

**67.24 BOARD OF DIRECTORS**

In meeting of township mutual insurance companies personal representatives may vote the membership of the estate. Only women members may vote by proxy. The principal place of business may be changed by a majority vote irrespective of the provisions of the articles or bylaws. OAG April 3, 1950 (249-B-13).

**67.27 WHAT MAY BE INSURED**

HISTORY. 1909 c 411 s 13; 1913 c 80 s 3; 1915 c 107 s 1; 1923 c 338 s 1; 1931 c 269 s 1; 1933 c 52 s 1; 1933 c 421 s 1; 1935 c 104 s 1; 1941 c 155 s 1; 1949 c 458 s 1; 1951 c 168 s 1; 1953 c 284 s 1.

Township mutual insurance companies in cities, villages, or boroughs of 1,800 or less inhabitants may insure dwellings, churches, and their contents, and outbuildings. They have no authority to insure locker plants. OAG May 23, 1951 (487-B-12).

**67.30 AUTHORIZED INSURANCE**

HISTORY. 1909 c 411 s 15; 1951 c 101 s 2.

**CHAPTER 68****TITLE INSURANCE COMPANIES**

NOTE: Regulation of title insurance companies began with Laws 1887, Chapter 135. The act legalized and confirmed the privileges and franchises of companies then existing. Insurance laws generally were revised and codified by Laws 1895, Chapter 175, and Sections 60 and 61, as amended and supplemented now constitute Chapter 68 of the statutes.

**68.01 REAL ESTATE TITLE INSURANCE COMPANIES**

NOTE: Under the provisions of section 386.18, the county board may authorize a person to occupy a portion of the county building for the purpose of making abstracts of titles and may require the abstractor to furnish bond.

**CHAPTER 69****FIRE AND POLICE DEPARTMENT AID,  
FIREMEN'S AND POLICEMEN'S RELIEF**

NOTE: Fire department aid through taxation of fire insurance premiums originated with Laws 1885, Chapter 187. The present law, (sections 69.01 through 69.06) originated with Laws 1903, Chapter 20, and has been liberally amended. These sections deal with state fire department aid derived from premium taxes collected from fire insurance companies, the creation of a special fund, and the manner of disbursement.

Sections 69.07 through 69.13 relate to fire department relief associations in certain cities raising money by taxation and salary deductions. Activities are controlled by the limitations prescribed in sections 69.01 through 69.06, and in section 424.31.

Sections 69.22 through 69.24 relate to membership in police and fire department relief associations in certain cities who receive state aid.

Sections 69.25 through 69.53 make it mandatory for cities of the first class to maintain a firemen's relief association. The sections deal with relief, retirement pay, and pensions.

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## FIRE AND POLICE AID AND RELIEF 69.04

Sections 69.54 through 69.61 relate to surcharge on premiums to restore deficiency in the special fund.

### 69.01 CLERK TO FILE CERTIFICATE

HISTORY. 1903 c 20 s 2; 1935 c 280 s 1; 1943 c 75 s 1; 1949 c 545 s 1.

Firemen's relief associations operating under MSA 1945, Chapter 69, are not affected by Laws 1947, Chapter 274. OAG Jan. 26, 1949 (688-M).

Under the provisions of Laws 1949, Chapter 281, service pensioners of the fire department relief association of the city of South St. Paul should become eligible after the effective date of Chapter 281, and are entitled to a pension of \$75 per month; but a widow who became a pensioner prior to 1947 is entitled to a pension under the law in force at the time she became such pensioner. OAG May 4, 1949 (699-M).

Unless specifically limited in its articles, the period of existence of a corporation other than for pecuniary profit, organized under General Statutes 1894, was unlimited; and the period of existence of the Albert Lea Fire Department Relief Association incorporated under the provisions of General Statutes 1894, Chapter 34, Title 3, Section 29, is perpetual. OAG May 26, 1949 (92-A-9).

Where a town leased fire equipment to another town but did not agree to furnish any fire fighting personnel, the contract was not a fire service contract within this section. OAG Nov. 13, 1951 (688-A).

### 69.02 REPORT OF PREMIUMS; CERTIFICATE OF COMMISSIONER

Proceeds of the tax authorized by sections 69.02 and 60.63 may be used for the payment of fees, dues, and assessments in the volunteer firemen's benefit association of Minnesota. OAG Dec. 18, 1947 (198-B-8).

Funds received by a duly incorporated firemen's relief association from 2 percent tax on insurance premiums under the provisions of section 69.02, belong to the association and do not constitute "public funds." Such funds belong to the relief association and are not "money of the town" within the meaning of section 413.07, providing for apportionment of money upon separation of a village from town. OAG April 22, 1949 (688-M).

Where a municipality maintains a fire department, or where such department furnishes services under a contract, certain insurance companies are required to pay a two percent premium tax to the municipality. OAG May 18, 1951 (681-A).

### 69.03 AUDITOR'S WARRANT

Proceeds from the insurance premium tax under section 69.03 or from a tax levied under section 424.30 may not be used for the purchase of fire fighting equipment in a municipality having an organized firemen's relief association. OAG Dec. 13, 1950 (688-C-1).

### 69.04 SPECIAL FUND; DISBURSEMENTS; PAYMENTS TO RELIEF ASSOCIATIONS

HISTORY. 1903 c 20 s 6; 1909 c 237 s 1; 1917 c 207 s 1; 1919 c 326 s 1; 1927 c 373 s 1; 1929 c 165 s 1; 1935 c 247 s 1; 1937 c 349 s 3; 1943 c 323 s 2; 1945 c 225 s 1; 1953 c 521 s 1.

Fire department relief associations in amending their articles and bylaws must conform to statutory provisions. OAG Aug. 8, 1946 (98-A-3).

Tax funds on the proceeds of a two percent fire insurance premium tax may be used for payment of fees, dues, and assessments in the Minnesota state volunteer firemen's benefit association. OAG Dec. 18, 1947 (198-B-8).

Where the county auditor spread a two-mill tax for fire department relief association instead of one mill tax levied, the city should omit the one mill tax for the

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## 69.05 FIRE AND POLICE AID AND RELIEF

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following year and permit the relief association to retain the money theretofore collected. OAG Feb. 25, 1948 (519-C).

Notwithstanding the inconsistency between sections 69.04 and 69.06, under the provisions of sections 69.06, 424.30, and 424.31, funds received by the fire department relief association from the state may be used in accordance with its articles of incorporation and bylaws and in conformity with section 69.06 for the payment of service pensions. OAG May 20, 1948 (688-M).

The trustees of a firemen's relief association in a city of the fourth class may, in its honest discretion, pay sick benefits even though the sick fireman continued to receive his regular compensation while ill. OAG Feb. 11, 1949 (688-M).

The relief association of the city of Wayzata may pay a lump sum pension if so authorized under its bylaws. The association may pay a death benefit upon the death of a retired member if the articles of incorporation are amended to provide that such retired member will be deemed to be a member within the definition contained in the articles. OAG June 14, 1950 (688-M).

The fire relief association of Waseca may pay pension out of money received from the premium tax but cannot pay on a sliding scale except as the statute provides. OAG June 14, 1950 (688-M).

### 69.05 ANNUAL REPORT; EXAMINATION OF BOOKS

HISTORY. 1903 c 20 s 6; 1943 c 75 s 3; 1949 c 545 s 2.

### 69.06 SERVICE PENSION

Notwithstanding the inconsistency between sections 69.04 and 69.06, pensions, under provisions of sections 69.06, 424.30, and 424.31 may be paid to a fireman on retirement and this even though his disability did not originate from his service as fireman. OAG May 20, 1948 (198-B-6-D).

The unquestioned rule is that a pension granted by the public authorities is not a contractual obligation, but a gratuitous allowance in the continuance of which the pensioner has no vested right; and that a pension is accordingly terminable at the will of the grantor. The bylaws of the firemen's relief association of Nashwauk may be amended so as to increase or decrease service pensions or so as to grant to members a lump sum payment in lieu of monthly payments. OAG May 26, 1948 (688-M).

No benefit is payable out of village fire department relief association funds in case of a fireman who dies before reaching the age of 50 years. The statute governs. OAG Aug. 16, 1948 (688-M).

The relief association of the city of Wayzata may pay a lump sum pension if so authorized under its bylaws. The association may pay a death benefit upon the death of a retired member if the articles of incorporation are amended to provide that such retired member will be deemed to be a member within the definition contained in the articles. OAG June 14, 1950 (688-M).

The bylaws of the fire department relief association of Fairmont may be amended to provide for a lump sum payment of service pensions. OAG July 2, 1952 (688-M).

69.07-69.13 Repealed, 1953 c 399 s 31.

### 69.25 FIREMEN'S RELIEF ASSOCIATIONS IN CITIES OF FIRST CLASS

Duluth firemen's relief association has power under Laws 1947, Chapter 144, to limit, by the bylaws of its association, the amount payable to a service pensioner on the rolls at the time Chapter 144 became effective to \$65 per month. OAG March 9, 1949 (688-M).

### 69.27 MEMBERS

HISTORY. 1933 c 177 s 3; 1951 c 557 s 1.

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## FIRE AND POLICE AID AND RELIEF 69.54

### 69.28 ELIGIBILITY

HISTORY. 1933 c 177 s 4; 1937 c 155 s 1; 1941 c 258 s 1; 1953 c 570 s 1.

### 69.30 OFFICERS; DUTIES; BONDS

The status of a trustee of a firemen's relief association is the same as that of a director of a private business corporation. Accidental injuries and disability sustained by a trustee of a relief association while returning from a special meeting which he had been instructed to attend were the result of an accident "arising out of and in the course of employment." *Cosgriff v Duluth Firemen's Relief Assn.*, 233 M 233, 46 NW(2d) 250.

### 69.36 TAX LEVY

HISTORY. 1933 c 177 s 18; 1935 c 87 s 1; 1937 c 279 s 1; 1943 c 316 s 1; 1947 c 145 s 1; 1951 c 273 s 1.

### 69.38 ASSOCIATIONS TO MANAGE FUNDS

Laws 1947, Chapter 43, providing for the organization and government of certain existing fire department relief associations, for the purposes for which they may disburse their funds, including pensions and benefits, and for continuance therein of members who were such as of the effective date of the statute and of payment to them of any pensions or other benefits which had been allowed or which were being paid by any such association under or in accordance with any prior act or acts when the statute became effective, continues in force the memberships of such members and the payment to them of any such pensions and benefits. *Aberle et al v Fari-bault Fire Department Relief Assn.*, 230 M 353, 41 NW(2d) 813.

### 69.44 PAYMENTS; AMOUNTS

HISTORY. 1933 c 177 s 20; 1947 c 144 s 1; 1949 c 573 s 1; 1951 c 557 s 2; 1953 c 80 s 1.

### 69.45 RETIREMENT PAY

HISTORY. 1933 c 177 s 21; 1947 c 144 s 2; 1949 c 573 s 2; 1951 c 557 s 2; 1953 c 80 s 2.

### 69.48 PENSIONS TO WIDOW AND CHILDREN OF MEMBERS

HISTORY. 1933 c 177 s 24; 1949 c 573 s 3; 1951 c 557 s 4.

In the absence of language indicating intent to the contrary, when the word "child" is used in a statute it means a legitimate child only and not a child born out of wedlock; and this even though the father in writing and before a competent attesting witness did claim himself to be the father of the child. *Jung v St. Paul Fire Department Assn.*, 223 M 402, 27 NW(2d) 151.

69.485 Repealed, 1953 c 80 s 3.

### 69.53 ACTS REPEALED; EXCEPTIONS

Duluth firemen's relief association has power under Laws 1947, Chapter 144, to limit, by its bylaws, the amount payable to a service pensioner on the rolls at the time Chapter 144 became effective to \$65 per month. OAG March 9, 1949 (668-M).

### 69.54 SURCHARGE ON PREMIUMS TO RESTORE DEFICIENCY IN SPECIAL FUND

No court has jurisdiction to render a declaratory judgment in the absence of a justiciable controversy. The controversy must be justiciable in the sense that it involves distinct and concrete assertions of right and the contest thereof touching the

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legal relations of parties having adverse interests in the matter with respect to which the declaration is sought and must admit of specific relief by a decree or judgment of a specific character as distinguished from an opinion advising what the law would be upon a hypothetical state of facts. *Hassler v Engberg*, 233 M 487, 48 NW(2d) 346.

Under an invitation by the housing authority for bids relating to the furnishing of insurance, the housing authority did not have any right after the bids were opened to permit change of bids to show cost of surcharge. OAG April 21, 1953 (430).

## 69.57 UNNECESSARY

### CHAPTER 70

#### RATE REGULATIONS

**70.01-70.32** Renumbered, 79.01 to 79.32.

#### CASUALTY AND SURETY RATES

##### **70.35 PURPOSE OF SECTIONS 70.35 TO 70.51**

Rates and rate-making organizations. 32 MLR 231.

State supervision of rating bureaus. 32 MLR 241.

#### MARINE RATES

##### **70.60 PURPOSE OF SECTIONS 70.60 TO 70.75**

Rates and rate-making organizations. 32 MLR 231.

State supervision of rating bureaus. 32 MLR 241.

##### **70.61 SCOPE OF SECTIONS 70.60 TO 70.75**

A policy ordered in form of transportation coverage does not automatically and entirely become an inland marine insurance with respect to property which is not being transported, so as to avoid Minnesota statute providing requisites and forms for fire insurance policies. *Vermes Jewelry Co. v Firemen's Fund Co.*, 92 F. Supp. 905; 185 F(2d) 142.