the constitution and bylaws of such relief association ~~and the payment to members retiring after the pas-~~

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sage of this act based on the provisions of this act shall take effect on January 1, 1955, or after the receipt by the association of the proceeds of the first annual levy authorized herein on April 17, 1953.

Sec. 7. *Laws 1953, Chapter 399, Section 30, is repealed.*

Sec. 8. *This act takes effect when approved by a majority of the governing body of the city of Virginia and upon compliance with Laws 1959, Chapter 368.*

Approved April 17, 1961.

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#### CHAPTER 421—H. F. No. 1518

[Not Coded]

*An act relating to towns in the counties of Carver and Scott; conferring certain village powers on these towns.*

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

Section 1. **Towns of Scott and Carver county; village powers.** Any town in Carver or Scott county shall have and possess the same power and the same authority now possessed by villages in this state under the laws of this state in so far as such powers are enumerated in Minnesota Statutes, Section 412.221, Subdivisions 3, 6, 8, 9, 11, 14, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 28, 29, and 32, also the powers enumerated in Minnesota Statutes, Sections 412.111, 412.191, Subdivision 4, 412.231, 412.491, 412.851, 412.871, and 471.62. The town board thereof may adopt, amend, or repeal such ordinances, rules, and bylaws for any purposes so enumerated as it deems expedient.

Sec. 2. This act takes effect in Carver or Scott county when approved by a majority of the county board of the respective county and upon compliance with Laws 1959, Chapter 368.

Approved April 17, 1961.

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#### CHAPTER 422—H. F. No. 1520

*An act relating to tax rates used for county purposes in certain counties; amending Minnesota Statutes 1957, Section 275.09, Subdivision 2.*

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