

marriage; and in such case a pardon shall not restore the conjugal rights;

(5) Wilful desertion for one year next preceding the commencement of the action;

(6) Habitual drunkenness for one year immediately preceding the commencement of the action;

(7) Three years under commitment pursuant to the provisions of chapter 253A for mental illness or previous commitment statutes, provided that: (a) Commitment itself be sufficient with or without institutionalization; (b) the three years need not be continuous; (c) in granting a divorce upon this ground, notice of the pendency of the action shall be served in such manner as the court may direct, upon the guardian of the person and the guardian of the estate of such mentally ill person, if such guardian or guardians have been appointed and have qualified, and if such mentally ill person be confined, upon the superintendent of the institution in which such mentally ill person is confined; (d) such guardian and superintendent of the institution shall be entitled to appear and be heard upon any and all issues; (e) the rights of the parties as to the support and maintenance of the mentally ill person shall not be altered in any way by the granting of the divorce; (f) the person be under commitment for mental illness at the time of the commencement of the action; and (g) a guardian ad litem shall be appointed for such mentally ill person;

(8) Continuous separation under decree of limited divorce for more than five years next preceding the commencement of the action, and continuous separation under an order or decree of separate maintenance for a period of two years immediately preceding the commencement of the action.

(9) A decree of divorce may be adjudged to either husband or wife notwithstanding that both have conducted themselves in such manner as to constitute grounds for divorce.

Approved April 29, 1971.

CHAPTER 178—H.F.No.872

[Not Coded]

An act relating to the firemen's relief association in the city of South Saint Paul; providing for disability pensions; amending Laws 1943, Chapter 397, Section 18, as amended.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

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

Section 1. Laws 1943, Chapter 397, Section 18, as amended by Laws 1949, Chapter 281, Section 2; Laws 1953, Chapter 44, Section 3; and Laws 1957, Chapter 127, Section 7, is amended to read:

Sec. 18. **SOUTH ST. PAUL, CITY OF; FIREMEN'S RELIEF ASSOCIATION; PERMANENT DISABILITY PENSIONS.** A member of such association who, by reason of sickness or accident, becomes permanently disabled from performing the duties of a fireman on the fire department, shall be entitled to receive from the association 50 percent 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 percent or more of the stock of any class. If such disability is the result of outside employment compensable under the provisions of a workmen's compensation act, the amount of the monthly pension under this section shall be reduced by the amount of the workmen's compensation benefit the member is entitled to receive during that month. In case of a lump sum workmen's compensation settlement resulting from outside employment, no payment shall be made from the pension fund until such time as the amount received from such settlement equals the amount of money the member would have received from normal monthly disability pension payments.~~ 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. 2. Prior to the approval by the governing body of the city of South Saint Paul, the actuarial survey of the South Saint Paul firemen's relief association shall be re-evaluated to include the provisions of this act. After approval of this act by the governing body of the city of South Saint Paul this re-evaluation shall be used to determine the minimum obligation as required by Minnesota Statutes 1969, Section 69.77.

Sec. 3. This act is effective upon approval by the governing body of the city of South Saint Paul, and upon compliance with Minnesota Statutes, Section 645.021.

Approved April 29, 1971.

Changes or additions indicated by underline, deletions by ~~strikeout~~.