

provisions of section 525.10, relating to bonding apply to a referee who is assigned duties under this subdivision. The referee assigned duties under this subdivision has the same powers as a referee has under sections 525.102 and 525.103.

Subd. 4. The county shall furnish a referee appointed under this section suitable office space in the court house or in some other suitable place or places designated by the judge. The judge may assign to the referee from the clerks and other employees of the court sufficient clerical help to enable him to properly discharge his duties.

Subd. 5. The judge shall fix the compensation of the referee subject to approval by the county board. The referee's compensation shall be paid from the general revenue funds of the county not otherwise appropriated upon certification of the judge or upon such other authorization as may be provided by law.

Approved May 24, 1967.

CHAPTER 815—H. F. No. 1930

[Not Coded]

An act relating to the firemen's relief association of the city of Brooklyn Center; providing certain benefits for volunteer firemen and their survivors; authorizing tax levies; providing for administration of the firemen's pension fund.

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

Section 1. Brooklyn Center, city of; firemen's relief association. Notwithstanding the provisions to the contrary of Minnesota Statutes, Section 424.17, the bylaws of the firemen's relief association of the city of Brooklyn Center may provide for payment of the service pensions authorized by this subdivision. The bylaws of the association may provide for payment of a service pension to volunteer firemen who are members of the association, which service pension shall be paid in a lump sum in an amount not exceeding \$300 for each year of service or a total of \$7,500, to a retiring member or widow or minor children of a deceased member who qualifies for a service pension by reason of having reached the age of 50 years, and who has done active duty for 20 years or more as a volunteer fireman of the fire department in Brooklyn Center. The bylaws of such association may provide for payment of a service

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pension, which service pension shall be paid in a lump sum, in an amount not exceeding \$300 for each year of service, to the widow or minor children of a deceased member who dies before reaching the age of 50 years, or before rendering 20 years active duty as a volunteer fireman. Except as provided in section 424.17 or in this act, no other pension or benefit shall be payable to members of the association who are volunteer firemen, provided that, if the services of all volunteer firemen are discontinued and the volunteer division of the fire department abolished by the municipality, the volunteer firemen who are members of the association at the time of such discontinuance and abolishment may be paid a service pension, in a lump sum, in an amount not to exceed \$300 for each year of service rendered prior to such discontinuance and abolishment or a total of \$7,500.

The selection by any person of a lump sum service pension pursuant to the provisions of section 424.17, or of this act, in lieu of a monthly service pension, if any, offered by the association pursuant to **any other provision** of this act, shall be at the option of the recipient, and payment and acceptance of a lump sum pension shall **constitute a waiver of any additional or future benefits which he might otherwise claim from the association.**

Sec. 2. Subdivision 1. In lieu of the lump sum service pension established by Minnesota Statutes, Section 424.17, or that which is authorized by section 1, *the bylaws of the firemen's relief association of the city of Brooklyn Center may provide for payment to a volunteer fireman who qualifies under the terms of Minnesota Statutes, Section 424.17, of a base service pension of not more than \$120 per month, nor less than \$80 per month, said pension to be payable for his natural life in conformity with the bylaws of the association. In addition to the aforementioned base service pension, the bylaws of the association may provide an added pension to volunteer firemen for service in excess of 20 years, but in no event shall such added pension exceed 25 percent of the base service pension paid such fireman.*

Subd. 2. In lieu of the lump sum service pension established by Minnesota Statutes, Section 424.17, or that which is authorized by section 1, *the firemen's relief association of the city of Brooklyn Center may provide in its bylaws for payment of a pension to the widow of a volunteer fireman of not more than \$120 per month, nor less than \$80 per month, such pension to be paid as the bylaws of the association provide, for her natural life; provided that if she remarry such pension shall cease and terminate as of the date of her remarriage. For the purposes of this subdivision the term "widow" shall mean a spouse who became the legally married wife of the*

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member volunteer fireman, while or prior to the time he served on active duty with the fire department, and remained such continuously after the 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 the 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.

Subd. 3. In lieu of the lump sum service pension established by Minnesota Statutes, Section 424.17, or that which is authorized by section 1, the firemen's relief association of the city of Brooklyn Center may provide in its bylaws for payment of a pension to surviving children of a deceased volunteer fireman if their mother is living in the amount of not more than \$25 per month for each child up to the time each child reaches the age of not less than 16 years or more than 18 years as the bylaws of the association provide; provided that the total pension under subdivision 2 and this subdivision for the widow and children of a deceased volunteer fireman shall not exceed \$200 per month. For the purposes of this subdivision and subdivision 4, the term "surviving children" shall mean a child or children who were living while the deceased served on active duty with the fire department, or who were born within nine months after the decedent was withdrawn from active duty in the department.

Subd. 4. In lieu of the lump sum service pension established by Minnesota Statutes, Section 424.17, or that which is authorized by section 1, the firemen's relief association of the city of Brooklyn Center may provide in its bylaws for payment of a pension for surviving children of a deceased volunteer fireman after the death of their mother in such an amount as the board of trustees of the association shall deem necessary properly to support such children until they reach the age of not less than 16 years, and the bylaws of the association may provide for the extension of such pension until such child or children reach the age of 18 years; provided that in no event shall the pension paid to the surviving children of a deceased volunteer fireman pursuant to this subdivision exceed a total of \$200 per month in aggregate.

Sec. 3. The bylaws of the firemen's relief association of the city of Brooklyn Center may provide, upon the death of any member of the association or any pensioner who is a former member, whether or not a volunteer, that there may be paid a death or funeral benefit not to exceed \$500 to defray or assist the family of the deceased in defraying the funeral expenses of the deceased.

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Sec. 4. In lieu of any pension established pursuant to the provisions of Minnesota Statutes, Section 424.17, or of section 1, a volunteer fireman who has performed service in the department for more than ten years, but less than 20 years, when his position is eliminated or he becomes physically or mentally disabled so as to be incapable of performing service in the department as determined by the board of examiners, or when he resigns in good standing from the department, may be paid a monthly service pension commencing when he reaches the age of 50 years, the amount of said service pension to bear the same proportion to the amount of the pension he would have received if he had served 20 years as his years of service bear to 20 years of service, or, alternatively, may be paid a lump sum service benefit after he has reached the age of 50 years, provided that in no event shall such lump sum payment exceed an amount of \$300 per year of service.

Sec. 5. Any pension or other benefit paid pursuant to the provisions of section 2 or 3 to or in respect of a member who has served as a volunteer fireman for more than ten years, but less than 20 years, when his position is eliminated or he becomes physically or mentally disabled so as to be incapable of performing service in the department as determined by the board of examiners, or when he resigns in good standing from the department, the amount of such benefit or pension shall bear the same proportion to the pension or other benefit he would have received if he had served 20 years as his years of service bear to 20 years of service.

Sec. 6. The bylaws of the firemen's relief association may provide for the payment of temporary disability compensation to members who become temporarily disabled. The amount and manner of such payment shall be as prescribed in the bylaws of the association.

Sec. 7. If the city shall convert the volunteer fire department to a full time, paid fire department and if any volunteer should become a full time fireman, his volunteer time shall apply toward his retirement under the terms of the full time retirement program of the city provided, however, that benefits shall be determined on a prorata basis so that volunteer benefits are paid for the time worked as a volunteer and benefits under the full time retirement program of the city shall be paid for the time spent as a paid fireman.

Sec. 8. Subdivision 1. The treasurer of the city of Brooklyn Center and the secretary of the firemen's relief association of the city of Brooklyn Center, maintaining and administering the firemen's pension fund, shall during the month of June of each year, prepare and certify an estimate of the necessary appropriation which

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will be sufficient to meet the current normal cost determined by the entry age normal cost method based upon a three percent interest assumption, plus an additional amount sufficient to retire the present accumulated deficit within 20 years of the passage of this act. During the first year after the passage of this act, and at least once every four years thereafter, the firemen's relief association shall obtain an actuarial survey and report to assist in the preparation of annual estimates required by this section, which survey and report shall be prepared in accordance with the provisions of Chapter 751, Laws of 1965, as amended.

The records of account shall be maintained under the direction of the treasurer of the city of Brooklyn Center and the secretary of the firemen's relief association. The system of accounting employed shall be in accordance with generally accepted accounting principles, and shall employ applicable actuarial assumptions in a manner which will provide an actuarial measurement of the liabilities for accumulated pension reserves needed for in-service members, the liabilities for rights which have become vested, and the overall financial solvency of the fund. Within 90 days following the end of each fiscal year the treasurer of the city of Brooklyn Center shall submit a report to the city council which shall reflect the financial condition of the relief association fund.

Subd. 2. The city shall levy a tax for the firemen's pension fund equal to the net amount so certified, in the manner and at the time it levies other taxes. When the fund has reached a point sufficient to fully fund the Brooklyn Center firemen's relief association, the tax levy shall be established at an amount sufficient to maintain the fund in a completely funded status as new obligations are incurred. The proceeds of this tax shall be paid into the firemen's pension fund.

Sec. 9. The pensions provided for herein shall be paid to all volunteers in addition to any other pension due them from other employment.

Sec. 10. Moneys in the pension fund shall be disbursed only for purposes and in the manner authorized by the articles of incorporation or bylaws of the association. Before any moneys in the fund are invested in order to earn income or any change in the bylaws relative to the purpose or manner of disbursement is made, the association shall obtain the approval of the city council of Brooklyn Center. All moneys credited to the firemen's pension fund which are not required for current expenses shall be invested in accordance with standards and limitations applicable to investments of the State Employees Retirement Fund as established by statute.

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Sec. 11. The bylaws of the association referred to in this act, and any amendments thereto, shall not be effective unless approved by the city council of Brooklyn Center.

Sec. 12. This act is effective upon its approval by the governing body of the city of Brooklyn Center and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 24, 1967.

CHAPTER 816—H. F. No. 1932

[Not Coded]

An act relating to the firemen's relief association and firemen's pensions in the village of Hibbing; amending Laws 1935, Chapter 192, Sections 1 and 5, as amended; repealing Laws 1935, Chapter 192, Section 2, and Section 6, as amended.

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

Section 1. Laws 1935, Chapter 192, Section 1, as amended by Laws 1951, Chapter 48, Section 1, as amended by Laws 1955, Chapter 294, Section 1, as amended by Laws 1959, Chapter 208, Section 1, is amended to read:

Section 1. **Hibbing, village of; firemen's relief association.** Subdivision 1. **Service pensions.** The village of Hibbing, having a fire department relief association organized under the laws of this state and authorized to pay pensions under Minnesota Statutes, Section 424.30, 424.31, and 69.01 to 69.06, such fire department relief associations may pay retirement pensions in excess of the amount so authorized; but not in excess of the following total amounts: A sum equal to one half of his average monthly earnings during the last preceding three years of his service with said fire department to each member of the association who shall have reached the age of 55 years and shall have served 20 years or more as a member of the paid municipal fire department in the village. The Hibbing firemen's relief association shall pay to each of its members who has retired after 20 years or more of active service as a member of the fire department of the village of Hibbing and who has attained the age of 55 years a monthly service pension for the remainder of his life equal to one-half of his average monthly earnings as a member of the fire department during his last three years of service. The monthly payments may be increased by adding there-

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