

Sec. 2. Terms of incumbents. Terms of directors in office at the time this act takes effect shall expire at the end of the city's or village's fiscal year current at the expiration of their terms as heretofore provided.

Approved March 7, 1945.

CHAPTER 47—H. F. No. 196

An act relating to police pensions in cities of the first class; and repealing Minnesota Statutes 1941, Sections 423.01 through 423.07.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Police relief association for St. Paul. Any police relief association now in existence and incorporated according to law, in any city of the first class in this state having and operating under a charter adopted in pursuance of Section 36, Article 4 of the Constitution of Minnesota, and which has a population of not less than 250,000 and not more than 450,000 inhabitants and an assessed valuation, exclusive of moneys and credits, of more than \$125,000,000 and not more than \$225,000,000, may pay out of and from any funds it may have received a service, disability, or dependency pension in such amounts per month, and in such manner as its articles of incorporation or the constitution and by-laws shall designate, within the limitations set out herein, to each pensioned member who shall have reached the age of 50 years or more and served 20 years or more in such department, or to the widow and to children under 16 years of age of any deceased member:

A sum not less than \$75.00 nor more than \$90.00 per month when such member shall have arrived at the age of 50 years or more and shall have served as a member of such police department for a period of 20 years or more; or to any member who has been permanently disabled physically or mentally because of any injury received or suffered while a member of such police department so as to render necessary his retirement from active police service; provided, however, that any such member who has been a member of such police department for 20 years or more and who shall sever his connection with said police department before he shall have attained the age of 50 years, shall be eligible to the benefits of

such police relief association when he arrives at the age of 50 years; and provided further, that any member who retires prior to May 1, 1945, shall receive \$85.00 per month, and any member who retires after May 1, 1945 shall receive \$85.00 per month if he has served over 20 years but under 25 years, and \$90.00 per month if he has served over 25 years; and provided further that in the event the reserve fund of any such association shall at the end of any calendar year total less than \$200,000, the pensions paid to service or disability pensioners who retired prior to May 1, 1945, shall be reduced to \$75.00 per month for the following calendar year. Disability pensioners retiring after May 1, 1945 shall receive \$85.00 per month if in service under 25 years, and \$90.00 per month if in service over 25 years.

Sec. 2. Applicants. In the case of any applicant for a service pension who, following his entry into the service of any such police department, has served in the military forces of the United States in any war or national defense emergency subsequent to January 1, 1940, and thereafter returned honorably discharged from such service and resumed active duty in such police department, the period that such applicant has served in such military or defense emergency service shall be counted in computing the period of service herein provided for, but during such period of military or defense emergency service, he shall not be considered as an active member of his association, and shall not be entitled to any disability pension for disability incurred in such military service.

Sec. 3. Payments; limitations. Pensions shall be paid to any widow or child under 16 years of age, of any such pensioned and retired member of the police department, or to any widow, or child under 16 years of age, of any member who dies while in the service of the police department of any such city, or to any widow, or child under 16 years of age, of any member who, after having been a member of such police department for 20 years or more, shall sever his connection with such police department and who shall die before he arrives at the age of 50 years, and such widow or child shall receive the following sums: \$40.00 per month to such widow and \$10.00 per month to each of such children under 16 years of age. Where such widow and such children reside together the money herein required to be paid to such children shall be paid to such widow for the support of such children, but the money paid to such widow or herself and such children shall not exceed \$75.00 per month in all. In the event that any such widow remarries she shall receive no further benefits under this law.

Sec. 4. Uses of fund. No police pension fund shall be used for any other purpose than for the payment of service, disability, or dependency pensions as herein provided, and for expenses of administration of such fund.

Sec. 5. Member: The word "member," as used in this act, includes police women and police matrons.

Sec. 6. Pensions; limitations. Subdivision 1. The pensions authorized by this act shall not be paid to any person while drawing salary in any amount from such city as an employee or from any department of the state or any county or municipality therein as an employee. This provision shall not affect the status as a pensioner of any person whose status as a pensioner has been fixed by retirement while another provision of law was in effect.

Subd. 2. No member shall be entitled to said pension after he removes his residence from the United States.

Subd. 3. No member who has been convicted of a felony shall be entitled to such pension during the period of his incarceration in any penal institution as punishment for the commission of such felony; provided, that no widow, or child under 16 years of age, of any member who shall have been so convicted of a felony, shall be deprived of their pension rights under this act by reason thereof unless such widow, or child under 16 years of age, shall have been a party to the commission of such felony, and provided further that such member so convicted of a felony is receiving a pension at the time of his conviction, his wife, or child under 16 years of age, who has not been a party to the commission of such felony shall receive the pension provided for herein in the event of the death of such member.

Subd. 4. No person receiving the pension referred to in this act shall receive or be entitled to receive any other or further pension or relief from the association paying such pension.

Sec. 7. Powers and duties of relief association. Subdivision 1. The relief association herein referred to, through its officers, shall have full charge, management, and control of the pension fund herein provided for, which funds shall be derived from gifts of real estate or personal property, rents, money, or other sources. It shall be the duty of the treasurer of any city affected by this act to deduct each month from the monthly pay of each member of the police department of such city a sum equal to three per cent of such monthly pay and place the same to the credit of the police pension fund;

provided, however, that in the event the reserve fund of any such association shall at the end of any two consecutive calendar years total less than \$200,000 for each of such years, the city treasurer shall deduct four per cent of such monthly pay during the following calendar year. It shall be the duty of every police officer receiving any reward for services in making arrests, or otherwise, to place to the credit of the police pension fund all such rewards, and it shall be the duty of the chief of police of any such city to place to the credit of the police pension fund all moneys falling into the hands of the police that remain unclaimed for a period of six months, and sell all unclaimed property falling into the hands of the police when the same is unclaimed for a period of six months, and place the proceeds thereof to the credit of the police pension fund.

Subd. 2. A one-mill tax, in addition to the rate allowed to be expended for cost of government by the charter of any city affected by this act, shall be annually assessed and levied at the time and in the manner that taxes for the other funds of such city are levied by the proper officers of each such city where a police relief association now exists, upon each dollar of the taxable property in such city as the same appears on the tax records of such city, and such levy of said sum for the benefit of such police relief association shall be collected and apportioned by the proper officers of any county in which such city is located, in the same manner as are all taxes of such city, and all annual surpluses shall remain in said police pension fund.

Sec. 8. Pensions not subject to any legal process. No pension allowed, or to be allowed, by said pension board under the provisions of this act shall be subject to judgment, garnishment, execution, or other legal process, and no person entitled to such pension shall have any right to assign the same, nor shall such association have the authority to recognize any attempted assignment or pay over any sum whatever which has been assigned or attempted to be assigned.

Sec. 9. Governing body. The governing body of any such association shall consist of five members to be elected annually, who shall hold their terms of office for one, two, three, four, and five years respectively or until the successor of each is duly elected and qualified, and the mayor, chief of police, and city treasurer shall be ex officio members of said board, and the city treasurer shall be the custodian of all funds of said association and disburse the same as directed by said board.

All vacancies occurring in the elective membership of said board shall be filled by a special election called for that purpose. In any such city where the police department is under the direction and supervision of a commissioner of public safety, said commissioner shall be ex officio a member of said board in the place of the mayor of such city.

Sec. 10. Repeal. Minnesota Statutes 1941, Sections 423.01 through 423.07, and all acts or parts of acts inconsistent herewith are hereby repealed.

Approved March 7, 1945.

CHAPTER 48—H. F. No. 221

An act relating to the payment of retirement allowances to employees of cities of the first class, and amending Minnesota Statutes 1941, Section 422.01, Subdivision 30.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1941, Section 422.01, Subdivision 30, is amended to read as follows:

Subdivision 30. **Death benefit.** In the event of the death of an employee in the contributing class while still in the service of the city, there shall be paid to the heirs thereof the net amount to the credit of the employee at the time of his death; provided, that the employee shall have fulfilled all conditions as to age, service, and participation requisite for retirement on a service allowance, or that said employee shall have fulfilled all conditions as to participation and shall die before attaining the minimum age requisite for retirement on a service allowance, and shall have been in the employ of the city for 20 years or more prior to his death. This shall not apply to any employee whose death was caused by an accident which occurred while he was engaged in the course and scope of his duties as an employee.

In the absence of heirs of such employee, that portion of the amount to the credit of the employee on which the pension is to be based, as defined in subdivision 27, and that portion on which the supplementary allowance, if any, is to be based, as defined in subdivision 28, shall be canceled and the city shall be liable for only the balance of such credits.

Sec. 2. Repeal. Minnesota Statutes 1941, Section 422.36, is hereby repealed.

Approved March 7, 1945.