

Subd. 6. The failure on the part of any registrant to renew his certificate annually in the month of December shall not deprive such person of his right of renewal thereafter, but the fees to be paid for the renewal of the certificate after the succeeding first day of January shall be \$7.50 for an architect or an engineer, and \$3.00 for a land surveyor. The aggregate fee for renewal of registration in two or three of the professions shall be the same as the single renewal fee for registration as an architect or an engineer.

Sec. 4. Minnesota Statutes 1945, Section 326.11, Subdivisions 4 and 5, are hereby amended to read:

**326.11. Certificate of Registration. Subd. 4. Hearing.** At the hearing the accused shall have the right to appear personally and by counsel, to cross-examine witnesses against him, and to produce evidence and witnesses in his defense. If, after said hearing, *six* or more members vote in favor of finding the accused guilty of any charge made against him, the board may revoke or suspend the certificate of registration of the accused.

Subd. 5. **Reissue.** The board may reissue a certificate of registration to any person whose certificate has been revoked, provided *six* or more members of the board vote in favor of such reissuance for reasons the board may deem sufficient.

Approved March 7, 1949.

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CHAPTER 87—H. F. No. 436

[Not Coded]

*An act relating to firemen's relief, death benefit and pension associations in certain cities having a population according to the 1940 census, of not less than 17,500, and not more than 18,750 inhabitants; and repealing Laws 1943, Chapter 170.*

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

**Section 1. Firemen's relief association in certain cities.** In each city having, according to the 1940 census, not less than

17,500, and not more than 18,750 inhabitants, the members of the fire department may, when authorized by the governing body of the city, organize a firemen's relief, death benefit and pension association, or maintain any such association existing therein at the time of the taking effect of this act. All such associations now existing as corporations, or hereafter incorporated under the laws of this state, shall have perpetual existence. This act shall not apply to any associations in existence at the time it takes effect; but each such association in said cities may elect to come under its provisions, when authorized to do so, by the governing body of such city, by the adoption of a resolution of the members of the association signifying its intention to do so, at any annual meeting of said association, or at any special meeting duly called for that purpose.

**Sec. 2. Incorporation.** Subdivision 1. A majority of the duly qualified members of the fire department of any such city, may incorporate such an association by adopting and signing a certificate containing:

(a) Its name, its general purpose and plan of operations, and its location;

(b) The terms of admission to membership and the amount of the monthly contributions of its members;

(c) The date of the adoption of the resolution of the governing body of the city in which it is situated, authorizing its organization under this law;

(d) The officers and directors of the association, their duties and powers, and the time and place of electing the same, and their respective terms of office;

(e) The names of the officers and directors of the association who are to conduct its affairs during the first year.

Subd. 2. The certificate shall be adopted, acknowledged and filed, together with a certified copy of the resolution of the governing body of the city authorizing the incorporation, with the secretary of state, and a copy thereof recorded with the register of deeds in the county where the corporation is located, whereupon said corporation shall come into being.

**Sec. 3. Resolution; contents and filing.** Upon the filing of a certified copy of the resolution of the members of any ex-

isting association, coming within the purview of this law, electing to come under it, together with a certified copy of the resolution of the governing body of the city in which it is located authorizing the same, with the secretary of state, and the filing and recording of certified copies of said resolutions in the office of the register of deeds in the county in which such association is located, this act shall apply to such existing association as fully as though it had been formed hereunder, notwithstanding the provisions of any constitution, by-laws, charter provisions, or ordinances, and such association may thereupon amend its by-laws to conform to the provisions of this act.

**Sec. 4. Administration of pension and benefit funds.** All such associations organized under, or electing to come under this act, shall create, maintain, and administer a firemen's pension and other funds for the benefit of its members, the widows and children of deceased members, and the beneficiaries of any firemen's pension or benefit fund in operation at the time of its organization under or election to come under, this act.

**Sec. 5. Regulation; by-laws.** Each such association shall be organized, operated and maintained in accordance with this act, its articles of incorporation and by-laws, or in the case of existing associations, its by-laws as amended to conform to this act, by firemen, as hereinafter defined, who are active members of the fire department of such city. Each association shall have the power to regulate its own management and its own affairs, and all additional corporate powers which may be necessary or useful; subject only to this act and the laws of this state pertaining to corporation, not inconsistent herewith.

**Sec. 6. Membership.** Subdivision 1. A fireman under this act is any duly appointed fireman, or other employee of the fire department of any such city engaged either directly or indirectly as a member of the fire fighting force of such city, including all members of the electrical and mechanical divisions of such department, who are regularly entered on the payroll of the fire department of such city, and serving on active duty therein, after having completed any probationary period required under the laws or ordinances thereof. Probationers in the fire department, substitutes and person employed irregularly from time to time, and elective officials of such department, shall not be included under this act.

**Subd. 2.** All persons who are members of the firemen's relief, death benefit and pension associations of such cities at the time such associations are organized, or elect to come, under this act, whether their status is embraced within the definition of a fireman herein contained, or otherwise, shall have the right to continue as members of the association, and be entitled to all the benefits pertaining thereto, and any member included under the definition of fireman herein, shall have the right to retain his membership on promotion or appointment to other positions to which such firemen may be subject or eligible.

**Sec. 7. Not to affect other benefit rights.** This act shall not affect any pensions or other benefits which have been allowed or which are being paid by any such associations, under or in accordance with any prior act, at the time this act becomes effective. Payment of such pensions and benefits shall be continued by such associations upon the same terms and conditions as were in effect at the time such associations come under this act. Any fireman, who has, since January 1, 1941, retired from the fire department of any city coming under this act, and has been receiving a service or disability pension from the firemen's relief, death benefit, and pension association of such city, shall be eligible for the same benefits from the time said association duly elects to come under and qualifies under this act, as other firemen who are on active duty in the fire department of any such city at the time such association shall elect to come under and qualify under this act, and the same shall apply to the widows and children of any such firemen.

**Sec. 8. Automatic membership.** Every fireman, shall automatically become a member of the firemen's relief, death benefit and pension association of any such city upon the completion of any probationary period required under the laws or ordinances of the city, and his appointment as a regular fireman of the city as hereinbefore defined, and he shall thereupon become subject to this act, the articles of incorporation and by-laws of the association, and shall be entitled to all of the privileges and benefits therein provided for members of such associations.

**Sec. 9. Officers.** The officers of such associations 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 such associations.

The affairs of each association shall be managed by a board of directors elected in the manner prescribed by the articles of incorporation or the by-laws. The secretary and treasurer of each such 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 from its special fund.

**Sec. 10. Annual report.** The secretary and treasurer of each association shall, prior to the first day of February in each year, jointly prepare and sign with the approval of the board of directors, a detailed and itemized report of all receipts and expenditures in the association's special fund for the preceding calendar year, showing the sources of said receipts and to whom and for what purpose the money has been paid and expended, and the balance on hand in the fund. They shall file duplicate original copies thereof with the clerk or city recorder of the city in which the association is located. No money shall be paid to a relief association by any such city until said report is so filed.

**Sec. 11. Certificate filed with insurance commissioner.** The clerk or recorder of any such city having a firemen's relief, death benefit and pension association, organized or existing under this law shall, on or before the 31st day of October in each year, make and file with the insurance commissioner his certificate stating the existence of such association.

**Sec. 12. Insurance commissioner; powers and duties.** The insurance commissioner shall enclose, in the annual statement form sent by him to all fire insurance companies, the names and locations of all such associations organized or existing under this law; and shall require said companies, at the time they make their annual statements to the insurance commissioner, to state 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 of the preceding year. 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 associations paid in the year by such companies upon insurance premiums.

**Sec. 13. State auditor; powers and duties.** The state auditor, at the end of each fiscal year, shall issue and deliver

to the treasurer or each association his warrant drawn upon the state treasurer for an amount equal to the total amount of the tax for the benefit of the associations paid by fire insurance companies upon the premiums received or collected by the companies upon properties insured within the corporate limits of any city in which such association is located, together with the other appropriations or funds as may hereafter be appropriated or created, and to which such association is entitled.

**Sec. 14. State treasurer; powers and duties.** The state treasurer shall, upon presentation to him of the warrant of the state auditor, pay out of the general revenue fund of the state the amount thereof to the treasurer of any association presenting such warrant.

**Sec. 15. Governing body of city; powers and duties; tax levy.** The governing body of each city wherein such an association is located shall, each year at the time the tax levies for the city are made, levy a tax for the benefit of the special fund of such firemen's relief, death benefit and pension association, of one mill on all taxable property within the city, until the balance in said special fund has reached the sum of \$75,000; and thereafter the levy may be reduced by the city to a sum sufficient to maintain the balance in said special fund at not less than \$75,000. The tax so levied shall be transmitted with other tax levies to the auditor of the county in which the city is located, and the county shall collect and enforce payment thereof in like manner as state and county taxes. As soon as practicable after the first of June and the first of November, in each year, the county treasurer of the county shall pay to the treasurer of the association the amount of the tax then collected and payable to the association, together with all interest and penalties so collected, and all interest collected thereon between the time of collection and the time of payment to such relief association. The city treasurer in the event that such tax or any part thereof is paid to him, shall pay the same to the treasurer of such firemen's relief, death benefit, and pension association of the city as soon as the same has been collected, together with all interest and penalties thereon.

**Sec. 16. Contribution by members; separation from service.** Subdivision 1. In addition, and only if such tax is levied, the city shall, each month, deduct from the salary of each fireman of the city subject to the provisions of this act,

two per cent of the basic pay of all such firemen, not to exceed two per cent of the basic pay of a first class fireman, and pay the same to the firemen's association, who shall credit the amount received to the special fund of the association, and to the credit of each individual fireman from whose pay said deductions were so made.

Subd. 2. If a fireman is separated from the service due to resignation, or some cause not involving malfeasance, nonfeasance, moral turpitude, or if his separation from such service is caused by injury, death, or other disability 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 such fireman, or in case of his death, to his heirs, executors or administrators, all of the amounts so deducted from his base pay without interest, but less the amount of any disability or other benefits theretofore paid to such fireman.

**Sec. 17. Funds; derivation; control.** Each association shall manage and control all funds that may come into its possession, and particularly funds derived from the following sources:

(a) Funds derived from the State of Minnesota, whether derived from tax levies, appropriations, or otherwise, and interest from the investment thereof;

(b) Funds derived from the tax levies by the city in which such association is located, and interest from the investment thereof;

(c) Funds derived from deductions made from the basic pay of members of such association;

(d) Funds derived from private sources such as gifts, charges, rents, entertainments, dues paid by members, and from all other sources.

**Sec. 18. Special fund; 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's special fund and the other as its general fund. All money received from the state and the city in which the association is located, including wage deductions from the basic pay of firemen, shall be deposited in the special fund and shall be expend-

ed only for the purposes hereinafter authorized. All money received from all other sources shall be deposited in the general fund, and may be expended for any purpose deemed proper by such association, or may be transferred to and become a part of the special fund.

**Sec. 19. Special fund; disbursement.** All moneys received by the association and deposited or transferred by it to its special fund shall be appropriated and disbursed only for the following purposes:

(a) For the relief of sick, injured and disabled members of the association, their widows and orphans;

(b) For the payment of disability and service pensions to members of the association;

(c) For the payment of salaries and expenditures of its officers and employees, and the expense of operating and maintaining the association, including the premiums on the official bonds of its officers and employees, and any medical or legal expenses incurred in the operation thereof.

**Sec. 20. Sickness and disability.** Each association shall by its by-laws define the sickness and disability entitling its members to relief, and specify the amounts thereof, and also specify the amounts to be paid to its disability and service pensioners, and to widows and children of deceased members, and fix the age limit of children to whom pensions may be paid, and the conditions of such payments, subject to and in accordance with, the provisions of this act.

**Sec. 21. Disability allowance.** A member of the association who, by reason of sickness or accident, becomes disabled from performing the duties of a fireman, and as a result thereof is removed from the payroll of the fire department, shall be entitled to receive from the association during disability, such disability pension as the by-laws of the association may provide, which pension shall in no event be less than \$75 per month. No disability pension shall be paid or allowed by such association unless notice of the disability and application for pension on account thereof shall be made by or on behalf of the disabled member to the secretary of the association within 90 days after such disability.



**Sec. 22. Period of disability.** A member of the association entitled to disability pension, as herein defined, shall receive the same from the association for such periods of time, at such times, and in such amounts, as the by-laws of the association shall provide, but in no event shall such disability pension be less than \$75 per month.

**Sec. 23. Age of retirement.** A member of such association who has completed a period or periods of service as a fireman in the fire department of the city equal to 20 years or more, shall, after he has arrived at the age of 50 years or more and has retired from the payroll of the fire department, be entitled to receive from the association a service pension in such amount as shall be fixed by the by-laws of the association, which pension shall in no event be less than \$100 per month, and shall be payable monthly during the term of his natural life, in conformity with the by-laws of the association. All leaves of absence of more than 90 days, except such as are granted to a member because of disability due to sickness or accident, shall be excluded in computing the period of service. No deductions shall be made for a leave of absence granted to a member to enable him to accept an appointive position in the fire department not subject to the provisions of this act. No member shall be entitled to draw both a disability and a service pension.

**Sec. 24. Deferred pension roll; rights.** A member of the association who has completed a period or periods of service as a fireman in the fire department equal to 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 the application is approved by the association.

**Sec. 25. Service in armed forces.** In determining the years of service of a fireman, no deduction shall be made for the period any such fireman served as a member of the armed forces of the United States subsequent to his entry into the service of the fire department, provided such fireman is honorably discharged from the armed forces of the United States and resumes his duties as a fireman within 60 days after his discharge, or within such further period as may be granted to

him by the board of directors of the association within which to resume said duties.

**Sec. 26. Payment to widow and children; heirs.** Subdivision 1. When a pensioner or an active member of the association dies, benefits shall be payable to the persons and in the amounts set forth in subdivisions 2 to 7 of this section.

Subd. 2. Benefits shall be payable to a widow, who married decedent while or prior to the time he was on the payroll of such fire department and remained continuously married to decedent 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 pensioner before his retirement from the fire department; and who, in any case, was residing with him at the time of his death. No temporary absence for the purposes of business, health or pleasure, shall constitute a change of residence.

Subd. 3. Benefits shall be payable to a child or children born the issue of the lawful wedlock of such pensioner or member, or legally adopted by such pensioner or member during his lifetime.

Subd. 4. Such widow shall be entitled to a pension of not less than \$25, and not to exceed \$100 per month, as the by-laws of the association shall provide, for her natural life; provided, that if she shall remarry, the pension shall terminate as of the date of her remarriage.

Subd. 5. If their mother is living, such child or children shall be entitled to a pension of not to exceed \$25 per month for each child up to the time such child reaches the age of not less than 16, and not to exceed 18 years, which pension and age shall be fixed by the by-laws of the association.

Subd. 6. The total pension hereunder for the widow and children of such deceased pensioner or member shall not exceed one-half of the current going basic pay of firemen in the city by which said deceased pensioner or member was employed during his lifetime.

Subd. 7. A child or children of a deceased pensioner or member receiving a pension hereunder shall, after the death or remarriage of their mother, be entitled to receive a pension

in such amount as may be fixed by the by-laws of the association, until they reach the age of not less than 16 and not more than 18 years, as the by-laws of the association may provide; but the total amount of such pension for any child or children shall not exceed the sum of one-half of the current going basic pay of firemen in the city by which said deceased pensioner or member was employed during his lifetime. The board of directors of such association shall determine to whom such pension or pensions shall be paid for the benefit of such child or children.

**Sec. 27. Board of examiners.** Any association may establish a board of examiners who shall, when requested by the association's board of directors, investigate and make report on all applications for disability pension and make recommendations as to the allowance or disallowance thereof; investigate and make report on all disability pensioners, and make recommendations as to the continuance or discontinuance thereof; and investigate and make report on all applications for service pensions. This board shall consist of at least three members of the association on active duty with the fire department, and a majority vote of the members thereof shall constitute its recommendation to the board of directors. It shall have the power to employ competent medical assistance to aid it in making such investigations.

**Sec. 28. Funds; investment of.** Money accumulated in the special fund of the association shall be invested from time to time as the board of directors shall direct, only in bonds of the United States and the state of Minnesota.

**Sec. 29. Exempt from garnishment.** All payments made or to be made by any such 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. 30. Articles and by-laws; amendment of.** All associations organized or duly coming under this act, shall have the power to amend, from time to time, their articles of incorporation or their by-laws, and by the amendment of their by-laws from time to time, may, subject to the minimum and

maximum pensions hereinbefore provided, increase or decrease the disability and service pensions already being paid, or thereafter to be paid, to disability and service pensioners, their widows and children, and the widows and children of deceased members, so as to maintain as nearly as possible a proper relationship between the basic pay of active members of the association and the pensions being paid, or to be paid, to disability and service pensioners, and the widows and children of deceased pensioners and members, or to maintain the reserves accumulated in the special fund of the association, on a sound and safe basis, and the overall solvency of the association.

**Sec. 31. Continuance notwithstanding change in city classification.** In the event any such association shall be organized or duly qualifies to, and comes under this act, it shall continue thereunder notwithstanding any subsequent change in classification or valuation of the city in which it is located.

**Sec. 32. Workmen's compensation not abridged.** This act shall not be construed as abridging, repealing, or amending the workmen's compensation act, or as a substitute therefor.

**Sec. 33. Repealer.** Laws 1943, Chapter 170, are hereby repealed.

**Sec. 34. Public examiner, governor; powers and duties.**

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

Approved March 7, 1949.

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CHAPTER 88—H. F. No. 614

*An act relating to credit unions; amending Minnesota Statutes 1945, Sections 52.01, 52.02, 52.04, 52.05, 52.06, 52.13.*