

CHAPTER 127—H. F. No. 350

(Minneapolis)

[Coded]

An act providing for a policemen's pension association in each city now or hereafter having 500,000 inhabitants or more and for the creation, maintenance and administration of a policemen's pension fund by the association; amending Laws 1949, Chapter 406, Sections 1, 3, 4, 5, 6, 7; repealing Laws 1949, Chapter 406, Sections 2, 8.

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

Section 1. [423.71] **Definitions.** Subdivision 1. **Terms.** For the purposes of this act the terms defined in this section shall have the meanings ascribed to them.

Subd. 2. **Members.** "Members" means policemen, policewomen, police matrons, assistant police matrons, police stenographers, police clerks, police telephone operators, police radio operators, and police mechanics duly appointed, regularly entered on the payroll of the police department, and on active duty.

Subd. 3. **Unit.** "Unit" means one-eightieth of the average monthly salary of a first grade patrolman for a 12-month period beginning December first in any year and ending on the following November thirtieth.

Subd. 4. **Disability.** "Disability" means a physical or mental incapacity of a member to perform the duties of his position in the service of the police department.

Subd. 5. **Discharge.** "Discharge" means a complete separation from the service of the police department.

Subd. 6. **Age.** "Age" means age at the latest birthday.

Sec. 2. Laws 1949, Chapter 406, Section 1, is amended to read:

Sec. 2. [423.715] **Minneapolis policemen's relief association.** *Subdivision 1. Organization, maintenance.* The members of the police department of any city now or hereafter having 500,000 inhabitants or more shall organize a policemen's relief association or maintain the relief association now existing.

Subd. 2. Pension fund. This association shall create, maintain and administer a policemen's pension fund for the benefit of its members, their widows, children and beneficiaries.

Sec. 3. [423.72] **Incorporation, government by board.** The association shall become incorporated. It shall be governed

by a board of eight members. The mayor, chief of police, and treasurer of the city shall be ex officio members. The other members shall be elected by the members of the association. Those elected to the first board shall be elected for terms of one, two, three, four, five years respectively; thereafter election shall be for a term of five years. Each elective member shall hold office until his successor is elected and has qualified. Any vacancy in the office of an elective member shall be filled by a special election called for that purpose. Any member so elected shall hold office for the balance of the term for which his predecessor was elected. The affairs of the association shall be regulated by its articles of incorporation and bylaws.

Sec. 3. Laws 1949, Chapter 406, Section 3, is amended to read:

Sec. 4. [423.725] **Pension or benefit fund.** The association shall establish a policemen's pension fund or continue to maintain the policemen's pension or benefit fund now existing in the city, and shall have the management and control of any such fund.

Sec. 5. [423.73] **Sources of funds.** These funds shall be derived from the following sources:

- (a) Gifts made for such purpose;
- (b) Rewards received by members;
- (c) Moneys coming into the hands of members remaining unclaimed for six months;
- (d) Proceeds from sales of property coming into the hands of members and remaining unclaimed for six months. The chief of police of the city shall sell such unclaimed property;
- (e) An amount equal to four percent of the salary of a first grade patrolman deducted by the city treasurer from the monthly salary of each member;
- (f) All moneys derived from taxation, as provided by section 6; and
- (g) Moneys now in any policemen's pension or benefit fund continued to be maintained by the association.

Any surplus remaining in these funds at the close of any fiscal year shall continue therein.

Sec. 4. Laws 1949, Chapter 406, Section 4, is amended to read:

Sec. 6. [423.735] **Tax levy. Subdivision 1. Amount.** Except as provided in subdivision 2, in addition to all other taxes which it may levy the city shall levy a tax of one and

one-half mills at the time and in the manner in which it levies other taxes, and the proceeds of this tax shall be paid into the policemen's pension fund.

Subd. 2. Limitation. At any time that the balance in the policemen's pension fund reaches an amount equivalent to a sum which is ascertained by multiplying the total amount of the contributions of the members made during the year preceding the year in which the tax was levied, estimated on the salary of a first grade patrolman for that year, by 20 any levy in any ensuing year shall be only such as will be calculated to maintain this amount, but in no event shall any levy exceed one and one-half mills.

Subd. 3. Outside of tax for city purposes or tax limitations. The amount necessary to extend or reduce tax levies as herein provided shall not be included as a part of the general tax levy for city purposes or in the calculation of any limitation of any percent of the assessed valuation upon which taxes are required to be extended.

Subd. 4. Appropriation not part of cost of government. Any appropriation made to this fund from this tax levy is not to be considered a part of the cost of government as defined in the charter of the city.

Sec. 7. [423.74] Pension fund, uses. The policemen's pension fund shall be used only for the purpose of:

- (a) service, disability, or dependency pensions;*
- (b) salaries, in an amount not in excess of \$1,500 per year;*
- (c) expenses of officers and employees of the association in connection with the protection of the fund; and*
- (d) all expenses of operating and maintaining the association.*

Sec. 5. Laws 1949, Chapter 406, Section 5, is amended to read:

Sec. 8. [423.745] Pensions. Subdivision 1. Persons entitled to receive. The association shall grant pensions payable from the policemen's pension fund in monthly installments, in the manner and for the following purposes:

- (1) Any member of the age of 50 years or more, who performs duty as a member of the police department of the city for 20 years or more, upon his written application after retiring from such duty, shall be paid monthly during his lifetime a pension equal to 32 units and an additional unit for each*

year of such service in excess of 20 years, but not to exceed 40 units.

(2) Any member who performs duty as a member of *the police department of the city* for 20 years or more who retires from *such* duty before he attains the age of 50 years, upon his written application after reaching the age of 50 years shall be paid *monthly* during his lifetime a *pension* equal to *32 units and an additional unit for each year of such service in excess of 20 years, but not to exceed 40 units.*

(3) To any member who shall, after *ten years' service* but *with less than 20 years' service* with *the police department of the city*, become superannuated so as to be permanently unable to perform his duties, there shall be paid *monthly* during his lifetime a *pension* equal to *12 units for ten years of service and an additional two units for each completed year of such service over ten years and less than 20 years.*

(4) To any member *not eligible for a service pension* who, while a member of *the police department of the city*, becomes diseased or sustains an injury *while in the service which permanently unfits him for the performance of police duties*, there shall be paid *monthly* during his lifetime a *pension* equal to *32 units while so disabled.*

Subd. 2. Payments, member separated from the service. If a member of *the police department of the city* is separated from the service after having completed *not less than five years* of service, under such circumstances that no pension benefits are payable to him or to his widow or to his children, the treasurer of the city shall return to him the sum of \$500, with an additional \$100 for each completed year of service in excess of five. In the event the member is reinstated to police duty all moneys paid him shall be returned to the pension fund within six months from the date of the reinstatement. Failure to do so relieves the association from any liability as to prior years of service credit as to reinstatement date. In case of the death of the member any such sums shall be paid to his heirs, executors, or administrators.

Subd. 3. Service in military forces, effect. In the case of any applicant for a pension pursuant to Subdivision 1, Clauses (1), (2), or (3), who, following admission to membership in *the association*, has served in the military forces of the United States in any war or national defense emergency subsequent to January 1, 1940, and thereafter returned honorably discharged from such service and resumed membership in the association, the period that the applicant spent in such military service shall be counted in computing periods of

service required for benefits under this section. During such period of military *service* or defense emergency service, any *such* person is not considered a member of the association and is not entitled to any pension provided by Subdivision 1, Clauses (3) and (4). *If* the member does not return to his employment in *the* police department of *the* city within one year from the time peace is declared or within one year from the termination of the period of emergency, whichever is the later, *the provisions of this subdivision shall not apply.*

Subd. 4. **Certificate of physicians required.** No member shall be awarded, granted, or paid a pension pursuant to Subdivision 1, Clauses (3) and (4), except upon the certificate of two or more physicians or surgeons chosen by the governing board. *This* certificate shall set forth the cause, nature, and extent of the disability, disease, or injury of the member. No member shall be awarded, granted, or paid a pension pursuant to Subdivision 1, Clause (4), unless the certificate *states* that the disability, disease, or injury was incurred or sustained by the member while *in the service* of the police department of *the* city. Each *such* certificate shall be filed with the association.

Subd. 5. **Member convicted of felony.** A member who has been convicted of a felony is *not* entitled to *any* pension during the period of his incarceration in any penal institution as a punishment for the commission of a felony.

Sec. 6. Laws 1949, Chapter 406, Section 6, is amended to read:

Sec. 9. [423.75] **Pensions, benefit.** Subdivision 1. **Persons to whom granted.** The association shall grant pensions or benefits payable from the policemen's pension fund to any member *or to any* widow or to any child under 18 years of age or any member from the time and for the following purposes:

When a service pensioner, disability pensioner, or deferred pensioner, or an active member of a relief association dies, leaving

(1) a widow, who was his legally married wife, residing with him, and who was married while or prior to the time he was on the payroll of the police department; and who, in case the deceased member was a service or deferred pensioner, was legally married to the member at least one year before his retirement from the police department; or

(2) a child or children, who were living while the deceased was on the payroll of the police department or born within nine months after the decedent was withdrawn from

such payroll, the widow and child, or children, shall be entitled to a pension, or pensions, as follows:

(a) To the widow, a pension of *18 units* per month, for her natural life; but if she remarry the pension shall cease as of the date of the remarriage.

(b) To *each* child, a pension of *six units* per month until *the* child reaches the age of 18 years.

The total pensions hereunder for the widow and children of a deceased member shall not exceed *32 units* per month.

Subd. 2. Widow or child of member convicted of felony. A widow or child under 18 years of age of any member convicted of a felony shall *not* be deprived of a pension by reason of *the* conviction unless the widow or child was a party to the commission of the felony. When *such* member is receiving a pension at the time of his conviction, his wife or children under 18 years of age who were not parties to the commission of the felony shall receive the pension provided for herein, in the event of the *member's* death.

Subd. 3. Disabled members. Any member who becomes disabled from performing *his* duties as a member of the police department of *the* city by reason of sickness or accident, if off the payroll of the police department, *having* exhausted all sick leave and other benefits due him, *is* entitled to receive from the association during *his* disability such benefits as the bylaws of the association provide, *but such benefits shall not extend beyond a six-months period.* The bylaws may provide *that such a member shall have completed* a minimum number of years of service *in order to be entitled to such benefits.* *Before any such benefits shall be paid or allowed,* notice of the disability and application for benefits on account thereof shall be made to the secretary of the association within 90 days after such sickness or disability.

Sec. 7. Laws 1949, Chapter 406, Section 7, is amended to read:

Sec. 10. [423.755] Persons not entitled to pensions. No person is entitled to any pension after removing his residence from the United States. *Any* person receiving any pension *is not* entitled to receive any further benefit or relief from the association.

Sec. 11. [423.76] Suit for benefits forbidden. No person shall sue for any benefits provided in Section 8, *Sub-division* 1, Clauses (3) or (4), unless *he* shall post a bond in a sufficient amount to defray the cost to the governing board of defending *the* action. In the event the governing board is

sustained *the* portion of the bond necessary to defray *these* costs shall be forfeited.

Sec. 12. [423.765] **Payments exempt from process.** *Any payment made by the association under any provision of this act is exempt from any legal process. No person entitled to any such payment may assign the same. The association may not recognize any assignment or pay any sum on account thereof.*

Sec. 13. [423.77] **Repealer; rights and benefits saved.** Laws 1943, Chapter 280, is hereby repealed. No rights or benefits granted thereunder or under *any regulation* of the association in force at the time of the taking effect of this act shall be destroyed or reduced thereby. All actions or transactions taken or made prior to the time of the taking effect of this act by any policemen's relief association continued in existence hereby which would have been regular and in conformity with Minnesota Statutes 1941, Sections 423.01 to 423.07, are hereby legalized, confirmed, and made effective.

Sec. 8. [423.775] **Members now receiving pensions, rights.** Any member of the association who receives a pension for the month of April, 1953, and who is eligible to receive a pension thereafter shall receive a pension each month thereafter, during the time he is so eligible to receive a pension, equal to 32 units.

Sec. 9. Laws 1949, Chapter 406, Sections 2, 8, are hereby repealed.

Sec. 10. This act becomes effective May 1, 1953.

Approved March 20, 1953.

CHAPTER 128—H. F. No. 399

[Coded in Part]

An act relating to school safety patrols, amending Minnesota Statutes 1949, Section 131.24.

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

Section 1. Minnesota Statutes 1949, Section 131.24 is amended to read:

131.24 School safety patrols. Subdivision 1. **Establishment.** In the exercise of authorized control and supervision over pupils attending school and other educational institutions, both public and private, the governing board or other directing authority of any such school or institution is empow-