

CHAPTER 424

FIREMEN'S RELIEF AND RETIREMENT

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NOTE: For definitions, see chapter 69.

424.01 FIREMEN'S RELIEF ASSOCIATION IN CITIES OF SECOND CLASS.

The fire department of each city of the second class in this state shall maintain a firemen's relief association which shall be incorporated under the laws of the state. All such associations now existing as such corporations, or hereafter incorporated under the laws of this state, shall have perpetual corporate existence.

[1941 c. 267 s. 1]

424.02 ORGANIZATION; OPERATION. Each relief association shall be organized, operated, and maintained in accordance with its own articles of incorporation and bylaws, by firemen, as hereinafter defined, who are members of the fire departments. Each association shall have power to regulate its own management and its own affairs, and all additional corporated powers which may be necessary or useful; subject to the regulations and restrictions of sections 424.01 to 424.29, and other laws of this state pertaining to corporations, not inconsistent herewith.

[1941 c. 267 s. 2]

424.03 MEMBERS, DEFINITIONS; RIGHTS. A fireman under sections 424.01 to 424.29 is one who is regularly entered on the payroll of one of the fire departments, serving on active duty with a designated fire company therein, or having charge of one or more of the companies and engaged in the hazards of fire-fighting; and includes all members of the electrical and mechanical divisions of the fire departments who are subject to like hazards; and shall include all volunteer firemen of the city not on the payroll who regularly comply with such rules as may be prescribed by the governing body of the city for service by volunteer firemen with the fire department of the city, and who by reason of their status as such volunteer firemen are engaged in the hazards of fire-fighting. Substitutes and persons employed irregularly from time to time shall not be included.

All persons who are members of the relief associations on April 16, 1941, or who were members of a firemen's relief association in a municipality which shall have become a city of second class by reason of adoption of a home rule charter or increase in its population, whether their status is embraced within the definition of a fireman herein contained or otherwise, shall have the right to continue as members of their respective associations and be entitled to all benefits pertaining thereto, and any member included under the definition of firemen herein provided shall have the right to retain his membership on promotion or appointment to other positions to which such firemen herein may be subject.

Sections 424.01 to 424.29 shall not affect any pensions or other benefits which have been allowed or which are being paid by any such relief association under or in accordance with any prior law on April 16, 1941; or as of the date that the municipality may become a city of the second class by reason of the adoption of a

home rule charter, or increase in its population. Payment of such pensions and benefits shall be continued by the respective associations, subject only to the provisions of section 424.18.

[1941 c 267 s 3; 1955 c 289 s 1]

424.04 MEMBERS. Every fireman, as defined in section 424.03, 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 a member shall, not later than 90 days from the time when he is regularly entered on the payrolls of the fire department, make written application for membership in the relief association on forms supplied by the association, accompanied by one or more physician's certificates as required by the bylaws of the association. After the application has been filed, the board 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 from the date applicant was entered on the payroll of the fire department. No fireman who is more than 35 years of age when his application is filed can become a member of the relief association, except that such age limitation of 35 years shall not apply on application for reinstatement in the association.

[1941 c. 267 s. 4]

424.05 MAY EXCLUDE CERTAIN PERSONS. Each firemen'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 the association.

[1941 c. 267 s. 5]

424.06 OFFICERS; TRUSTEES. The officers of the 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 any such associations. The affairs of each association shall be managed by a board of trustees elected in the manner prescribed by the articles of incorporation of the association.

The secretary and treasurer of each relief association shall each furnish a corporate bond to the association for the faithful performance of their duties, in amounts as the association from time to time may determine. Each relief association shall be and is hereby authorized to pay the premiums on such bonds from its general fund.

[1941 c. 267 s. 6]

424.07 SECRETARY AND TREASURER TO PREPARE STATEMENT OF RECEIPTS AND EXPENDITURES. The secretary and treasurer of every association, prior to March 1 each year, shall prepare and sign jointly, 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 for what purpose the money has been paid and expended, and the balance of the fund. They shall file duplicate original copies thereof with the treasurer of the city in which the association is located, and with the county auditor and public examiner. No money shall be paid to a relief association by either the county auditor or the city in which the association is located until the report is filed.

[1941 c 267 s 7; 1969 c 1001 s 9]

424.08 CITY CLERK TO FILE REPORT OF EXISTENCE OF ASSOCIATION. The clerk of every city of the second class having a firemen's relief association shall, on or before March 1 each year, make and file with the insurance commissioner of this state and the county auditor his certificate stating the existence of the firemen's relief association and any other facts the commissioner or auditor may require.

[1941 c 267 s 8; 1969 c 1001 s 10]

424.09 INSURANCE COMMISSIONER TO INFORM INSURANCE COMPANIES OF EXISTENCE OF ASSOCIATIONS. The insurance commissioner

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shall enclose, in his annual statement blank sent by him to all fire insurance companies doing business in this state, a blank form containing the names of all firemen's relief associations in all cities of the second class and names of the cities, and require the companies, at the time of making their annual statements to the insurance commissioner, to state on these 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 first 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 the relief association paid in such year by such companies upon such insurance premiums.

[1941 c. 267 s. 9]

424.10 [Repealed, 1969 c 1001 s 11]

424.11 [Repealed, 1969 c 1001 s 11]

424.12 TAX LEVY, SALARY DEDUCTIONS, BENEFIT PAYMENTS. Subdivision 1. The city council or other governing body of each city wherein such a relief association is located shall each year, at the time the tax levies for the support of the city are made, and in addition thereto, levy a tax not to exceed one mill on all taxable property within the city.

Subd. 2. When the balance in the special fund of any firemen's relief association in any city of the second class is less than \$100,000 the city council or commission or other governing body, shall, each year, at the time the tax levies are made for the support of the city, and in addition thereto, levy a tax of one mill on all taxable property in such city. When the fund shall reach or exceed \$100,000, the levy, each year, shall be one-tenth of one mill. In addition, 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 two percent of the lowest salary paid to any fireman, and transfer the total thereof to the treasurer of the special fund of the firemen's relief association who shall credit this total to the special fund and to the credit of the individual fireman.

Subd. 3. When the balance in the special fund of any firemen's relief association in any city of the second class is less than \$75,000 the city council or commission or other governing body, may, each year at the time the tax levies are made for the support of the city, and in addition thereto, levy a tax of one mill on all taxable property in the city in addition to the levies provided in subdivisions 1 and 2. If this tax is levied, the city treasurer, finance commissioner, or other officer charged with the responsibility of the city's finances, shall, each month, deduct four percent of the lowest salary paid to any fireman, and transfer the total thereof to the treasurer of the special fund of the firemen's relief association who shall credit this total to the special fund and to the credit of the individual fireman. This deduction shall be in lieu of any deduction under subdivision 2.

Subd. 4. If a fireman in such city of the second class is separated from the service due to resignation or some reason not involving malfeasance, nonfeasance, moral turpitude, injury, death, or other disability, the treasurer of the special fund shall return to the fireman all of the amounts so deducted from his base pay without interest. Members of the fireman's relief association in such city of the second class who were in cities of the second class receiving a firemen's pension on January 1, 1941, and who were active on January 1, 1941, and who joined the association thereafter, or their beneficiaries, shall receive as benefit payments, according to the rules of the association, amounts to be determined by the board of trustees of the association, but these amounts shall be no more than \$125 per month. The tax so levied shall be transmitted with other tax levies to the auditor of the county in which the city is situated, and by the county shall be collected and payments thereof enforced when and in like manner as state and county taxes are paid.

[1941 c 267 s 12; 1943 c 567 s 1; 1945 c 241 s 1; 1947 c 28 s 1; 1949 c 139 s 1; 1951 c 522 s 1; 1953 c 234 s 1; 1955 c 164 s 1]

424.13 COUNTY TREASURER TO PAY OVER TAXES COLLECTED. As soon as practical, after the first day of June and the first day of November in each year, the treasurer of each county shall pay to the treasurer of each relief association

within the county the amount of the tax then collected, and payable to the association together with all interest and penalties so collected, and all interest paid thereon between the time of collection and the time of payment to the relief association. The city treasurer of such city, in the event the tax or any part thereof is paid to him, shall likewise pay the same to the treasurer of the relief association in the city as soon as the same has been collected, together with all interest and penalties collected thereon.

[1941 c. 267 s. 13]

424.14 RELIEF ASSOCIATIONS TO HAVE CUSTODY OF FUNDS. Each 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:

(1) Funds derived from the State of Minnesota and interest from the investment thereof;

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

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

[1941 c. 267 s. 14]

424.15 MONEY TO BE KEPT IN TWO FUNDS. 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 shall be deposited in the special fund, and expended only for 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.

[1941 c. 267 s. 15]

424.16 SPECIAL FUND; DISBURSEMENT; SEGREGATION IN CASE OF VOLUNTEER MEMBERS. The amounts so paid to relief association by the state and each city under the provisions of sections 424.01 to 424.29 and by it set aside and deposited as a special fund, shall be appropriated and disbursed by each such association for the following purposes:

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

(2) For payment of disability and service pensions to members of the relief associations.

(3) In any city of the second class in which members of the firemen's relief association include volunteer firemen the special fund shall be segregated into two accounts, one of which shall be for the benefit of members who are volunteer firemen, and the other for the benefit of members who are paid firemen. All moneys received by the association which are derived from payroll deductions from paid firemen's salaries under section 424.12 shall be paid into the account of the fund for the benefit of paid firemen only. Funds received from other sources shall be allocated between the account for the benefit of paid firemen and the account for the benefit of volunteer firemen in such proportions as shall be designated by the governing body of the city from time to time. In the event the governing body of the city shall abolish the volunteer branch of its fire department any surplus remaining in the account of the fund for the benefit of volunteer firemen after discharging all obligations to those who are volunteer members at the time of such abolition shall be paid into the account of the fund for the benefit of paid firemen. Any funds of a firemen's relief association in a municipality which shall have become a city of the second class by adoption of a home rule charter, or increase in its population, may be allocated by action of the governing body of such city between the respective accounts of the special fund of the relief association for the benefit of paid firemen and volunteer firemen if, prior to becoming a city of second class, the municipality shall have had a relief association whose members included volunteer firemen.

(4) For the payment of necessary expenses of administering such fund, including the secretary's and treasurer's salaries.

[1941 c 267 s 16; 1955 c 289 s 2; 1957 c 179 s 1]

424.165 SPECIAL FUND, MAINTENANCE. Subdivision 1. **Surcharge.** When the balance in the special fund of any firemen's relief association in any city of the second class is less than \$50,000 as determined by any such association's board of trustees, which fact shall be duly certified to by the public examiner, such board of trustees may thereupon file its duly verified petition for relief, accompanied by such certificate, with the commissioner of insurance. The commissioner of insurance shall thereupon order and direct a surcharge to be collected of two percent of the fire, lighting and sprinkler leakage gross premiums, less return premiums, on all direct business received by any foreign or domestic fire insurance company on property in such city of the second class, or by its agents for it, in cash or otherwise, until the balance in the special funds of such relief association amounts to \$50,000 and for a period of 15 days thereafter. As soon as the balance in said special fund amounts to \$50,000 the board of trustees of such relief association shall certify that fact to the commissioner of insurance and the commissioner of insurance shall forthwith issue his order ordering and directing that the collection of such surcharge shall be discontinued after the expiration of said 15-day period and shall forthwith mail a copy of the order last mentioned to each insurance company affected thereby. Said surcharge shall be due and payable from such companies to the state treasurer in semi-annual installments on June 30 and December 31 of each calendar year to be kept by the state treasurer in a separate fund and if not paid within 30 days after such dates a penalty of three percent shall accrue thereon and thereafter such sum and penalty shall draw interest at the rate of one percent per month until paid.

Subd. 2. **Issuance of warrant.** The state auditor on July 31, 1938, and semi-annually thereafter, shall issue and deliver to the treasurer of such relief association in such city his warrant upon the state treasurer for an amount equal to the total amount of said surcharge on said premiums within such city theretofore so collected and transmitted to the state treasurer by such insurance companies. Said warrants shall be paid out of said separate fund hereinbefore provided for, and the payment in each case shall be made to the treasurer of the relief association presenting the warrant.

There is hereby appropriated to such firemen's relief association, from such fund or account in the state treasury to which the money was credited, such sums as may, from time to time, be necessary to pay these warrants.

Subd. 3. **Funds to be kept in special fund.** The treasurer of such relief association shall place the money received by him in payment of any such warrant in the special fund of such relief association.

Subd. 4. **Emergency declared to exist.** An emergency exists and this section shall be construed as a relief measure for firemen's relief associations in any city of the second class.

[1937 c 109 s 1-4; 1955 c 199 s 1; 1959 c 158 s 30] (1648-1, 1648-2, 1648-3, 1648-4)

424.17 RELIEF, DETERMINATION OF ENTITLEMENT; VOLUNTEERS INCLUDED. Each 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, and to fix the age limit of children to which pensions may be paid. When the total assets of the association shall amount to \$50,000 or more, it shall have the right to pay to its members the maximum amounts specified in sections 424.01 to 424.29. The bylaws of such association shall provide for payment of a service pension to volunteer firemen who are members of the association, which service pension shall be paid in a lump sum in an amount not exceeding \$100 per year of service, to a retiring member or widow or minor children of a deceased member who qualifies for a service pension by reason of having reached the age of 50 years, and who has done active duty for 20 years or more as a volunteer fireman of the fire department in the municipality where the association exists. The bylaws of such association may provide for payment of a service pension to volunteer firemen who are members of the association, which service pension shall be paid in a lump sum, in an amount not exceeding \$100 per year of service, to a retiring member, who qualifies for a service pension by reason of having become physically disabled (as certified by a physician designated by the governing body of the municipality) so that he cannot continue with his duties as a volunteer fireman of the fire department in the municipality where the association exists, or to the widow or minor children of a deceased mem-

ber who dies before reaching the age of 50 years, and before rendering 20 years active duty as a volunteer fireman. No other pension or benefit shall be payable to members of the association who are volunteer firemen, provided that, if the services of all volunteer firemen are discontinued and the volunteer division of the fire department abolished by the municipality, the volunteer firemen who are members of the association at the time of such discontinuance and abolishment shall be paid a service pension, in a lump sum, in an amount not to exceed \$100 per year of service rendered prior to such discontinuance and abolishment. In determining the period of service of any individual member of the association for the purpose of computation of service requirements in connection with payment of any pensions or other benefits specified by the bylaws of the relief association, or any provision of sections 424.03 to 424.29, service of a volunteer or paid fireman of the fire department of the municipality in which the relief association is situated, and membership in a firemen's relief association in such municipality prior to said municipality becoming a city of the second class, shall be taken into account on the same basis as if said municipality had been a city of the second class during all of the time such service was rendered.

[1941 c 267 s 17; 1955 c 289 s 3; 1957 c 179 s 2]

424.18 MAY REDUCE AMOUNT OF PENSION. The firemen's relief association shall at all times have and retain the right to reduce the amount of pensions and benefits to be thereafter paid out of its funds; when its total funds, as determined by its board of trustees, are less than \$25,000 and within the limits described in sections 424.01 to 424.29, the associations shall have and retain the right to increase or otherwise adjust the pensions and benefits after same have been so reduced.

[1941 c. 267 s. 18]

424.19 RELIEF. A member of such association who, by reason of sickness or accident, becomes disabled from performing his assignment of duties on the fire department, shall be entitled to the relief as the bylaws of the association may provide. No allowances for the disabilities shall be made unless notice of the 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.

[1941 c. 267 s. 19]

424.20 MEMBERS TO RECEIVE DISABILITY BENEFITS. A member of any such relief association entitled to disability benefits shall receive the same from his association for such periods of time, at such times, and in such amounts not to exceed \$75 per month as the bylaws of the association provide.

[1941 c. 267 s. 20]

424.21 MEMBERSHIP. A member of the association, as defined in section 424.03, who has completed a period or periods of service on the fire department 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 a pension of not less than \$50 nor more than \$75 per month provided that the bylaws of a relief association in a city of second class situated in a county in which there is also a city of first class may provide for a pension of not more than a sum equal to one-half of the salary as payable from time to time during the period of the pension payment to firemen of the highest grade (not including officers of the department) in the employ of the municipality, such pension to be payable for his natural life in conformity with the bylaws of each association. 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 computing the period of service; and all periods of time during which a member received a disability pension shall be excluded in the computation. 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. No member shall be entitled to draw both a disability and a service pension. The bylaws of each association may provide for these increases, or any portion thereof; provided, that in no event shall the total pension exceed the sum of \$75 per month; provided that the bylaws of a relief association in a city of second class situated in a county in which there is also a city of first class may provide for a pension of not more than a sum equal to one-half of the monthly salary of a

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fireman of the highest grade (not including officers of the department) in the employ of the municipality from time to time during the period of the pension payment.

[1941 c 267 s 21; 1957 c 179 s 3]

424.22 RETIREMENT. 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 the application is approved by the association. Any person making the 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.

[1941 c. 267 s. 22]

424.23 MILITARY SERVICE INCLUDED IN SERVICE. Any applicant for a service pension who, subsequent to his entry into the service of the fire department, has served in the military forces of the United States in the world war, or having during the war entered the employment of the government of the United States and in such service rendered fire prevention service during the war, and has returned, after his honorable discharge from such service, and resumed active duty in the fire department, the period of his absence in the 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 the fire department.

[1941 c. 267 s. 23]

424.24 PENSIONS TO SURVIVORS. When a service pensioner, disability pensioner, or deferred pensioner, or an active member of such relief association dies, leaving:

(1) 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 the 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 the 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 purposes of this section.

(2) 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 the decedent was withdrawn from the payroll of the fire department, such widow and the child or children shall be entitled to a pension or pensions as follows:

(a) To such a widow a pension of not less than \$25, and not to exceed \$50 per month; provided that the bylaws of a relief association in a city of second class situated in a county in which there is also a city of first class may provide for a pension of not more than a sum equal to 40 percent of the monthly salary of a fireman of the highest grade (not including officers of the department) in the employ of the municipality from time to time during the period of the pension payment, as the bylaws of the association provide for her natural life; provided, that if she remarries, such pension shall cease and terminate as of the date of her remarriage.

(b) To such child or children, if their mother is living, a pension of not to exceed \$15 per month; provided that the bylaws of a relief association in a city of second class situated in a county in which there is also a city of first class may provide for a pension of not more than a sum equal to five percent of the monthly salary of a fireman of the highest grade (not including officers of the department) in the employ of the municipality from time to time during the period of the pension payment, for each child up to the time each child reaches the age of not less than 16, and not to exceed an age of 18 years, in conformity with the bylaws of each association; provided, the total pension hereunder for the widow and children of the deceased member shall not exceed the sum of \$75 per month; provided that the bylaws of a relief association in a city of second class situated in a county in

which there is also a city of first class may provide for a pension of not more than a sum equal to 50 percent of the monthly salary of a fireman of the highest grade (not including officers of the department) in the employ of the municipality from time to time during the period of the pension payment.

(c) A child or children of a deceased member receiving a pension or pensions hereunder shall, after the death of their mother, be entitled to receive a pension or pensions in the amount or amounts as the board of trustees of the association shall deem necessary to properly support the child or children until they reach the age of not less than 16, and not more than 18 years, as the bylaws of each association may provide; but the total amount of such pension or pensions hereunder for any such child or children shall not exceed the sum of \$75 per month; provided that the bylaws of a relief association in a city of second class situated in a county in which there is also a city of first class may provide for a pension of not more than a sum equal to 50 percent of the monthly salary of a fireman of the highest grade (not including officers of the department) in the employ of the municipality from time to time during the period the pension payment is payable.

[1941 c 267 s 24; 1957 c 179 s 4]

424.25 BOARD OF EXAMINERS. The 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 and report on all applications for membership in the association; investigate and make report on all applications for disability pension and make recommendations as to amount to be paid to the applicant; investigate and make report on all disability pensioners, and make recommendations as to amount of pension to be paid to them from year to year; and investigate and report on all applications for service pensions, and claims for relief. This board shall consist of a competent physician selected by the association, and at least three members of the relief association on active duty with the fire department.

[1941 c. 267 s. 25]

424.26 PUBLIC EXAMINER TO EXAMINE ACCOUNTS. 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 sections 424.01 to 424.29, he shall report the same to the governor, who shall thereupon direct the state auditor not to issue any further warrants to the 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.

[1941 c. 267 s. 26]

424.27 PAYMENTS EXEMPT FROM LEGAL PROCESS. All payments made or to be made by any relief associations under any of the provisions of sections 424.01 to 424.29 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.

[1941 c. 267 s. 27]

424.28 WORKMEN'S COMPENSATION ACT NOT AFFECTED. Sections 424.01 to 424.29 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.

[1941 c. 267 s. 28]

424.29 PENSIONS TO BE UNIFORM. All pensions paid to firemen or their widows pursuant to the provisions of sections 424.01 to 424.29 shall be uniform except as may be specifically provided for therein.

[1941 c. 267 s. 31]

424.30 TAX FOR RELIEF FUND. Subdivision 1. The council or other governing body of each village or city in this state, other than cities of the first and second class and other than any city or village operating under Laws 1935, Chapters 153, 192, and 208, and Laws 1939, Chapter 434, and Laws 1941, Chapter 196, or acts amendatory thereof, which has a regularly organized fire department, shall each

year, at the time the tax levies are made for the support of the village or city, and in addition thereto, levy a tax of one-tenth of a mill on all the taxable property of such village or city; and it may, when it deems it necessary or desirable so to do, levy an additional amount not to exceed one and nine-tenths mills. The tax so levied shall be transmitted to the auditor of the county in which the village or city is situated at the time all other tax levies are transmitted, and shall be collected, and payment thereof enforced. If the governing body of any such city or village having a duly incorporated firemen's relief association fails to include the one-tenth mill tax in its levy for 1960 or any subsequent year, the board of trustees of the association may certify that fact to the county auditor, who shall thereupon add the omitted levy to the city and village levy for that year, or, if then too late, for the next following year.

Subd. 2. The village or city treasurer, when the tax is received by him, shall pay the same over to the treasurer of the duly incorporated firemen's relief association of such village or city, if there is one organized, together with all penalties and interest collected thereon; but if there is no firemen's relief association so organized in any such village or city, or if any such association resign, be removed or has heretofore resigned or has been removed as trustee of such money, then the treasurer of such municipality shall keep the money in a special fund to be disbursed only for the purposes authorized by section 424.31 or for the equipment and maintenance of the fire department and for construction, acquisition, or repair of buildings, room, and premises for fire department use.

[1909 c 197 s 1; 1937 c 349 s 1; 1943 c 323 s 1; 1953 c 379 s 1; 1953 c 521 s 2; 1959 c 509 s 1] (1919)

424.31 BOARD OF TRUSTEES OF FIREMEN'S RELIEF ASSOCIATIONS.

The board of trustees of every firemen's relief association of this state shall be composed of the following persons: Six trustees elected annually by such firemen's relief association from its own members and the following ex officio members taken from the officers of the municipality in which the relief association is located, the mayor or president, the recorder or clerk, the treasurer, and the chief of the fire department thereof; and any such board of trustees of a duly incorporated relief association shall have exclusive control and management of all funds received by its treasurer under the provisions of sections 424.30 and 424.31, funds derived from the State of Minnesota, and all moneys or property donated, given, granted, or devised for the benefit of these funds, and such funds when received shall be kept in a special fund on the books of the secretary and treasurer of the association and never disbursed for any purpose except the following:

(1) For the relief of sick, injured, and disabled members of any fire department in such village or city;

(2) For the payment of pensions to disabled firemen and the widows and orphans of firemen;

(3) For the payment of pensions to retired firemen pursuant to the laws of the state;

(4) For the payment of the fees, dues, and assessments in the Minnesota state fire department association, and in the volunteer firemen's benefit association of Minnesota so as to entitle the members of any qualified fire department to membership in and benefits of such state association;

(5) For the payment of such death or funeral benefits as may be from time to time stipulated in the bylaws of the respective relief associations; and

(6) For the payment of necessary expenses of administering such fund, including the secretary's and treasurer's salaries.

The term "widow" means a woman who was the wife of a fireman or pensioner during the time he was an active fireman, provided that she was married to him three or more years prior to the time when such fireman retired as a service pensioner. The term "widow" shall not include the surviving wife who has deserted a fireman or pensioner or who has not been dependent upon him for support.

The funds received by any relief association from dues, fines, initiation fees, and entertainments shall be kept in a fund called the general fund and may be disbursed for any purposes authorized by the articles of incorporation and bylaws of the

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association. The relief association is hereby authorized and empowered to invest its funds in such income-paying properties and securities as the council of the village or city in which such organization is located shall from time to time authorize. Benefits shall in all cases be within the limits authorized by state law and in accordance with the articles of incorporation and bylaws of the association.

[1909 c 197 s 2; 1923 c 163 s 1; 1929 c 166; 1931 c 71; 1933 c 135; 1937 c 349 s 2; 1945 c 206 s 1; 1957 c 177 s 1] (1920)