

lection thereof, and amending Mason's Supplement 1940, Section 2394-55.

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

Section 1. **Law amended.**—Mason's Supplement 1940, Section 2394-55, is hereby amended to read as follows:

2394-55. **Payment of expenses.**—All the expenses of the administration of this Act shall be paid out of the receipts therefrom as other moneys of the state are expended by the departments incurring the same, and there is hereby appropriated out of such receipts so much thereof as may be necessary therefor. *Expenses of the administration of this Act as provided for herein shall include fees and expenses incurred by the Attorney General in litigation for the collection of the taxes provided for in this Act.* Provided that none of said departments may expend any money for any of the purposes of this Act after February 15, 1935, unless the same shall be appropriated by the Legislature.

Filed March 10, 1943.

CHAPTER 116—H. F. No. 96

(AMENDING SECTION 423.23 and 423.25 MINNESOTA STATUTES 1941.)

An act amending Laws 1935, Chapter 170, Sections 2 and 4, relating to police pensions in certain cities of the fourth class.

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

Section 1. **Law amended.**—Laws 1935, Chapter 170, Section 2, is amended to read as follows:

Section 2. **Police department may incorporate.**—The police department in any such city is hereby authorized to become incorporated pursuant to the provisions of any laws of the State of Minnesota and to adopt articles of incorporation and by-laws as a relief association. All members of such department at the time of the taking effect of this act and all persons subsequently becoming members of such department shall be members of such association, except municipal court officers and persons appointed for temporary service or for probationary periods. For the purpose of this act no employment after six months shall be considered temporary or probationary. *All such members of the department shall be assessed for entrance fee and dues of the association, as*

fixed by its by-laws, which with the assessment authorized by Section 13, shall, when certified by the secretary of the association to the city clerk, be deducted from the pay of such member and paid into the proper fund of the association.

Sec. 2. **Law amended.**—Laws 1935, Chapter 170, Section 4, is amended to read as follows:

Section 4. **Retirement pension.**—When any member of the association reaches the age of 55 years he may retire and shall thereupon be entitled to a pension as long as he, *lives* at the following rates:

(a) \$75.00 per month when such member shall have served as a member of said police department for a period of 20 years or more, excluding temporary or employment or probationary periods.

(b) An additional \$5.00 per month for each year of service over 20 that said person may have served as a member of such police department after the age of 55 years. The total amount of pension hereunder shall in no event exceed \$100.00 per month.

(c) In the event such member shall retire after reaching the age of 55 years or more, and after having been a member of said department for at least ten years but before having served 20 years in said department, the amount of pension which he shall receive shall be that proportion of \$75.00 per month which the years of service in said department prior to retirement bear to 20 years, major fractions of years of service to be treated as one year and minor fractions to be disregarded.

(d) In no event shall temporary employment or employment for probationary period be considered in computing pension allowance hereunder.

(e) In the event any member shall be discharged from the service of said police department after having served 20 years or more and before such member has reached the age of 55, he may, upon the vote of a majority of the members of the relief association, be permitted to continue as a member of said association, notwithstanding that he is no longer a member of said police department, and upon reaching the age of 55 years, shall be entitled to a pension at the rate of \$75.00 per month; provided that in such event such member shall make application to said association for such privilege within six months from the time he is discharged and shall contribute each month after said discharge, and until reaching the age of 55 years, to the pension fund of said relief association a sum of money equal to 3½% of the then average monthly pay of members in said department holding the rank held

by said member at the time of the discharge. In the event such association approves such application, such member shall within 60 days thereafter pay into said association for the pension fund the monthly installments herein provided for the period between his discharge and the time of the first payments. Thereafter, in the event said member shall default in the payment of such monthly assessments and such default shall continue for a period of sixty days, all right hereunder shall cease. *In the event that any member of the police department and of the relief association, regardless of his age, becomes totally disabled from performing any kind of work, labor, or services after he has served as a member of the police department for at least ten years and shall have been discharged or shall have resigned from the police department by reason of disability, he shall be entitled to and paid a pension from the pension fund of the association, the amount of which shall be that proportion of \$100.00 per month which the years of service in the department prior to retirement bear to 25 years, major fractions of years to be treated as one year and minor fractions to be disregarded.*

No such pension for disability shall commence until the association shall have been furnished with satisfactory proof as to the applicant's age, his years of service in the department, and of his disability and causes thereof, The applicant must submit himself to examination by the official physician of the association and to such other doctor as the association may direct and submit to such examination as often as requested by the association, the cost of which is to be paid by the association out of the pension fund. The applicant may submit reports as to his disability from other doctors at his own expense, to the association for consideration but the report of the official physician of the association is the basis upon which the association decides upon the allowance of the disability pension and computes the amounts thereunder. No such pension shall be paid to any person who is receiving compensation under the Workmen's Compensation Act for injury causing such disability.

Approved March 15, 1943.

CHAPTER 117—H. F. No. 97

(AMENDING SECTION 212.28 and 413.01 MINNESOTA STATUTES 1941.)

An act relating to villages; amending Mason's Supplement 1940, Section 601-11(2) and Mason's Minnesota Statutes of 1927, Section 1110; repealing Laws 1857, Chapter 64, Special Laws 1868,