

§ 4. EMERGENCY.] Whereas, an emergency exists in that there is now in existence no provision prohibiting the use of a firearm silencer in this state, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 12, 1909.

FIREMEN

CHAPTER 123.

[S. B. No. 96—Kennedy]

FIREMEN'S RELIEF ASSOCIATION PENSION FUND.

AN ACT Creating a Fund and Providing for the Disbursement Thereof, for Pensions and Relief by Firemen's Relief Associations, in Cities, Towns and Villages.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. PAID FIRE DEPARTMENT AND FIREMEN'S RELIEF ASSOCIATION.] In cities, towns and villages having a paid fire department and a duly organized and incorporated fireman's relief association, the amount received by the city, town or village treasurer, as provided in section 2968, of article 9, revised codes of North Dakota, 1905, shall be apportioned as follows: One-half shall be placed in a fund to be disbursed by the city council, trustees or other governing body of such city, town or village in maintaining such fire department and one-half shall be paid to the treasurer of the fireman's relief association, to be disbursed only for the following purposes, viz.:

First: For the maintenance of the fireman's relief association.

Second: For pensions and the relief of sick, injured and disabled members of any fire department in such city, town or village and their widows and orphans.

Third: For the payment of service pensions as hereinafter provided in such amounts and in such manner as its articles of incorporation and by-laws shall designate. Every such fire department relief association organized under any law of this state may pay out of any funds received from the state, or other source, a service pension, in such amounts, not exceeding forty dollars per month, as may be provided by its by-laws to each of its members who have heretofore retired or may hereafter retire, who has reached or shall hereafter reach the age of fifty years, and who has done, or hereafter shall do, active duty for twenty years or more as a member of a volunteer, paid, or partially paid and partially volunteer fire depart-

ment in the municipality where such 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 by-laws of such association. Such pensions shall be uniform in amount, but all may be decreased or increased, within the amount above specified, whenever the amount of funds on hand renders such action advisable. No such pensions shall be paid to any person while he remains a member of a fire department, and no person receiving such pension shall be entitled to other relief from such association.

§ 2. QUALIFICATIONS FOR RELIEF AND PENSIONS.] The qualifications as to age and term of service, shall not apply to members of such fire department, who make application for a pension on account of injuries or disabilities, which unfit them for the duties of an active fireman, and such relief association shall pay a pension to such members, or to the widows and orphans of deceased firemen, in such sums and under such limitations and conditions, as its articles of incorporation and by-laws shall provide and permit.

§ 3. ASSOCIATION TO REDUCE AMOUNT OF PENSIONS.] Every such association shall at all times have and retain the right to reduce the amount of pensions or to increase them whenever the amount of funds on hand or for other good reasons, such reductions or increase seems advisable or proper to such relief association, but said pension shall not exceed the amount of forty dollars per month to any pensioner or to any one family.

§ 4. SECRETARY AND TREASURER OF RELIEF ASSOCIATIONS TO MAKE ANNUAL REPORTS.] The secretary and treasurer of every such relief association shall prepare annually a report of all receipts and expenditures of such association for the previous year, showing for what purpose the money was paid and expended, and to whom, which report shall be filed in the office of the city auditor of the city and the clerk of the town or village in which such association is situated and a duplicate of such report shall also be filed with the state auditor before any money shall be paid to any such relief association. The money paid to such relief association shall be expended only for the pensioning and relief of sick, injured, disabled and retired members of any fire department in such city, town or village, and their widows and orphans as authorized and permitted by this act.

§ 5. DEFINING FIREMEN ENTITLED TO PENSION OR RELIEF.] For the purpose of this act no substitute fireman, or any one serving on probation, or any fireman in a city, town or village having a relief association in its fire department who is not a member of such association, shall be deemed to be a fireman within the meaning of this act. The treasurer of every such relief association before entering upon the duties of his office, shall give a good and sufficient bond to said relief association conditioned for the faithful discharge of

the duties of his office, and for the safe keeping and paying over, according to law, of all moneys which come into his hands as such treasurer.

§ 6. PENSIONS NOT SUBJECT TO LEGAL PROCESS.] No payments made or to be made by such association to any member on the pension roll shall be subject to judgment, garnishment or execution, or other legal process, and no persons entitled to such payments 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.

§ 7. PUBLIC EXAMINER TO MAKE ANNUAL EXAMINATION.] It shall be the duty of the public examiner to annually examine the books and accounts of the secretary and treasurer of such relief association receiving funds under the provisions of this act, and if he finds that the money or any part of it has been or is being expended for unauthorized purposes, he shall report the same to the governor. The governor shall thereupon direct the state auditor not to issue any warrants for the benefits of the fire department or relief association of such city, town or village, until it shall be made to appear to the public examiner, who shall report the fact to the governor, that all money wrongfully expended has been replaced. The governor may take such further action as the emergency may demand.

§ 8. POWERS OF ASSOCIATION THROUGH TRUSTEES.] Said association, through its board of trustees and officers shall have full charge, management and control, of said funds herein provided for, which said funds shall be derived from the following sources:

First: From interest, rents, gifts or money from other sources.

Second: From funds received from the state of North Dakota.

§ 9. REPEAL.] All acts or parts of acts inconsistent with this act are hereby repealed.

§ 10. EMERGENCY.] Whereas, an emergency exists in that there is no provision in law for the maintenance of the fireman's relief association, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 11, 1909.