

CHAPTER 69

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

Sec.		Sec.	
69.01	Clerk to file certificate	69.34	State auditor to distribute moneys
69.02	Report of premiums; certificate of commissioner	69.35	Payment to be made from general revenue fund
69.03	Auditor's warrant	69.36	Firemen's relief association in certain cities; tax levy
69.04	Special fund; disbursements; payments to relief associations	69.37	County treasurer to pay over moneys collected
69.05	Annual report; examination of books	69.38	Associations to manage funds
69.06	Service pension	69.39	Separate fund
69.07	Firemen's relief association in certain cities	69.40	Payments
69.08	Additional retirement pension; restrictions	69.41	Sickness and disability defined
69.09	Deductions from salaries	69.42	Pensions, when reduced
69.10	Annual report of secretary filed with city clerk	69.43	Persons entitled to relief
69.11	Pensions not subject to garnishment	69.44	Amount of payments
69.12	Ceasing to be member of association, deductions paid	69.45	Retirement pay
69.13	Benefits not paid to pensioners	69.46	Member may be on deferred pension list
69.22	Membership in police or fire department relief associations	69.47	War service included in period of service
69.23	Who entitled to relief	69.48	Pensions to widows and children of members
69.24	Dual membership prohibited	69.49	Board of examiners
69.25	Firemen's relief associations in cities of the first class	69.50	Public examiner to examine books
69.26	Relief associations self governing	69.51	Payments exempt from garnishment
69.27	Members	69.52	Workmen's compensation act not affected
69.28	Eligibility	69.53	Acts repealed, exceptions
69.29	Unfit persons rejected	69.54	Surcharge on premiums to restore deficiency in special fund
69.30	Officers, duties, bonds	69.55	Warrant on state treasurer
69.31	Reports of officers	69.56	State treasurer to pay warrant
69.32	City clerk to file report with commissioner	69.57	Emergency
69.33	Names of associations reported to insurance companies	69.58	Insuring in unauthorized companies; dues; statement
		69.59	Collection of percentage on premium; recovery
		69.60	Proceeds, disposal of
		69.61	Exempt property
		69.62	Pension payments exempt from garnishment

Am 193-15-1
69.01 CLERK TO FILE CERTIFICATE. On or before October 31st, annually, the clerk of each municipality having an organized fire department, or a partly paid or volunteer department, shall file with the commissioner his certificate stating that fact, the system of water supply in use in the department, the number of its organized companies, steam, hand, or other engines, hook and ladder trucks, hose carts, and feet of hose in actual use, and such other facts as the commissioner may require; provided, that the clerk shall include in the certificate the name of each municipality or town served by the fire department under contract.

[R. L. s. 1650; 1935 c. 280 s. 1] (3723)

Am 1919 75-2
69.02 REPORT OF PREMIUMS; CERTIFICATE OF COMMISSIONER. The commissioner shall include in the blank form furnished to each fire insurance company for its annual statement a list of all these towns and municipalities and each company shall report therein the amount of the gross direct premiums, less return premiums, received by it on all direct business during the preceding year, upon property located within the corporate limits of these towns and municipalities, upon policies covering loss or damage by fire, lightning, loss or damage by water to goods and premises arising from the breakage or leakage of sprinklers, pumps, or other apparatus erected for extinguishing fires. Before July first following, the commissioner shall certify to the state auditor the name of each municipality which has had, for not less than one year, an organized fire department, and which has been so reported to him, and the amount of the gross direct premiums, less return premiums, upon property located within the corporate limits of the municipality, and upon property located within the corporate limits of such other towns and municipalities as have been certified to him as having service contracts with such first mentioned municipality, received by each fire company upon policies covering loss or damage by fire, lightning, loss or damage by water to goods and premises arising from the breakage or leakage of sprinklers, pumps, or other apparatus erected for extinguishing fires, and taxes paid on account thereof in such year by each company.

[R. L. s. 1651; 1919 c. 397 s. 1; 1935 c. 280 s. 2] (3724)

69.03 AUDITOR'S WARRANT. At the end of the fiscal year, the state auditor shall issue and deliver to the treasurer of each such municipality his warrant for an amount equal to the total amount of the two per cent tax paid by insurance companies to the state upon premiums received under policies of the classes of insurance as indicated in section 69.02 and the same shall be paid out of the general revenue fund.

[R. L. s. 1652; 1919 c. 397 s. 2] (3725)

69.04 SPECIAL FUND; DISBURSEMENTS; PAYMENTS TO RELIEF ASSOCIATIONS. Such amount shall be kept as a special fund and disbursed only for the following purposes:

(1) For the relief of sick, injured, or disabled members of such fire department, their widows and orphans;

(2) For the equipment and maintenance of such department and for construction, acquisition, or repair of buildings, rooms, and premises for fire department use or otherwise;

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

(4) For the payment of such death or funeral benefits as may be from time to time authorized by such municipality.

If there shall be a duly incorporated fire department relief association in such municipality, such amount shall be paid to the treasurer of this relief association and by him deposited in the special fund of the association and disbursed as other special funds.

[R. L. s. 1653; 1909 c. 237 s. 1; 1917 c. 207 s. 1; 1919 c. 326 s. 1; 1927 c. 373; 1929 c. 165 s. 1] (3726)

69.05 ANNUAL REPORT; EXAMINATION OF BOOKS. The secretary and treasurer of each such association shall annually prepare a detailed report of its receipts and expenditures for the preceding year showing to whom and for what purpose the money has been paid and expended and file it with the clerk of the municipality and a duplicate with the state auditor. No money shall be paid to the municipality until the report is so filed. No one serving as a substitute or on probation, nor any fireman in a municipality having such association who is not a member thereof, shall be deemed a fireman within the meaning of this chapter. No treasurer of any such association shall enter upon his duties until he shall have given to the association a good and sufficient bond for the faithful discharge of his duty according to law. All the financial books and accounts of the association and the municipality shall be subject at all times to examination by the public examiner and he is hereby authorized and empowered to make an examination when complaint is duly made to him that the money, or any part thereof, paid under the provisions of this chapter to the treasurer of any municipality or relief association has been or is being expended for an unauthorized purpose shall so report to the governor, upon whose direction to the auditor no further warrants shall be issued to the municipality until the money so expended has been replaced.

[R. L. s. 1654] (3727)

69.06 SERVICE PENSION. Every fire department relief association organized under any laws of this state when its certificate of incorporation or by-laws so provide may pay out of any funds received from the state, or other source, a service pension in such amount, not exceeding \$40.00 per month, as hereinafter authorized, or as may be provided by its by-laws, 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 by-laws 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 \$2.00 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 \$60.00 per month. 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 roll 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] (3728)

69.07 FIREMEN'S RELIEF ASSOCIATION IN CERTAIN CITIES. In any city of the third class having an assessed valuation in excess of \$12,000,000 and having a fire department relief association organized under the laws of this state and authorized to pay benefits under sections 424.31 and 69.01 to 69.06, the fire department relief association when its special fund, as shown by the secretary's annual report, shall have reached the sum of \$65,000 may pay retirement pensions in excess of the amounts authorized by those sections, but not in excess of the following total amounts: a basic pension of \$75.00 per month 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 the 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 by-laws of the association. The amount of monthly pension which may be paid to a retired fireman may be increased by adding to the maximum above described an amount, not exceeding \$3.00 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 \$96.00 per month.

[1935 c. 153 s. 1; 1939 c. 434 s. 1] (3728-1)

69.08 ADDITIONAL RETIREMENT PENSION; RESTRICTIONS. Subdivision 1. **Conditions.** The payment of such additional retirement pensions shall be subject to all conditions imposed by sections 424.31 and 69.01 to 69.06 and by the certificate or by-laws of the association.

Subdivision 2. **Not affected by change in classification or valuation.** In the event any relief association shall qualify under the terms of sections 69.07 to 69.13, it shall continue thereunder notwithstanding any subsequent change in classification or valuation of the city in which it is located.

[1935 c. 153 s. 2; 1939 c. 434 s. 2] (3728-2)

69.09 DEDUCTIONS FROM SALARIES. In addition to the moneys in the special fund of the 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 the special fund:

(1) It shall be the duty of the city clerk, treasurer, or other disbursing officer of the city to deduct each month from the monthly pay of each member of the fire department who is a member of the relief association a sum equal to two per cent of the above mentioned basic monthly pension and pay the same to the treasurer of the relief association for credit in the special fund of the association;

(2) The city council or other governing body of the city shall each year when the annual statement of the secretary of the relief association shows a sum existing in the special fund of less than \$65,000 at the time the tax levies are made for the support of the city and within the per capita limitations provided by law levy a tax of one-tenth of a mill on all taxable property of the city. The tax so levied shall be transmitted to the auditor of the county in which the city is situated at the time all other tax levies are transmitted and shall be collected and payment thereof enforced in like manner as state and county taxes are collected and the payment thereof enforced; and

(3) The city treasurer when the tax is received by him shall pay the same over to the treasurer of the duly incorporated firemen's relief association of the city, if there is one organized, together with all penalties and interest collected thereon, but if there is no firemen's relief association so organized in any such city, or if any such association resign, be dissolved or removed, or any successor of such associa-

495-360-1

tion resign, be removed, or has heretofore resigned or has been removed as trustee of the money, then the treasurer of the municipality shall keep the money in a special fund to be disbursed only for the purpose authorized by sections 69.07 to 69.13.

[1939 c. 434 s. 3] (3728-3)

69.10 ANNUAL REPORT OF SECRETARY FILED WITH CITY CLERK. The secretary of the association shall file annually on or before the first day of September each year with the city clerk a detailed report of the amount of money or property so received, expended, and still remaining on hand to the credit of the fund. The books and records of the association shall be open to inspection and audit by any taxpayer of the city or his duly authorized representative.

[1939 c. 434 s. 4] (3728-4)

69.11 PENSIONS NOT SUBJECT TO GARNISHMENT. No pension allowed or to be allowed by any firemen's relief association under sections 69.07 to 69.13 and no accumulated contributions of members to the fund hereinafter referred to shall be subject to judgment, garnishment, execution, or other legal process, and no person entitled thereto shall have any right to assign the same, nor shall the association have the power to recognize any attempted assignment or pay over any sum which has been assigned or attempted to be assigned. The association shall have the right to cancel or suspend any pension or reduce the amount thereof during such time as the person otherwise entitled thereto is receiving a pension in any form from any municipal or other subdivision of the state or is regularly receiving income from a business or employment. No pension shall be reduced below the amount which, when added to the income from the other pension, business, or employment, equals the monthly pension to which the person would otherwise be entitled.

[1939 c. 434 s. 5] (3728-5)

69.12 CEASING TO BE A MEMBER OF ASSOCIATION, DEDUCTIONS PAID. When a member of the association shall cease to be a member of the department, for any reason other than death or retirement, he shall be paid, on demand, the full amount of the accumulated deductions from pay standing to his credit. When any member shall die without having received a pension, or without having received in pension payments an amount equal to the total amount of the accumulated deductions from his salary heretofore provided for, the full amount of the accumulated deductions, less such pension payments, if any, as have been made to the member, shall be paid in one lump sum to the beneficiary designated by the member, or, if none, to the legal representative of the member. If no valid claim is established therefor, the accumulated deductions shall remain with and become the property of the association. No member shall be entitled to interest upon deductions under the provisions of this section.

[1939 c. 434 s. 6] (3728-6)

69.13 BENEFITS NOT PAID TO PENSIONERS. Nothing in sections 69.07 to 69.13 shall be construed as preventing any such association from paying any benefits, other than service pension, which they may be authorized to pay to members of the association under the general laws of this state or of sections 424.31 and 69.01 to 69.06, except that these benefits shall not be paid to any member while he is receiving a pension under sections 69.07 to 69.13.

[1939 c. 434 s. 7] (3728-7)

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, by-law, 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 asso-

ciations. 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 by-laws, 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 therein 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 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 at the time of the passage of sections 69.25 to 69.53, whether their status is embraced within the definition of a fireman herein contained or otherwise, shall have the right to continue as members of their respective associations and be entitled to all benefits pertaining thereto, and any member included under the definition of firemen 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, at the time sections 69.25 to 69.53 become effective. 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] (3750-3)

69.28 ELIGIBILITY. Every fireman shall be eligible to apply for membership in the relief association in the city in which he is employed within the time and in the manner hereinafter set forth. Any such fireman desiring to become such member shall, not later than 90 days from the time he is regularly entered on the pay-rolls 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 by-laws 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 the passage of this section. 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 pay-roll 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 pay-roll 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] (3750-4)

69.29 UNFIT PERSONS REJECTED. Each firemen's relief association shall have the right to exclude all applicants for membership who are not physically and mentally sound so as to prevent unwarranted risks for the association; and additional requirements for entrance fees and annual dues for membership in the association may from time to time be prescribed in the by-laws of the association.

[1933 c. 177 s. 5] (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 by-laws 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 REPORTS OF OFFICERS. The secretary and the treasurer of each such association, prior to the first day of February each year, shall jointly prepare and sign, with the approval of the association's board of trustees, a detailed and itemized report of all receipts and expenditures in the association's special fund for the preceding calendar year showing the source of the receipts, to whom and for what purpose the moneys have been paid and expended, and the balance in the fund. They shall file duplicate original copies thereof with the clerk of the city in which the association is located and with the state auditor. No money shall be paid to a relief association by either the state or the city in which the association is located until the report is so filed.

[1933 c. 177 s. 7] (3750-7)

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 the 31st day of October each year, make and file with the commissioner his certificate stating the existence of the firemen's relief association.

[1933 c. 177 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 STATE AUDITOR TO DISTRIBUTE MONEYS. The state auditor, at the end of each fiscal year, shall issue and deliver to the treasurer of each such relief association his warrant upon the state treasurer for an amount equal to the total amount of the tax for the benefit of the relief association paid by fire insurance companies upon the premiums by these companies received in the city upon properties insured within the corporate limits thereof in which the association is located,

together with such other appropriations or funds as may be appropriated or created and to which the association is entitled.

[1933 c. 177 s. 10] (3750-10)

69.35 PAYMENT TO BE MADE FROM GENERAL REVENUE FUND. The state treasurer shall upon presentation to him of the warrant of the state auditor specified in section 69.34 pay out of the general revenue fund of the state the amount thereof to the treasurer of the relief association presenting the warrant.

[1933 c. 177 s. 11] (3750-11)

Ann 43-816-1
69.36 FIREMEN'S RELIEF ASSOCIATION IN CERTAIN CITIES; TAX LEVY. The 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 five and one-half tenths 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 \$300,000, as determined by the association's board of trustees, it shall be the duty of the city's governing body to increase the rate of the tax levy herein provided to three-quarters of one mill. The tax so levied shall be transmitted with other tax levies to the auditor of the county in which the city is situated and by the county shall be collected and payment thereof enforced when and in like manner as state and county taxes are paid.

[1933 c. 177 s. 12; 1935 c. 87; 1937 c. 279 s. 1] (3750-12)

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 amounts 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.

[1933 c. 177 s. 16] (3750-16)

69.41 ASSOCIATIONS MAY DEFINE SICKNESS AND DISABILITY. Each such relief association shall in its by-laws 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 mem-

bers, and to fix the age limit of children to whom pensions may be paid. When the total assets of the association shall amount to \$300,000 or more it shall have the right to pay to its members the maximum amounts specified in sections 69.25 to 69.53.

[1933 c. 177 s. 17] (3750-17)

69.42 PENSIONS, WHEN REDUCED. 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 funds when its total funds, as determined by its board of trustees, are less than \$300,000; 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] (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 by-laws 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 AMOUNT OF PAYMENTS. A member of any such relief association entitled to disability benefits shall receive the same from his association for such periods of time, at such times, and in such amounts, not to exceed \$75.00 per month, as the by-laws of the association provide.

[1933 c. 177 s. 20] (3750-20)

69.45 RETIREMENT PAY. A member of the association who has completed a period 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 pay-roll of the fire department, be entitled to a basic pension of not less than \$50.00, and not more than \$65.00, per month for his natural life, in conformity to the by-laws of the 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 the period of service; and all periods of time during which a member received a disability pension shall be excluded in the computation. No deductions shall be made for a leave of absence granted to a member to enable him to accept an appointive position in the fire department. No member shall be entitled to draw both a disability and a service pension.

These monthly basic payments may be increased by adding to the basic pension, as follows:

- (1) The sum of \$2.80 per month for each year of active duty over 20, and not more than 25, years;
- (2) The sum of \$3.20 per month for each year of active duty over 25, and not more than 30, years; and
- (3) The sum of \$3.60 per month for each year of active service over 30, and not more than 35, years.

The by-laws of each association may provide for these increases, or any portion thereof; provided, that in no event shall the total pension exceed the sum of \$98.00 per month.

[1933 c. 177 s. 21] (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 the fire department, has served in the military forces of the United States in any war or national defense emergency, or having during such war or emergency entered the employment of the government of the United States and in that service rendered fire prevention service during such war or emergency, and returned, after his honorable discharge from such service, and resumed active duty in the fire department, the period of his absence in such service of the United States shall be counted in computing the period of service provided for in sections 69.25 to 69.53, 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] (3750-23)

69.48 PENSIONS TO WIDOWS AND CHILDREN OF MEMBERS. 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 pay-roll 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 pay-roll of the fire department, or born within nine months after the decedent was withdrawn from the pay-roll 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 \$25.00, and not to exceed the sum of \$50.00, per month, as the by-laws 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 \$15.00 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 by-laws of the association; provided, the total pensions hereunder for the widow and children of the deceased member shall not exceed the sum of \$95.00 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 by-laws of the association may provide; but the total amount of the pension or pensions hereunder for any such child or children shall not exceed the sum of \$95.00 per month.

[1933 c. 177 s. 24] (3750-24)

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 GARNISHMENT. 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. When the balance in the special fund of any firemen's relief association in any city of the first class is less than \$600,000, as determined by the association's board of trustees, which fact shall be duly certified to by the public examiner, the board of trustees may thereupon file its duly verified petition for relief, accompanied by such certificate, with the commissioner. The commissioner shall thereupon order and direct a surcharge to be collected of two per cent 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, until the balance in the special fund of the relief association amounts to \$600,000 and for a period of 15 days thereafter. As soon as the balance in this special fund amounts to \$600,000 the board of trustees of the relief association shall certify that fact to the commissioner, who shall forthwith issue his order directing that the collection of the surcharge be discontinued after the expiration of the 15-day period and forthwith mail a copy of this order to each insurance company affected thereby. 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 per cent shall accrue thereon and thereafter this sum and penalty shall draw interest at the rate of one per cent per month until paid.

[Ex. 1934 c. 53 s. 1; 1935 c. 86 s. 1; 1937 c. 361 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 revenue fund in the state treasury not otherwise appropriated such sums as may, from time to time, be necessary to pay these warrants.

[Ex. 1934 c. 53 s. 2; 1935 c. 86 s. 2] (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 revenue 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.

[Ex. 1934 c. 53 s. 3; 1935 c. 86 s. 3] (3750-33)

69.57 EMERGENCY. An emergency exists and sections 69.54 to 69.57 shall be construed as a relief measure for firemen's relief associations in any city of the first class.

[Ex. 1934 c. 53 s. 4] (3750-34)

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 \$50.00, 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*] (3750-35)

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 per cent 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*] (3750-36)

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*] (3750-37)

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*] (3750-38)

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] (3751)