

CHAPTER 348—S. F. No. 1263

Red Wing

[Not Coded]

An act relating to Firemen's Relief Associations and Firemen's Pensions and levies therefor in certain cities of the Third class, having an assessed valuation of over \$5,000,000 and less than \$8,000,000.

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

Section 1. Red Wing; firemen's relief association; creation. The fire department of each city of the third class having an assessed valuation of over \$5,000,000 and less than \$8,000,000 employing 11 or more regular and fully paid firemen and 30 or more volunteer firemen and having a population of not less than 10,000 and not more than 13,000 according to the last federal census, 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. Incorporation, powers. Such relief associations shall be organized, operated and maintained in accordance with their own articles of incorporation and bylaws, 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; coverage: 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 associations 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 members of such relief associations who are now receiving any pensions or other benefits shall be entitled to the bene-

fits and pensions provided by this act from and after the effective date of this act.

Sec. 4. Membership, application; age restriction on membership. Every fireman 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 hereinafter 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 association, accompanied by one or more physician's certificate as required by the bylaws of the association. After such application has been filed the board 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. Conditions of membership. Each firemen's relief association shall have the right to exclude all applicants for membership who are not physically and mentally sound. Additional requirements for the entrance fees and annual dues for membership in the association may from time to time be prescribed by the bylaws of the association.

Sec. 6. Officers; board of trustees; bond. The officers of the 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 bylaws of the association. The affairs of the association shall be managed by a board of trustees elected by the active members in the manner prescribed by the articles of incorporation of the association. The secretary and the treasurer of the relief association shall each furnish a corporate bond to the association for the faithful performance of his duties, in such amount as the association from time to time may determine. Each relief association shall pay the premiums on such bonds.

Sec. 7. Annual financial report. The secretary and treasurer of the association, prior to the first 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 receipts, and to whom and for what purpose the moneys have

been paid and expended, and the balance in the 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 the report is so filed.

Sec. 8. Certificate of existence, filing by city clerk. The clerk of each city having a firemen's relief association shall, on or before the thirty-first day of October in each year, file with the insurance commissioner his certificate stating the existence of such firemen's relief association.

Sec. 9. Insurance commissioner, duties. 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 these companies at the time of making their annual statements to the insurance commissioner to state on these 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 31, last past. Thereafter and before July 1 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 these companies upon such insurance premiums.

Sec. 10. State Auditor, delivery of warrants to association. At the end of each fiscal year the state auditor shall 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 these companies received in the city upon properties insured within the corporate limits thereof in which the association is located, together with such other appropriations or funds as may hereafter be appropriated or created and to which the association is entitled.

Sec. 11. State treasurer, payments to association. Upon presentation to him of the warrant of the state auditor specified in section 10, the state auditor [treasurer] shall pay out of the general revenue fund of the state the amount thereof to the treasurer of the relief association presenting the warrant.

Sec. 12. Tax levy; payroll deductions; payment on separation from service. The council of any 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 one mill on all taxable property within the city. When the special fund reaches or exceeds \$100,000 the levy each year shall be one half of a mill until the fund goes below \$100,000 when the levy shall again be one mill. Any city whose maximum annual tax levy for all purposes is limited by charter provision or statute, may, notwithstanding this maximum of annual tax levy, levy the tax herein provided for in addition to the levy as limited by charter or statute. Nothing contained in the provisions of any local charter or any general or special law shall limit or curtail the levy hereby authorized and directed. 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 3 percent from the basic monthly pay of all regular full-time firemen and such amount as shall be fixed in the bylaws from the volunteer firemen, and transfer the total thereof to the treasurer of the special fund of the firemen's relief association, who shall credit this 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 in such manner and under such conditions as shall be provided in the bylaws of the association. The tax so levied shall be transmitted with other tax levies to the auditor of the county in which the city is situated, and by the county shall be collected and payment hereof enforced when and in like manner as state and county taxes are paid.

Sec. 13. Treasurers of city, county, payments to associations. As soon as practical after the first day of June and the first day of November in each year, the treasurer of each such county shall pay to the treasurer of each such relief association within the county the amount of such tax then collected, and payable to the 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 the relief association. In the event that such tax or any part thereof is paid to him, the treasurer of the city shall likewise pay the same to the treasurer of the relief association in the city as soon as the same has been collected, together with all interest and penalties collected thereon.

Sec. 14 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, entertainments, dues paid by members, and from other sources.

Sec. 15. Special fund, general fund, deposits, use. The money received from the various sources shall be kept in two separate and distinct funds, one to be designated Association Special Fund, and the other General Fund. All money received from the State of Minnesota, and from the city in which the relief association is located, including 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 the association.

Sec. 16. Special fund, use. The amounts so paid to the relief association by the state, and each city, and set aside and deposited as a special fund, shall be appropriated and disbursed by each such association for the following purposes:

(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 association, and salaries for its officers and premiums on their official bonds.

Sec. 17. Retirement pensions, entitlement, amount. A member of such association 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 \$75 per month for his natural life plus \$2 per month for each year of active service over 20 years, but the total of such pension shall not exceed the sum of \$85 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 appointed 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 \$85 per month.

Sec. 18. Service pension, entitlement. A member of the 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. Upon application, he shall be placed on the deferred pension roll of the association, and, after he has reached the age of 50 years, upon application therefor, the association shall pay his pension from the date such application is approved by the 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. 19. Absence in military service. Any applicant for a service pension who subsequent to his entry into the service of such fire department has served 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 rendered fire prevention service during any war emergency and has returned after his honorable discharge from such service and resumed active duty in 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. 20. Death benefits. When a service pensioner, disability pensioner, 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 the fire department, such widow and such child or children shall be entitled to a pension as follows:

(1) To such widow a pension of \$40 per month for her natural life, and a pension of \$10 per month for each child of such deceased member under 18 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 \$75 per month. If the widow remarries, her pension shall cease and terminate as of the date of her 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 per month for each child as the board of trustees of the association deem necessary to properly support the child or children until they reach the age of 18 years, but not to exceed \$75 per month to the children of any one family.

Sec. 21. Audit, public examiner. The public examiner of the 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 the association until the public examiner reports that money unlawfully expended has been replaced. The governor may take such further action as the emergency may demand.

Sec. 22. Process, assignment, exemption of payments from. All payments made or to be made by any relief association under any of the provisions of this act are totally exempt from legal process. No persons entitled to such payment may assign the same. The association may not recognize any assignment, or pay any sum on account thereof. Any attempt to transfer any such right or claim or any part thereof is void.

Sec. 23. Bylaws, procedure for determining entitlement. Each relief association shall in its bylaws define the sickness and disability entitling its members to relief and specify the amounts thereof and provide for a relief committee which shall examine into and report upon applications for relief, and the bylaws shall provide for a pension committee, which committee shall examine into and report upon applications for pension, and the bylaws shall provide for a sick committee which shall examine into and report upon applications for sickness or injury benefits. The bylaws may also provide for funeral benefits.

Sec. 24. **Application.** The benefits provided by this act apply to regular and fully paid firemen only and each such relief association shall in its bylaws define the sickness, disability, and service pensions entitling its volunteer members to relief, and specify the amounts thereof.

Approved April 14, 1953.

CHAPTER 349—S. F. No. 1324

[Not Coded]

An act relating to fees of sheriffs in counties now or hereafter having a population of 600,000 or more.

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

Section 1. **Sheriff's fees, Hennepin county.** In counties now or hereafter having a population of 600,000 or more, the sheriff shall charge a fee of One Dollar for receiving, indexing and putting in line for service each summons and complaint left with him for service. Such fee shall be in addition to any other fees now provided by law, and shall be absorbed by the plaintiff in the action. It shall not be charged to the defendant nor taxed as costs against him in the action or any proceedings ancillary thereto.

Approved April 14, 1953.

CHAPTER 350—S. F. No. 1325

[Not Coded]

An act to authorize the governing body of cities of the first class now or hereafter having a population of 450,000, or over, to levy an annual tax for poor relief purposes in excess of the amount authorized by law or charter of such city.

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

Section 1. **Minneapolis; poor relief tax levy.** The governing body of any city of the first class now or hereafter having a population of 450,000, or over, is hereby authorized and empowered to levy an annual tax, in addition to any tax authorized by law or charter of such city, of not to exceed 3.75 mills upon all taxable property within such city, the proceeds of which shall be used solely for the financing of poor relief costs. Such tax shall not at any time be in excess of the maximum rate of taxation fixed for the purpose hereinabove mentioned by any board or department of any such city upon whom