

CHAPTER 176—H. F. No. 763

An act authorizing the establishment and maintenance of portable circulating libraries in certain villages and towns and legalizing payments heretofore made.

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

Section 1. **Certain villages and towns to establish portable and circulating libraries.**—The Board of Supervisors of any organized town containing 5 or more government townships, and having a total population including villages therein which are not separated from the town for election and assessment purposes, of 15,000 inhabitants, may establish and maintain a portable circulating library for the education, benefit and welfare of the people of such town.

For this purpose the board may purchase and equip a motor vehicle and may furnish a driver, a librarian, and such further clerical assistance as it shall deem reasonably necessary for the maintenance of such library, and the library board of such village is hereby authorized to cooperate with the town in the maintenance thereof, and to loan books and periodicals to the town on such terms as it shall prescribe.

All expenditures made for the purpose of this Act shall be within and not above the limitations now prescribed by law for the general fund of such town.

Sec. 2. **Expenditures legalized.**—Expenditures heretofore made by the town board of any such town for the purposes authorized by this Act are hereby validated and legalized.

✓ Approved April 8, 1933.

CHAPTER 177—H. F. No. 830

An act relating to firemen's relief associations in cities of the first class, and repealing inconsistent acts.

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

Section 1. **Firemens relief associations in cities of first class established.**—The fire departments of each city of the first class in this state shall maintain a firemen's relief association which shall be duly incorporated under the laws of the State of Minnesota.

All such associations now existing as such corporations, or hereafter incorporated under the laws of this state, shall have perpetual corporate existence.

Sec. 2. Relief associations to be self governing.—Each relief association shall be organized, operated and maintained in accordance with its own articles of incorporation and by-laws, by firemen, as hereinafter defined, who are members of said fire departments. Each such association shall have power to regulate its own management and its own affairs, and all additional corporate powers which may be necessary or useful; subject, however, to the regulations and restrictions of this Act, and other laws of this state pertaining to corporations, not inconsistent herewith.

Sec. 3. Members.—A fireman under this Act is one who is regularly entered on the payroll of one of said fire departments, serving on active duty with a designated fire company therein, or having charge of one or more of said companies and engaged in the hazards of fire fighting; and shall include all members of the electrical and mechanical divisions of such fire departments who are subject to like hazards. Substitutes and persons employed irregularly from time to time shall not be included.

All persons who are members of such relief associations at the time of the passage of this Act, whether their status is embraced within the definition of a fireman herein contained or otherwise, shall have the right to continue as members of their respective associations and be entitled to all benefits pertaining thereto, and any member included under the definition of firemen herein provided shall have the right to retain his membership on promotion or appointment to other positions to which such fireman may be subject.

This Act shall not affect any pensions or other benefits which have been allowed or which are being paid by any such relief association under or in accordance with any prior Act or Acts, at the time this Act becomes effective. Payment of such pensions and benefits shall be continued by the respective associations, and shall be subject only to the provisions of Section 18 of this Act.

Sec. 4. Eligibility.—Every fireman as herein defined shall be eligible to apply for membership in the relief association in the city in which he is employed within the time and in the manner hereinafter set forth. Any such fireman desiring to become such member shall, not later than 90 days from the time when he is regularly entered on the payrolls of such fire department, make written application for membership in such relief association on forms supplied by such association, accompanied by one or more

physician's certificates as required by the by-laws of said association. After such application has been filed, the board of examiners of the association shall make a thorough investigation thereof and file their report with the secretary of the association. Such application must be acted upon by the association within six months from the date applicant was entered on the payroll of the fire department. Provided, however, that no fireman who is more than 35 years of age when his application is filed can become a member of the relief association, except that such age limitation of 35 years shall not apply on application for reinstatement in such association.

Sec. 5. Associations may reject unfit persons.—Each firemen's relief association shall have the right to exclude all applicants for membership who are not physically and mentally sound, so as to prevent unwarranted risks for the association; and additional requirements for entrance fees and annual dues for membership in the association may from time to time be prescribed in the by-laws of such association.

Sec. 6. Officers—duties—bonds.—The officers of such relief association shall be a president, one or more vice-presidents, a secretary and a treasurer. The offices of assistant secretary and assistant treasurer may be created by the by-laws of any such association. The affairs of each association shall be managed by a board of trustees elected in the manner prescribed by the articles of incorporation of said association.

The secretary and the treasurer of each such relief association shall each furnish a corporate bond to the association for the faithful performance of their duties, in such amounts as the association from time to time may determine. Each relief association shall and is hereby authorized to pay the premiums on such bonds from its general fund.

Sec. 7. Reports of officers.—The secretary and treasurer of every such association, prior to the 1st day of February in each year, shall jointly prepare and sign with the approval of the association's board of trustees, a detailed and itemized report of all receipts and expenditures in the association's special fund for the preceding calendar year, showing the source of said receipts, and to whom and for what purpose said moneys have been paid and expended, and the balance in said fund. They shall file duplicate original copies thereof with the clerk of the city in which the association is located, and with the Auditor of the State of Minnesota. No money shall be paid to a relief association by either the State of Minnesota or the city in which such association is located until such report is so filed.

Sec. 8. City clerk to file report with the insurance commissioner.—The clerk of every city of the first class having a firemen's relief association shall, on or before the 31st day of October in each year, make and file with the Insurance Commissioner of this state his certificate stating the existence of such firemen's relief association.

Sec. 9. Insurance commissioner to report names of associations to insurance companies.—The Insurance Commissioner shall enclose in his annual statement blank sent by him to all fire insurance companies doing business in this state, a blank form containing the names of all firemen's relief associations in all cities of the first class and the names of said cities, and shall require said companies at the time of making their annual statements to said Insurance Commissioner to state on said blanks the amount of premiums received by them upon properties insured within the corporate limits of the cities named thereon during the year ending December 31st last past. Thereafter, and before July 1st in each year the Insurance Commissioner shall certify to the state auditor the information thus obtained, together with the amount of the tax for the benefit of such relief association paid in such year by said companies upon such insurance premiums.

Sec. 10. State Auditor to distribute monies.—The State Auditor of this state at the end of each fiscal year shall issue and deliver to the treasurer of each such relief association his warrant upon the State Treasurer of this state for an amount equal to the total amount of the tax, for the benefit of such relief associations, paid by fire insurance companies upon the premiums by said companies received in the city upon properties insured within the corporate limits thereof in which said association is located, together with such other appropriations or funds as may hereafter be appropriated or created, and to which said association is entitled.

Sec. 11. Payments to be made from general revenue fund.—The State Treasurer shall, upon presentation to him of the warrant of the State Auditor specified in the foregoing section, pay out of the general revenue fund of the state the amount thereof to the treasurer of such relief association presenting the warrant.

Sec. 12. Tax levy authorized.—The city council or other governing body of each city wherein such a relief association is located shall each year, at the time the tax levies for the support of the city are made, and in addition thereto, levy a tax of one-tenth of one mill on all the taxable property within said city. Provided, however, that in the event the balance in said relief association's special fund, at the time said levy is made, is less than \$300,000.00, but not less than \$290,000.00, as determined by said association's

board of trustees, then it shall be the duty of said city's governing body to increase the rate of said tax levy herein provided for from one-tenth of one mill to two-tenths of one mill; and if at said time the balance in said association's special fund is less than \$290,000.00 as determined by said association's board of trustees, then it shall be the duty of said governing body to increase the rate of said tax levy from one-tenth of one mill to three-tenths of one mill. The tax so levied shall be transmitted with other tax levies to the auditor of the county in which such city is situated, and by said county shall be collected and payment thereof enforced when and in like manner as state and county taxes are paid.

Sec. 13. County Treasurer to pay over monies collected.—

As soon as practical after the first days of June and November in each year, the county treasurer of each such county shall pay to the treasurer of each relief association within said county the amount of such tax then collected, and payable to said association together with all interest and penalties so collected, and all interest paid thereon between the time of collection and the time of payment to such relief association. And the city treasurer of such city, in the event that such tax or any part thereof is paid to him, shall likewise pay the same to the treasurer of the relief association in said city as soon as the same has been collected, together with all interest and penalties collected thereon.

Sec. 14. Associations to manage funds.—Each relief association shall have full and permanent charge of, and the responsibility for the proper management and control of all funds that may come into its possession, and particularly funds derived from the following sources:

(a) Funds derived from the State of Minnesota, and interest from the investment thereof.

(b) Funds derived from tax levies by the city in which such relief association is located, and interest from the investment thereof.

(c) Funds derived from private sources such as gifts, charges, rents, entertainments, dues paid by members, and from other sources.

Sec. 15. To be kept in separate fund.—The money received from the various sources shall be kept in two separate and distinct funds, one to be designated as the Association Special Fund, and the other as its General Fund. All money received from the State of Minnesota and from the city in which the relief association is located shall be deposited in the special fund, and shall be expended only for purposes hereinafter authorized. All money received from

other sources shall be deposited in the general fund, and may be expended for any purpose deemed proper by such association.

Sec. 16. Payments.—The amounts so paid to such relief association by the state and each city under the provisions of this Act, and by it set aside and deposited as a special fund, shall be appropriated and disbursed by each such association for the following purposes, to-wit:

(a) For the relief of sick, injured and disabled members of the relief associations, their widows and orphans.

(b) For the payment of disability and service pensions to members of such relief associations.

Sec. 17. Associations may define sickness and disability.—Each such relief association shall in its by-laws define the sickness and disability entitling its members to relief, and specify the amounts thereof, and also specify the amounts to be paid to its disability and service pensioners, and to widows and children of deceased members, and to fix the age limit of children to which pensions may be paid. When the total assets of such association shall amount of \$300,000.00 or more, it shall have the right to pay to its members the maximum amounts specified in this Act.

Sec. 18. Associations may reduce pensions.—Such firemen's relief association shall at all times have and retain the right to reduce the amount of pensions and benefits paid out of its funds, and to reduce and otherwise adjust the amounts of said pensions and benefits to be thereafter paid out of its funds, whenever its total funds, as determined by its board of trustees, are less than \$300,000.00; and, within the limits of this Act described, said associations shall have and retain the right to increase or otherwise adjust said pensions and benefits after same have been so reduced.

Sec. 19. Persons entitled to relief.—A member of such association who, by reason of sickness or accident, becomes disabled from performing his assignment of duties on the fire department, shall be entitled to such relief as the by-laws of the association may provide.

No allowances 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 thirty days after the beginning of such disability.

Sec. 20. Amount of payments.—A member of any such relief association entitled to disability benefits as herein defined, shall receive the same from his association for such periods of time,

at such times, and in such amounts, not to exceed \$75.00 per month, as the by-laws of said association provide.

Sec. 21. **Retirement pay.**—A member of such association as herein defined who has completed a period, or periods of service on the fire department equal to 20 years or more, shall, after he has arrived at the age of 50 years or more, and has retired from the payroll of the fire department, be entitled to a basic pension of not less than \$50.00 and not more than \$65.00 per month for his natural life in conformity to the by-laws of each association. Any and all leaves of absence of more than 90 days, except such as are granted to a member because of his disability due to sickness or accident, shall be excluded in computing said period of service; and all periods of time during which a member received a disability pension shall be excluded in such computation. No deductions shall be made for a leave of absence granted to a member to enable him to accept an appointive position in said fire department. No member shall be entitled to draw both a disability and a service pension.

Such monthly basic payments may be increased by adding to said basic pension as follows:

(a) The sum of \$2.80 per month for each year of active duty over 20 and not more than 25 years.

(b) The sum of \$3.20 per month for each year of active duty over 25 and not more than 30 years.

(c) The sum of \$3.60 per month for each year of active service over 30 and not more than 35 years.

The by-laws of each association may provide for said increases or any portion thereof, provided that in no event shall the total pension exceed the sum of \$98.00 per month.

Sec. 22. **Member may be on deferred pension list.**—A member of such association who has performed service on the fire department for 20 years or more, but has not reached the age of 50 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 50 years, the association shall upon his application therefor pay his pension from the date such application is approved by said association. Any person making such 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 on the fire department.

Sec. 23. **War service to be included in period of service.**—Any applicant for a service pension who subsequent to his entry

into the service of such fire department has served in the military forces of the United States in the World War, or having during said war entered the employment of the government of the United States and in such service rendered fire prevention service during said war, and has returned after his honorable discharge from such service and resumed active duty in said fire department, the period of his absence in such service of the United States shall not be deducted in computing the period of service hereinbefore provided for, but shall be construed and counted as a part and portion of his active duty in said fire department.

Sec. 24. Pensions to widows and children of members.—When a service pensioner, disability pensioner, or deferred pensioner, or an active member of such relief association dies, leaving

(a) A widow who was his legally married wife, residing with him, and who was married to him while or prior to the time he was on the payroll of the fire department; and who, in case the deceased member was a service or deferred pensioner, was legally married to said member at least three years before his retirement from said fire department; or

(b) A child or children who were living while the deceased was on the payroll of the fire department, or who were born within nine months after said decedent was withdrawn from the payroll of said fire department, 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 \$25.00 and not to exceed the sum of \$50.00 per month, as the by-laws of said association 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 said remarriage.

(2) To such child or children, if their mother be living, a pension of not to exceed \$15.00 per month for each child up to the time each child reaches the age of not less than 16 years and not to exceed an age of 18 years, in conformity with the by-laws of each association. Provided, the total pensions hereunder for the widow and/or children of said deceased member shall not exceed the sum of \$95.00 per month.

(3) A child or children of a deceased member receiving a pension or pensions hereunder shall after the death of their mother, be entitled to receive a pension or pensions in such amount or amounts as the board of trustees of such association shall deem necessary to properly support such child or children until they reach the age of not less than 16 and not more than 18 years, as the

by-laws of each association may provide; but the total amount of such pension or pensions hereunder for any such child or children shall not exceed the sum of \$95.00 per month.

Sec. 25. Board of Examiners.—Such relief association shall establish a board of examiners who shall, as and when requested by the association's board of trustees, make a thorough investigation of and report on all applications for membership in the association; investigate and make report on all applications for disability pension and make recommendations as to amount to be paid to such applicant; investigate and make report on all disability pensioners, and make recommendations as to amount of pension to be paid to them from year to year; and investigate and report on all applications for service pensions, and claims for relief. Such board shall consist of a competent physician selected by the association, and at least three members of such relief association on active duty with the fire department.

Sec. 26. Public Examiner to examine books.—The Public Examiner of this state shall each year examine the books and accounts of the secretary and the treasurer of each such relief association. If he finds that any money has been expended for purposes not authorized by this Act, he shall report the same to the Governor, who shall thereupon direct the State Auditor not to issue any further warrants to such association until the public examiner shall report that money unlawfully expended has been replaced. The Governor may also take such further action as the emergency may demand.

Sec. 27. Payments exempt from garnishment.—All payments made or to be made by any relief associations under any of the provisions of this Act shall be totally exempt from garnishment, execution or other legal process, and no persons entitled to such payment shall have the right to assign the same, nor shall the association have authority to recognize any assignment, or to pay any sum on account thereof; and any attempt to transfer any such right or claim or any part thereof shall be void.

Sec. 28. Not to affect workmen's compensation act.—This Act shall not be construed as abridging, repealing or amending the laws of this state relating to the provisions of the law commonly known as the Workmen's Compensation Act.

Sec. 29. Inconsistent acts repealed.—All laws and enactments of this state inconsistent herewith, or conflicting with the provisions of this Act, and all prior laws of this state relating to firemen's relief associations in cities of the first class, the rights and obligations of the members thereof, and the use and control of the

funds received by such associations, are hereby in all things repealed; except as hereinbefore provided in section numbered 3 of this Act.

Sec. 30. **Provisions separable.**—If any section or portion of a section of this Act is declared invalid, the rest of this Act shall nevertheless be and remain in full force and effect.

Approved April 8, 1933.

CHAPTER 178—H. F. No. 897

An act to amend Laws 1929, Chapter 83, relating to the salaries of judges of probate in certain counties.

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

That Laws 1929, Chapter 83, be and the same hereby is amended to read as follows:

Section 1. Salary of Judge of Probate in certain counties.—That in all counties now or hereafter having an assessed valuation of not less than \$3,500,000 and not more than \$4,500,000 and now or hereafter having not less than 28 nor more than 29 congressional townships, the salary of the probate judge shall be \$1,500.00 per annum, payable monthly.

Approved April 8, 1933.

CHAPTER 179—H. F. No. 935

An act to amend Mason's Minnesota Statutes of 1927, Section 1327, relating to the designation of depositories of city funds.

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

Section 1. Designation of depositories of city funds.—That Mason's Minnesota Statutes of 1927, Section 1327 be and the same is hereby amended to read as follows:

"Section 1327. The city council or common council of any city in this state, *but* not including cities *when* governed under a charter