

state forest area or border the waters of a meandered or an unmeandered lake.

Approved April 7, 1947.

CHAPTER 274—H. F. No. 1146

[Not Coded]

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, 12, 20 and 23.

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

Section 1. Laws 1943, Chapter 397, section 1, is amended to read as follows :

Section 1. **Firemens relief association in certain cities of the third class.** The fire department of each city of the third class in this state having an assessed valuation of over \$5,000,000 and less than \$12,000,000 employing six or more regular and fully paid firemen and having a population of less than 15,000 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, is amended to read as follows :

Sec. 12. **Tax levy.** 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 \$75,000 the levy, each year, shall be one-tenth of a mill until the fund goes below \$75,000 when 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 firemen. 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.

Sec. 3. Laws 1943, Chapter 397, section 20, is amended to read as follows:

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 \$60.00 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 \$85.00 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 \$85.00 per month.

Sec. 4. Laws 1943, Chapter 397, section 23, is amended to read as follows:

Sec. 23. **Death benefits.** When a service pensioner, dis-

ability 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 \$50.00 per month for her natural life, and a pension of \$10.00 per month for each child of such deceased member under eighteen years of age. The amount of such pension for such child or children shall be determined by the association, but the total amount of such pension or pensions shall not exceed the sum of \$75.00 per month, and 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 or pensions, in such amount or amounts in excess of \$12.50 per month 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 eighteen years, but not to exceed the sum of \$75.00 per month to the children of any one family.

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