

within the zone circumscribed by a line running parallel to the corporate limits of any city or village or contiguous cities and/or villages and 35 miles distant therefrom when such person resides within said zone. The terms "common carrier" and "contract carrier" shall not apply to a person engaged in agricultural pursuits who owns and uses a truck either for the purpose of transporting the products of his farm or occasionally transporting the property of others for hire, *nor shall the terms "common carrier" and "contract carrier" apply to any person while engaged exclusively in the transportation of fresh vegetables from farms to canneries or viner stations, or from viner stations to canneries, or from canneries to canneries during the harvesting, canning or packing season, nor shall the terms "common carrier" and "contract carrier" apply to a manufacturer, producer, dealer or distributor who, in the pursuit of his business, owns and uses a truck, or trucks, either for the purpose of transporting his own products or occasionally transporting the property of others for hire.*"

Approved April 22, 1939.

CHAPTER 434—H. F. No. 1460

An act relating to firemen's relief associations in certain cities; amending the 1938 Supplement to Mason's Minnesota Statutes of 1927, Sections 3728-1 and 3728-2; and amending Laws 1935, Chapter 153.

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

Section 1. **Law amended.**—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 3728-1, is hereby amended so as to read as follows:

"3728-1. Firemen's Relief associations in certain cities—Retirement age.—In any city of the third class having an assessed valuation in excess of \$12,000,000, and having a fire department relief association organized under the laws of this state, and authorized to pay benefits under Mason's Minnesota Statutes of 1927, Sections 1920, and 3723 to 3728, inclusive, or any amendments thereof, such fire department relief association, *when its special fund as shown by the secretary's annual report shall have reached the sum of \$65,000*, may pay retirement pensions in excess of the amounts authorized by such statutes, but not in excess of the following total amounts: *a basic pension of \$75.00 per month to each of its members who has heretofore retired or may hereafter retire, who has*

reached or shall hereafter reach the age of 50 years, and who has done or hereafter shall do active duty for 20 years or more as a member of a volunteer, paid or partially paid and partially volunteer fire department in the municipality where such association exists, and who has been or shall hereafter be a member of such fire department relief association at least ten years prior to such retirement, and who complies with such additional conditions as to age, service and membership as may be prescribed by the certificate or by-laws of such association. The amount of monthly pension which may be paid to such retired fireman may be increased by adding to the maximum above described an amount not exceeding \$3.00 per month for each year of active duty over 20 years of service before retirement; provided, however, that no such fire department relief association shall pay to any member thereof a pension in any greater amount than the sum of \$96.00 per month."

Sec. 2. Law amended.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 3728-2, is hereby amended so as to read as follows:

"3728-2. Payment of additional retirement relief.—(a) The payment of such additional retirement pensions shall be subject to all the conditions imposed by the statutes heretofore mentioned and by the certificate or by-laws of such association.

(b) *In the event any relief association shall qualify under the terms of this act it shall continue thereunder notwithstanding any subsequent change in classification or valuation of the city in which it is located.*"

Sec. 3. Law amended.—Laws 1935, Chapter 153, is hereby amended by adding thereto a new section to be known as Section 3 and to read as follows:

"Section 3. Deductions for retirement fund.—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:

(a) *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 relief association a sum equal to two per cent of the above mentioned basic monthly pension, and*

pay the same to the treasurer of the relief association for credit in the special fund of said association.

(b) *The city council or other governing body of such city shall each year, whenever the annual statement of the secretary of said relief association shows a sum existing in the special fund of less than \$65,000, at the time the tax levies are made for the support of the city, and within the per capita limitations provided by law, levy a tax of one-tenth of a mill on all the taxable property of such city. The tax so levied shall be transmitted to the auditor of the county in which the city is situated at the time all other tax levies are transmitted, and shall be collected and payment thereof enforced in like manner as state and county taxes are collected and the payment thereof enforced.*

(c) *The city treasurer, when the tax is received by him, shall pay the same over to the treasurer of the duly incorporated firemen's relief association of such city, if there is one organized, together with all penalties and interest collected thereon: but if there is no firemen's relief association so organized in any such city, or if any such association resign, be dissolved or removed, or any successor of such association resign, be removed or has heretofore resigned or has been removed as trustee of such money, then the treasurer of such municipality shall keep the money in a special fund to be disbursed only for the purpose authorized by this act.*

Sec. 4. Law amended.—Laws 1935, Chapter 153, is hereby amended by adding thereto a new section to be known as Section 4, and to read as follows:

"Section 4. Secretary shall make report of property donated.—The said secretary of said association shall file annually on or before the first day of September of each year with the city clerk 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 association shall be open to inspection and audit by any taxpayer of said city or his duly authorized representative."

Sec. 5. Law amended.—Laws 1935, Chapter 153, is hereby amended by adding thereto a new section to be known as Section 5, and to read as follows:

"Section 5. Pensions not subject to garnishment. — 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. The association shall have the right to cancel or suspend any pension or reduce the amount thereof during such time as the person otherwise entitled thereto is receiving a pension in any form from any municipal or other subdivision of the State of Minnesota, or is regularly receiving income from a business of employment. But no pension shall be reduced below the amount which, when added to the income from such other pension, business or employment, equals the monthly pension to which such person would otherwise be entitled."

Sec. 6. Law amended.—Laws 1935, Chapter 153, is hereby amended by adding thereto a new section to be known as Section 6, and to read as follows:

"Section 6. Accumulated deductions to be refunded in certain cases.—Whenever a member of said association shall cease to be a member of said department, for any reasons 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. No member shall be entitled to interest upon, deductions under the provisions of this paragraph."

Sec. 7. Law amended.—Laws 1935, Chapter 153, is hereby amended by adding thereto a new section to be known as Section 7, and to read as follows:

"Section 7. Construction of law.—Nothing herein shall be construed as preventing any such association from paying any benefits other than service pension 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."

Approved April 22, 1939.

CHAPTER 435—H. F. No. 1524

An act relating to certain so-called "dedicated receipts" of the State of Minnesota; providing for abolishing certain funds into which such receipts are now paid and for the payment thereof into the general revenue fund.

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

Section 1. Dedicated receipts.—All so-called "dedicated receipts" of the state of Minnesota, consisting of fees for licenses, tags, permits, inspections, examinations, interest, tuition, support of patients or wards, and all other fees or moneys paid to the state for any purpose or from any sources whatsoever, which are now paid into and/or credited to any of the following funds, namely: Minnesota Poultry Improvement Board, Douglas Lodge Receipts, State Parks, Tuberculosis division receipts, Division of Examination and Classification, Anoka State Hospital, Hastings State Hospital, Willmar State Hospital, Fergus Falls State Hospital, Rochester State Hospital, St. Peter State Hospital, School for Feeble Minded, Colony for Epileptics, School for the Blind, School for the Deaf, State Public School, State training School, Home School for Girls, Sanatorium for Consumptives, Hospital for Crippled Children, the state institutions under the management, direction and supervision of the state board of control, except the revolving and contingent funds of such institutions; shall hereafter be paid into the state treasury and credited to the general revenue fund of the state.

Sec. 2. Funds to be paid into state treasury.—Each law of the state of Minnesota naming or establishing the funds set forth in section 1 hereof and/or providing for payments into or credits to the same, whether such laws name, designate or refer to such funds by the exact names given above or similar names, but the effect of which laws are to provide for payments into or credits to said funds, are hereby amended and superseded to the extent that all payments provided by said laws to be paid into said funds shall hereafter be paid into the state treasury and credited to the general revenue fund, and each and every section, clause and paragraph pro-