

All vacancies occurring in the elective membership of said board shall be filled by a special election called for that purpose. In any such city where the police department is under the direction and supervision of a commissioner of public safety, said commissioner shall be ex officio a member of said board in the place of the mayor of such city.

Sec. 10. Repeal. Minnesota Statutes 1941, Sections 423.01 through 423.07, and all acts or parts of acts inconsistent herewith are hereby repealed.

Approved March 7, 1945.

CHAPTER 48—H. F. No. 221

An act relating to the payment of retirement allowances to employees of cities of the first class, and amending Minnesota Statutes 1941, Section 422.01, Subdivision 30.

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

Section 1. Minnesota Statutes 1941, Section 422.01, Subdivision 30, is amended to read as follows:

Subdivision 30. Death benefit. In the event of the death of an employee in the contributing class while still in the service of the city, there shall be paid to the heirs thereof the net amount to the credit of the employee at the time of his death; provided, that the employee shall have fulfilled all conditions as to age, service, and participation requisite for retirement on a service allowance, or that said employee shall have fulfilled all conditions as to participation and shall die before attaining the minimum age requisite for retirement on a service allowance, and shall have been in the employ of the city for 20 years or more prior to his death. This shall not apply to any employee whose death was caused by an accident which occurred while he was engaged in the course and scope of his duties as an employee.

In the absence of heirs of such employee, that portion of the amount to the credit of the employee on which the pension is to be based, as defined in subdivision 27, and that portion on which the supplementary allowance, if any, is to be based, as defined in subdivision 28, shall be canceled and the city shall be liable for only the balance of such credits.

Sec. 2. Repeal. Minnesota Statutes 1941, Section 422.36, is hereby repealed.

Approved March 7, 1945.