

authorized to collect in addition to the stated amount of his monthly salary.

Sec. 4. This act becomes effective upon approval by the county board of Douglas county, and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 13, 1963.

CHAPTER 643—H. F. No. 1763

[Not Coded]

An act relating to the city of Albert Lea; providing for a firemen's relief association therein.

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

Section 1. **Albert Lea, city of; firemen's relief association.** In the city of Albert Lea, the fire department shall continue to maintain a firemen's relief association, duly incorporated under the laws of this state, which association shall have perpetual corporate existence. The association shall establish separate funds as provided in section 13 of this act or continue to maintain the fund or funds of the association now existing. All persons who are members of the existing firemen's relief association in the city of Albert Lea shall continue as members of the relief association established under this act.

Sec. 2. Such relief association shall be organized, operated and maintained in accordance with its own articles of incorporation and bylaws, by firemen, as herein defined, who are members of said fire department. Such 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, however, to the regulations and restrictions of this act, and other laws of this state pertaining to corporations, not inconsistent herewith.

Sec. 3. Subdivision 1. A fireman under this act is one who is regularly entered on the payroll of said fire department 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.

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Subd. 2. All persons who are members of such relief association at the time of 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 such relief association and shall have the right to retain such membership on promotion or appointment to other positions to which such firemen may be subject.

Subd. 3. All persons who are members of such relief association who are retired and on a service pension, disability pension or receiving other benefits or their widows, child or children or orphans shall continue to receive monthly payments according to the provisions of law applicable thereto at the time of the member's retirement.

Sec. 4. Every fireman as herein defined shall be enrolled as a member of the relief association immediately upon being placed on the payroll of the fire department in the city of Albert Lea. Provided, however, that no fireman who is more than 35 years of age when placed on the payroll of the fire department can become a member of the relief association, except that such age limitation shall not apply to veterans or firemen being reinstated in the fire department.

Sec. 5. Such firemen's relief association shall have the right to exclude from membership firemen who are not physically and mentally sound who are placed on the payroll of the fire department, so as to prevent unwarranted risks for the association; and to prescribe additional requirements for entrance fees and annual dues for membership in the association which may from time to time be prescribed in the bylaws of such association.

Sec. 6. 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 bylaws of such association. The affairs of such 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 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. Such relief association shall and is hereby authorized to pay the premiums on such bonds.

Sec. 7. The secretary and treasurer of such 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

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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 such fund. They shall file duplicate original copies thereof with the clerk of the city of Albert Lea and with the state auditor. No money shall be paid to a relief association by either the state of Minnesota or the city of Albert Lea until such report is so filed.

Sec. 8. The clerk of the city of Albert Lea 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. The treasurer of the city of Albert Lea, upon receipt of the state auditor's warrant issued pursuant to Minnesota Statutes, Section 69.03, shall pay the same to the treasurer of the Albert Lea firemen's relief association, who shall deposit it in the special fund created by section 13 of this act.

Sec. 10. Subdivision 1. The city council of Albert Lea shall each year at the time all tax levies for the support of the city are made, in addition thereto levy a tax of one mill on all taxable property within the city.

Subd. 2. When the special fund of such association shall reach or exceed \$210,000, the levy each year shall be five tenths of a mill until the fund goes below \$210,000, when the levy shall again be one mill.

Subd. 3. The levy provided for in subdivision 2 of this section may be made in excess of and over and above all taxing limitations imposed by any provision of the charter of the city of Albert Lea or of any other provision of law, general or special.

Subd. 4. If such tax is levied, then in addition thereto the city treasurer shall deduct each month a sum equal to four percent of the then current basic monthly pay of the fireman from whose pay such deduction is made and transfer the total thereof to the treasurer of the special fund of the firemen's relief association, who shall credit the total to the special fund and to the credit of the individual firemen, such deduction from pay being made from all firemen of whatever grade. When the special fund shall reach \$210,000, the deduction from pay shall be reduced to three percent until the fund goes below \$210,000, when the deduction shall again be four percent.

Subd. 5. If a fireman is separated from the service of the fire department in the city of Albert Lea under such circumstances

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that no pension or 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 paid such fireman.

Subd. 6. The tax so levied as authorized by this section shall be transmitted with other tax levies to the auditor of Freeborn county, and shall be collected and payment thereof enforced by the county in the same manner as state and county taxes are collected and paid.

Sec. 11. As soon as practical after the first day of June and the first day of November in each year, the county treasurer of Freeborn county shall pay to the treasurer of the firemen's relief association in the city of Albert Lea the amount of the tax collected as provided in section 10, together with all interest and penalties collected and all interest paid thereon between the time of collection and the time of payment to such relief association. In the event that such tax or any part thereof is paid to the city treasurer of the city of Albert Lea, the city treasurer 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. 12. 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 of Albert Lea, 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. 13. 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 of Albert Lea, 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.

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Sec. 14. The amount so paid to the firemen's relief association in the city of Albert Lea by the state and by the city of Albert Lea under the provisions of this act, and by it set aside and deposited as a special fund, shall be appropriated and disbursed by 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 association, salaries for its officers, premiums on their official bonds, and other necessary expenses to properly administer said special fund.

Sec. 15. Such relief association shall in its bylaws 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, subject to and in accordance with the provisions of this act.

Sec. 16. Subdivision 1. A member of the Albert Lea firemen's relief 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 each month a sum equal to 50 percent of the monthly wages or salary of such member on the date of such disablement from duty plus one percent of such wages or salary for each year of service in excess of 20 years, and all thereafter adjusted according to wage increases or decreases granted to active firemen. No allowance for any disability 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. If a disabled pensioner is offered employment with the fire department which would qualify in determining disability benefits and he refuses to accept such employment, then he shall be disqualified from receiving disability benefits following such refusal providing he was physically and mentally able to perform such duties at the time of refusal. The determination of physical and mental status for this purpose shall be based upon majority medical opinion of three physicians, one selected by the disabled pensioner, one by the association, and the two so selected to select the third.

Subd. 2. A member of such relief association entitled to disability benefits as defined in this section, shall receive the same from his association for such period as he is unable to perform the duties of a fireman.

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Sec. 17. A member of such association as herein defined, who is a member of the Albert Lea firemen's relief association and 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 equal to 50 percent of the monthly wages or salary of such member at the time of his retirement for the rest of his natural life, plus one percent of such monthly wages or salary, for each year of active service over 20 years, and all thereafter adjusted according to wage increases or decreases granted to active firemen. 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 deduction 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.

Sec. 18. 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. 19. 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 or 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, provided, that, only one such tour of duty and not more than five years of such service shall be construed and counted as part and portion of his active duty in said fire department.

Sec. 20. When a service pensioner, disability pensioner, or deferred pensioner, or an active member of the firemen's relief association in Albert Lea dies leaving:

- (a) A widow who became his legally married wife while or

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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 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 such child or children shall be entitled to a pension as follows:

(1) To such widow a monthly pension equal to 30 percent of the monthly wages or salary of the deceased member as of the date of death for her natural life and an additional monthly pension equal to ten percent of said monthly wages or salary for each child of such member under 18 years of age, all thereafter adjusted according to wage increases or decreases granted to active firemen. However, the total amount of the pension payable per month to the widow and children shall not exceed fifty percent of the monthly wages or salary of such member at the time of death. If the widow shall remarry, then her pension, excluding the amounts paid for children, shall cease and terminate as of the date of her remarriage. Such amounts paid for a child or children may be increased after remarriage of the widow providing such increased amounts shall be based upon need of the children upon written findings signed by the board of trustees, and shall not in any event exceed for the total amount paid for the children a sum equal to 50 percent of the monthly wages or salary of such member at the time of death, all thereafter adjusted to wage increases or decreases granted to active firemen.

(2) To such child or children of a deceased member, after the death of the widow of such member, a monthly pension or pensions equal to, but not to exceed for the children of any one deceased member, the sum of 50 percent of the monthly wages or salary of such member at the time of death, all thereafter adjusted to wage increases or decreases granted to active firemen.

Sec. 21. 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

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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. 22. The public examiner of the state shall each year examine the books and accounts of the secretary and the treasurer of the firemen's relief association in the city of Albert Lea. 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.

Sec. 23. All payments made or to be made by such 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. 24. 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. 25. Wherever in this act the phrase "monthly pay" or "monthly wages or salary" appears pertaining to the Albert Lea firemen's relief association, such phrase shall mean the actual amount of wages or salary received by the fireman per month and shall include clothing or other uniform monthly allowances, if any, paid by the employer.

Sec. 26. This act is effective on the first day of the month next following the effective date of the approval provided for in section 28.

Sec. 27. Prior to the approval of this act the governing body of the city of Albert Lea is directed to obtain the opinion of an actuary in regard to the additional costs which may arise from the additional pension benefits authorized by this act.

Sec. 28. This act shall become effective only after its ap-

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proval by a majority of the governing body of the city of Albert Lea and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved May 13, 1963.

CHAPTER 644—H. F. No. 1775

[Not Coded]

An act authorizing the counties of Mahnomen and Clearwater to require work relief as a condition to receiving assistance from the county; and authorizing such work relief on property or projects of the state or agency thereof.

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

Section 1. Counties of Mahnomen and Clearwater; authority to require work relief. The counties of Mahnomen and Clearwater may, as a condition for granting relief or public assistance to any person, require that such person perform work relief as provided herein.

Sec. 2. Definition of work relief. The term "work relief" means support or relief in wages or other compensation, in cash or in kind, paid for work under the following conditions: (a) that the recipients of work relief and the amounts given are both determined on the basis of actual need and certified for such work relief by the officials charged with administering the relief of the poor; (b) that the funds for such relief are made available only from those specifically appropriated or contributed for support or relief of the poor.

Sec. 3. Authority to contract with state or agency. The counties of Mahnomen and Clearwater may contract with the state, any department or agency thereof, or any governmental subdivision or instrumentality thereof on such terms as may be agreed upon, with or without consideration, that the work of persons on work relief be used on public projects of the state, department or agency thereof, or a governmental subdivision or instrumentality thereof; and the county may likewise use the work of persons on work relief on public projects of the county, including forest improvement and reforestation, and on projects for current repair and maintenance of drainage systems as authorized by Minnesota Statutes, Section 106.471, Subdivision 2.

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