

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

Section 1. Minnesota Statutes 1953, Section 181.58, is amended to read:

181.58 **Surviving spouse paid wages due.** For the purposes of this section the word "employer" includes every person, firm, partnership, corporation, the State of Minnesota, all political subdivisions, and all municipal corporations.

If, at the time of the death of any person, his employer is indebted to him for work, labor, or services performed, and no executor or administrator of his estate has been appointed, such employer shall, upon the request of the surviving spouse, forthwith pay this indebtedness, in such an amount as may be due, not exceeding the sum of \$1,000, to the surviving spouse. The employer may in the same manner provide for payment to the surviving spouse of accumulated credits under the vacation or overtime plan or system maintained by the employer. The employer shall require proof of claimant's relationship to decedent by affidavit, and require claimant to acknowledge receipt of such payment in writing. Any payments made by the employer pursuant to the provisions of this section shall operate as a full and complete discharge of the employer's indebtedness to the extent of the payment, and no employer shall thereafter be liable therefor to the decedent's estate or the decedent's executor or administrator thereafter appointed. Any amounts so received by a spouse shall be considered in diminution of the allowance to the spouse under section 525.15.

Approved March 15, 1957.

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## CHAPTER 127—H. F. No. 393

[Not Coded]

*An act relating to firemen's relief association and firemen's pensions and levies therefor in certain cities of the third class; amending Laws 1943, Chapter 397, Sections 1, 3, 4, 5, 12, 16, 18, 20, 22 and 23, as amended.*

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

Section 1. Laws of 1943, Chapter 397, Section 1, as amended by Laws 1947, Chapter 274, Section 1, Laws 1953, Chapter 44, 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 \$10,000,000 and less than \$15,000,000 employing *sixteen* 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 corporations, or hereafter incorporated under the laws of this state, shall have perpetual existence.

Sec. 2. Laws 1943, Chapter 397, Section 3, is amended to read:

Sec. 3. **Fireman defined.** A fireman under this act is one who is regularly entered on the payroll of one of said fire departments serving on active duty, with a designated fire company therein, or having charge of one or more of said companies and engaged in the hazards of fire fighting; and shall include all members of the electrical and mechanical divisions of such fire department who are subject to like hazards. Substitutes and persons employed irregularly from time to time shall not be included.

All persons who are members of such relief association at the time of passage of this act and whose status is embraced within the definition of a fireman herein contained, shall have the right to continue as such members of their respective associations and shall have the right to retain such membership on promotion or appointment to other positions to which such firemen may be subject.

All persons who are members of such relief association *who are retired and on a service pension, disability pension or receiving other benefits or hereafter may retire on one of said pensions, their widows, child or children or orphans shall continue to receive monthly payments, in such sum, based on the base pay of a first grade fireman, said pensions and allotments shall be raised immediately when the base pay of a first grade fireman is raised, all pensions and allotments shall be reduced immediately when the base pay of a first grade fireman is reduced, all such payments shall be according to the schedule of percentages as used in the various sections of this act.*

Sec. 3. Laws 1943, Chapter 397, Section 4, is amended to read:

Sec. 4. **Eligibility to membership.** Every fireman as herein defined shall be *enrolled as a member of the relief association immediately upon being placed on the payroll of the fire department in the city where he is employed.* Provided,

however, that no fireman who is more than 35 years of age when *placed on the payroll of the fire department* can become a member of the relief association, except that such age limitation shall not apply to *veterans or firemen being reinstated in the fire department*.

Sec. 4. Laws 1943, Chapter 397, Section 5, is amended to read:

Sec. 5. **Certain persons excluded from membership.** Each such firemen's relief association shall have the right to exclude *firemen who are placed on the payroll of the fire department from membership* who are not physically and mentally sound, so as to prevent unwarranted risks for the association; and additional requirements for entrance fees and annual dues for membership in the association *which* may from time to time be prescribed by the by-laws of such association.

Sec. 5. 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, Laws 1953, Chapter 44, Section 2, Laws 1953, Chapter 406, 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 with 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 \$85,000 then the levy shall be one-half of a mill until the fund shall reach or exceed \$85,000 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 maximums 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 a tax is levied the city treasurer, finance commissioner or other officer charged with the responsibility of the city's finances, shall *deduct from each pay check the sum of two percent of not more or less than the basic monthly pay of a first grade fireman, all deductions shall be based on the basic pay of a first grade fireman and shall be raised or reduced immediately if*

*there are any changes in the base pay of a first grade fireman, 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.*

Sec. 6. Laws 1943, Chapter 397, Section 16, is amended to read:

**Sec. 16. Relief funds to be deposited in special fund.** The amount so paid to such relief association by the state and each city under the provisions of this act, and by it set aside and deposited as a special fund, shall be appropriated and disbursed by each such association for the following purposes, to wit:

(a) For the relief of sick, injured and disabled members of the relief associations, their widows and orphans.

(b) For the payment of disability and service pensions to members of such relief associations, salaries for its officers, premiums on their official bonds, *and other necessary expenses to properly administer said special fund.*

Sec. 7. Laws 1943, Chapter 397, Section 18, as amended by Laws 1949, Chapter 281, Section 2, Laws 1953, Chapter 44, Section 3, 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 *50 per cent 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% 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.*

Sec. 8. Laws 1943, Chapter 397, Section 20, as amended by Laws 1947, Chapter 274, Section 3, Laws 1949, Chapter 281, Section 3, Laws 1951, Chapter 420, Section 3, Laws 1953, Chapter 44, Section 4, 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 *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 deduction 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*.

Sec. 9. Laws 1943, Chapter 397, Section 22, is amended to read:

Sec. 22. **Military service to be counted.** Any applicant for a service pension who subsequent to his entry into the service of such fire department has served in the military forces of the United States during any war or emergency or entered the employment of the government of the United States and in such service rendered fire prevention service during any war or emergency and has returned after his honorable discharge from such service and resumed active duty in said fire department, the period of his absence in such service of the United States shall not be deducted in computing the period of service hereinbefore provided for, *provided, that, only one such tour of duty and not more than five years of such*

*service* shall be construed and counted as part and portion of his active duty in said fire department.

Sec. 10. 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, is amended to read:

Sec. 23. **Death benefits.** 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 eighteen 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 the 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 eighteen 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.

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