

EXTRA SESSION

CHAPTER 28—H. F. No. 132

[Not Coded]

An act relating to the village of Richfield, and to its firemen's relief association, providing for compulsory membership by fire department personnel in such association; providing for compulsory contributions thereto by such personnel; providing for compulsory contributions by the village of Richfield as employer of such personnel; describing certain limitations as to benefits for such personnel; and repealing Chapter 348 of Laws of 1955.

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

Section 1. **Richfield, village of; firemen's relief association.** Subdivision 1. For the purposes of this act, the terms defined in this section shall have the meanings given them.

Subd. 2. "Association" means the Richfield Firemen's Relief Association.

Subd. 3. "Paid firemen" means a full-time paid employee of the Village of Richfield now or hereafter serving as a member of its fire department as a firefighter.

Subd. 4. "PERA" means the Public Employees' Retirement Association of the State of Minnesota.

Subd. 5. "Village" means the Village of Richfield, located in Hennepin County, Minnesota.

Subd. 6. "Volunteer" means a member of the fire department of the Village of Richfield who serves only as a volunteer fireman and is not a paid fireman or a full-time employee of the village in some other department of the village. A full-time employee of some other department of the village shall not be a member of the association.

Subd. 7. "Widow" means a widow as defined in Minnesota Statutes, Section 424.31.

Sec. 2. The village department association may pay out of any funds received from the State, or from any other source, for any of the purposes provided in Minnesota Statutes, Section 424.31, subject to the provisions of this chapter.

Sec. 3. All employees of the department shall be

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members of the association and shall not be members of the PERA.

Sec. 4. Any sums which have been paid by present employees of the department as employee contributions to the PERA by reason of service in the department shall be returned by PERA to the employee.

Sec. 5. There shall be paid by the village to the association, as an employer's contribution, a sum equivalent to the sum which would be paid by law, from time to time, to the PERA as an employer's contribution on behalf of employees who are members of the PERA Police and Firefighters Special Fund. There shall be paid by paid firemen of such department an employees' contribution in an amount equal to the amount of employees' contributions which such employees would pay if they were members of such Special Police and Firefighters Fund. Such employees' contributions shall be deducted from the wages paid by the village to such employees and shall be remitted to the treasurer of the association by the officers of the village in the same manner and at the same time as employee contributions to the PERA are deducted and paid.

There shall be paid each month by volunteer members of the department an employees' contribution equal to one-third of the employees' contribution required to be made by a full-time first-class fireman in the department.

Sec. 6. The association shall in its by-laws define the sickness or disability entitling its members to any relief, shall specify the amounts of any benefits which this association is authorized to pay, and fix the age limit of children to whom pensions may be paid, but any such benefits shall not exceed the maximum benefits provided in this act. No disability pension may be paid to a volunteer fireman whose disability did not arise out of and in the course of his activity as a volunteer fireman. An employee in his first year of service shall be entitled to no more than one-tenth of the maximum disability pension, and for each additional year of service he shall be entitled to no more than an additional one-tenth of such maximum pension, so that he shall not be entitled to the maximum disability pension until after having begun his tenth year of service in the department.

Sec. 7. Subdivision 1. A member of the association who has completed a period or periods of service on the fire department equal to 25 years or more, after he has attained

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the age of 55 years or more and has retired from the fire department, may receive a service pension, which shall not exceed one-half the base salary of a first class fireman in said village as of January 1 of the year during which such pension is paid. The amount of such monthly service pension may be increased by adding to the maximum above prescribed an amount not exceeding per month one percent of such base salary for each year of active duty over 25 years of service before retirement; provided that such added amount may never exceed the sum of \$25 per month.

Subd. 2. The service pension which may be paid for service as a volunteer fireman shall never exceed one-third of the amount of the service pension being paid by such association for service as a full-time paid fireman.

Subd. 3. No member shall be entitled to draw both a disability and a service pension and no disability pension shall exceed the amount of service pension provided for a member who was a full-time fireman for 30 years and who has retired.

Subd. 4. A volunteer having performed service in the department for twenty (20) years or more and having reached the age of 50 years may be paid a service pension on a pro rata basis, proportionate to the ratio which his years of service bear to 25 years of service.

Sec. 8. Subdivision 1. A member of the association who has performed service on the fire department for 25 years or more but who has not reached the age of 55 years shall have the right to retire from the department without forfeiting his right to a service pension. He shall, upon application, be placed on the deferred pension roll of the association, and after he has reached the age of 55 years, the association shall, upon his application therefor, pay his pension from the date the application is approved. Any person making this application thereby waives all other rights, claims, or demands against his association for any cause that may have arisen from, or that may be attributable to, his service in the department.

Sec. 9. When any member of the association or any pensioner who is a former member dies, there may be paid a death or funeral benefit to defray or assist the family of the deceased in defraying the funeral expenses of the deceased.

Sec. 10. Until her death or remarriage, the widow of

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a deceased member of the association may be paid an additional benefit or pension which shall not exceed the sum of \$120 per month; provided that if her husband's death was caused by a sickness or accident arising out of and in the course of his activities as a fireman in the department, such additional benefit or pension may be up to but not exceeding the amount of pension which he would have been entitled to receive for permanent disability arising out of and in the course of his activities as such a fireman, but not to exceed \$120 per month.

Sec. 11. When any member of the association or any pensioner thereof dies leaving a child or children living at his death or born within nine months thereafter, a pension may be paid until the child or children reach an age of not more than 18 years. If there is one such child the pension shall not exceed \$45 per month; if there are two such children it shall not exceed \$80 per month; and if there are three or more such children it shall not exceed \$115 per month.

Sec. 12. All payments made, or to be made by the association, are exempt from any legal process. No persons entitled to any payment may assign the payment. The association may not accept any purported assignment or pay any sum on account thereof. Any attempt to transfer any right to claim to any payment, or any part thereof, is void.

Sec. 13. When the employment of a member of the department is terminated before events occur which would establish eligibility for any pension from the association, the association shall refund to such person the amount of employee contributions he has made, within 30 days of receipt of a written application from such person for such refund.

Sec. 14. Any tax levy hereafter made by the village to provide money for the employer's contribution under the provisions of this act may be made in addition to and notwithstanding any limitations upon any other ad valorem tax levies authorized by law.

Sec. 15. Chapter 348 of the Laws of 1955 is hereby repealed.

Sec. 16. This act should be effective only after its approval by a majority of the village council of the village of Richfield and upon compliance with Laws 1959, Chapter 368.

Approved May 23, 1961.

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