

## CHAPTER 631—H. F. No. 1244

[Not Coded]

*An act relating to the firemen's relief association in the city of Chisholm.*

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

**Section 1. Chisholm; firemen's retirement pension.** In the city of Chisholm, which has 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, 1920, and 3723 to 3728, or any amendments thereof, such association may pay retirement pensions in excess of the amounts so authorized, but not in excess of the following total amounts:

\$150 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 \$150 may be increased by adding thereto an amount not exceeding \$5 per month for each year of active duty over 20 years of service before retiring; provided, that no such pension or payment shall exceed the sum of \$200 per month. No such pension shall be paid to any person while he remains a member of the fire department. The amounts of the retirement pensions hereby authorized shall not apply to members who have retired prior to the enactment hereof.

**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.

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

**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. Pay deductions, tax levy.** Subdivision 1. 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 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 five percent of the monthly pay rate of a Class III fireman, 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 \$5,000 each year, and in addition thereto may levy a tax of \$10,000 each year over and above such per capita or mill limitations, until the special fund has reached \$100,000 and when the fund exceeds \$100,000 then no tax shall be levied for that current year 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. If at any time the balance on hand of the special fund so raised by taxation, as in this section provided, together with the other resources in said special fund, shall be less than the sum of \$50,000, then as often as this shall occur, the city council or other governing body of such city shall in any such year, at the time the tax levies are made for the general revenues of the city, levy, within the present per capita or mill limitations now permitted by law, the tax of \$10,000 each year and in addition thereto a tax of \$10,000 each year over and above such per capita or mill limitations until the special fund has exceeded the sum of \$50,000 and, when such fund again exceeds the sum of \$50,000, a tax of \$5,000 shall

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be levied each year, and in addition thereto there may be levied a tax of \$10,000 each year over and above such per capita or mill limitations. The city treasurer, when the moneys 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 as amended and its adoption by said city, an amount not to exceed \$1,000 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. The board of trustees may, at its discretion, pay premiums upon the bond of the treasurer and secretary from said special fund.

Subd. 2. The tax of \$10,000 over and above the per capita or mill limitations now permitted by law authorized hereunder is for the purpose of paying pensions and other benefits to retired firemen.

**Sec. 6. 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. 7. 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

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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. 8. 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. 9. 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 five percent of the member's salary hereinbefore mentioned. No member shall be entitled to interest upon deductions under the provisions of this paragraph.

**Sec. 10.** This act takes effect when approved by a majority of the governing body of the city of Chisholm and upon compliance with Laws 1959, Chapter 368.

Approved April 20, 1961.

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