

grantee, in form approved by the attorney general, with like effect as the original deed.

**Sec. 2. Certificates ratified.**—All declarations or certificates heretofore issued by the commissioner of taxation relating to the issuance of state deeds to tax-forfeited lands which have been lost or destroyed are hereby ratified. Every such declaration or certificate and the record thereof shall be prima facie evidence of the facts therein stated.

Approved March 26, 1943.

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#### CHAPTER 196—H. F. No. 704.

*An act relating to police pensions in villages having a population of more than 2,200 and less than 3,000 and an assessed valuation of taxable property, exclusive of moneys and credits, of more than \$800,000 and less than \$1,000,000, of which more than 70 per cent consists of iron ore.*

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

**Section 1. Application of act.**—This act applies to all villages in this state which have a population of more than 2,200 and less than 3,000, and an assessed valuation of taxable property, exclusive of moneys and credits, of more than \$800,000 and less than \$1,000,000, of which more than 70 per cent consists of iron ore. Any village which comes under the terms of this act shall continue thereunder notwithstanding any subsequent change in classification or valuation.

**Sec. 2. Police department may incorporate—members.**—The police department in any such village may become incorporated pursuant to the provisions of any laws of the state and 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; provided that for purposes of this act no employment after six months shall be considered to be temporary or probationary.

**Sec. 3. Termination of membership.**—Every person shall cease to be a member of said association upon the termination, from any cause, of his employment in said police department, except as he may be entitled to receive benefits hereunder or under

the by-laws of said association subsequent to such termination.

**Sec. 4. Retirement aid—pension.**—When any member of said association shall have reached the age of 55 years he may retire and shall thereupon be entitled to a pension as long as he shall live, at the following rates:

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

(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 \$90.00 per month.

(c) In the event such member retires after reaching the age of 55 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 disregarded.

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

**Sec. 5. Retirement not compulsory.**—Retirement at the age of 55 years shall not be compulsory, but when such members shall have reached the age of 60 years the board or commission charged with the administration of the department of police in said village shall have the right to insist upon the retirement of such member at the age of 60 years, regardless of the provisions of any civil service laws.

**Sec. 6. Tax levy.**—For the support of the fund from which such pensions are paid the village council or other governing body of such village shall each year, at the time the tax levies are made for the general revenues of the village, levy within the limits then permitted by law, a tax on all taxable property of such village in the amount of one mill per annum, which levy shall be transmitted to the auditor of the county in which the village is located at the time other tax levies are transmitted and shall be collected and the payment enforced in the same manner as other taxes of such village. In addition thereto each member of said association shall be required to contribute to such fund each month three and one-half per cent. of his monthly pay, to be deducted at the time

of the payment of his salary or wages by the village and transferred to such fund, in addition thereto, such relief association may transfer to such fund moneys raised from other sources and under the control of such association.

**Sec. 7. Tax levy omitted—when.**—If at any time the balance on hand in such fund together with interest or other earnings accrued therein, exceeds the sum of \$15,000 then as often as this shall occur the levy of taxes for said fund shall be omitted for said year, and if at any time the whole amount of one mill from taxation is not needed for the maintenance of said fund at \$15,000 then the sum to be raised by taxation shall be proportionately reduced to such amount as will be sufficient to keep said fund at \$15,000.

**Sec. 8. Board of Directors — officers.** — The articles of incorporation or by-laws of such relief association shall provide for a board of directors of three members who shall elect from its members a president, a vice-president, a secretary, and a treasurer. The principal executive officer of said village and its treasurer shall, ex officio, be members of said board. Members of such board and the officers thereof shall hold their terms of office for such times as may be provided in the articles of incorporation or by-laws of such association.

**Sec. 9. Village treasurer to be custodian of funds.**—The village treasurer shall be the custodian of all funds of such relief association. All moneys raised by taxation, as provided in this act, shall be paid and all other funds of such association shall be paid to the village treasurer and shall be kept by him in a separate fund called the police pension fund. Upon the written direction of such board of directors the village treasurer shall invest said funds in such interest-bearing securities as are specified by the board of directors; provided, that such securities shall be such as may be prescribed by the laws of this state as permissible investments for state banks by the state board of investment, except that in addition thereto such funds may be invested in first mortgages upon improved real estate located in said village.

**Sec. 10. Board of Directors to make annual report.**—Such board of directors shall file annually, on or before the first day of September, with the clerk of said village, a detailed report of the amount of money received, expended, and remaining on hand to the credit of said fund. The books and records of said board shall be open to inspection and audit by any tax payer of said village, or his duly authorized representative, and shall be audited with other books and records of the village at the time of the making of any general village audit.

**Sec. 11. Investment expenses to be paid.**—Actual expenses in connection with the making of investments may be paid from said fund upon authorization by the board of directors, but no salaries or fees shall be paid to any officer or agent therefrom.

**Sec. 12. Deductions to be paid to members in certain cases.**—Whenever a member of said association ceases to be a member of said department for any reason other than death or retirement, he shall be paid, on demand, the full amount of the accumulated deductions from pay standing to his credit. Whenever any member dies without having received a pension or without having received in pension payments, an amount equal to the total amount of the accumulated deductions from his salary hereinbefore provided for, the full amount of said accumulated deductions, less such pension payments, if any, as have been paid to said member, shall be paid in one lump sum to the beneficiaries designated by such member or, if none, to the legal representatives of such member. If no valid claim is established therefor, such accumulated dividends shall remain with and become the property of said association. No member shall be entitled to interest upon deductions under the provisions of this section.

**Sec. 13. Pensions not to be paid—when.**—No pension payments shall be made hereunder to any person while he is in the employ of such village in any capacity or an employee of the State of Minnesota or receiving a pension from any public funds. If any such person is in the employ of the village or of the state, or is receiving pension from any public funds, and the amount of his monthly compensation or pension is not equal to the monthly pension to which he is entitled hereunder, the difference shall be paid to him.

**Sec. 14. Need not become members of Public Employees Retirement Association.**—Members of such relief association need not become members of the Public Employees Retirement Association established by Laws 1931, Chapter 307, or acts amendatory thereof, and if already members of said association shall, upon the establishment of the relief association hereunder, cease to be members thereof and entitled to receive from such association the amount of accumulated deductions of pay contributed to said association in the same manner and in the same amount as they would be entitled thereto upon ceasing to be employees of said municipality.

**Sec. 15. Effective May 1, 1943.**—This act shall take effect and be in force from and after May 1, 1943.

Approved March 26, 1943.