

CHAPTER 69

FIRE AND POLICE DEPARTMENT AID; FIREMEN'S
AND POLICEMEN'S RELIEF

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69.01 [Repealed, 1969 c 1001 s 11]

69.011 QUALIFYING FOR STATE AID. Subdivision 1. **Definitions.** Unless the language or context clearly indicates that a different meaning is intended, the following words and terms shall for the purposes of chapter 69 and chapter 424 have the meanings ascribed to them:

(a) "Commissioner" means the commissioner or director of insurance.
 (b) "Municipality" means any city of any class, village, borough and organized town.

(c) "Minnesota Firetown Premium Report" means a blank form containing space for reporting by insurers of fire, lightning, sprinkler leakage and extended coverage premiums less return premiums and dividends received upon risks located or to be performed in this state.

(d) "Firetown" means any municipality having a qualified fire department or a qualified incorporated fire department having a retirement plan.

(e) "Average State Aid" means the sum of the amount of aid apportioned for firemen pensions or services the previous two years plus the amount of aid computed for apportionment by the assessed property valuation and population basis for the current year divided by three.

(f) "Assessed Property Valuation" means latest available assessed value of all property in a taxing jurisdiction, whether such property is subject to taxation, or exempt from ad valorem taxation for any reason, appearing on abstracts filed with the commissioner of taxation or equalized by the state board of equalization.

(g) "Minnesota Aid to Police Premium Report" means a blank form containing space for reporting by each fire and casualty insurer of all premiums less return premiums and dividends received upon direct business received by it in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year, with reference to insurance written for insuring against the perils contained in auto liability-bodily injury, auto liability-property damage, and auto physical damage as reported on lines 19, 20, and 21 of page 14 of the fire and

casualty insurance companies annual financial statement which each insurer is required to file with the commissioner in accordance with the governing laws or regulations.

(h) "Qualifying municipality" means any municipality having a qualified police department as provided by subdivision 4, clause (2).

Subd. 2. Clerk to file certificate. (a) On or before March 1 annually the clerk of each municipality having a duly organized fire department as provided in subdivision 4, clause (1) or the secretary of nonprofit fire fighting corporations having a relief and retirement plan or incorporated firemen's relief association shall certify that fact and the fire personnel and equipment of the fire department as of the preceding December 31 to the commissioner on a form prescribed by him together with the other facts the commissioner may require. The certification shall be made to the commissioner in duplicate. Each copy of the certificate shall be duly executed and deemed an original. The commissioner shall forward one copy to the auditor of the county wherein the fire department is located and retain one copy.

(b) On or before March 1 annually the clerk of each municipality having a duly organized police department as provided in subdivision 4, clause (2) and having a duly incorporated relief association or a special police department fund within its treasury shall certify that fact to the county auditor of the county where the police department is located and to the commissioner on a form prescribed by him together with the other facts the commissioner or auditor may require.

Subd. 3. Failure to file certificate deemed waiver. If the certificate required by this section is not filed with the commissioner within the time prescribed by this section the municipality or nonprofit fire fighting corporation shall be deemed to have relinquished its rights for the year to the benefits under this chapter. Failure to receive the certificate form cannot be used as a defense for not filing.

Subd. 4. Qualification for state aid. (1) Any municipality in this state having for more than one year an organized fire department and officially established by the governing body of the municipality or an independent nonprofit fire fighting corporation created under the nonprofit corporation act of this state and operating exclusively for fire fighting purposes and providing retirement and relief benefits to its members or having a separate subsidiary incorporated firemen's relief and pension association providing retirement and relief benefits may qualify to receive state aid if it meets the following minimum requirements or equivalent as determined by the state fire marshal by July 1, 1972:

(a) Ten paid or volunteer firemen including a fire chief and assistant fire chief, and

(b) Regular scheduled meetings and frequent drills including instructions in fire fighting tactics and in the use, care, and operation of all fire apparatus and equipment, and

(c) A motorized fire truck equipped with a motorized pump, 250 gallon or larger water tank, 300 feet of one inch or larger fire hose in two lines with combination spray and straight stream nozzles, five-gallon hand pumps—tank extinguisher or equivalent, dry chemical extinguisher or equivalent, ladders, extension ladders, pike poles, crow bars, axes, lanterns, fire coats, helmets, boots, and

(d) Apparatus suitably housed in a building of good construction with facilities for care of hose and equipment, and

(e) A reliable and adequate method of receiving fire alarms by telephone or with electric siren and suitable means of sounding an alarm, and

(f) If response is to be provided outside the corporate limits of the municipality wherein the fire department is located, the municipality has another piece of motorized apparatus to make the response, and

(g) Other requirements the commissioner establishes by rule.

(2) Any municipality in this state having for more than one year an organized police department established by the governing body of the municipality may qualify to receive state aid.

Subd. 5. Fire departments to be inspected by state fire marshal. It shall be the duty of the state fire marshal or his appointed deputy or designated assistants to inspect, or cause to be inspected, at the time other public buildings are inspected, the fire department of any municipality or nonprofit fire fighting corporations in this state; and, for that purpose, he or any of his deputies or designated

assistants shall have the right to enter or have access thereto at any reasonable hour. When upon inspection, it is found that the fire department inspected does not conform to the requirements of subdivision 4 he shall make a report of the fact and the commissioner shall disqualify the municipality or nonprofit fire fighting corporation from participation in the state aid apportionment provided for in chapters 69 and 424.

[1969 c 1001 s 2; 1971 c 695 s 1; Ex1971 c 6 s 1-3]

69.02 [Repealed, 1969 c 1001 s 11]

69.021 REPORTING PREMIUMS; CALCULATION OF AID. Subdivision 1. **Minnesota Firetown Premium Report and Minnesota Aid to Police Premium Report.** The commissioner of insurance shall, at the time he mails annual statement and tax forms, send blank copies of the Minnesota Firetown Premium Report and when applicable the Minnesota Aid to Police Premium Report to each insurer, including township and farmers mutual insurance companies licensed to write insurance as described in section 69.011, subdivision 1, clause (c) and clause (g) in this state. These reports shall contain space for the insurers name, address, gross premiums less return premiums, dividends, net premiums, certification and other facts the commissioner may require.

Subd. 2. **Report of premiums.** Each insurer, including township and farmers mutual insurers where applicable, shall return to the commissioner with its annual financial statement the reports described in subdivision 1 certified by its secretary and president or chief financial officer. The Minnesota Firetown Premium Report shall contain a true and accurate statement of the total premium for all gross direct fire, lightning, and sprinkler leakage insurance of all domestic mutual insurers and the total premiums for all gross direct fire, lightning, sprinkler leakage and extended coverage insurance of all other insurers, less return premiums and dividends received by them on that business written or done during the preceding calendar year upon property located within the state or brought into the state for temporary use. The fire and extended coverage portion of multi-peril and multiple peril package premiums and all other combination premiums shall be determined by applying percentages determined by the commissioner or by rating bureaus recognized by the commissioner. The Minnesota Aid to Police Premium Report shall contain a true and accurate statement of the total premiums, less return premiums and dividends received, on all direct business received by such insurer in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year, with reference to insurance written for perils described in section 69.011, subdivision 1, clause (g).

Subd. 3. **Penalty for fraudulent, incorrect, incomplete returns and late filing of report.** When it appears that any insurer has made an incomplete or inaccurate report the commissioner shall return the report and demand that a complete and accurate report be filed with him. If the insurer fails to file a report by March 1, annually, or within 30 days after demand by the commissioner the insurer shall be liable and shall pay \$25 for each seven days delinquent or fraction thereof.

Any insurer who knowingly makes and files an inaccurate or false report shall be liable to a fine of not less than \$25 nor more than \$1,000 and the commissioner may revoke the insurer's certificate of authority.

If any person whose duty it is to make the report fails or refuses to make it within 30 days after notification by the commissioner he shall be fined not more than \$1,000. Failure of the insurer to receive a reporting form shall not excuse the insurer from filing the report.

Subd. 4. **Certification to state auditor.** Within six months after January 1 the commissioner shall certify to the state auditor the name of each county qualified to receive state aid and the amount of state aid each county is to receive. At the same time the commissioner shall certify to each county auditor the municipalities or independent fire departments in such county who have qualified to receive state aid and other information he deems necessary to carry out the requirements of this section.

Subd. 5. **Calculation of state aid.** The amount of state aid available for apportionment shall be two percent of the fire, lightning, sprinkler leakage and extended coverage premiums reported to the commissioner by insurers on the Minnesota Firetown Premium Report and one percent of the premiums reported

to the commissioner by insurers on the Minnesota Aid to Police Premium Report. The amount for apportionment in respect to firemen's state aid shall not be greater or lesser than the amount of premium taxes paid to the state upon the premiums reported to the commissioner by insurers on the Minnesota Firetown Premium Report. The total amount for apportionment in respect to state aid shall not be greater or lesser than one half the amount of premium taxes paid to the state upon the premiums reported to the commissioner by insurers on the Minnesota Aid to Police Premium Report. Of the total amount for apportionment in respect to police state aid, 20 percent of this amount shall be paid to the treasurer of the police and fire fund of the public employees retirement association to be applied against the deficit of said fund, and the remaining 80 percent shall be distributed to the counties for apportionment to municipalities maintaining police departments. The commissioner shall calculate the percentage of increase or decrease reflected in the apportionment over or under the previous years available premiums using the same premiums as a basis for comparison.

Subd. 6. Calculation of apportionment of aid to counties. One half of the state aid available shall be distributed to the counties in proportion to their population as shown by the last official statewide federal census. One half of the state aid available shall be distributed to the counties in proportion to their assessed property valuation, excluding mineral values.

In the case of incorporated or municipal fire departments or police departments furnishing fire protection or police service to cities, villages, towns or townships in other counties as evidenced by valid fire or police service contracts filed with the commissioner of insurance and county auditor the distribution to the respective counties shall be adjusted proportionately to take into consideration the crossover fire and police protection service. The amount of firemen's state aid apportioned to each county shall not be less than 100 percent nor more than 150 percent of the average state aid calculated for apportionment to the county. Provided that if the amount of aid so calculated is either greater or less than the amount of aid available as calculated in subdivision 5 each county's proportionate share of the state aid shall be reduced or increased on a percentage basis so that the amount of aid apportioned shall not exceed the amount of tax collected. Other necessary adjustments shall be made to subsequent apportionments. No county shall receive less than provided for under this subdivision.

Subd. 7. Apportionment of aid to municipalities and firemen's relief associations by county auditor. (1) The county auditor shall apportion the state aid received by him relative to the premiums reported on the Minnesota Firetown Premium Reports filed pursuant to this chapter to each municipality and/or firemen's relief association certified to him by the commissioner in the same manner that state aid is apportioned to the counties, one half in proportion to the population and one half in proportion to the assessed property valuation of the fire towns in the county for which aid is proportioned. The county auditor shall apportion the amount of aid to each municipality and/or firemen's relief association in an amount not less than 100 percent nor more than 150 percent of the average state aid calculated for apportionment to the municipality and/or firemen's relief association. Provided that if the amount of aid so calculated is either greater or less than the amount of aid available as calculated in subdivision 5 each municipality's and/or firemen's relief association's proportionate share of the state aid shall be reduced or increased on a percentage basis so that the amount of aid apportioned shall not exceed the amount of tax collected. No municipality or firemen's relief association shall receive less than provided for under this subdivision.

In the case of municipalities or independent fire departments qualifying for the aid the county auditor shall calculate the state aid for the municipality or relief association on the basis of the population and the property valuation of the area furnished fire protection service by the fire department as evidenced by duly executed and valid fire service agreements filed with him. If one or more fire departments are furnishing contracted fire service to a city, village, town or township only the population and valuation of the area served by each fire department shall be considered in calculating the state aid and the fire departments furnishing service shall enter into an agreement apportioning among themselves the percent of the population and the assessed property valuation of each service area. Agreement shall be in writing and filed with the commissioner in duplicate. The commissioner shall forward one copy of the agreement to the

county auditor of the county wherein the fire department is located and retain one copy.

In the case of cities of the first and second class the state aid calculated shall be paid directly to the treasurer of the relief association. In the case of all other municipalities and independent fire department relief associations or retirement plans the aid shall be paid to the treasurer of the municipality where the fire department is located and the treasurer of the municipality shall within 30 days transmit the aid to the relief association if the relief association has filed a financial report with the treasurer of the municipality and has met all other statutory provisions pertaining to the aid apportionment.

The county auditor and commissioner are hereby empowered to make rules and regulations to permit the administration of the provisions of this section.

(2) The county auditor shall apportion the state aid received by him relative to the premiums reported on the Minnesota Aid to Police Premium Reports filed pursuant to this chapter to each municipality in the same manner that state aid is apportioned to the counties, one half in proportion to the population and one half in proportion to the assessed property valuation of the qualifying municipalities in the county for which aid is proportioned.

In the case of municipalities qualifying for the aid the county auditor shall calculate the state aid for the municipality on the basis of the population and the property valuation of the area furnished police protection service by the police department as evidenced by duly executed and valid police service agreements filed with him. If one or more police departments are furnishing contracted police service to an area only the population and valuation of the area served by each police department shall be considered in calculating the state aid or the police departments furnishing service may enter into an agreement apportioning among themselves the percent of the population and the assessed property valuation of service area. Agreement shall be in writing and filed with the county auditor and the commissioner.

In the case of cities of the first and second class the state aid calculated shall be paid directly to the treasurer of the relief association if such an association exists. In the case of all other municipalities or cities of the first and second class if no relief association exists aid shall be paid to the treasurer of the municipality where the police department is located and the treasurer of the municipality shall within 30 days transmit the aid to the police retirement or relief fund if such fund exists and has filed a financial report with the treasurer of the municipality and has met all other statutory provisions pertaining to the aid apportionment.

The county auditor and commissioner are hereby empowered to make rules and regulations to permit the administration of the provisions of this section.

Subd. 8. Population and valuation. In computations requiring the use of population figures only official statewide federal census figures are to be used. Increases or decreases in population disclosed by reason of any special census shall not be taken into consideration.

In calculations requiring the use of assessed property valuation figures only the latest available assessed property valuation figures are to be used.

Subd. 9. Appeal. In the event that any fire or police department feels itself to be aggrieved, it may request the county board of the county wherein the fire or police department is located to review and adjust the apportionment of funds within the county and the decision of the county board shall be subject to appeal, review, and adjustment by the district court in the county.

[1969 c 1001 s 3; 1971 c 695 s 2; Ex1971 c 6 s 4-7]

69.03 [Repealed, 1969 c 1001s 11]

69.031 AUDITORS WARRANT, APPROPRIATION, PAYMENT AND ADMINISTRATION. Subdivision 1. **Auditors warrant.** The state auditor shall issue to the auditor of each county certified to him by the commissioner his warrant for an amount equal to the amount certified to by the commissioner pursuant to section 69.021.

Subd. 2. Payment. The state treasurer shall, upon presentation to him of the warrant of the state auditor as provided for in this section, pay out of the general fund of the state the amount thereof to the auditor of the county presenting the warrant.

Subd. 3. Appropriations. There is hereby appropriated annually from the state general fund to the counties who are entitled to payments under sections

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69.021 and 69.031 an amount sufficient to make the payments specified in these sections not exceeding the tax collected.

Subd. 4. County auditor duties. When the county auditor receives the state aid provided for in subdivision 1, he shall immediately deposit that portion received on account of insurance premiums reported on the Minnesota Firetown Premium Report in a special fund for fire departments and firemen's relief associations and within 30 days calculate and disburse the funds to the municipalities having fire departments and firemen's relief associations who have qualified for aid within the county. He shall deposit the portion of such state aid received on account of insurance premiums reported on the Minnesota Aid to Police Premium Report in a special fund for police departments and police retirement funds and as soon as possible, annually calculate and disburse the funds to qualifying municipalities.

Subd. 5. Deposit of state aid. (1) The municipal treasurer, when the state aid and tax is received by him, shall within 30 days after receipt pay over the portion of it attributed to premiums reported on the Minnesota Firetown Premium Report to the treasurer of the duly incorporated firemen's relief association if there is one organized and the association has filed a financial report with the municipality; but if there is no relief association organized, or if any association dissolve, be removed, or has heretofore dissolved, or has been removed as trustees of state aid, then the treasurer of the municipality shall keep the money in the municipal treasury as provided for in sections 424.30 and 424.31 and shall be disbursed only for the purposes and in the manner set forth in those sections.

(2) The municipal treasurer, when the state aid and tax is received by him, shall within 30 days after receipt pay all state aid received on account of insurance premiums reported in the Minnesota Aid to Police Premium Report to the duly incorporated police relief associations of the police department or to the special police department fund within the treasury of such municipality if no police relief association is in existence.

Subd. 6. Administration. The staff of the statistical-tax audit section, insurance division, shall be under the direction of the incumbent senior auditor, who shall be director of state aid for fire departments, firemen's relief and pension. Under the supervision of the director of state aid shall be an auditor, a senior account clerk, a clerk typist and other personnel and equipment the director may from time to time require to carry out the provisions of the law relating to the collection, apportionment and regulation of state aid for fire departments, firemen's relief and pension.

[1969 c 399 s 1; 1969 c 1001 s 4; 1971 c 695 s 3, 4; Ex1971 c 6 s 8]

69.04 SPECIAL FUND, PAYMENTS. Amounts deposited in the special fund for firemen's relief provided for in sections 424.30 and 424.31 and shall be disbursed only for the purposes and in the manner set forth in those sections.

[R L s 1653; 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; 1971 c 695 s 5] (3726)

69.05 [Repealed, 1969.c 1001 s 11]

69.051 FINANCIAL REPORT, BOND, EXAMINATION. Subdivision 1. **Financial report of association.** The secretary and treasurer of each duly incorporated fire department relief association or police relief association located in any municipality of any class shall annually prepare and sign jointly a detailed financial report of the association's receipts, disbursements and balances in its special and general funds for the preceding calendar year ending December 31, showing for what purpose the money has been paid and expended and any other information the commissioner may require, and, on or before June 30 following, file a copy with the municipality wherein the relief association is located and two copies with the commissioner. The commissioner shall forward one copy to the county auditor of the county wherein the municipality is located. No state aid or tax moneys shall be paid over by the municipality to an association until the report is filed with the municipality. The financial report shall be certified by an independent public accountant who shall give his opinion as to the condition of the funds and comment upon any exception to the report, or in lieu thereof file with the commissioner an audit report prepared by the state public examiner. The fire department relief association shall not qualify to receive future aid until

the report is filed with the commissioner and the requirements of this chapter have been complied with.

Subd. 2. Treasurers bond. No treasurer of a relief association shall enter upon his duties until he has given the association a good and sufficient bond in an amount set by the association for the faithful discharge of his duty according to law.

Subd. 3. Report by municipality. Each municipality having an organized fire department and not having a duly incorporated firemen's relief association shall annually prepare a certified detailed financial report as prescribed by the commissioner of the receipts and disbursements by the municipality for fire protection service during the preceding calendar year, showing for what purposes the money has been paid and expended and any other information the commissioner may require, and, on or before June 30 following, file two duly certified copies with the commissioner. The commissioner shall forward one copy to the county auditor of the county wherein the municipality is located. The municipality shall not qualify to receive future state aid until the report is filed with the commissioner.

NOTE: Subd. 3. was also amended by Laws 1971, Chapter 695, Section 6, to read as follows:

Subd. 3. Report of special fire department fund. The treasurer of each municipality having an organized fire department and not having a duly incorporated firemen's relief association and the treasurer of each municipality having an organized police department and not having a duly incorporated police relief association shall annually prepare a certified detailed financial report of the special fire department fund and the special police department fund showing receipts, disbursements and balances of the fund for the preceding calendar year, showing for what purposes the money has been paid and expended and any other information the state public examiner may require, and, on or before March 1 following, file a copy with the state public examiner and the county auditor. No state aid shall be paid to the municipality if the report is not filed with the county auditor by the due date.

Subd. 4. Examination by commissioner and public examiner. The detailed financial report of relief associations and municipal financial reports for fire protection may be examined by the commissioner, and when he finds that it appears the money, or any part thereof, paid under the provisions of chapter 69 or 424 has been or is being expended for an unauthorized purpose, he shall notify the state public examiner of the fact. The state public examiner may examine the financial reports and records of the firemen's relief association and municipality and when he finds that the money, or any part thereof, paid under the provisions of chapter 69 or 424, has been or is being expended for an unauthorized purpose he shall order the funds restored and take whatever steps he deems necessary to assure restoration. No further aid shall be paid to the municipality until the funds are restored. The relief association shall be liable to the state for the total cost and expenses of such examination.

[1969 c 1001 s 5; 1971 c 695 s 6; Ex1971 c 6 s 9]

69.055 PERSONS UNDER THE AGE OF 18; PERSONS NOT ENTITLED TO BENEFITS. Subdivision 1. **Minors.** It is unlawful to employ a minor under the age of 18 as a volunteer fireman or to permit him to serve with a volunteer fire department.

Subd. 2. Minors, substitutes, probationers. No one serving as a substitute or on probation, nor any fireman in a municipality having an association who is not a member of it, shall be deemed a fireman within the meaning of this chapter and no non-members shall be entitled to benefits specified in this chapter.

Subd. 3. Other exclusions. 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. Additional requirements for entrance fees and annual dues for membership in the association may from time to time be prescribed in the bylaws of the association.

[1949 c 545 s 3; 1969 c 1001 s 6]

69.06 SERVICE PENSIONS. Every fire department relief association organized under any laws of this state when its certificate of incorporation or bylaws so provide may pay out of any funds received from the state, or other source, a service pension in such amount, not exceeding \$40 per month, as hereinafter authorized, or as may be provided by its bylaws, to each of its members who has heretofore retired or may hereafter retire, who has reached or shall hereafter reach the age of 50 years and who has done or hereafter shall do active duty for 20 years or more as a member of a volunteer, paid or partially paid and partially volunteer, fire department in the municipality where the association exists, and who has been or shall hereafter be a member of such fire department relief association at least

ten years prior to such retirement and who complies with such additional conditions as to age, service, and membership as may be prescribed by the certificate or bylaws of the association.

The amount of monthly pension which may be paid to such retired firemen may be increased by adding to the maximum above prescribed an amount not exceeding \$2 per month for each year of active duty over 20 years of service before retirement; provided, that no such fire department relief association shall pay to any member thereof a pension in any greater amount than the sum of \$60 per month.

Any such fire department relief association where the majority of its members are volunteer firemen may provide in its certificate of incorporation or bylaws for a service pension in an amount not exceeding \$200 per year of service to be paid in a lump sum where the retiring member qualifies for a service pension under the provisions hereinbefore set forth.

These pensions shall be uniform in amount, except as herein otherwise provided. No such pension shall be paid to any person while he remains a member of the fire department and no person receiving such pension shall be entitled to other relief from the association. No payments made or to be made by the association to any member on the pension role shall be subject to judgment, garnishment, execution, or other legal process and no person entitled to such payment shall have the right to assign the same, nor shall the association have the authority to recognize any assignment or pay over any sum which has been assigned.

[*R L s 1655; 1907 c 331 s 1; 1917 c 514 s 1; 1933 c 124 s 1; 1945 c 560 s 1; 1957 c 200 s 1*] (3728)

69.07-69.13 [Repealed, 1953 c 399 s 1]

69.22 MEMBERSHIP IN POLICE OR FIRE DEPARTMENT RELIEF ASSOCIATIONS. All employees, whether elective or appointive, and all officers in the service of any municipal police or fire department, telegraph, signal, or alarm service shall be entitled to membership in any incorporated police department relief association or fire department relief association that receives municipal or state aid in cities of 50,000 inhabitants or over, in which a separate bureau of police and fire alarm is provided by law, and these applicants in the association shall, at the time of joining, be given credit only on the first application made under sections 69.22 to 69.24 for the time of actual service in any fire department or police department and signal service, as provided in sections 69.22 to 69.24, notwithstanding any rule, bylaw, municipal charter provisions, or other provision to the contrary.

[1919 c. 68 s. 1] (3745)

69.23 WHO ENTITLED TO RELIEF. The members of the bureau, except unassigned officers thereof, shall only be entitled to make application in the relief association connected with the department to which they have been assigned for duty in the office of the superintendent of the bureau on the twenty-fifth day of January, 1919. The unassigned officers shall be eligible to membership in either of the associations. Credit for time earned shall be allowed only by the police benevolent association for the service so previously spent in the police department and the bureau, and by the fire department relief association for the service so previously spent in the fire department and the bureau. After joining the relief association, any transfer or assignment in the bureau of these employees shall not affect the membership in the relief association. Any appointee to the bureau shall only be entitled to join the fire department relief association in the event that he is filling a vacancy in the fire department service.

[1919 c. 68 s. 2] (3746)

69.24 DUAL MEMBERSHIP PROHIBITED. The members, employees and officers of the alarm, telegraph, or signal service shall not be entitled to membership in both associations at the same time.

[1919 c. 68 s. 3] (3747)

69.25 FIREMEN'S RELIEF ASSOCIATIONS IN CITIES OF FIRST CLASS. The fire departments of each city of the first class in this state shall maintain a firemen's relief association, which shall be duly 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.

[1933 c. 177 s. 1] (3750-1)

69.26 RELIEF ASSOCIATIONS SELF GOVERNING. Each relief association shall be organized, operated, and maintained in accordance with its own articles of incorporation and bylaws, by firemen, as defined in section 69.27, who are members

of the fire departments. Each association shall have power to regulate its own management and its own affairs, and all additional corporate powers which may be necessary or useful; subject to the regulations and restrictions of the laws of this state pertaining to corporations not inconsistent herewith.

[1933 c. 177 s. 2] (3750-2)

69.27 MEMBERS. A fireman under sections 69.25 to 69.53 is one who is regularly entered on the pay-roll of one of the fire departments serving on active duty with a designated fire company thereon or having charge of one or more of the companies and engaged in the hazards of fire fighting; and shall include all members of the electrical and mechanical divisions of these fire departments and all others who are subject to like hazards. Substitutes and persons employed irregularly from time to time shall not be included.

All persons who are members of such relief associations on April 8, 1933, 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 fireman shall have the right to retain his membership on promotion or appointment to other positions to which the fireman may be subject.

Sections 69.25 to 69.53 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 act on April 8, 1933. Payment of these pensions and benefits shall be continued by the respective associations and shall be subject only to the provisions of section 69.42.

[1933 c. 177 s. 3; 1951 c. 557 s. 1] (3750-3)

69.28 ELIGIBILITY. Every fireman shall 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 shall, not later than 90 days from the time 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 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 its report with the secretary of the association. The application must be acted upon by the association within six months from the date applicant was entered on the pay-roll 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.

Any member of the fire department in any city of the first class on January 1, 1941, may be eligible to membership in a firemen's relief association. Such member shall make application within 90 days from and after April 21, 1953. His application must be acted upon by the association within six months thereafter.

Upon the acceptance of the application, the membership of the applicant shall become effective as of the date when he was entered on the payroll of the department, provided the applicant shall make up all dues which he would have paid had he been a member of the firemen's relief association from the date he entered upon the payroll of the department. All payments, benefits, and privileges to which these firemen are entitled as members of that fund shall be governed by sections 69.25 and 69.61.

[1933 c. 177 s. 4; 1937 c. 155 s. 1; 1941 c. 258 s. 1; 1953 c. 570 s. 1] (3750-4)

69.29 EXCLUSION FROM MEMBERSHIP. Each firemen's relief association may exclude all applicants for membership who are not physically and mentally sound so as to prevent unwarranted risks for the association. Additional requirements for entrance fees and annual dues for membership in the association may from time to time be prescribed in the bylaws of the association. Each firemen's relief association may exclude from active membership all members who reach 65 years of age regardless of the provisions of Minnesota Statutes, Sections 197.45 to 197.48. When such members who have reached 65 years of age have been so excluded from active membership in the relief association, they shall be retired and receive a service pension as provided in this chapter.

[1933 c. 177 s. 5; 1957 c. 26 s. 1; 1957 c. 180 s. 1] (3750-5)

69.30 OFFICERS, DUTIES, BONDS. The officers of a 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 association. The affairs of such 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 the treasurer of each such relief association shall each furnish a corporate bond to the association for the faithful performance of his duties in such amount as the association from time to time may determine. Each relief association shall, and it is hereby authorized to, pay the premiums on these bonds from its general fund.

[1933 c. 177 s. 6] (3750-6)

69.31 [Repealed, Ex1971 c 6 s 11]

69.32 CITY CLERK TO FILE REPORT WITH COMMISSIONER. The clerk of each city of the first class having a firemen's relief association shall, on or before March 1 each year, make and file with the county auditor and the commissioner of insurance his certificate stating the existence of the firemen's relief association and any other information the commissioner or auditor may require.

[1933 c 177 s 8; 1969 c 1001 s 8] (3750-8)

69.33 NAMES OF ASSOCIATIONS REPORTED TO INSURANCE COMPANIES. The commissioner 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 first class and the names of the cities and require these companies, at the time of making their annual statements to the 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, before July first each year, the 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 these companies upon these insurance premiums.

[1933 c. 177 s. 9] (3750-9)

69.34 [Repealed, 1969 c 1001 s 11]

69.35 [Repealed, 1969 c 1001 s 11]

69.36 TAX LEVY. 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 of three-fourths of one mill on all taxable property within the city. In the event the balance in the relief association's special fund, at the time the levy is made, is less than \$500,000, as determined by the association's board of trustees, then the city's governing body shall increase the rate of this tax levy to one mill, and in any city now or hereafter having 500,000 or more inhabitants the governing body of the city shall further increase the rate of this tax levy to one and one-half mills in each of the years 1957 and 1958. In the event the balance in the fund at that time, in any city in which the charter of the city contains a per capita limitation on expenditures, is less than \$400,000 then the city's governing body shall increase the rate of this tax levy to one and one-half mills. The tax so levied shall be transmitted with other tax levies to the auditor of the county in which such city is situated and shall be collected and payment thereof enforced when and in like manner as state and county taxes are paid.

The city council or other governing body of any city of the first class, having a population of not less than 75,000 and not more than 150,000, wherein such a relief association is located, and in the charter of such city where is contained a per capita limitation on tax levies, shall each year, at the time the tax levies for the support of the city are made, and in addition thereto, levy a tax of two and three-quarters mills on all taxable property within the city. In the event the balance in the relief association's special fund, at the time the levy is made, is less than \$500,000, as determined by the association's board of trustees, then the city's governing body shall increase the rate of this tax levy to three mills.

[1933 c 177 s 12; 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; 1955 c 188 s 1; 1957 c 24 s 1; 1957 c 590 s 1] (3750-12)

69.361 PAYROLL DEDUCTION. In addition to the moneys in the special and general fund of said association, or provided to be raised therefor under existing laws for the payment of pensions and other benefits, revenues from the following sources shall be paid to said special and general fund:

(1) It shall be the duty of the city clerk, treasurer, or other disbursing officer of such city to deduct each month from the monthly pay of each member of the relief association, a sum equal to three and one-half percent of the basic monthly pay of a first grade fireman, and pay the same to the treasurer of the relief association for credit to the special fund of said association, except that in any city now or hereafter having 75,000 inhabitants or more and less than 150,000 inhabitants, the sums herein referred to shall be four percent.

(2) The city clerk, treasurer, or other disbursing officer of the city shall deduct each month from the monthly pay of each member of the relief association, a sum equal to one-half of one percent of the basic monthly pay of a first grade fireman, and pay the same to the treasurer of the relief association for credit in the general fund of the association, except that in any city now or hereafter having 75,000 inhabitants or more and less than 150,000 inhabitants, no deductions will be made or paid for credit in the general fund.

[1947 c 145 s 2; 1955 c 188 s 2; 1957 c 590 s 2]

69.37 COUNTY TREASURER TO PAY OVER MONEYS COLLECTED. As soon as practicable after the first days of June and November, each year, the treasurer of each such 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 treasurer of the city, in the event that 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.

[1933 c. 177 s. 13] (3750-13)

69.38 ASSOCIATIONS TO MANAGE 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 and interest from the investment thereof;

(2) Funds derived from tax levies by the city in which the 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.

[1933 c. 177 s. 14] (3750-14)

69.39 SEPARATE FUND. 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 and from the city in which the relief association is located shall be deposited in the special fund and expended only for purposes authorized in sections 69.40 to 69.50. All money received from other sources shall be deposited in the general fund and may be expended for any purpose deemed proper by the association.

[1933 c. 177 s. 15] (3750-15)

69.40 PAYMENTS. The amount so paid to a relief association by the state and each city under the provisions of sections 69.25 to 69.53, and by it set aside and deposited as a special fund, shall be appropriated and disbursed by the association for the following purposes:

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

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

(3) For the expenses of such association as authorized by the board of trustees of any such association of any city now or hereafter having 75,000 inhabitants or more and less than 150,000 inhabitants; and

(4) For the administrative expenses of the association directly related to the operation of the fund including necessary travel within the state of Minnesota, as au-

thorized by the board of trustees of the association of any city now or hereafter having 400,000 or more inhabitants.

[1933 c 177 s 16; 1955 c 188 s 3; 1969 c 962 s 1] (3750-16)

69.41 SICKNESS AND DISABILITY DEFINED. Each such relief association shall in its bylaws define the sickness and disability entitling its members to relief, specify the amounts thereof and 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 whom pensions may be paid.

[1933 c 177 s 17; 1955 c 188 s 4; 1955 c 358 s 1] (3750-17)

69.42 PENSIONS, RIGHT TO REDUCE. Such firemen's relief association shall at all times have and retain the right to reduce the amount of pensions and benefits paid out of its funds, and to reduce and otherwise adjust the amounts of the pensions and benefits to be thereafter paid out of its fund and, within the limits described in sections 69.25 to 69.53, the association shall have and retain the right to increase or otherwise adjust these pensions and benefits after the same have been so reduced.

[1933 c 177 s 18; 1955 c 188 s 5; 1955 c 358 s 2] (3750-18)

69.43 PERSONS ENTITLED TO RELIEF. A member of the association who, by reason of sickness or accident, becomes disabled from performing his assignment of duties on the fire department shall be entitled to such relief as the bylaws of the association may provide.

No allowances for such 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 the disability.

[1933 c. 177 s. 19] (3750-19)

69.44 DISABILITY BENEFITS, AMOUNT. A member of any such relief association entitled to disability benefits as herein defined, shall receive the same from his association for such periods of time, at such times, and in such amounts, not to exceed 40 units per month, as the bylaws of said association provide.

[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; 1955 c 188 s 6; 1955 c 358 s 3] (3750-20)

69.45 RETIREMENT PENSION. A member of such association 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 basic pension of not less than 20 units and not more than 32 units per month for his natural life in conformity to the bylaws of each association. 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 computing said period of service; and all periods of time during which a member received a disability pension shall be excluded in such computation. No deductions shall be made for a leave of absence granted to a member to enable him to accept an appointive position in said fire department. No member shall be entitled to draw both a disability and a service pension.

Such monthly basic payments may be increased by adding to said basic pension the sum of one unit per month, or any portion thereof, for each year of active duty over 20 and not more than 35 years.

The bylaws of each association may provide for these increases, or any portion thereof; provided, that in no event the total pension exceed the sum of 40 units per month.

A unit shall be $\frac{1}{80}$ th of the maximum monthly salary of a first grade firefighter on the first day of the month in which the pensions provided for in sections 69.25 to 69.53 are paid.

[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; 1955 c 188 s 7; 1955 c 358 s 4; 1971 c 574 s 1] (3750-21)

69.46 MEMBER MAY BE ON DEFERRED PENSION LIST. A member of the 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 his application therefor, pay

his pension from the date the application is approved by the association. Any person making this 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 in the fire department.

[1933 c. 177 s. 22] (3750-22)

69.47 WAR SERVICE INCLUDED IN PERIOD OF SERVICE. Any applicant for a service pension who subsequent to his entry into the service of such fire department leaves the active service of such fire department to serve in the military forces of the United States in any war or national emergency, or having during such war or emergency left the active service of such fire department to enter the employment of the government of the United States and in such service rendered fire prevention services during such war or emergency and has returned after his honorable discharge from such service, and, within six months after such discharge, either applied for reinstatement in or resumed active duty in said fire department, the period of his absence in such service of the United States shall be counted in computing the period of service hereinbefore provided for, but during such period of military or fire prevention service he shall not be considered as an active member of his association.

[1933 c. 177 s. 23; 1941 c. 258 s. 2; 1945 c. 286 s. 1] (3750-23)

69.48 WIDOWS AND CHILDREN, PENSIONS. When a service pensioner, disability pensioner, or deferred pensioner, or an active member of a relief association dies, leaving

(1) A widow who was his legally married wife, residing with him, and who was married to him while or prior to the time he was on the payroll of the fire department; and who, in case the deceased member was a service or deferred pensioner was legally married to the member at least three years before his retirement from the fire department; or

(2) A child or children who were living while the deceased was on the payroll of the fire department, or born within nine months after the decedent was withdrawn from the payroll of the fire department, the widow and the child or children shall be entitled to a pension or pensions, as follows:

(a) To the widow, a pension of not less than 15 units, and not to exceed the sum of 18 units per month, as the bylaws of the association provide, for her natural life; provided, that if she shall remarry then the pension shall cease and terminate as of the date of her remarriage;

(b) To the child or children, if their mother be living, a pension of not to exceed 6 units per month for each child up to the time each child reaches the age of not less than 16 years and not to exceed an age of 18 years, in conformity with the bylaws of the association; provided, the total pensions hereunder for the widow and children of the deceased member shall not exceed the sum of 40 units per month;

(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 such amount 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 the association may provide; but the total amount of the pension or pensions hereunder for any child or children shall not exceed the sum of 40 units per month.

[1933 c 177 s 24; 1949 c 573 s 3; 1951 c 557 s 4; 1955 c 188 s 8; 1955 c 358 s 5] (3750-24)

69.485 [Repealed, 1953 c 80 s 3]

69.49 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 of and report on all applications for membership in the association; investigate and make report on all applications for disability pensions and make recommendations as to the amount to be paid to each 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.

[1933 c. 177 s. 25] (3750-25)

69.50 PUBLIC EXAMINER TO EXAMINE BOOKS. 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 69.25 to 69.53, 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.

[1933 c. 177 s. 26] (3750-26)

69.51 PAYMENTS EXEMPT FROM PROCESS. All payments made, or to be made, by any relief association under any of the provisions of sections 69.25 to 69.53 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.

[1933 c. 177 s. 27] (3750-27)

69.52 WORKMEN'S COMPENSATION ACT NOT AFFECTED. Sections 69.25 to 69.53 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.

[1933 c. 177 s. 28] (3750-28)

69.53 ACTS REPEALED, EXCEPTIONS. All prior laws of this state relating to firemen's relief associations in cities of the first class, the rights and obligations of the members thereof, and the use and control of the funds received by these associations, are hereby in all things repealed, except as provided in section 69.27.

[1933 c. 177 s. 29] (3750-29)

69.54 SURCHARGE ON PREMIUMS TO RESTORE DEFICIENCY IN SPECIAL FUND. The commissioner shall order and direct a surcharge to be collected of two percent of the fire, lightning, and sprinkler leakage gross premiums, less return premiums, on all direct business received by any foreign or domestic fire insurance company on property in this city of the first class, or by its agents for it, in cash or otherwise. This surcharge shall be due and payable from these companies to the state treasurer, in semiannual installments, on June 30th and December 31st of each calendar year, and if not paid within 30 days after these dates, a penalty of ten percent shall accrue thereon and thereafter this sum and penalty shall draw interest at the rate of one percent per month until paid.

[Ex1934 c 53 s 1; 1935 c 86 s 1; 1937 c 361 s 1; Ex1961 c 21 s 1; 1967 c 762 s 1] (3750-31)

69.55 WARRANT ON STATE TREASURER. The state auditor semiannually after July 31, 1934, shall issue and deliver to the treasurer of the relief association in such city his warrant upon the state treasurer for an amount equal to the total amount of the surcharge on the premiums within the city theretofore so collected and transmitted to the state treasurer by these insurance companies. There is hereby appropriated out of any moneys in the general fund in the state treasury not otherwise appropriated such sums as may, from time to time, be necessary to pay these warrants.

[Ex1934 c 53 s 2; 1935 c 86 s 2; 1969 c 399 s 1] (3750-32)

69.56 STATE TREASURER TO PAY WARRANT. The state treasurer shall, upon presentation to him of the warrant of the state auditor specified in section 69.55, pay out of the general fund of the state the amount thereof to the treasurer of the relief association presenting the warrant. The treasurer of the relief association shall place the money received by him in payment of any such warrant in the special fund of the relief association.

[Ex1934 c 53 s 3; 1935 c 86 s 3; 1969 c 399 s 1] (3750-33)

69.57 [Unnecessary]

69.58 INSURING IN UNAUTHORIZED COMPANIES; DUES; STATEMENT. The owner of any property situated in any municipality having an organized fire department, or a partly paid or volunteer department, who carries insurance in a company not licensed by this state, or if he has not insured his property, who sets aside a reserve against loss or damage by fire, shall furnish to the commissioner, on

a form prescribed and furnished by the commissioner, a statement, verified by affidavit, showing the description and location of the property, the amount of insurance, in companies not licensed by this state, he has effected against loss or damage by fire, the number of the policy, the name and location of the company issuing the policy, and the premiums paid; or, if he has not insured his property, the amount paid into or credited to any insurance fund or other reserve against loss or damage by fire. This statement shall be furnished by those property owners carrying insurance in companies not licensed by this state not more than 30 days after the issuance of the policy of insurance, and by those property owners not carrying insurance but having an insurance or other reserve fund against loss or damage by fire, upon demand of the commissioner, or, if no demand is made, then on or before January 31st, each year. Every such property owner whose duty it is to make this statement who shall wilfully make a false statement, or who shall, for 30 days after the demand neglect to render the statement, shall be guilty of a misdemeanor and fined \$50, one-half of which fine shall be transmitted to the commissioner and disbursed by him as other sums collected under the terms of sections 69.58 to 69.61 are disbursed.

[*Ex. 1934 c. 56 s. 1; 1937 c. 258 s. 1*] (*\$750-35*)

69.59 COLLECTION OF PERCENTAGE ON PREMIUM; RECOVERY. If the insurance has been effected in any company not authorized to do business in this state, or if the owner carries his own insurance fund or reserves, the commissioner shall, and he is hereby authorized and empowered to, collect from the property owner such taxes as would equal the taxes on the annual premium which authorized insurance companies would have charged for insuring the property. If not paid upon demand, this percent may be recovered in a civil action brought in the name of the state.

[*Ex. 1934 c. 56 s. 2; 1937 c. 258 s. 2*] (*\$750-36*)

69.60 PROCEEDS, DISPOSAL OF. All sums collected under the terms of sections 69.58 to 69.61 shall be payable to the respective municipalities or fire department relief associations in the same manner and disbursed for the same purposes as the two per cent state tax on fire insurance premiums.

[*Ex. 1934 c. 56 s. 3; 1937 c. 258 s. 3*] (*\$750-37*)

69.61 EXEMPT PROPERTY. Sections 69.58 to 69.61 shall not apply to property owned and occupied exclusively as a homestead, nor to exempt property specified in section 550.37 and upon which homestead or exempt property the owner carries his own insurance.

[*Ex. 1934 c. 56 s. 4*] (*\$750-38*)

69.62 PENSION PAYMENTS EXEMPT FROM GARNISHMENT. No payment made or to be made by any fire department relief association in a city of the first class under the provisions of section 69.25 to any member of the pension roll shall be subject to judgment, garnishment, execution, or other legal process; and no person entitled to this payment shall have the right to assign the same, nor shall the association have the authority to recognize any assignment or pay over any sum which has been assigned.

[*1923 c 204 s 1*] (*\$751*)

69.66 VOLUNTEER FIREMEN, BENEFITS. Where any firemen's relief association includes membership to volunteer firemen, such association shall not provide benefits differing in nature or amount if such difference is based on compensation paid for services rendered by any member. Further such association shall not base its benefits upon any rate or amount of compensation paid for fire fighting services.

[*Ex. 1957 c 12 s 1*]

69.67 VIOLATIONS, PENALTIES. Any firemen's relief association that violates the provisions of sections 69.66 to 69.68, shall not be entitled to any state aid pursuant to Minnesota Statutes, Section 69.021. The county auditor shall not make the payment provided in section 69.031 to the treasurer of any municipality or association wherein a violation of sections 69.66 to 69.68 occurs.

[*Ex. 1957 c 12 s 2; 1971 c 25 s 17*]

69.68 EXCEPTION TO APPLICATION OF ACT. Sections 69.66 to 69.68 shall not apply to any firemen's relief association which, before January 1, 1957, had

established a definite formula of benefits for those members who were regularly employed firemen.

[Ex1957 c 12 s 3]

69.69 [Repealed, 1969 c 1001 s 11]

69.691 FIREMEN'S PENSIONS. Subdivision 1. Any nonprofit corporation organized and operating exclusively for fire fighting purposes having a retirement plan, and otherwise coming within the provisions of section 69.69 may pay firemen's service pensions as provided in subdivisions 2 to 5.

Subd. 2. Any nonprofit corporation described in subdivision 1 may pay firemen's service pensions in excess of the amounts authorized by section 69.06 but not in excess of the following total amounts: \$80 per month, as hereinafter authorized, or as may be provided by its bylaws, to each of its members who has heretofore retired or may hereafter retire, who has reached or shall hereafter reach the age of 50 years and who has done or hereafter shall do active duty for 20 years or more as a member of the volunteer, paid or partially paid and partially volunteer, nonprofit corporation and who has been or shall hereafter be a member of the fire department relief association of the corporation at least ten years prior to such retirement and who complies with such additional conditions as to age, service, and membership as may be prescribed by the certificate or bylaws of the association.

Subd. 3. The amount of monthly pension which may be paid to such retired firemen may be increased by adding to the maximum above prescribed an amount not exceeding \$4 per month for each year of active duty over 20 years of service before retirement; provided, that such nonprofit corporation shall not pay to any member thereof a pension in any greater amount than the sum of \$120 per month.

Subd. 4. Such nonprofit corporation where the majority of its members are volunteer firemen may provide in its certificate of incorporation or bylaws for a service pension in an amount not exceeding \$400 per year of service to be paid in a lump sum where the retiring member qualifies for a service pension under the provisions hereinbefore set forth, and the member elects by written application to the corporation to take the payment in a lump sum rather than the monthly pension.

Subd. 5. Except as otherwise provided in this section, the applicable provisions of this chapter shall apply to any such nonprofit corporation and its retirement plan.

[1969 c 710 s 1]

69.70 [Repealed, Ex1971 c 6 s 11]

69.71 PENSION AND RETIREMENT FUNDS; SURVEYS. Each of the following public pension and retirement funds for policemen and firemen shall have an actuarial survey made of its fund showing the condition of the fund as of December 31, 1967 and each four years thereafter. They are:

- (a) Policemen's pension funds as provided in Minnesota Statutes, Chapter 423;
- (b) Firemen's relief association funds as provided in Minnesota Statutes, Chapter 424; and
- (c) Such of those relief associations as provided in Minnesota Statutes, Chapter 69, that have five or more paid members, that provide for benefits based on the compensation paid to members for their service; and
- (d) Such of those relief associations that have five or more paid members, operating under special legislation, that provide for benefits based on the compensation paid to members for their service as policemen or firemen, and which are not covered by clauses (a), (b), or (c) of this section.

(e) A governmental subdivision retirement fund established pursuant to any law providing for payment of benefits to police officers and fire fighters or their dependents as retirement or survivorship benefits and not otherwise described in this section.

[1965 c 751 s 1; 1967 c 729 s 1]

69.72 DELIVERY OF REPORT. Each actuarial survey herein required shall be delivered to the secretary of the senate, chief clerk of the house, and to any commission, interim commission or committee studying retirement prior to July 1 of each year following the date of such survey.

[1965 c 751 s 2; 1967 c 729 s 2]

69.73 CONTENT. The actuarial survey shall be prepared in accordance with

the entry age normal cost (level normal cost) method and shall include the following:

(1) A census of each of active and deferred annuitant classes by attained age, sex, and service. The census shall show number of members, their aggregate salary, their contributions for the past plan year, and their prospective retirement annuities under the plan.

(2) A census of each of the classes of retired members, disabled members, and survivors of members by type of annuity, attained age and sex (and duration where applicable). The census shall show number of retirants and amount of annual annuity payable as of the survey date.

(3) An actuarial balance sheet showing assets, liabilities, and the deficit from full funding of liabilities.

(4) A statement of assumptions made in determining present values of benefits and contributions, including the following:

- (a) Interest rate of three percent per annum
- (b) Mortality rates (before and after retirement)
- (c) Withdrawal rate
- (d) Salary scale

(e) In each future year the salary on which a retirement benefit is based is 1.03 multiplied by such salary for the preceding year.

(5) Each actuarial survey shall include findings as to:

(a) The normal support rate required to adequately finance currently accruing liabilities, which shall be the entry age normal cost (level normal cost). The normal cost shall be expressed as a level percentage of current and projected future participating payroll based upon the assumption set forth in (4) (e).

(b) Such additional annual rate of support as is required to amortize the deficits found by the end of the fiscal year of the fund occurring in 2007. The unfunded past service cost shall be determined in accordance with the entry age normal cost method. Each actuarial survey report shall state the number of dollars of level normal contribution required to amortize the current unfunded past service as herein provided.

In the case of a governmental subdivision retirement fund described in section 1 (e) in lieu of finding level cost to amortize the unfunded deficit by the year 2007, the following requirements shall apply:

The normal cost shall be adjusted by such amount as may be necessary to provide for any gains or losses resulting from actual experience deviating from the actuarial assumptions on which previous valuations were based.

[1965 c 751 s 3; 1967 c 729 s 3]

69.74 AMORTIZATION. Nothing in Laws 1965, Chapter 751, is intended to preclude the various funds from requesting, or the legislature from determining, to amortize any deficit in a shorter time than the limit herein set forth.

[1965 c 751 s 4]

69.75 ACTUARY, QUALIFICATIONS. The survey shall be made by an approved actuary which is any actuary with at least 15 years of service to major public employee funds, or who is a fellow of the society of actuaries, or any firm retaining such an actuary on its staff.

[1965 c 751 s 5]

69.76 COST. The cost of any surveys required by Laws 1967, Chapter 729, may be paid from the funds of the association otherwise available to payment of benefits.

[1967 c 729 s 4]

69.77 POLICE AND FIREMEN'S RELIEF ASSOCIATION GUIDELINES ACT OF 1969. Subdivision 1. Commencing July 1, 1971, it shall be unlawful for any governmental subdivision to contribute any public funds for the operation and maintenance of a police or firemen's relief association, to which sections 69.71 to 69.76, apply, however organized, which pays retirement benefits to a police officer or a fire fighter or a dependent thereof, or to levy taxes for the support thereof except in accordance with the provisions of this section.

Subd. 2. Subdivision 1 does not apply to an association described in subdivision 1 under the following circumstances:

- (1) Each member of the association pays into the retirement funds of the

association during his term of covered employment from and after January 1, 1970, a contribution for retirement and survivorship benefits of not less than six percent of the maximum rate of salary from which retirement and survivorship credits and amounts of benefits are determined, and that such contributions of a member are deducted from his salary by his governmental employer, transmitted to the association, and deposited to the credit of the proper fund thereof, provided that to avoid undue increase in the amount of employee contributions in any one year, any increase in the amount of contributions required by this section may be spread over several years, but the increase in rate of contribution in each year commencing in 1970 shall not be less than one percent until the appropriate levels of required employee contributions have been reached. This paragraph shall not apply to members who are volunteer firemen, provided that the local governing body shall have given their approval to the exemption following consideration of the most recent actuarial survey.

(2) The officers of the association determine on or before September 1 of each year commencing in 1970 the financial requirements and minimum obligation of the association for the following calendar year in accordance with the following requirements:

Until a later actuarial survey is prepared in accordance with sections 69.71 to 69.76, the association shall determine its financial requirements by basing the same on the actuarial survey prepared as of December 31, 1967, copies of which are on file with the legislative retirement study commission, the chief clerk of the house of representatives, and the secretary of the senate; thereafter the financial requirements are determined by the most recent actuarial survey prepared in accordance with sections 69.71 to 69.76.

The normal level cost expressed as a percent of covered payroll determined from the actuarial survey shall be applied to the estimated covered payroll of the membership for the following year to determine the dollar amount of normal cost for said following year.

To the dollar amount of normal cost thus determined shall be added the amount of one year's interest at three percent on the amount of the (deficit) unfunded liability found by the actuarial survey of the fund.

The total of these two amounts represents the financial requirements of the association for the following year.

Except as otherwise provided in this paragraph, the minimum obligation of the governmental subdivision shall be the financial requirements of the association less member contributions herein provided from covered salary and less one year's estimated receipts expected from the state of Minnesota through state collected insurance premium taxes or other state aids. The minimum obligation may, by vote of the governing body of the governmental subdivision, be reduced to the amount levied in the preceding year for purposes of the association, plus the following percentage of the difference between that levy and the amount of the minimum obligation determined without benefit of this sentence: for the levy made in 1971, 10 percent; in 1972, 20 percent; in 1973, 30 percent; in 1974, 40 percent; in 1975, 50 percent; in 1976, 60 percent; in 1977, 70 percent; in 1978, 80 percent; and in 1979, 90 percent. Commencing with the levy made in 1980, there shall be no reduction in the minimum obligation pursuant to this paragraph.

(3) The foregoing determination of the obligation of a governmental subdivision shall be submitted to its governing body not later than September 1 of each year so that it may ascertain if it has been prepared in accordance with law.

(4) The governmental subdivision shall provide and pay as promptly as funds are available to the association at least the amount of the minimum obligation each year. Any portion of this amount not paid to the association at the end of any calendar year shall be increased at the rate of six percent per annum until so paid. On September 1 of any year the unpaid amount subject to interest shall be added to the obligation of the governmental subdivision.

(5) The governmental subdivision shall provide in its annual budget at least its minimum obligation and may levy taxes for the payment thereof without limitation as to rate or amount and irrespective of limitations imposed by other provisions of law upon the rate or amount of taxation when the balance of any fund to the association has attained a specified level; the levy of such taxes shall

not cause the amount of other taxes levied or to be levied by the governmental subdivision, which are subject to any such limitation, to be reduced in any amount whatsoever. If the governmental subdivision does not include the full amount of the minimum obligation in its levy for any year, the association may certify that amount to the county auditor, who shall spread a levy in the amount of such obligation.

(6) Moneys paid by the governmental subdivision to the association in excess of the minimum amount so required shall be applied to the reduction in the unfunded liabilities of the association.

(7) The funds of the association shall be invested in securities which are proper investments for funds of the Minnesota state retirement system, except that up to \$10,000 may be invested in the stock of any one corporation. Securities held by the association before July 1, 1971, which do not meet the requirements of this paragraph may be retained after that date if they were proper investments for the association on the date of enactment of this section. The governing board of the association may select and appoint investment agencies to act for and in its behalf or may certify funds for investment in the state board of investment under the provisions of section 11.21.

(8) The association shall procure an actuarial survey showing the condition of its fund as of December 31, 1970, and not less frequently than each four years thereafter. Such survey shall be filed with the chief clerk of the house of representatives, the secretary of the senate, the governing body of the municipality in which the association is organized, and the secretary of any legislative committee or commission duly created and having within its jurisdiction the study of pension plans and pension funds, not later than June 1 of the following year in the manner described in sections 69.71 to 69.76.

Subd. 2a. After January 1, 1971, all bylaws or articles of incorporation amendments affecting benefits paid for any police or fire association governed by this section, shall not be effective until ratified by the local governmental subdivision.

Subd. 3. This section may be cited as "The Police and Firemen's Relief Associations Guidelines Act of 1969".

[1969 c 223 s 1, 2; 1971 c 11 s 1; 1971 c 329 s 1]

69.771 VOLUNTEER FIREMEN'S RELIEF ASSOCIATION GUIDELINES ACT OF 1971; APPLICATION. Subdivision 1. Excepting those firemen's relief associations governed by the Policemen and Firemen's Guidelines Act of 1969, all firemen's relief associations organized under any laws of this state composed of voluntary firemen or composed partially of volunteer and partially of paid personnel, that are operating under and paying pensions according to section 69.06, or other general or special laws, the following applicable provisions shall govern.

Subd. 2. Effective January 1, 1972, it shall be unlawful for any governmental subdivision to contribute any public funds, or to levy taxes for the support of the operation and maintenance of a firemen's relief association that falls within the definition of subdivision 1, except in accordance with the provisions of section 69.771 to 69.776.

Subd. 3. The commissioner of insurance shall not certify to a county auditor, as provided in section 69.021, any association herein before defined, which does not comply with the provisions of section 69.771 to 69.776. Such compliance shall be determined by the commissioner of insurance upon information newly required after January 1, 1972, within the financial report of association as described in section 69.051.

[1971 c 261 s 1]

69.772 FINANCING PENSIONS. Subdivision 1. The following subdivisions of this section apply to those firemen's relief associations paying lump sum pension benefits only, in accordance with section 69.06, or other general or special laws, and do not provide monthly pension benefits. Each such firemen's relief association shall determine its financial requirements in accordance with the tables included herein and by the procedure set forth herein, and said determined financial requirements shall be provided for in the manner described herein.

Subd. 2. The following table shall be used to determine the liability of the special pension fund of the firemen's relief association relative to each active or deferred member of the fund, calculated individually:

Cumulative Year	Accrued Liability
1	\$30
2	62
3	95
4	130
5	167
6	205
7	246
8	288
9	333
10	380
11	429
12	481
13	535
14	592
15	652
16	714
17	780
18	849
19	922
20	1000
21 and thereafter	50 additional per year

The accrued liability reflected in dollar amounts after each cumulative year of service, is the total liability earned to date for each \$1,000 of lump sum retirement benefit which will be payable to a member after age 50 and 20 years of service in accordance with the state statutes and bylaws of the association. The special fund accrued liability for each individual member shall be that multiple or portion of the amounts listed in the table, that the actual benefits provided by statute and bylaw bear to \$1,000. The total accrued liability of the special fund to the date of calculation shall be the sum of the accrued liability of the special fund as regards to each active member.

Subd. 3. The financial requirements of the fund shall be determined in the following manner:

(1) During the month of July, 1971, the total present liability of the special fund shall be calculated by the officers of the fund and it shall be the sum of the individual accrued liabilities for years of service of all active members through December 31, 1971. Fractional service years shall be calculated to the nearest full year of service.

(2) During the month of July 1, 1971, the total present assets of the special fund, projected to December 31, 1971, shall be calculated. This projection shall include anticipated receivables to the fund and anticipated disbursements from the fund to the end of the year. In following years, the current assets of the fund shall be determined in the same manner, projected to December 31 of that year.

(3) The amount by which the essential fund calculations of liability as determined by paragraph 1 exceeds or is less than the assets as determined by paragraph 2, shall be considered the deficit or surplus of the fund, as the case may be.

(4) Prior to August 1, 1971, and prior to each August 1 thereafter, the officers of the fund shall determine the projected accrued liability of the fund for the following calendar year in the same manner as the accrued liability of the present calendar year was determined, both calculated as of December 31.

(5) The total financial requirements of the special fund for the following year shall be the net amount of increase in the accrued liability of the following year over the present year with the following adjustments:

(a) From the total net increase shall be deducted the anticipated amount of any state aid to be received during the following calendar year, pursuant to chapter 69.

(b) From the total increase shall be deducted an assumed three percent interest on the projected assets of the fund calculated as of the end of the present calendar year, determined in the manner prescribed in paragraph 2.

(c) To the total increase in accrued liability shall be added an amount equal to one tenth of the deficit, if any, as determined on the original computation of accrued liability and assets for the year 1971. Such one tenth shall be added each year until the assets of the special fund are equal to the accrued liability as annually determined.

(d) At any time that the special fund has a surplus where present assets exceed the present accrued liability, the financial requirements for the ensuing year shall be the amount that the accrued liability for said year, after the adjustments described in this paragraph have been made, exceeds the assets of the fund.

Subd. 4. The financial requirements of the special fund as determined in subdivision 3 shall be certified to the governing body of the municipality by August 1 of each year. The municipality shall provide by tax levy or otherwise the financial requirements so certified, or more. The tax levy herein provided may be in addition to any statutes or charter limits governing the municipality.

Subd. 5. Interest earned upon invested assets of the special fund shall be credited to the special fund, but such revenue shall not enter into calculations except as provided in subdivision 3, paragraph (5) (b).

Subd. 6. Bylaw or articles of incorporation changes after January 1, 1970, affecting benefits paid from the special fund shall not be effective or remain effective until ratified by the local governing body. Any increase in deficit resulting from a bylaw change after the original determination of the fund's deficit, shall be amortized over the same period and with the same manner as provided for in subdivision 3, paragraph (5) (c).

[1971 c 261 s 2]

69.773 FUNDS PAYING MONTHLY SERVICE PENSIONS. Subdivision 1. The following subdivisions of this section apply to those firemen's relief associations that provide for or allow a choice of a monthly service pension in accordance with and governed by section 69.06, or other general or special laws. Each such relief association shall determine and provide for the financial requirements of the special fund in the manner described.

Subd. 2. Prior to September 1, 1971, each relief association governed by this section shall have an actuarial survey made of its special fund showing the condition of the fund as of December 31, 1970. This survey, and future surveys shall be in accordance with the provisions of sections 69.73, 69.75 and 69.76, except that normal cost shall be expressed as a dollar amount, and the amortization period of any existing or new deficit created by benefit changes shall be 20 years from inception, or less. Such survey, and each succeeding survey, shall be filed with the governing body of the municipality in which the association is organized, and with the insurance commissioner's office. However, any relief association presently operating under special laws that provide for actuarial surveys at least every four years and in accordance with section 69.73, said associations may continue to have surveys made according to the time schedule therein, except as modified by subdivision 3.

Subd. 3. The relief association shall thereafter obtain an actuarial survey at least every four years or prior to the ratification of a benefit change by the local governing body, whichever is sooner.

Subd. 4. The financial requirements of the special fund shall be determined by the officers of the association prior to September 1, 1971, and prior to each August 1 thereafter in the following manner:

(a) The normal cost as determined by actuarial survey, required to adequately finance currently accruing liabilities, shall be expressed as a dollar amount.

(b) To this normal cost shall be added an amortization payment sufficient to amortize the deficit determined as of December 31, 1970, or newly created deficit within a 20 year period from inception.

Subd. 5. The financial requirements as determined by subdivision 4 shall be certified to the governing body of the municipality prior to September 1, 1971, and prior to each August 1 thereafter. The minimum obligation of the municipality shall be the financial requirement so determined less one year's estimated state aid expected from the state pursuant to chapter 69. The municipality shall provide the minimum obligation so determined, or more, by tax levy or otherwise. The tax levy herein provided may be in addition to any statutes or charter limits governing the municipality.

Subd. 6. Bylaw or articles of incorporation amendments after January 1, 1970, affecting benefits paid from the special fund shall not become or remain effective until the changes are ratified by the governing body of the municipality.

[1971 c 261 s 3]

69.774 NONPROFIT FIREFIGHTING CORPORATIONS. Subdivision 1. The nonprofit firefighting corporations organized pursuant to Laws 1961, Chapter 360, as amended, providing service pensions from a pension fund of the corporation in accordance with section 69.69, or any special law, or a firemen's relief association subsidiary to a nonprofit firefighting corporation and paying pension benefits, shall not be certified for state aid by the insurance commissioner, except as provided by this section.

Subd. 2. The firefighting corporations described in subdivision 1 shall qualify for state aid by the following procedure:

(a) The firefighting corporation or subsidiary relief association shall obtain an actuarial survey of the pension fund in the same manner as described in section 69.773, subdivisions 1, 2 and 3.

(b) The financial requirements of the fund shall be determined in the same manner as described in section 69.773, subdivision 4.

(c) The firefighting corporation shall annually from its income appropriate funds to the pension fund, at least equal to the financial requirements as determined by paragraph b, less the estimated state aid and any member contributions.

(d) The insurance commissioner shall certify the firefighting corporation or relief association for state aid if the requirements of this subdivision are complied with.

Subd. 3. If a firefighting corporation described in subdivision 1 received state aid, the provisions of section 424.31 concerning disbursements of special fund assets shall govern.

[1971 c 261 s 4]

69.775 INVESTMENTS. The special fund assets of the relief associations governed by sections 69.771 to 69.776 shall be invested in securities which are proper investments for funds of the Minnesota state retirement system, except that up to five percent of the special fund assets, but in no case exceeding \$10,000, may be invested in the stock of any one corporation. Securities held by the associations before January 1, 1972, which do not meet the requirements of this section may be retained after that date if they were proper investments for the association on May 14, 1971. The governing board of the association may select and appoint investment agencies to act for and in its behalf or may certify funds for investment in the state board of investment under the provisions of section 11.21.

[1971 c 261 s 5]

69.776 CITATION; APPLICATION OF OTHER LAWS. Subdivision 1. Sections 69.771 to 69.776 may be cited as "The Volunteer Firemen's Relief Association Guidelines Act of 1971".

Subd. 2. Notwithstanding any other law to the contrary, no relief association described in sections 69.771 to 69.776, authorized under any present or future legislative act, shall be exempt from sections 69.771 to 69.776 unless such relief association is exempted by specific legislative reference to the Volunteer Firemen's Relief Association Guidelines Act of 1971.

[1971 c 261 s 6]

69.78 APPLICATION OF OTHER LAWS TO CONTRIBUTION RATE. In the absence of specific provision to the contrary, no general or special law heretofore or hereafter enacted shall be construed as reducing the amount or rate of contribution to a police or firemen's relief association to which sections 69.71 to 69.76, apply, by a municipality or member of the association, which is required by the Police and Firemen's Relief Associations Guidelines Act of 1969 as a condition for the use of public funds or the levy of taxes for the support of the association. Each such association, the municipality in which it is organized, and the officers of each, are authorized to do all things required by the Guidelines Act as a condition for the use of public funds or the levy of taxes for the support of the association.

[1969 c 687 s 1]

69.79 CHANGE IN STATUS OF MUNICIPALITY, EFFECT UPON EXISTING LAW. Notwithstanding any other provision of law, no pension plan for policemen

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or paid firemen shall hereafter be established in any municipality by operation of law as a result of change in its population or its conversion from a village to a city. In any such case firemen's and policemen's pension laws previously applicable to the municipality shall remain applicable as if there had been no change in the class or legal status of the municipality.

[1969 c 679 s 1]