

Sec. 6. Reclassifications.—The board, as a part of its classification of the inmates of the state prison and the state reformatory, shall make or cause to be made inquiry and examination at suitable intervals, to ascertain whether prisoners originally classified and assigned to one institution shall remain as inmates thereof or be assigned and transferred to the other institution and the board shall have full power from time to time to reassign and transfer prisoners from one of these penal institutions to the other, as often as the nature of the individual case or the efficiency of administration may require.

Sec. 7. Medical examination.—The board may require the state physician at the reformatory to make and report to it a physical and mental examination of all prisoners delivered at the institution under the requirements of this act.

Sec. 8. Expenses of board to be paid.—The necessary expenses of each of the members of this board incurred by him in the performance of his official duties, shall be paid out of the budgets of their respective departments from the revenue fund, in the same manner as expenses of other state officials are paid.

Sec. 9. Inconsistent acts repealed.—All acts or parts of acts now in effect inconsistent with the provisions of this act are hereby superseded, modified or amended to conform to and give full force and effect to the provisions of this act.

Approved April 17, 1935.

CHAPTER 208—H. F. No. 1220

An act relating to firemen's relief associations and firemen's pensions and levies therefor, in cities of the fourth class having a population of more than five thousand inhabitants and a valuation of more than twelve million dollars, exclusive of money and credits, and an area of more than four square miles.

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

Section 1. Retirement pensions for firemen in certain cities.—In any city of the fourth class having a population in excess of 5,000 and a valuation in excess of \$12,000,000.00, exclusive of money and credits, and an area of more than four square miles, 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 to 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:

Seventy-five dollars 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 city. 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. Who may receive pension.—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 levies.—In addition to the monies 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 City Clerk, Treasurer or other disbursing officer of such city 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 City 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 per capita or mill limitations now permitted by law, a tax of one-fifth of a mill on all of the taxable property of such City, which levy shall be transmitted to the County Auditor of the County in which the City 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 City. The City Treasurer, when the monies derived from such tax are received by him, shall pay the same to the treasurer of the Fire Department'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 and its adoption by said City, 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. Tax levies to be omitted in certain cases.—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 \$50,000.00 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 and directors.—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, and the Mayor 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 monies 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. Must file report.—The said governing board of said association shall file annually on or before the first day of September of each year with the City Clerk of said City 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 City or his duly authorized representative.

Sec. 10. Deductions refunded 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 however that if any member shall pay any regular (or monthly) payment for sick relief or hospitalization while a member of any 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 17, 1935.

CHAPTER 209—S. F. No. 1235

An act to amend Mason's Minnesota Statutes 1927, Section 3028, Subdivision 4, as amended by Laws 1933, Chapter 224, relating to state aid for equalizing educational opportunities.

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

Section 1. State aid for schools.—Mason's Minnesota Statutes 1927, Section 3028, Subdivision 4, as amended by Laws 1933, Chapter 224, is amended to read as follows:

“(4) For the tuition of non-resident high school pupils, the state shall pay to the school district furnishing such high school instruction at the rate of seven dollars (\$7.00) per school month, or major fraction thereof, for each such non-resident pupil, for not to exceed ten (10) months in any school year, provided, (1) that high school instruction shall mean instruction for pupils who have completed the eight years of the elementary course; (2) that such tuition shall be paid by the state only in so far as any pupil's residence district does not give high school instruction, but this provision shall not apply to non-resident high school pupils residing in unorganized territory; and (3) that the state apportionment for any such non-resident high school pupils shall be paid to the school district in which such non-resident pupils attend a high school. Provided, that in all cases where such non-resident pupil is a resident of a state aided rural district, the amount provided by the provisions of this act shall by the Disbursing Board be deducted from the aid otherwise going to such rural district in all cases where such aided rural school does not levy