

CHAPTER 195—H. F. No. 1251.

An act legalizing the proceedings of any common council or city council of any city of the fourth class, operating under home rule charter, taken for the purpose of providing suitable water supply, sewer system and permanent improvement revolving fund, or any thereof, for said city, and warrants or bonds issued or to be issued therefor in certain cases.

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

Section 1. Certain fourth class city council proceedings for providing water supply and a sewer system legalized and bonds validated.—In any case in any city of the fourth class, operating under home rule charter authorizing the construction, maintaining, extending or enlarging and improving of a suitable water plant and sewer system therein, and the establishment and maintaining of a permanent improvement revolving fund therefor, or either of said plants or said revolving fund, where the governing body thereof has determined to extend or enlarge such water plant or sewer system, or both, and has provided for a permanent improvement revolving fund therein, in accordance with the provisions of its charter, and has issued warrants or orders for any of said purposes or all thereof, not exceeding the actual cost of such improvements, the action of such governing body shall be and hereby is ratified and declared effectual, and bonds voted or that may be issued in pursuance of any resolution or ordinance passed by a four-fifths vote of all the members of such governing body, to an amount not to exceed the actual cost of such improvement or improvements, are hereby legalized and declared valid.

Sec. 2. This act shall not apply to or affect any action or appeal now pending in which the validity of such proceedings or of such bonds is called in question.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 10, 1917.

CHAPTER 196—S. F. No. 919.

An act to create an organization and a fund for the pensioning of disabled fire insurance patrolmen, and the widows and children of deceased patrolmen, and authorizing the retirement from service and the pensioning of members of the fire insurance patrol in cities, villages, and towns, where the population exceeds 50,000 inhabitants, having a paid fire insurance patrol.

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

Section 1. Authority for pension fund for disabled fire in-

insurance patrolmen and organization of trustees.—That in all cities, villages, or incorporated towns whose population exceeds 50,000, having a paid fire insurance patrol, a fund shall be created by the board of underwriters of such cities, villages, or towns, for the pensioning of disabled fire insurance patrolmen and the widows and children of deceased patrolmen; to authorize the retirement from service and the pensioning of members of the fire insurance patrol, and for other purposes connected therewith. Such fund shall be controlled and managed by the board of trustees composed of the president, secretary, treasurer, and the superintendent or chief officer of the fire insurance patrol of the board of underwriters of such city, village, or town, under the name of "The board of trustees of the patrolmen's pension fund". The said board shall elect from their number a president, secretary and treasurer.

Sec. 2. Trustees to have control and given power to assess members for creation of fund—rules to be made by trustees.—The said board of trustees shall have exclusive control and management of all money donated, paid or assessed for the relief or pensioning of disabled, superannuated and retired members of the fire insurance patrol, their widows and minor children, and shall assess each member of the fire insurance patrol not to exceed one per cent (1%) of the salary of such members, to be deducted and withheld from the monthly pay of each member so assessed. And the treasurer of the board of underwriters of such city, village, or town, shall annually set aside and pay to the treasurer of said board of trustees not to exceed four per cent (4%) of all moneys paid to him by insurance companies for the support of said fire insurance patrol for the first eight (8) years after the passage of this bill, and not to exceed two per cent (2%) of said moneys thereafter, the same to be placed by the treasurer of the board of trustees to the credit of such fund, subject to the order of such board of trustees.

The said board shall make all needful rules and regulations for its government in the discharge of its duties; shall hear and decide all applications for relief or pensions under this act and its decisions on such applications shall be final and conclusive and not subject to review or reversal except by the board of trustees. The said board of trustees shall cause to be kept a record of all its meetings and proceedings.

Sec. 3. Records, monies, etc., to be paid into pension fund.—All rewards in moneys, fees, gifts and emoluments that shall be paid or given for or on account of extraordinary services by said fire insurance patrol or any member thereof (except when allowed to be retained by such member, or given to endow a medal or other permanent or competitive award) shall be paid into said pension fund.

Sec. 4. Investment of funds.—The said board of trustees may invest such funds or any part thereof, in the name of the board of trustees of the patrolmen's pension fund in such interest-bearing securities as may be approved by the said board of trustees, and all such securities shall be deposited with the treasurer and shall be subject to the order of said board of trustees.

Sec. 5. Injured patrolmen to be allowed not to exceed \$60 per month.—If any member of the fire insurance patrol of such city, village, or town, shall, while in the performance of his duty, become and be found upon examination by a medical officer, ordered by said board of trustees, to be physically or mentally permanently disabled by reason of service in such department so as to render necessary his retirement from service in said fire insurance patrol, said board of trustees shall retire such member from service in such fire insurance patrol. Upon such retirement, the said board of trustees shall order the payment to said disabled member of said fire insurance patrol, monthly, from such pension fund a sum not to exceed sixty dollars per month.

Sec. 6. Payments to be made in case of death.—If any member of such fire insurance patrol, shall, while in the performance of his duty, be killed or die, as the result of any injury received in the line of duty, or of any disease contracted by reason of his occupation, or if any member of such fire insurance patrol shall die from any cause while in said service, or during retirement, or after retirement, after twenty-two years' service, as hereinafter provided, and shall leave a widow or children under sixteen years of age, surviving, said board of trustees shall direct the payment from said pension fund of the following sum monthly, to-wit:

To such widow, while unmarried, \$30.00; to the guardian of such minor child or children, \$6.00 for each of said children, until it, or they, reach the age of sixteen years. Provided, that there shall not be paid to a family of a deceased member a total pension exceeding one-half of the monthly salary of said deceased member at the time of his decease, or, if a retired member, a sum not exceeding one-half the amount of the monthly salary of such retired member at the date of his retirement.

If, at any time, there shall not be sufficient money in such pension fund to pay each person entitled to the benefits thereof, the full amount per month as hereinbefore provided, then, and in that event, an equal percentage of such monthly payments shall be made to each beneficiary thereof until the said fund shall be replenished to warrant the payment in full to each of said persons.

Sec. 7. Pension on reaching 50 years of age and having

served 22 years and not to exceed \$60 per month.—Any member of the fire insurance patrol of any city, village, or town, after becoming fifty years of age, and having served twenty-two years, or more, in such fire insurance patrol, of which the last two years shall be continuous, may make application to be relieved from such fire insurance patrol, or if he shall be discharged from such fire insurance patrol, the said board of trustees shall order and direct that such person shall be paid a monthly pension, not to exceed sixty dollars per month. And the said board, upon the recommendation of the superintendent or chief officer of the patrol provided for in this act, shall have the power to assign members of the fire insurance patrol, retired or drawing pensions under this act, to the performance of light duties in said fire insurance patrol. After the decease of such member, his widow, or minor child or children, under sixteen years of age, if any surviving, shall be entitled to the pension provided for in this act. But nothing in this or any other section of this act shall warrant the payment of any annuity to any widow of a deceased member of such fire insurance patrol after she shall have remarried.

Sec. 8. Application so far as membership is concerned.—This act shall apply to all persons who are now, or shall hereafter become members of such fire insurance patrol, and all such persons shall be eligible to the benefits secured by this act.

Sec. 9. Treasurer of board to be custodian of fund and rules for treasurer to observe.—The treasurer of the board of trustees shall be the custodian of said pension fund and shall secure and safely keep the same subject to the control and direction of the board, and shall keep his books and accounts concerning said fund in such manner as shall be prescribed by the board of trustees; and the said books and accounts shall always be subject to the inspection of the board of trustees or any member thereof. The treasurer shall, within ten (10) days after his election, or appointment, execute a bond to the board of underwriters, with good and sufficient security in such penal sum as the board shall direct, to be approved by the board of trustees. Conditions, for the faithful performance of the duties of his office and that he will safely keep, hold and truly account for all moneys and property which may come into his hands as such treasurer, and that upon the expiration of his term of office, he will surrender and turn over to his successor all unexpended moneys and all property which may have come into his hands as treasurer of such fund. Such bond shall be filed in the office of the board of underwriters, and in case of a breach of the same, or the conditions thereof, suit may be brought on the same in the name of such board of underwriters for the use of such board or of any person or persons injured by such breach.

Sec. 10. **How warrants are to be issued.**—All moneys ordered to be paid from said pension fund to any person or persons shall be paid by the treasurer of said board only upon warrants signed by the president of the board, and countersigned by the secretary thereof, and no warrant shall be drawn except by order of the board of trustees and duly entered in the records of the proceedings of the board. In case the said pension fund, or any part thereof, shall, by order of said board of trustees or otherwise, be deposited in any bank, or loaned, all interest on money which may be paid or agreed to be paid on account of any such loan or deposit shall belong to and constitute a part of such fund. Provided, that nothing herein contained shall be construed as authorizing said treasurer to loan or deposit such fund, or any part of such fund, unless so authorized by the board of trustees.

Sec. 11. **Report to be made to board of underwriters.**—The board of trustees shall make report to the board of underwriters, of such city, village, or town of the condition of such pension fund, as of the first day of June, of each and every year, at the annual meeting of said board of underwriters.

Sec. 12. **Exemption from civil process.**—No portion of said pension fund shall either before or after its order of distribution by such board to such disabled members of said fire insurance patrol, or to the widow or guardian of such minor child or children of deceased or retired member of such fire insurance patrol, be held, seized, taken, subjected to, or detained, or levied on by virtue of any attachment, execution, injunction, writ interlocutory, or other order or decree, or any process or proceeding whatever issued of or by any court of this state for the payment or satisfaction in whole or in part of any debt, damages, claim, demand, or judgment against such member or his widow, or the guardian of said minor child or children of any deceased member, but the said fund shall be sacredly held, kept secure, and distributed for the purpose of pensioning the persons named in this act and for no other purpose whatever.

Approved April 11, 1917.

CHAPTER 197—S. F. No. 95.

An act to authorize the state auditor of Minnesota to cause re-surveys to be made of state lands and to correct errors in state land contracts or certificates in certain cases.

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

Section 1. **Resurvey of lands authorized in certain cases.**—Whenever a tract of land has been sold by the state of Minnesota, according to the United States survey, and the state auditor is of the opinion that an injustice has been done the purchaser because of an incorrect survey, he may cause a re-survey thereof