

and shall include all members of the electrical and mechanical divisions of such fire department and all others who are subject to like hazards. Substitutes and persons employed irregularly from time to time shall not be included. *The term "fireman" shall also include those persons covered under the provisions of Laws 1955, Chapter 375, as amended, at the time of transfer from the bureau of police and fire alarm telegraph of the department of public safety to the department of public works and carried on a public works department payroll after such transfer.*

The association shall establish a firemen's pension fund or continue to maintain the firemen's pension fund now existing in such city and shall have the management and control of any such fund. All persons who are members of an existing firemen's relief association in such city shall continue as members of the relief association established under this act.

Any person entitled to a pension under the provisions of this act shall have and retain the right to waive all or any portion of benefits granted herein by written notice to said association. The amount of pension so waived shall not accrue to the credit of the pensioner, but upon written notice to the association cancelling such waiver, said pensioner shall thereafter receive the monthly pension to which he may be entitled under the provisions of this act.

Sec. 2. *This act shall become effective only after its approval by a majority of the governing body of the city of Saint Paul and upon compliance with the provisions of Minnesota Statutes, Section 645.021.*

Approved May 23, 1969.

CHAPTER 670—H. F. No. 2131

[Not Coded]

An act relating to the policemen's relief association in the city of Eveleth; amending Laws 1965, Chapter 636, Sections 1 and 2; and by adding a section thereto; and repealing Section 3.

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

Section 1. Laws 1965, Chapter 636, Section 1, is amended to read:

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

Section 1. **Eveleth, city of; policemen's relief.** In the city of Eveleth in St. Louis county, notwithstanding the provision of any law to the contrary, when any member of the policemen's relief association therein reaches the age of 50 years he may retire and shall thereupon be entitled to a pension as long as he lives at the following rates:

(1) ~~\$150~~ \$175 per month when such member shall have served as a member of the police department of said city of Eveleth for a period of 20 years or more, excluding temporary employment or probationary periods.

(2) An additional \$10 per month for each year of service over 20 that said person may have served as a member of such police department after the age of 50 years. The total amount of pension hereunder shall in no event exceed ~~\$250~~ \$275 per month.

(3) In the event such member shall retire after reaching the age of 50 years, and after having been a member of said department for at least ten years but before having served 20 years in said department, the amount of pension which he shall receive shall be that proportion of ~~\$150~~ \$175 per month which the years of service in said department prior to retirement bear to 20 years, major fractions of years of service to be treated as one year and minor fractions to be disregarded.

(4) In no event shall temporary employment or employment for probationary periods be considered in computing pension allowance hereunder.

(5) In the event any member shall terminate his employment with said police department after having served 20 years or more and before such member has reached the age of 50 years, he may continue as a member of said association, notwithstanding that he is no longer a member of said police department, and upon reaching the age of 50 years, shall be entitled to a pension at the rate of ~~\$150~~ \$175 per month; provided that in such event such member shall contribute each month after said termination of employment, and until reaching the age of 50 years, to the pension fund of said relief association a sum of money equal to ~~three and one half~~ six percent of the then average monthly pay of members in said department holding the rank ~~held by said member at the time of the termination of employment of patrolman, or such amount in excess thereof as may be required by general law. Such member shall within 60 days thereafter pay into said association for the pension fund the monthly installments herein provided for the period between his termination of employment and the time of the first payments. Thereafter,~~ In the event

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said member shall default in the payment of such monthly assessments *after the termination of his employment* and such default shall continue for a period of six months, all rights hereunder shall cease. In the event that any member of the police department and of the relief association of the city of Eveleth, regardless of his age, becomes totally disabled from performing any kind of work, labor, or services after he has served as a member of the police department for at least ten years and shall have been discharged or shall have resigned from the police department by reason of disability, he shall be entitled to and paid a pension from the pension fund of said association, the amount of which shall be that proportion of \$250 per month which the years of service in the department prior to retirement bear to 25 years, major fractions of years to be treated as one year and minor fractions to be disregarded.

No such pension for disability shall commence until the association shall have been furnished with satisfactory proof as to the applicant's age, his years of service in the department, and of his disability and causes thereof. The applicant must submit himself to examination by the official physician of the association and to such other doctor as the association may direct and submit to such examination as often as requested by the association, the cost of which is to be paid by the association out of the pension fund. The applicant may submit reports as to his disability from other doctors, at his own expense, to the association for consideration but the report of the official physician of the association is the basis upon which the association decides upon the allowance of the disability pension and computes the amounts thereunder. No such pension shall be paid to any person who is receiving compensation under the workmen's compensation act for injury causing such disability.

Sec. 2. Laws 1965, Chapter 636, Section 2, is amended to read:

Sec. 2. **Tax levy for fund.** For the support of the fund from which such pensions are paid the council or other governing body of such city shall each year, at the time the tax levies are made for the general revenues of the city, levy ~~within the limits then permitted by law in excess of any limitation upon the rate or amount of taxes,~~ a tax on all taxable property of such city in an amount necessary to pay the estimated pensions for the following year, which levy shall be transmitted to the auditor of the county in which the city is located at the time the other tax levies are transmitted and shall be collected and the payment enforced in the same manner as other taxes of the city. In addition thereto, each member of the association shall be required to contribute to such fund each month three percent of

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the then average pay of the member holding the rank of patrolman before January 1, 1970, four percent of such pay before January 1, 1971, five percent of such pay before January 1, 1972, and six percent of such pay thereafter, such sum to be deducted at the time of the payment of his salary or wages by the city and transferred to such fund.

Sec. 3. Laws 1965, Chapter 636, is amended by adding a section to read:

Sec. 5. Death of pensioner; rights of widow and children. Notwithstanding the provisions of any law to the contrary, when a service pensioner, disability pensioner, or deferred pensioner, or an active member of such relief association dies, leaving:

(a) A widow who became his legally married wife and remained such continuously after their marriage until his death, without having applied for any divorce or legal separation; and who was legally married to such member before his retirement from said police 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.

(b) A child or children born the issue of the lawful wedlock of such pensioner. Such widow and said child or children shall be entitled to a pension or pensions as follows:

(1) To such widow a pension of not less than \$100 and not to exceed one half the pension to which the decedent would be entitled if living, per month, as the bylaws of such association shall provide, for her natural life; provided, however, that if she shall remarry, then such pension shall cease and terminate as of the date of her remarriage.

(2) To such child or children, if their mother is living, a pension of not to exceed \$50 per month for each child up to the time each child reaches the age of not less than 16, and not to exceed 18 years of age, which pension and age shall be fixed by the bylaws of such association. Provided, the total pension hereunder for the widow and children of said deceased member shall not exceed the sum of \$150 per month and no pension shall be paid to a child who has been legally adopted by another upon the remarriage of the widow.

(3) A child or children of a deceased member receiving a pension or pensions hereunder shall, after the death or remarriage of their mother, be entitled to receive a pension or pensions in such amount or amounts as may be fixed by the bylaws of such association,

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until they reach the age of not less than 16 and not more than 18 years, as the bylaws of each association may provide; but the total amount of such pension or pensions hereunder for any child or children shall not exceed the sum of \$150 per month.

(c) *Upon the death of an active member or a pensioner, the association shall pay the sum of \$300 as a funeral benefit to his personal representative or such other person as may bear the expense of his funeral.*

Sec. 4. *Unless otherwise specified, sections 1 to 3 govern contributions made and benefits payable after May 31, 1969. Section 3 applies only to pensions payable by reason of the death of a service, disability, or deferred pensioner after May 31, 1969, or by reason of the death on or before that date of such a pensioner who commenced receiving his pension before January 1, 1968.*

Sec. 5. *Laws 1965, Chapter 636, Section 3 is hereby repealed.*

Sec. 6. *No provision of this act shall be construed as reducing the amount or rate of contribution to the association by the municipality or a member of the association from such minimum contributions as are prescribed by the Police and Firemen's Relief Associations Guidelines Act of 1969. Notwithstanding the provisions of this or any other act, the association and the municipality and the officers of each are authorized to do all things required by the Guidelines Act as conditions for the contribution of public funds or the levy of taxes for the support of the association.*

Sec. 7. *This act is effective upon its approval by the governing body of the city of Eveleth and compliance with Minnesota Statutes, Section 645.021.*

Approved May 24, 1969.

CHAPTER 671—H. F. No. 2163

[Not Coded]

An act relating to the city of Saint Paul; authorizing the elimination of the bureau of police and fire alarm telegraph; authorizing the transfer of personnel and equipment between departments; and authorizing the transfer of funds between departments to finance transfer of personnel and equipment.

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