

CHAPTER 35—H. F. No. 184

An act relating to police pensions in certain cities; amending Minnesota Statutes 1949, Sections 423.371, 423.376 as amended, 423.377, 423.384, 423.387, as amended.

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

Section 1. Minnesota Statutes 1949, Section 423.371, is amended to read :

423.371 Organization, operation. Subdivision 1. **Articles, bylaws.** Each such relief association shall be organized, operated, and maintained in accordance with its own articles of incorporation and bylaws, 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.

Subd. 2 Amendments. All associations organized or duly coming under this act, shall have the power to amend, from time to time, their articles of incorporation or their bylaws, and by the amendment of their bylaws from time to time, may, subject to the minimum and maximum pensions hereinafter provided, increase or decrease the disability and service pensions already being paid, or thereafter to be paid, to disability and service pensioners, their widows and children, and the widows and children of deceased members, so as to maintain as nearly as possible a proper relationship between the prevailing pay of active members of the association and the pensions being paid, or to be paid, to disability and service pensioners, and the widows and children of deceased pensioners and members, or to maintain the reserves accumulated in the special fund of the association, on a sound and safe basis, and the over-all solvency of the association. Provided, nevertheless, that pensions being paid by such associations to disability and service pensioners, and the widows and children of deceased pensioners and members, at the time this provision shall go into effect, and become law, shall not be reduced by any such amendment of the bylaws. And further provided, that the service pensions being paid retired members, and to be paid existing members, shall in no event be reduced to an amount less than the amount provided for disabled members now receiving disability pensions, or who may hereafter be entitled to receive disability pensions, and further provided that no reduction shall be made in the pensions being paid to either service or disability pensioners who retire from the force, fol-

lowing their retirement, unless a pro-rata reduction is likewise made in the pensions to be paid members for service and disability pensions who may thereafter be entitled thereto.

Sec. 2. Minnesota Statutes 1949, Section 423.376 as amended by Laws 1951, Chapter 299, Section 1, is amended to read:

423.376 Tax levy. Subdivision 1. **Rate.** The City Council or other governing body of each such city wherein such 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 \$100,000 and thereafter said levy may be reduced by said city to a sum sufficient to maintain the balance in said special fund at not less than \$100,000. *In addition, the city may levy an emergency levy of one-half mill or fraction thereof (in addition to the one mill hereinbefore provided) whenever the balance in said special fund is less than \$50,000.*

Subd. 2. **Collection.** 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.

Subd. 3. **Additional.** This tax is in addition to all other taxes which the city may levy upon the aggregate valuation of all taxable property within the city, and is in addition to the amount of tax the city may levy for general purposes. The auditor of the County in which city is located, in extending or reducing tax levies shall not consider this tax as a part of the general tax levy for city purposes and shall not include it in any limitations as provided in Minnesota Statutes, Section 275.11.

Subd. 4. **Payment.** 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. 3. Minnesota Statutes 1949, Section 423.377, is amended to read:

423.377 **Salary deductions.** 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 Laws 1943, Chapter 521, two percent of the *prevailing* 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 pay without interest, but less the amount of any disability or other benefits theretofore paid to such policeman.

Sec. 4. Minnesota Statutes 1949, Section 423.384, is amended to read:

423.384. **Service pensions.** 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 receive from the association, a service pension in such amount as shall be fixed by the bylaws of the association, which pension shall in no event be less than \$75 per month, nor more than one-half of the prevailing pay of such policeman during the major portion of the year immediately preceding his retirement, and thereafter the maximum pension of such policeman shall not exceed one-half of the prevailing pay of active members of the association of equivalent rank, or the position most closely analogous thereto, and shall be payable monthly during the term of his natural life, subject to the bylaws of such association, provided however that those policemen who are mem-

bers of any such association at the time of the passage of this act shall be entitled to a minimum service pension equal to one-half of the monthly based pay of such policeman at the time of the passage of this act. 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 Laws 1943, Chapter 521. No member shall be entitled to draw both a disability and a service pension.

Sec. 5. Minnesota Statutes 1949, Section 423.387, is amended to read:

423.387 Benefits; pensioners, survivors. When a service pensioner, disability pensioner, or deferred pensioner, or an active member of such relief association dies, leaving:

(a) a widow who became his legally married wife while or prior to the time he was on the payroll of any such police department as a policeman, and remained such continually after their marriage until his death, without having applied for any divorce or legal separation, and who, in case the deceased member was a service or deferred pensioner, was legally married to such member before his retirement from said police department; and who, in any case, was residing with him at the time of his death. No temporary absence for purposes of business, health, or pleasure shall constitute a change of residence for the purposes of this section.

(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 per month, as the bylaws 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 \$25 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 bylaws of such association. Provided, the total pension hereunder for the widow and children of said deceased member shall not exceed the sum of *one-half of the prevailing monthly*

pay of such decedent during the major portion of the year immediately preceding the termination of his services as a policeman in the police department of such municipality, and thereafter the maximum pension of such widow and children shall not exceed one-half of the prevailing pay of active members of the association of equivalent rank to the position held by such decedent for the major portion of the year immediately preceding the termination of his services as a policeman, or the position most closely analogous thereto.

(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 bylaws 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 one-half of the prevailing pay of such decedent during the major portion of the year immediately preceding the termination of his services as a policeman in the police department of such municipality, and thereafter the maximum pension of such child or children shall not exceed one-half of the prevailing pay of active members of the association of equivalent rank to the position held by such decedent for the major portion of the year immediately preceding the termination of his services as a policeman, or the position most closely analogous thereto. The board of directors of such association shall determine to whom and for what purposes such pension or pensions shall be paid for the benefit of such child or children.

Approved February 21, 1953.

CHAPTER 36—H. F. No. 190

An act relating to Reserve Requirements of State Banks; amending Minnesota Statutes 1949, Section 48.22, as amended.
Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1949, Section 48.22, as amended by Laws 1951, Chapter 66, Section 1, is amended to read:

48.22. Cash reserves. Subdivision 1. Requirements. It shall always keep a reserve equal to 15 percent of its demandable liabilities and five per cent of its time deposits if located in a reserve city; if not located in a reserve city, it shall always