

CHAPTER 424

FIREMEN'S RELIEF ASSOCIATIONS AND RETIREMENT PENSIONS

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424.29 PENSIONS TO BE UNIFORM.

HISTORY. 1941 c. 267 s. 31.

424.30 TAX FOR FIRE DEPARTMENT RELIEF FUND.

HISTORY. 1909 c. 197 s. 1; G.S. 1913 s. 1832; G.S. 1923 s. 1919; M.S. 1927 s. 1919; 1937 c. 349 s. 1; M. Supp. s. 1919; 1943 c. 323 s. 1.

The levy of one-tenth of one mill by International Falls for the relief fund of its organized volunteer fire department was properly made. Under the applicable statute (Laws 1909, Chapter 197) the city council was authorized to make the levy by percentage and not by amount. *State v Keyes*, 188 M 79, 246 NW 547.

This section is still in force and was not repealed by section 3723 (69.01). OAG Aug. 17, 1937 (688j).

"Regularly organized fire department" includes volunteer fire department. OAG Aug. 17, 1937 (688j).

Upon the incorporation of a firemen's relief association the two per cent gross premium fund may be turned over to the treasurer thereof upon his filing a proper bond. OAG Oct. 21, 1936 (198h-11).

A city may not limit membership in an association to older members of the fire department so as to exclude younger members. OAG April 3, 1935 (198a-2).

Interest received on moneys in special fund cannot be placed in the general fund of the association. OAG Feb. 28, 1930.

Association cannot use funds secured under sections 1919, 1920, (424.30, 424.31) for the purchase of fire apparatus. OAG Feb. 28, 1930.

A firemen's relief association may expend money from its special fund for the purchase of fire fighting equipment for a village as far as funds received under section 3726 (69.04) are concerned, but not from funds arising under this section. OAG April 21, 1931.

Funds acquired from taxes cannot be used to purchase group insurance, but moneys received from fees, dues, donations, etc., may be used for any purpose. OAG Nov. 1, 1935 (198b-10(d)).

A firemen's relief association had no authority to pay any moneys levied under this section to an attorney employed by it to enforce the levy. OAG July 30, 1931.

Where an active member of the International Falls fire department was placed on "disability list", and was dropped as an "active member", and no longer paid any dues, his widow was not entitled to benefits as a widow of an "active member". OAG April 27, 1938 (198a-1).

A depository is not required to furnish bond as security for funds of firemen's relief association. OAG Jan. 7, 1938 (198b-2).

Under the by-laws of a relief association limiting benefits to 12 weeks in any 52 weeks, one receiving a single disability incapacitating him for many years is entitled to 12 weeks of relief every year during disability. OAG April 19, 1939 (198a-1).

Requirement where a city proposes to contract with adjacent towns to furnish fire protection. 1942 OAG 140, Feb. 10, 1941 (688-K).

424.31 BOARD OF TRUSTEES OF FIREMEN'S RELIEF ASSOCIATIONS.

HISTORY. 1909 c. 197 s. 2; G.S. 1913 s. 1833; 1923 c. 163 s. 1; G.S. 1923 s. 1920; M.S. 1927 s. 1920; 1929 c. 166; 1931 c. 71; 1935 c. 135; 1937 c. 349 s. 2; M. Supp. s. 1920; 1945 c. 206 s. 1.

The funds created by this section and section 3726 (69.04) should be kept separate so that investment thereof could be approved by the proper authority. OAG March 12, 1931.

The funds of a relief association which are derived from the two per cent tax paid by fire insurance companies may be used under section 3726 (69.04) for the improvement of firemen's quarters, but the tax collected upon properties under section 1919 (424.30) may only be used for the purposes specified in this section. OAG Feb. 24, 1936 (198b-10(a)).

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The special tax of one-tenth of a mill levied under this section creates a fund which may be invested only as approved by the village or city council. OAG April 2, 1931.

Funds may be invested in village warrants, but a village does not have authority to issue postdated warrants for the purpose of borrowing money or to represent a running obligation of the village. OAG March 28, 1936 (688c-1).

Interest from investments made with moneys received by a firemen's relief association may not be placed in the general fund and expended for purposes for which such fund may be spent. OAG July 30, 1931.

The salaries of the officers of the association may not be paid out of the special fund but may be paid out of the general fund derived from dues, fines, etc., and one receiving attention may receive a salary as an officer of the association. OAG April 4, 1935 (198a-1).

A fireman is entitled to benefit however he received his injury. OAG April 4, 1935 (198a-1).

The by-laws of a volunteer fire relief association may provide for benefits to widows and orphans. OAG Sept. 23, 1933.

A lump sum pension may be paid to a widow of a fireman, if such provision is made in the certificate or by-laws of the association, but should be limited to funds derived from the one-tenth of a mill tax levy. OAG May 9, 1935 (198b-6(a)).

The by-laws may provide for pensions to the widows of firemen whose death does not occur in the line of their service. OAG Jan. 9, 1936 (688m).

A lump sum pension may be paid to a widow and orphans of a fireman in the event such pension is provided for in the articles or by-laws of the association and authorized by the municipality. OAG Sept. 28, 1937 (198a-1).

A village president, recorder, and treasurer automatically become members of the firemen's relief association. OAG April 2, 1931.

A city is without power to pay the expenses of delegates from its fire department to the state firemen's association convention. OAG June 2, 1930.

➤ A duly incorporated firemen's relief association, at least so far as special fund is concerned, may lawfully sign a waiver agreement. OAG Feb. 18, 1938.

The statute does not prohibit an amendment of the articles of incorporation of a relief association so as to authorize the payment of benefits to the widows of non-active members who have died prior to the amendment. OAG July 13, 1938 (198a-1).

It is within the discretion of the governing body of the municipality to lend money to the fire department to buy uniforms and take a plain unsecured note therefor. OAG May 6, 1938 (198b-5).