

CHAPTER 199—H. F. No. 534

An act relating to the pensions of police officers in cities of the second class; amending Minnesota Statutes 1941, Sections 423.12, 423.14, 423.15, 423.16, 423.17, 423.18, 423.19, 423.20 and 423.13 as amended by Laws 1943, Chapter 382.

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

Section 1. Minnesota Statutes 1941, Section 423.12, is amended to read as follows:

423.12. Police pension fund. In every city of the second class in this state there *shall be* a police pension fund, which shall be governed and managed in accordance with the provisions of Sections 423.12 to 423.20.

Sec. 2. Minnesota Statutes 1941, Section 423.13, as amended by Laws 1943, Chapter 382, is amended to read as follows:

423.13. Pensions for police officers in cities of second class. Every paid municipal police department now existing or which may hereafter be organized may and is hereby authorized to become incorporated pursuant to the provisions of any applicable law of this state, or adopt a constitution and by-laws as a relief association to provide and permit said police relief association so incorporated or so organized to pay out of and from any fund it may have received from the State of Minnesota, or from any other source, a *service, disability or dependency pension in such amounts and in such manner as its articles of incorporation, its constitution or its by-laws shall designate, not exceeding the sum hereinafter specified per month to each of its retired members who shall have reached the age of 50 years or more and who shall have served 20 years or more in such police department, or to their widows and children under 16 years of age; or to any member of such police department who has been permanently disabled physically or mentally because of any injury suffered in the line of duty while a duly authorized member of such paid municipal police department so as to render necessary his retirement from active police service, or to their widows, or children under 16 years of age if such member dies while an active and regular member of the police department as a result of such injury suffered in the line of duty. No qualified pensioner shall receive less than \$50.00 or more than \$75.00 per month.*

Sec. 3. Minnesota Statutes 1941, Section 423.14, is amended to read as follows:

423.14. Increase or decrease in pension. Every such association shall have and retain the right to increase or reduce the amount of such pension *within the minimum and maximum amounts hereinbefore provided, but all pensions within a given class shall be uniform.*

Sec. 4. Minnesota Statutes 1941, Section 423.15, is amended to read as follows:

423.15. Persons not entitled to a pension. *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 his or her 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 where 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. 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 relief association paying such pension.*

Sec. 5. Service in armed forces counted in period of service. *The time which any member of such police force has served in the military forces of the United States in any war or national defense emergency subsequent to January 1, 1940, shall be counted in computing his period of service as herein provided for after his discharge and upon resumption of his duties in such police department, but he shall not be considered an active member of his association during such period of military or national defense emergency service.*

Sec. 6. Payments to widows and children. *There shall be paid to the widow or child under 16 years of age of any such qualified pensioner or to the widow or child under 16 years of age of any member of such police force who dies before he arrives at the age of 50 years, after having been a member of such paid municipal police department for 20 years or more, the sums hereinafter provided, of \$40.00 a month to such widow and \$10.00 per month to each of such children under 16 years of age, and where the widow and children reside together the money herein required to be paid to the children shall be paid to the widow for the support of such*

children, but in no event shall the sum so paid to the widow for herself and such children exceed the sum of \$75.00 per month. In the event any such widow remarries she shall receive no further benefits under this act. The funds herein provided for shall be appropriated and disbursed by each such association only for the following purposes:

(a) *For the payment of service, disability, or dependency pensions to qualified pensioners or their dependents as herein provided for.*

(b) *For the payment of necessary expenses in operating and maintaining such relief association, including the premiums on the official bonds of its officers and employees.*

The word "member" as used in sections 423.12 to 423.20 includes police women, police matrons and assistant police matrons.

Sec. 7. Minnesota Statutes 1941, Section 423.16, is amended to read as follows:

423.16. Pensions exempt from garnishment. No payments made or to be made by said board to said member of said police force shall be subject to judgment, garnishment or execution or other legal processes, and no person entitled to such payment shall have the right to assign the same, nor shall said association have the authority to recognize or pay over any sum whatever which has been assigned.

Sec. 8. Minnesota Statutes 1941, Section 423.17, is amended to read as follows:

423.17. Police pension fund; management and control. The association through its officers shall have full charge, management, and control of the police pension fund herein provided for, which fund shall be derived from gifts of real estate or personal property, rents or money from other sources. It shall be the duty of the treasurer of any city affected by sections 423.12 to 423.20 to deduct each month from the monthly pay of each member of such police department a sum equal to two per cent of his basic monthly pay and place the same to the credit of the police pension fund; the City Council or other governing body of each such city wherein such a relief association is located shall each year, at the time the tax levies for the support of the city are made, and in addition thereto, levy a tax for the benefit of the fund of such policeman's relief association of one mill on all taxable property within such city, until the balance in said fund of such policeman's relief association in any such city has reached the sum

of Fifty Thousand Dollars, and thereafter said levy may be reduced to a sum sufficient to maintain the balance in said fund at not less than Fifty Thousand Dollars, but in no event shall said tax levy be reduced to less than three-tenths of a mill per year on all taxable property within said city. The tax so levied shall be transmitted with other tax levies, to the auditor of the county in which such city is located and by said county shall be collected and payment thereof enforced, when and in like manner as state and county taxes are paid. As soon as practicable after the first day of June, and the first day of November in each year, the county treasurer of each such county shall pay to the treasurer of each such relief association within said county the amount of such tax then collected and payable to said association, together with all interests and penalties so collected, and all interest collected thereon between the time of collection and the time of payment to such relief association and the city treasurer of such city in the event that such tax or any part thereof is paid to him, shall likewise pay the same to the treasurer of the policeman's relief association of such city, as soon as the same has been collected, together with all interest and penalties thereon.

If a policeman in any such city is separated from the service due to resignation or some reason not involving moral turpitude, under such circumstances that no pension benefits are payable to him or his widow or children, then the treasurer of such pension fund shall return to such policeman, or in case of his death, to his heirs, executors, or administrators, all of the amounts so deducted from his salary without interest, but less the amount of any disability or other benefits theretofore paid to such policeman.

Sec. 9. Minnesota Statutes 1941, Section 423.18, is amended to read as follows:

423.18. Powers regarding property. The governing board shall have full power to hold, transfer, and sell real estate and personal property, and invest the funds derived therefrom and all other funds of the association, subject to the approval of the city council of the city, in which such association is located, as in the judgment of such governing board, are not needed for immediate purposes, in such securities as are duly authorized or legal investments for savings banks and trust companies, and shall sell any of such securities when such governing board shall deem it necessary so as to provide money for the payment of benefits or annuities.

Sec. 10. Minnesota Statutes 1941, Section 423.19, is amended to read as follows:

423.19. Members of governing board. The governing board of the association shall consist of five members of *such regular paid police department*, who shall hold office *respectively* for one, two, three, four, and five years, or until their successors are elected *at the annual meeting of said association* and *shall have* qualified, and the mayor, the chief of police, and the city treasurer shall be *ex officio* members of the board, and the city treasurer shall be the custodian of all funds of the association and disburse the same as directed by the board. All vacancies occurring in the elective membership of the board shall be filled by the board for the unexpired term or until the next annual election.

Sec. 11. Minnesota Statutes 1941, Section 423.20, is amended to read as follows:

423.20. Reports of governing board. The governing board of the association shall file, on or before the first day of September of each year, with the comptroller of the municipality, a detailed report of the amount of money received, expended, and on hand to the credit of the association.

Sec. 12. Payments continued. *Payments of pensions and benefits heretofore allowed by any such relief association shall be continued as previously affixed by such association unless specifically changed by action of such association subsequent to the passage of this act.*

Sec. 13. Workmen's compensation act not affected. *Sections 423.12 to 423.20 shall not be construed as abridging, repealing or amending the laws of this state relating to the provisions of the law commonly known as the workmen's compensation act.*

Sec. 14. Insurance laws not to apply. *None of the laws of this state regulating insurance or insurance companies shall apply to the retirement associations provided for by this act, or any of its funds.*

Approved March 31, 1945.

CHAPTER 200—H. F. No. 573

An act authorizing cities, villages, and boroughs, however organized, to adopt ordinances incorporating by reference statutes, rules and regulations of state departments and certain formal codes prepared by governmental agencies or trade or professional associations.