

Section 1. **Repealer.** Laws of 1949, Chapter 514, Section 2, is repealed.

Approved April 13, 1957.

CHAPTER 455—H. F. No. 1629

[Not Coded]

An act relating to policemen's pension associations in certain villages, and to the creation, maintenance and administration of policemen's pension funds.

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

Section 1. **Policemen's pension fund, certain villages.** Any village having 30,000 inhabitants, or more, located contiguous to a city of the first class having 450,000 inhabitants, or more, may, at the discretion of the village council by ordinance authorize the creation, maintenance and administration of a policemen's pension fund pursuant to this act.

Section 2. **Definitions.** Subdivision 1. For the purposes of this act the terms defined in this section have the meanings ascribed to them.

Subd. 2. "Member" means a policeman, police woman, police matron, radio engineer clerk, or other person duly appointed and regularly entered on the police payroll and on active duty.

Subd. 3. "Unit" means that fractional part of the average monthly salary of a first grade patrolman for the 12 months of the previous calendar year, as determined by the articles of incorporation of the association, which fractional part shall never be less than one-ninetieth nor greater than one seventy-fifth of such average monthly salary.

Subd. 4. "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. "Pensioner" means a former member who has qualified for and is receiving a pension.

Subd. 6. "Deferred pensioner" means a member who has completed not less than 20 years of service and retires before reaching the age of 50 years who is entitled to receive a pension when he attains the age of 50 years, upon a written request therefor.

Section 3. Policemen's relief association. Subdivision 1. When authorized by village ordinance the members of the police department of any such village may organize a policemen's relief association.

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

Section 4. Board; members, vacancies, terms. The association shall become incorporated. It shall be governed by a board of eight members. Of these, the mayor, chief of police and treasurer of the city shall be ex officio members. The other five 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 and 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 elected member shall be filled by a special election called for that purpose within 60 days after the vacancy occurs. Any member so elected shall hold office for the balance of the term for which his predecessor was elected.

Section 5. Articles of incorporation and by-laws. The affairs of the association shall be regulated by its articles of incorporation and by-laws.

Section 6. Pensions, payments. The association shall establish a policemen's pension fund and by its by-laws it shall define the sickness or disability entitling its members to any relief, shall specify the amounts of any benefits which this association is authorized to pay, and shall fix the age limit of children to whom pensions may be paid. No such benefits, however, shall be paid in violation of the limitations imposed by this act. Such association shall at all times have and retain the right to reduce or increase or otherwise adjust the amount of the pensions and benefits to be thereafter paid out of its funds, within the limitations imposed by this act.

Section 7. Source of fund. The pension fund 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 and remaining unclaimed for six months;
- (d) Proceeds from sales of property coming into the

hands of members and remaining unclaimed for six months, which property shall be sold by the chief of police;

(e) All moneys derived from taxation as hereinafter provided;

(f) Moneys now in any police fund of such village;

(g) Any other income allowed by law.

Section 8. Tax levy. Subdivision 1. In addition to all other taxes it may levy, if such a fund is created, the village shall levy a tax of one-tenth of one mill at the time and in the manner it levies other taxes, and the proceeds of this tax shall be paid into the policemen's pension fund. The village council may, in its discretion, levy an additional amount not to exceed one and nine-tenths mills, such additional tax to be collected and disbursed in the same manner as such one-tenth mill.

Subd. 2. Any such tax levy is not to be deemed for general village purposes within the meaning of any statute limiting village taxes.

Section 9. Specific purposes. The policemen's pension fund shall be used only for the payment of one or more of the following:

(a) Service, disability, or dependency pensions, or death benefits;

(b) Salaries, in an amount not in excess of \$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.

Section 10. Payments, eligibility. Subdivision 1. The association may grant pensions payable from the policemen's pension fund as follows:

(1) Any member of the age of 50 years or more, who performs duty as a member of the police department of the village for 20 years or more, upon his written application after retiring from such duty, may be paid monthly during his lifetime a pension of no more than 35 units and an additional unit for each year of such service in excess of 20 years, but not to exceed a total pension of 42 units.

(2) Any member who performs duty as a member of

the police department of the village 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 may be paid monthly during his lifetime a pension of no more than 35 units and an additional unit for each year of such service in excess of 20 years, but not to exceed a total pension of 42 units.

(3) Any member not eligible for a service pension, who, while a member of the police department of the village, becomes diseased or sustains an injury which permanently unfits him for the performance of police duties, may be paid monthly during his lifetime a pension of no more than 42 units while so disabled. Any disability pension may be limited to disabilities arising out of the member's duties with the police department.

Subd. 2. No member shall be awarded, granted, or paid a pension pursuant to subdivision 1, clause (3) except upon the certificate of two or more physicians or surgeons chosen by the board of the association, setting forth the cause, nature, and extent of the disability, disease, or injury of the member.

Subd. 3. A member who has been finally convicted of a felony shall not be granted any pension.

Section 11. **Death benefits.** Subdivision 1. When any member of the association or any pensioner dies leaving a widow who was his legally married wife, residing with him, and who was married to him during the time he was an active member, and who, in addition thereto in the case of the widow of a service pensioner, was married to him at least three years prior to the time such pensioner retired, such widow may be paid a death or funeral benefit of not to exceed \$500. Until her death or remarriage such widow may be paid an additional benefit or pension which shall not exceed the amount which her husband was qualified to receive, or was receiving, at the time of his death. For the purposes of this section, a member who is killed in the course of his duties shall be deemed to have qualified himself to receive a disability pension even though he shall not have lived long enough to have received such pension.

Subd. 2. When any member of such association or any pensioner thereof dies leaving a child or children living at his death or born within nine months thereafter, a pension may be paid to each such child of not more than six units per month until the child reaches an age of not more than 18 years. The total amount of pensions which may be paid to the children of any one such member or pensioner shall not exceed 15 units per month.

Subd. 3. Any member who becomes disabled from performing his duties as a member of the police department of the village by reason of sickness or accident, if off the payroll of the police department, having exhausted all sick leave and other benefits due him, may be granted a disability benefit by the association during his disability, but the by-laws 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 commencement of such sickness or disability.

Section 12. **Nonresidents of United States.** No person shall be granted any pension after removing his residence from the United States. No person shall be a paid employee of the association while receiving a pension.

Section 13. **Bond required upon suit.** No person shall sue for any benefits provided in section 10, subdivision 1, clause (3), unless he shall post a bond in a sufficient amount to defray the cost of 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.

Section 14. **Payments exempt from legal process.** Any payment made by the association under any provisions of this act is exempt from any legal process. No person entitled to any such payments may assign the same. The association may not recognize any assignment or pay any sum on account thereof.

Section 15. This act becomes effective July 1, 1957.

Approved April 13, 1957.

CHAPTER 456—H. F. No. 1736

[Coded]

An act empowering the regents of the University of Minnesota to enact rules and regulations governing the operation of vehicles upon property owned, leased or occupied by the regents of the University of Minnesota, providing personnel for the enforcement thereof, and providing penalties for the violation thereof.

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