

CHAPTER 424

FIREMEN'S RELIEF ASSOCIATIONS AND RETIREMENT PENSIONS

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

A fireman's widow is not entitled to an increase under L. 1941, c. 267. The law is not retroactive, and she will receive only the amount under the former law. OAG Oct. 18, 1941 (198-A-1).

424.07 SECRETARY AND TREASURER TO PREPARE STATEMENT OF RECEIPTS AND EXPENDITURES.

The state auditor does not issue a warrant until the financial report is received. OAG June 24, 1943 (24-D).

424.12 TAX LEVY FOR RELIEF ASSOCIATION; AMOUNT OF PAYMENTS.

Amended by L. 1947 c. 28 s. 1.

Basic monthly pay of any member or officer is the normal or regular pay he receives each month. The compensation to which the two per cent would not apply would be overtime or extra pay in addition to the regular salary. 1944 OAG 185, April 13, 1943 (688-M).

424.14 RELIEF ASSOCIATIONS TO HAVE CUSTODY OF FUNDS.

Insofar as the special fund is concerned, the "relief" to widows and orphans of members of relief associations is confined to the pensions referred to in section 424.24 and that, if funeral benefits are to be paid, it must be out of the general fund. 1944 OAG 186, June 12, 1944 (198-B-3).

424.17 RELIEF ASSOCIATION DETERMINES WHO ARE ENTITLED TO RELIEF.

A pension having been granted, the pensioner's right to it is a vested legal right of which he cannot be deprived except by due process of law, namely, by notice and opportunity to be heard in any proceedings had by the association for the purpose of terminating his rights. *Stevens v Mpls. Fire Relief*, 124 M 381, 145 NW 35.

Cases where members lost their rights because of abandonment, relinquishment, waiver, laches, or time limitation. *Lund v Mpls. Fire Relief Assn.* 137 M 395, 163 NW 742; *Davis v Mpls. Fire Relief Assn.* 137 M 397, 163 NW 743; *Schwartz v Mpls. Fire Relief Assn.* 137 M 399, 163 NW 744.

424.24 PENSIONS TO SURVIVORS.

If funeral benefits are paid, they must be paid out of general funds. The special fund is dedicated to relief to widows and orphans and is in the form of pensions. OAG June 12, 1944 (198-B-3).

424.30 TAX FOR FIRE DEPARTMENT RELIEF FUND.

A provision in the articles, by-laws, or rules providing for payment to a disabled fireman regardless of the origin of his disability would be unlawful. OAG June 9, 1943 (198-B-6-a).

A village may not gratuitously give away its funds and its liability is limited to the amount of compensation an injured fireman is entitled to receive under the workmen's compensation act. There is no legal responsibility resting upon the

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village to pay the injured employee's hospital or doctor bill or his salary while disabled. OAG May 1, 1947 (688-P).

424.31 BOARD OF TRUSTEES OF FIREMEN'S RELIEF ASSOCIATIONS.

Uniforms and equipment may be purchased from proceeds of the two per cent tax. OAG Sept. 21, 1943 (198-B-10-E).

The constitution may be amended so that the members of the association will have the power to amend the by-laws. OAG Sept. 30, 1943 (198-A-2).

A widow, drawing a federal pension under World War I, may receive a pension under this chapter. OAG Jan. 24, 1945 (198-B-6-f).