

to the provisions of the law commonly known as the workmen's compensation act.

**Severable.** Sec. 23. If any section or portion of a section of this act is declared invalid, the rest of this act shall nevertheless be and remain in full force and effect.

Approved April 28, 1947.

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CHAPTER 625—H. F. No. 979

[Section 13 Coded as Section 423.392]

*An act relating to police relief associations in certain cities, amending Minnesota Statutes 1945, Sections 423.37; 423.371, 423.372, 423.376, 423.377, 423.378, 423.379, 423.381, 423.384, 423.387, 423.39, and 423.391.*

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

Section 1. Minnesota Statutes 1945, Section 423.37, is amended to read as follows:

**423.37. Police department may form relief association in certain cities.** *In each city of the third class the members of its police department may organize a policemen's relief association, or maintain any policemen's relief association existing therein at the time of the taking effect of this act. This association shall create, maintain, and administer a policemen's pension fund for the benefit of its members, the widows and children of its members, and the beneficiaries of any policemen's pension or benefit fund in operation at the time of the taking effect of this act. All such associations now existing as such corporations, or hereafter incorporated under the laws of this state, shall have perpetual existence. This act shall not apply to any associations in existence at the time of the taking effect of this act; but each such association may elect to come under its provisions by the adoption of a resolution of the members of said association signifying its intention to do so, by a majority vote of all members then entitled to vote and voting, at any annual meeting of said association, or at any special meeting duly called for that purpose, and upon the filing of a copy of said resolution certified by the proper officers, with the Secretary of State, and the filing and recording in the office of the Register of Deeds of the county in which such association is located.*

*Upon the adoption of such a resolution, this act shall apply to all accepting associations as fully as though such associations had been formed hereunder, notwithstanding the provisions of any constitution, by-laws, charter provision, or ordinance.*

Sec. 2. Minnesota Statutes 1945, Section 423.371, is amended to read as follows:

**423.371. Organization and operation.** Each such relief association shall be organized, operated, and maintained in accordance with its own articles of incorporation and by-laws, by policemen, as hereinafter defined, who are members of said police department. Each association shall have the power to regulate its own management and its own affairs, and all additional corporate powers which may be necessary or useful; subject to the laws of this state pertaining to corporations, not inconsistent herewith.

Sec. 3. Minnesota Statutes 1945, Section 423.372, is amended to read as follows:

**423.372. Who is policeman.** A policeman under *this act* is a duly appointed policeman, policewoman, or police matron, who is regularly entered on the payroll of the police department of such city, serving on active duty therein, after having completed any probationary period required under the laws or ordinances of such city. Probationers in the police department, substitutes and persons employed irregularly from time to time, and elective officials of such department, shall not be deemed to be included under *this act*. All persons who are members of the policemen's relief associations of such cities, at the time of the passage of *this act*, whether their status is embraced within the definition of a policeman herein contained or otherwise, shall have the right to continue as members of their respective associations and be entitled to all benefits pertaining thereto, and any member included under the definition of policeman herein provided shall have the right to retain his membership on promotion or appointment to other positions to which such policemen herein may be subject. *This act* shall not affect any pensions or other benefits which have been allowed or which are being paid by any such relief association under or in accordance with any prior act or acts, at the time *this act* becomes effective. Payment of such pensions and benefits shall be continued by the respective associations in accordance with their articles of incorporation and by-laws, and shall be subject to all of the provisions thereof, existing at

the time of the passage of *this act*, or as thereafter duly repealed or amended.

Sec. 4. Minnesota Statutes 1945, Section 423.376, is amended to read as follows:

423.376. **Tax levy.** 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 special relief fund of such policemen's relief association of one mill on all taxable property within such city, until the balance in said special fund of such policemen's relief association in any such city has reached the sum of \$50,000, and thereafter said levy may be reduced by such city to a sum sufficient to maintain the balance in said special fund at not less than \$50,000. 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 interest 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 policemen's relief association of such city, as soon as the same has been collected, together with all interest and penalties thereon.

Sec. 5. Minnesota Statutes 1945, Section 423.377, is amended to read as follows:

423.377. **Deductions from salaries.** In addition, and only if such tax is levied, the city treasurer, finance commissioner or other officer charged with the responsibility of the city's finances, shall, each month, deduct from the salary of each policeman of such city subject to the provisions of *this act*, two per cent of the basic pay of all such policemen of such city, and transfer the total thereof to the treasurer of the special fund of the policemen's relief association, who shall credit said total to the special fund of such association and to the credit of each individual policeman from whose pay said deductions were so made.

If a policeman in any such city is separated from the service due to resignation or some reason not involving malfeasance, nonfeasance, moral turpitude, or if his separation from such service is caused by injury, death or other disability, under such circumstances that no pension benefits are payable to him or his widow or children, the treasurer of the special 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 base pay without interest, but less the amount of any disability or other benefits theretofore paid to such policeman.

Sec. 6. Minnesota Statutes 1945, Section 423.378, is amended to read as follows:

**423.378. Association to have management of funds.** Each such relief association shall have full and permanent charge of, and the responsibility for the proper management and control of all funds that may come into its possession, and particularly funds derived from the following sources:

(a) Funds derived from the tax levies by the city in which such relief association is located, and interest from the investment thereof.

(b) Funds derived from deductions made from the basic pay of members of such relief association.

(c) Funds derived from private sources such as gifts, charges, rents, entertainments, dues paid by members, and from other sources.

Sec. 7. Minnesota Statutes 1945, Section 423.379, is amended to read as follows:

**423.379. Placed in separate funds.** The money received from the various sources shall be kept in two separate and distinct funds, one to be designated as the association special fund, and the other as its general fund. All money received from the city in which the relief association is located, including wage deductions from the basic pay of policemen, shall be deposited in the special fund and shall be expended only for the purposes hereinafter authorized. All money received from other sources shall be deposited in the general fund, and may be expended for any purpose deemed proper by such association.

Sec. 8. Minnesota Statutes 1945, Section 423.381, is amended to read as follows:

**423.381. Determination of who is entitled to relief.** Each relief association shall in its by-laws define the sickness and

disability entitling its members to relief, and specify the amounts thereof, and also specify the amounts to be paid to its disability and service pensioners, and to widows and children of deceased members, and fix the age limit of children to which pensions may be paid, subject to, and in accordance with, the provisions of *this act*.

Sec. 9. Minnesota Statutes 1945, Section 423.384, is amended to read as follows:

423.384. **Retirement age.** A member of any such association as herein defined, who has completed a period, or periods of service, as a policeman in the police department of any such city, equal to 20 years or more, shall, after he has arrived at the age of 50 years or more, and has retired from the payroll of the police department of such city, be entitled to a service pension equal to one-half of the monthly base pay of such policeman at the time of his retirement from said police department, *but in no event shall such pension be less than \$75.00 per month, which pension shall be payable monthly during the term of his natural life in conformity with the by-laws of such association.* All leaves of absence of more than 90 days, except such as are granted to a member because of his disability due to sickness or accident, shall be excluded in computing the period of service. No deductions shall be made for a leave of absence granted to a member to enable him to accept an appointive position in said police department not subject to the provisions of *this act*. No member shall be entitled to draw both a disability and a service pension.

Sec. 10. Minnesota Statutes 1945, Section 423.387, is amended to read as follows:

423.387. **Survivors of pensioners to receive benefits.**  
(b) A child or children born the issue of the lawful wedlock of such pensioner, *or legally adopted by such pensioner during his lifetime.*

Such widow and said child or children shall be entitled to a pension or pensions as follows:

(1) To such widow a pension of not less than \$25.00 and not to exceed \$60.00 per month, as the by-laws of such association shall provide, for her natural life; provided, that if she shall remarry, then such pension shall cease and terminate as of the date of her remarriage.

(2) To such child or children, if their mother is living, a pension of not to exceed \$15.00 per month for each child up to the time each child reaches the age of not less than 16,

and not to exceed 18 years of age, which pension and age shall be fixed by the by-laws of such association. Provided, the total pension hereunder for the widow and children of said deceased member shall not exceed the sum of \$75.00 per month.

(3) A child or children of a deceased member receiving a pension or pensions hereunder shall, after the death or remarriage of their mother, be entitled to receive a pension or pensions in such amount or amounts as may be fixed by the by-laws of such association, until they reach the age of not less than 16 and not more than 18 years, as the by-laws of each association may provide; but the total amount of such pension or pensions hereunder for any child or children shall not exceed the sum of \$75.00 per month.

Sec. 11. Minnesota Statutes 1945, Section 423.39, is amended to read as follows:

423.39. **Funds exempt from execution.** All payments made or to be made by any such policemen's relief association under any of the provisions of *this act*, shall be totally exempt from garnishment, execution, or other legal process, and no persons entitled to such payment shall have the right to assign the same, nor shall the association have authority to recognize any assignment, or to pay any sum on account thereof; and any attempt to transfer any such right or claim, or any part thereof, shall be absolutely void.

Sec. 12. Minnesota Statutes 1945, Section 423.391, is amended to read as follows:

423.391. **Application of Laws 1943, Chapter 521.** *This act* 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*.

[423.392] **Application of Section 423.37 to certain cities of the third class.** Sec. 13. The provisions of section 423.37 as amended by this act shall apply to and bind any city of the third class which by a resolution of its governing body, adopted by a majority of the members thereof shall choose to be bound by it, but does not apply to any policemen's relief association in existence at the time of the passage of this act unless the association elects to come under its provisions as herein provided.

Approved April 28, 1947.