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*An act relating to firemen's relief association 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 15,000 and not over 16,000 inhabitants according to the 1940 national census, and a total assessed valuation of not less than \$8,500,000, or more than \$9,500,000 for the taxable year 1948, shall maintain a fireman's relief association which shall be duly incorporated under the laws of the State of Minnesota. All such associations now existing as such corporation, or hereafter incorporated under the laws of this state, shall have perpetual existence.

**Sec. 2. Organization.** Such relief association 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 regulation and restrictions of this act, and other laws of this state pertaining to corporations, not inconsistent herewith.

**Sec. 3. Fireman defined.** 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. Call men shall be included as firemen under this act. Substitutes and persons employed irregularly from time to time shall not be included as firemen under this act.

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 member 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 association, 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. Eligibility to membership.** 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 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 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 after the date the applicant was entered on the payroll of the fire department.

No fireman who is more than 31 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. Persons excluded.** Each such fireman'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.** 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 treasurer 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. Secretary and treasurer; duties.** The secretary and treasurer of every such association prior to February 1st 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 such 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 commissioner of insurance. 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. City clerk; duties.** The clerk of every such city having a fireman's relief association shall, on or before October 31st in each year, make and file with the insurance commissioner of this state, his certificate stating the existence of such fireman's relief association.

**Sec. 9. Insurance commissioner; duties.** The insurance commissioner shall enclose in his annual statement a blank sent by him to all insurance companies doing business in this state, a blank form containing the names of all fireman'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 re-

lief association paid in such year by said companies upon such insurance premiums.

**Sec. 10. State auditor; duties.** 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. State treasurer; duties.** 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.

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**Sec. 12. City council; tax levy; deductions.** 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 one mill on all taxable property within said city. When said special fund shall reach or exceed \$50,000, the levy, each year, shall be one-tenth of a mill until the fund goes below \$50,000 when the levy shall again be one mill. 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 \$3.00 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 in the event of his death to 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. The tax so levied shall be transmit-

ted 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. City treasurer; duties.** As soon as practical after June 1st, the city treasurer of each city shall pay to the treasurer of each such relief association the amount of such tax then collected, and payable to said association.

**Sec. 14. Management.** 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. Funds established.** 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. Disbursements.** 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; relief; widows and children.** 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. Persons disabled.** 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 an amount equal to one-half the then existing base pay. 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. Disability benefits.** 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. Base pay defined.** Base pay as hereafter referred to means the base pay of a first-class fireman. 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 an amount equal to one-half of the existing base pay, per month for his natural life, plus \$2.50 per month for each year of active service after said member has reached the age of 50 years. The total of such additional pension shall not exceed the sum of \$25.00 per month. The basic pension shall fluctuate so as to equal one-half of the basic pay at all times. 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 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 one-half of the then existing base pay, plus \$25.00 per month.

**Sec. 21. Age requirement.** 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 services on the fire department.

**Sec. 22. Resignations, service in military 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. Disability; death; payments.** When a service pensioner, disability pensioner or deferred pensioner, or an active member of such relief association, dies, leaving: p 12.  
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(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 purpose of this action.

(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 \$60.00 per month for her natural life, and a pension of \$10.00 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 the sum of \$80.00 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 18 years, but not to exceed the sum of \$60.00 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 recommendations for membership in the association, investigate and make report recommendations 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. Certified accountant.** A certified public accountant 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 certified public accountant shall report that money unlawfully expended has been replaced. The governor may also take such further action as the emergency may demand.

**Sec. 26. Exempt from garnishment or other legal process.** 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 person 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. Construction.** 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. Relation to 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. Severable.** 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 March 21, 1949.

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CHAPTER 145—S. F. No. 162

[Coded as Section 272.58]

*An act relating to taxes; providing for the enforcement thereof reciprocally in the courts of this and other states.*

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

[272.58] Section 1. Subdivision 1. Comity between states in the collection of taxes. The courts of this state