

\$1200.00 per annum, and all other stenographers shall receive \$1,000.00 per annum, and all clerks shall receive \$900.00 per annum.'

Approved April 15, 1935.

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CHAPTER 191—H. F. No. 1118

*An act fixing the salary of clerk hire of the Judge of Probate of counties in this State now or hereafter containing a city of the second class and not less than 19 nor more than 21 congressional townships and having a population of not less than 34,000 and not more than 40,000 and having an assessed valuation, including money and credits, of not less than \$25,000,000, and not more than \$30,000,000.*

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

**Section 1. Salary and clerk hire for Judge of Probate in certain counties.**—In each county in this state now or hereafter containing a city of the second class and not less than 19 nor more than 21 congressional townships, and having a population of not less than 34,000 and not more than 40,000, and having an assessed valuation including money and credits of not less than \$25,000,000, and not more than \$30,000,000, as officially equalized by the state tax commission, the salary of the judge of probate shall be \$3,000.00 per annum, and the salary of the clerk of probate court shall be the sum of not less than \$1,080.00 nor more than \$1,500.00 per annum.

**Sec. 2. Salary to be in full compensation.**—The above specified salary and allowance for clerk hire shall be in full compensation for all services performed for any such county as probate judge and also while acting in the capacity of judge of juvenile court except for such fees as are now provided by law and shall be paid in the same manner as the salaries of other employees in said county are paid.

Approved April 15, 1935.

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CHAPTER 192—H. F. No. 1221

*An act relating to Firemen's Relief Associations and firemen's pensions and levies therefor, in villages having a population of more than five thousand inhabitants and a*

*valuation of more than eight million dollars, exclusive of moneys and credits.*

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

**Section 1. Firemen's pension in certain villages.**—In any village having a population in excess of 5,000 and a valuation in excess of \$8,000,000, exclusive of moneys and credits, and having a Fire Department Relief Association organized under the laws of this state and authorized to pay pensions under Mason's Minnesota Statutes of 1927, Sections 1919 and 1920 and Sections 3723-3728, inclusive, or any amendments thereof, such Fire Department Relief Association may pay retirement pensions in excess of the amounts authorized by said Statutes, but not in excess of the following total amounts:

\$75.00 per month to each member of the Association who shall have reached the age of 55 years and shall have served 20 years or more as a member of the paid municipal fire department in such village. The monthly payments of \$75.00 may be increased by adding thereto an amount not exceeding three dollars per month for each year of active duty over 20 years of service before retiring; provided, that no such pension or payment hereunder shall exceed the sum of \$96.00 per month. No such pension shall be paid to any person while he remains a member of the Fire Department.

**Sec. 2. Limitation.**—No pension authorized by this act shall be paid to any person while receiving a pension in any form, or sick benefits, from any state, county, city, village, township or other political subdivision of the state, or to any person after he removes his residence from the United States, or to any person who shall have been convicted of a felony for which he shall have been adjudged to be imprisoned, or who is a habitual drunkard, or to any person receiving a pension or sick relief from any other public relief association, and no person receiving such pension shall be entitled to any other relief from the association.

**Sec. 3. May pay benefits.**—Nothing herein shall be construed as preventing any such association from paying any benefits other than service pensions which they may be authorized, to pay to members of the association under the General Laws of this state or of the Statutes hereinbefore referred to, except that such benefits shall not be paid to any member while he is receiving a pension hereunder.

**Sec. 4. Not to be subject to process.**—No pension allowed or to be allowed by any Firemen's Relief Association under

this act, and no accumulated contributions of members to the fund hereinafter referred to, shall be subject to judgment, garnishments, or executions or other legal process, and no person entitled thereto shall have any right to assign the same, nor shall the association have the power to recognize any attempted assignment or pay over any sum whatever which has been assigned or attempted to be assigned.

**Sec. 5. Deductions from pay—Tax levy.**—In addition to the moneys in the special fund of said association or provided to be raised therefor under existing laws for the payment of pensions and other benefits, revenues from the following sources shall be paid to said special fund, to-wit: It shall be the duty of the village recorder, treasurer or other disbursing officer of such village to deduct each month from the monthly pay of each member of the Fire Department who is a member of the association a sum equal to  $3\frac{1}{2}$  per cent of such monthly pay, and to place the same to the credit of said special fund. The village council or other governing body of such village shall each year, at the time the tax levies are made for the general revenues of the village, levy, within the per capita or mill limitations now permitted by law, a tax of one-tenth of a mill on all of the taxable property of such village, which levy shall be transmitted to the county auditor of the county in which the village is situated at the time the other levies are transmitted and shall be collected, and the penalties therefor shall be enforced, in the same manner as the other taxes of such village. The village treasurer, when the moneys derived from such tax are received by him, shall pay the same to the treasurer of the Firemen's Relief Association, together with all penalties and interest collected thereon, in the following manner: Of the first levy made after the passage of this act an amount not to exceed one-half of such levy may, at the discretion of the Board of Trustees of said Relief Association, be placed to the credit of the general fund of said association. The balance of said levy, as well as all subsequent levies, shall be credited to the special fund of said association, and shall not be withdrawn from said fund or transferred to any other fund except for the purposes of this act; provided, that said Board of Trustees may, in its discretion, pay premiums upon the bond of the treasurer and secretary from said special fund.

**Sec. 6. Levy to be discontinued when.**—If at any time the balance on hand of the fund so raised by taxation as in this section provided, together with other resources in said special fund, shall exceed the sum of \$100,000 or more, then as often as this shall occur, the levy of said sum shall be omitted for

any year in which said condition shall exist; if at any time the whole amount of the sums that may be raised by taxation in any year is not needed for the purposes of this act and the maintenance of said fund at the amount prescribed herein, then such sum so to be raised by taxation in any such year shall be proportionately reduced to such amount as will be sufficient to carry out the provisions hereof.

**Sec. 7. Treasurer to invest funds.**—The treasurer of said association shall, upon written direction of the governing body or board of directors thereof, invest said funds in such interest-bearing securities as are specified, from time to time, by said board of directors; provided same shall be such securities as are prescribed by laws of Minnesota, from time to time, as securities for investments of the State Board of Investment.

**Sec. 8. Officers.**—The governing board or board of directors of said association whether heretofore or hereafter incorporated shall consist of five members, to be elected annually, who shall first hold their offices for one, two, three, four and five years, respectively, and thereafter each for a five-year term, or until the successor of each is duly elected and qualified, who shall serve without compensation and shall be active members of said paid fire department, the Mayor, Recorder or Clerk, and Chief of said Department shall be ex-officio members of said board. The treasurer of said association shall give bond to the Board of Trustees in an amount not less than the total balance of funds owned and belonging to such relief association as shown by its last annual statement, conditioned for the faithful discharge of his duties during his continuance in office and for the payment without delay to the officer or persons entitled by law thereto, of all moneys belonging to said relief association which shall come into his hands by virtue thereof. All vacancies occurring in the elective membership of said board shall be filled by a special election called for that purpose. None of said members shall be eligible to vote upon any question relating to his benefits hereunder.

**Sec. 9. To make annual reports.**—The said governing board of said association shall file annually on or before the first day of September of each year with the Recorder of said village a detailed report of the amount of money or property so received, expended, and still remaining on hand to the credit of said fund. The books and records of said board shall be open to inspection and audit by any taxpayer of said village or his duly authorized representative.

**Sec. 10. Act to remain in force.**—If after the adoption and approval of this act any village subject to the terms hereof shall adopt a home rule charter, or shall become incorporated as a city, the provisions of this act shall remain in full force and effect as to said city and the Firemen's Relief Association incorporated therein.

**Sec. 11. Accumulated deductions to be repaid in certain cases.**—Whenever a member of said association shall cease to be a member of said department, for any reason other than death or retirement, he shall be paid, on demand, the full amount of the accumulated deductions from pay standing to his credit. Whenever any member shall die without having received a pension, or without having received in pension payments an amount equal to the total amount of the accumulated deductions from his salary heretofore provided for, the full amount of such accumulated deductions, less such pension payments, if any, as have been made to said member shall be paid in one lump sum to the beneficiary or beneficiaries designated by such member, or if none, to the legal representatives of such member; provided, however, if no valid claim is established therefor, such accumulated deductions shall remain with and become the property of said association. Provided, further, that if any member shall pay any regular payment for sick relief or hospitalization while a member of said Department under any plan approved by the association, such amount may be deducted from the 3½ per-cent of the member's salary hereinbefore mentioned. No member shall be entitled to interest upon deductions under the provisions of this paragraph.

Approved April 15, 1935.

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#### CHAPTER 193—H. F. No. 1274

*For an act to amend Laws 1931, Chapter 405, Section 9, relating to relief for certain officers, soldiers, marines, nurses, surviving wives, minor children, mothers and fathers thereof.*

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

**Section 1. Relief for certain dependents of Spanish War veterans.**—Laws 1931, Chapter 405, Section 9, is hereby amended so as to read as follows:

“Section 9. Where any soldier, as herein defined, died and left surviving him a widow, or children now under eighteen