

Sec. 2. Subd. 2. **Violation and penalty.** A violation of any of the provisions of section 1 is a misdemeanor.

Approved February 28, 1949.

CHAPTER 79—H. F. No. 50

An act relating to police pensions in cities having a population of not less than 250,000 nor more than 450,000 inhabitants; amending Minnesota Statutes 1945, Sections 423.011, 423.021, 423.031, 423.035.

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

Section 1. That Minnesota Statutes 1945, Section 423.011, is amended to read:

423.011 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 the Constitution of Minnesota, Article 4, Section 36, and which has 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 18 years of age of any deceased member.

Any such association shall pay a sum not less than \$50 nor more than \$125 per month to each of its pensioned members, in accordance with the following regulations:

(a) *To each member of the organization who retired from the service of the police department prior to January 1, 1949, the sum of \$100.00 per month, if such member had served 20 years or more and had reached the age of 50 years.*

(b) *To each member of the organization who retired from the service of the police department prior to January 1, 1949, after having served 20 years, but had not attained the age of 50 years, the sum of \$100.00 per month when he shall attain the age of 50 years.*

(c) *To each member of the organization who retires from the service of the police department after January 1, 1949, after having served 20 years and having attained the age of 50 years, or who retires after such date, having served 20 years, when he shall attain the age of 50 years, the sum of \$100.00 per month.*

(d) *In addition to the basic pension of \$100.00 per month provided for herein, there shall be added to the pension payment each month to each member retiring after January 1, 1949, the sum of \$2.50 for each additional year of service over 20 years, to and including 30 years, as follows: 21 years service, \$102.50 per month; 22 years service, \$105.00 per month; 23 years service, \$107.50 per month; 24 years service, \$110.00 per month; 25 years service, \$112.50 per month; 26 years service, \$115.00 per month; 27 years service, \$117.50 per month; 28 years service, \$120.00 per month; 29 years service \$122.50 per month; 30 years service or more, \$125.00 per month; provided that none of such payments shall be made until such retired member shall have attained the age of 50 years.*

(e) *To any member of said police department who has been permanently disabled physically or mentally because of any injury received or suffered while on duty as a member of such police department so as to render necessary his retirement from active police service, the sum of \$100.00 per month if the date of such retirement was prior to January 1, 1949. If the date of such retirement is subsequent to January 1, 1949, he shall receive the sum of \$100.00 per month if the retirement is necessary during the first 20 years of his service, and if such retirement occurs after 21 years or more of service in the department he shall receive the additional \$2.50 per month for each additional year of service provided for in subdivision (d) above, the same being payable regardless of whether he has attained the age of 50 years.*

(f) *To any member of said police department who shall, after 10 years of service, but less than 20 years of service, in such department, retire because of sickness or injury suffered or received while not on duty and not engaged in police work,*

and such retirement is necessary because such member is unable to perform police duties, the sum of \$50.00 per month, and for each additional year of service over 10 years, the sum of \$5.00 per month.

(g) No member of any such association shall be awarded or paid a pension for disability of any type, received on or off duty, except upon presentation to the Board of Directors of a certificate from one or more competent physicians chosen by the governing board of the association, which shall set out the cause, nature and extent of the disability, disease, or injury suffered by such member and shall certify that such member is unable to perform his necessary duties in such police department.

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 *January 1, 1949*, shall be reduced 10% per month for the following calendar year.

Sec. 2. That Minnesota Statutes 1945, Section 423.021, is amended to read:

423.021. Payments; limitations. Pensions shall be paid to any widow or child under 18 years of age, of any such pensioned and retired member of the police department, or to any widow, or child under 18 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 18 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: \$50.00 per month to such widow and \$10.00 per month to each of such children under 18 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 for herself and such children shall not exceed \$85.00 per month in all. In the event that any such widow remarries she shall receive no further benefits under this law.

Sec. 3. That Minnesota Statutes 1945, Section 423.031, Subd. 3, is amended to read:

423.031. Conviction of a felony. 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 18 years of age, of any member who shall have been so convicted of a felony, shall be deprived of their pension rights under sections 423.011 to 423.061 by reason thereof unless such widow, or child under 18 years of age, shall have been a party to the commission of such felony, and provided further that *if* such member so convicted of a felony is receiving a pension at the time of his conviction, his wife, or child under 18 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.

Sec. 4. That Minnesota Statutes 1945, Section 423.-035, is amended to read:

423.035. 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 sections 423.011 to 423.061 to deduct each month from the monthly pay of each member of the police department of such city a sum equal to *four per cent* of such monthly pay, *provided, however, that such four per cent shall not exceed four per cent of the current maximum pay for a patrolman*, 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 *five per cent* of such monthly pay, *such five per cent not to exceed five per cent of the current maximum pay for a patrolman*, 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 and one-half mill* tax, in addition to the rate allowed to be expended for cost of government by the charter of any city affected by sections 423.011 to 423.061, 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. 5. **Effective date as to members who retired before or after January 1, 1949.** The provisions of this act increasing the monthly pensions for retired members who retired prior to January 1, 1949, shall take effect and be in force the first day of the month following the effective date of this act. Persons retiring after January 1, 1949, shall receive the increased pensions provided for herein beginning on the first day of the month following the effective date of this act. The provisions increasing the salary deductions of members shall take effect and be in force the first day of the month following the effective date of this act.

Approved March 4, 1949.

CHAPTER 80—H. F. No. 86

An act relating to public nuisances; amending Minnesota Statutes 1945, Section 145.22.

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

Section 1. Minnesota Statutes 1945, Section 145.22, is amended to read:

145.22. **Nuisance, source of filth, or cause of sickness; duty of health officer; notice; privy vaults.** When any nuisance, source of filth, or cause of sickness is found on any property, the health officer of the city, village, or town shall order the owner or occupant thereof to remove the same, at