

CHAPTER 43—H. F. No. 445

[Not Coded]

An act relating to firemen's relief associations in certain cities of the State of Minnesota.

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

Section 1. Firemen's relief association in certain cities; establishment. The fire department of any city in this state having not less than 13,000 and not over 18,000 inhabitants according to the most recent national census, and not less than \$3,000,000 or more than \$5,000,000 assessed valuation, 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 existence.

Sec. 2. Powers. Such relief associations shall be organized, operated and maintained in accordance with their own articles of incorporation and by-laws, by firemen, as herein defined, who are members of said fire department. 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. "Fireman" defined; qualifications for membership. 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 department 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 association at the time of the passage of this act and whose status is embraced within the definition of a fireman herein contained, shall have the right to continue as such members of their respective associations and shall have the right to retain such membership on promotion or appointment to other positions to which such firemen may be subject.

All persons who are members of such relief association

at the time of the passage of this act but whose status is not embraced within the definition of a fireman herein contained, shall be entitled to have the right to continue as members of their respective associations and be entitled to any pensions or other benefits which have been allowed or which are being paid by such relief associations 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.

Sec. 4. Membership; application; acceptance; limitation. 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 herein-after 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 relief association accompanied by one or more physician's certificate as required by the by-laws of said association. After such application has been filed the boards 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. 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 shall not apply on application for reinstatement in such association.

Sec. 5. Exclusion of applicant; additional requirements. Each such 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 the 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; 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 by the active members in the manner prescribed by the articles of incorporation of said association. The secretary and the treas-

urer 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.

Sec. 7. Annual financial report; filing. 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 state auditor. 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. Filing with insurance commissioner. The clerk of every such city 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. Report of premiums collected; to insurance commissioner; to state auditor. The insurance commissioner shall enclose in his annual statement blank sent by him to all insurance companies doing business in this state, a blank form containing the names of all firemen's relief associations in all such 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. Annual accounting by state auditor. The state auditor 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 for an amount equal to the total amount of the tax, for the benefit of such relief association, 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. Accounting by state treasurer. 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 levies by city council; payments on account of fireman separated from service. The city council or other governing body of each such city wherein such a relief association is located shall each year at the time all tax levies for the support of the city are made and in addition thereto levy a tax of five-tenths of one mill on all taxable property within said city. When said special fund shall reach or exceed \$65,000 the levy, each year, shall be two-tenths of a mill until the fund goes below \$65,000 when the levy shall again be five-tenths. The tax so levied shall be transmitted with other tax levies to the auditor of the county in which such city is located and by said county shall be collected and payment thereof enforced when and in like manner as state and county taxes are paid. In addition thereto and only if such tax is levied the city treasurer, finance commissioner or other officer charged with the responsibility of the city's finances, shall each month deduct the sum of \$2.50 from the basic monthly pay of all firemen and transfer the total thereof to the treasurer of the special fund of the firemen's relief association, who shall credit said total to the special fund and to the credit of the individual firemen. If a fireman in such city is separated from the service under such circumstances that no pension benefits are payable to him or his widow or children, the treasurer of the special fund shall return to the fireman or to his immediate family in the event such separation is due to his death, all of the amounts so deducted from his base pay, without interest and less the amount of any disability or other benefits theretofore paid such fireman. 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. Accounting by county treasurer; by city treasurer. As soon as practical after the first day of June and the first day of November in each year, the county treasurer of each such county shall pay to the treasurer of each such 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. Association responsible for management and control of funds. Such 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 the 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, entertainment, dues paid by members, and from other sources.

Sec. 15. Distinct funds; association special fund and general 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, including said wage deductions, shall be deposited in the special fund, and shall be expended only for the 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. Disposition of special fund. 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 association, their widows and orphans,

(b) For the payment of disability and service pensions to members of such relief associations, and salaries for its officers and premiums on their official bonds.

Sec. 17. By-laws; sickness and disability defined; payments. Each such relief association shall in its by-laws define the sickness and disability entitling its members to relief, and specify the amount thereof, and also specify the amounts to be paid to its disability and service pensioners, and to widows and children of deceased members, subject to and in accordance with the provisions of this act.

Sec. 18. Payments and allowances to members. A member of such association who, by reason of sickness or accident, becomes disabled from performing the duties of a fireman on the fire department, shall be entitled to receive from the association \$75.00 per month. No allowance 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 30 days after the beginning of such disability.

Sec. 19. Duration of payments. A member of such relief association entitled to disability benefits as herein defined, shall receive the same from his association for such period as he is unable to perform the duties of a fireman.

Sec. 20. Who entitled to pension. A member of such association, as herein defined who has completed a period or periods on the fire department equal to 20 years or more, after he has arrived at the age of 50 years or more and has retired from the payroll of the fire department shall be entitled to a basic pension of \$50.00 per month for his natural life plus \$2.50 per month for each year of active service over 20 years, but the total of such pension shall not exceed the sum of \$75.00 per month. 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 such computation. No deductions shall be made for a leave of absence granted to a member to

enable him to accept an appointive position on said fire department. No member shall be entitled to draw both a disability and a service pension at the same time, and in no event shall the total pension exceed the sum of \$75.00 per month.

Sec. 21. Retirement without forfeiture of service pension. 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 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. 22. Service in armed forces. Any member of such association who resigns from the service of such fire department to serve in the military forces of the United States during any war or emergency or entered the employment of the government of the United States and in such service renders fire prevention service during any war or emergency and has returned within 60 days after his honorable discharge from such service to the service of 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. 23. Payments upon death of member. When a service pensioner, disability pensioner or deferred pensioner, or an active member of such relief association, dies, leaving:

(a) A widow who became his legally married wife while or prior to the time he was on the payroll of the fire department and remained such continuously after such marriage until his death without having applied for any divorce or legal separation, and who, in case the deceased member was a service or deferred pensioner, was legally married to such member at least three years before his retirement from said fire department; and who, in any case, was residing with him at the time of his death. No temporary absence

for purposes of business, health or pleasure shall constitute a change of residence for the purposes of this section.

(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 as follows:

(1) To such widow a pension of the sum of \$40.00 per month for her natural life, and a pension of \$10.00 per month for each child of such deceased member under eighteen years of age. The amount of such pension for such child or children shall be determined by the association, but the total amount of such pension or pensions shall not exceed the sum of \$75.00 per month, and provided if such widow shall remarry, then her pension shall cease and terminate as of the date of her said remarriage.

(2) To such child or children of a deceased member, after the death of the widow of such member, a monthly pension, or pensions, in such amount or amounts in excess of \$10.00 per month for each child as the board of trustees of such association shall deem necessary to properly support such child or children until they reach the age of eighteen years, but not to exceed the sum of \$75.00 per month to the children of any one family.

Sec. 24. 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 and recommendation on all applications for disability pensions, 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. 25. Money expended for purposes not authorized; public examiner; duty of governor. 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 unlaw-

fully expended has been replaced. The governor may also take such further action as the emergency may demand.

Sec. 26. Not subject to garnishment; assignment prohibited. All payments made or to be made by any relief association 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. 27. 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. 28. Not to affect Sections 69.07 and 69.08. This act shall not be construed as abridging, repealing or amending section 69.07 and section 69.08, General Statutes of Minnesota, 1941.

Sec. 29. Construction of severable provisions. 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 February 27, 1947.

CHAPTER 44—H. F. No. 483

An act relating to the state board of dental examiners, the salary of the secretary-treasurer, and amending Minnesota Statutes 1945, Section 150.02.

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

Section 1. Minnesota Statutes 1945, Section 150.02, is amended to read as follows:

150.02. Officers. Subdivision 1. Election; salaries; expenses; bonds. The state board of dental examiners shall elect from its members a president, a vice-president, and a secretary-treasurer. The board shall have a common seal. It shall hold two regular meetings each year, at times to be fixed by it, and special meetings at such other times as may