

Sec. 4. Minnesota Statutes 1971, Section 202.25, is amended to read:

202.25 CAUCUS, BUSINESS. Each precinct caucus shall elect a chairman and such other officers as may be provided by party rules, and the proper number of delegates to congressional district, county, or legislative district conventions as determined by the party's call. The caucus may also discuss party policies, candidates, and any other business as prescribed by party rules.

Sec. 5. Minnesota Statutes 1971, Section 202.26, Subdivision 4, is amended to read:

Subd. 4. Upon completion of the counting of votes the chairman shall announce the names of persons who are elected, and he shall certify the names to the chairman of the county or legislative district executive committee and to the chairman of the state central committee.

Approved May 19, 1973.

CHAPTER 359—S.F.No.1708

[Not Coded]

An act relating to the firemen's relief association in the city of Red Wing; membership in the public employees fire fund; repealing Laws 1953, Chapter 348, Sections 12, 17, and 20; Laws 1957, Chapter 10; Laws 1961, Chapter 300, Sections 2, 3, and 4; and Laws 1965, Chapter 604.

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

Section 1. **RED WING, CITY OF; FIREMEN'S RELIEF ASSOCIATION.** Notwithstanding any provision of general or special law to the contrary, all firemen first employed by the city of Red Wing on and after July 1, 1973, shall be members of the public employees police and fire fund operating pursuant to Minnesota Statutes, Sections 353.63 to 353.68. Such firemen shall not be members of the firemen's relief association of the city of Red Wing or be subject to any of the laws relating thereto.

Sec. 2. Subdivision 1. The minimum obligation of the city of Red Wing in respect to the firemen's relief association of the city of Red Wing shall be determined and governed in accordance with the provisions of Minnesota Statutes, Sections 69.71 to 69.77, except

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that the normal cost shall be computed as a percentage of the compensation paid to the members of such association. The compensation paid to firemen first employed by the city of Red Wing after July 1, 1973, shall not be included in any of the computations in determining the city of Red Wing's obligation in respect to the firemen's relief association.

Subd. 2. Contributions of regular full time firemen who are members of the firemen's relief association to the association shall be (1) during the year 1973, six percent of the wage of a beginning fireman; (2) during the year 1974, six percent of their individual base wage; (3) during the year 1975, seven percent of their individual base wage; (4) during the year 1976, eight percent of their individual base wage; and (5) during the year 1977 and thereafter, an amount equal to 70 percent of the contribution that would be required of employees under the combined PERA-OASI plan but in no event less than eight percent of their individual base wage.

Subd. 3. Commencing in the year 1980, in addition to the minimum obligation required by subdivision 1, the city of Red Wing shall provide additional financing to the firemen's relief association, sufficient to amortize by the year 2010 the fund deficits as determined in accordance with Minnesota Statutes, Section 69.73.

Subd. 4. Payments for the firemen's relief association shall be exempt from levy limitations.

Subd. 5. The total amounts collected for the firemen's relief association shall be transferred to the treasurer of the special fund of the firemen's relief association, who shall credit this total to the special fund and to the credit of the individual firemen. 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 in such manner and under such conditions as shall be provided in the bylaws of the association.

Subd. 6. No moneys in the special fund of the firemen's relief association shall revert to the city of Red Wing until all obligations of the firemen's relief association to regular full time firemen have been met.

Sec. 3. Subdivision 1. Average annual wage shall be determined by adding a members base wage for his three highest paid years and dividing the total by three.

Subd. 2. A full time regular fireman who is a member of the firemen's relief association and who has completed a period or periods of full time service on the fire department equal to 20

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years, after he has reached the age of 50 years and has retired from the payroll of the fire department, shall be entitled to a monthly retirement pension of $\frac{1}{2}$ of 40 percent of his average annual wage. This monthly retirement pension for such a fireman will be increased by $\frac{1}{2}$ of two percent of his average annual wage for each full year of service over 20 years of service, beginning with the completion of his 21st full year and continuing through his 25th full year of service. After completing 25 full years of service, the monthly retirement pension for such a fireman will be $\frac{1}{2}$ of 50 percent of his average annual wage. For each full year of service beyond 25 years of service, the monthly retirement pension for such a fireman shall increase by $\frac{1}{2}$ of one percent of his average annual wage.

Subd. 3. For the purpose of determining years of service of a full time regular fireman who prior to becoming a full time regular fireman had been a member of the volunteers, each five months of consecutive service with the volunteers shall count as one month.

Sec. 4. Subdivision 1. A full time regular fireman who is a member of the firemen's relief association and who is under the age of 50 and has less than 20 years of full time service and who becomes permanently disabled as a result of an injury or disease arising out of and in the course of his employment as a fireman shall be entitled to receive a monthly disability pension of $\frac{1}{2}$ of 40 percent of his average annual wage. An additional $\frac{1}{2}$ of two percent of his average annual wage shall be paid for each full year of service in excess of 20 years, but in no event shall his monthly disability pension exceed $\frac{1}{2}$ of 50 percent of his average annual wage. The disability pension referred to above shall be reduced by the amount of any weekly or monthly benefits received under the workmen's compensation law.

Subd. 2. A full time regular fireman who is a member of the firemen's relief association and who is not eligible for a retirement pension and who has had at least six months of full time consecutive service and who becomes permanently disabled as a result of injury or disease not arising out of and in the course of his employment as a fireman shall be entitled to receive a monthly disability pension in the amount of $\frac{1}{2}$ of two percent of his average annual wage for each complete year of service as a full time regular fireman. This monthly disability pension shall not be less than $\frac{1}{2}$ of ten percent of his average annual wage nor more than $\frac{1}{2}$ of 40 percent of his average annual wage. In the event such a member drawing a disability pension and permanently disabled from performing the duties of a fireman should resume a gainful occupation and his earnings therein are less than his wage at the date of his disability, the disability pension shall continue nevertheless provided he is permanently disabled to perform the duties of a fireman, in an amount which when added to such

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earnings does not exceed the wage at the time of disability, provided that the disability benefit in such a case does not exceed the disability benefit to which he would otherwise be entitled.

Subd. 3. No member shall receive any disability pension while there remains to his credit unused annual leave or sick leave or under any other circumstances when during the period of disability there is no impairment of his salary.

Subd. 4. No member shall be awarded, granted or paid a disability pension under the provisions of this section except upon the certificate of two or more doctors of medicine licensed to practice medicine under the laws of the state of Minnesota. This certificate shall set forth the cause, nature and extent of the disability. No member shall be awarded, granted or paid a disability pension unless the certificate states the disability, disease, or injury. Each such certificate shall be filed with the secretary of the association.

Subd. 5. The board shall have the right to require the disabled pensioner to appear before them at any time and to have him take a physical examination by a doctor of medicine licensed to practice medicine under the laws of this state, to determine whether or not the pension is justified.

Subd. 6. If the member receiving the disability pension is employed elsewhere during his disability, the board and the examining physician may determine whether he may be reinstated as a fireman. If they find that he could be reinstated to active service in the fire department, he has the option of remaining at his present occupation or returning to the fire department. In either case all disability payments cease.

Sec. 5. Subdivision 1. When a regular full time fireman who is a member of the firemen's relief association dies or when such a fireman who has retired and is receiving a retirement pension dies or when such a fireman who has retired but is not yet receiving his pension because of not having reached the age of 50 years dies, his widow and children, as hereinafter defined, shall receive a pension as set forth in the following subdivisions.

Subd. 2. A widow must have been the fireman's legally married wife living with him at the time of his death and must have been married to him for a period of at least one year while or prior to the time he was an active member of the fire department. In the case the deceased fireman is retired, the widow must have been married to him at least three years before his retirement.

Subd. 3. A child of a deceased fireman must be under 18 years of age, *unmarried and born in lawful wedlock, or adopted, before or while the deceased fireman was an active member of the fire department.*

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Subd. 4. The widow's monthly pension shall be $\frac{1}{2}$ of 25 percent of the deceased fireman's average annual wage. If the widow remarries the pension shall cease and terminate as of the date of her marriage.

Subd. 5. The monthly pension of each such child shall be $\frac{1}{2}$ of eight percent of the deceased fireman's average annual wage. It shall terminate when the child becomes 18 or marries.

Sec. 6. Retirement pensions, disability pensions and survivors pensions shall be adjusted annually in accordance with the consumer's price index for the preceding calendar year. The national average consumer price index for each year shall be used. In no event, however, shall the retirement, disability or survivor's pension go below what such pension was or would have been in firemen's base year. Base year is defined as (1) the year in which retirement takes place, regardless of whether or not the fireman commences receiving a pension during that year, or (2) the year in which disability takes place, or (3) the year in which death occurs if the fireman dies while an active member of the regular fire department. In the event the consumer's price index falls below its level during the base year, and then rises, the pension shall not be increased until the consumer's price index rises above its level during the base year.

Sec. 7. All retirement pensions, survivorship pensions and disability pensions of firemen who are not full time regular firemen on active duty at the effective date of this act shall remain unchanged by this act, and shall continue as they were established by Laws of 1953, Chapter 348, as amended.

Sec. 8. Laws 1953, Chapter 348, Sections 12, 17, and 20; Laws 1957, Chapter 10; Laws 1961, Chapter 300, Sections 2, 3, and 4; and Laws 1965, Chapter 604, are repealed.

Sec. 9. This act is effective upon approval by the governing body of the city of Red Wing and compliance with Minnesota Statutes, Section 645.021.

Approved May 19, 1973.

CHAPTER 360—S.F.No.1781

An act relating to the Hennepin county municipal court and the city of Saint Paul municipal court; amending Minnesota Stat-

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