

CHAPTER 639—H. F. No. 1301

An act relating to policemen's relief associations in cities of the fourth class; amending Minnesota Statutes 1957, Section 423.25, 423.27, 423.28 and 423.58.

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

Section 1. Minnesota Statute 1957, Section 423.25, is amended to read:

423.25 Retirement pension. When any member of the association reaches the age of 50 years he may retire and shall thereupon be entitled to a pension as long as he lives at the following rates:

(1) \$100 per month when such member shall have served as a member of said police department for a period of 20 years or more, excluding temporary employment or probationary periods.

(2) An additional ~~\$5~~ \$10 per month for each year of service over 20 that said person may have served as a member of such police department after the age of 50 years. The total amount of pension hereunder shall in no event exceed ~~\$150~~ \$200 per month.

(3) In the event such member shall retire after reaching the age of 50 years, and after having been a member of said department for at least ten years but before having served 20 years in said department, the amount of pension which he shall receive shall be that proportion of \$100 per month which the years of service in said department prior to retirement bear to 20 years, major fractions of years of service to be treated as one year and minor fractions to be disregarded.

(4) In no event shall temporary employment or employment for probationary periods be considered in computing pension allowance hereunder.

(5) In the event any member shall terminate his employment with said police department after having served 20 years or more and before such member has reached the age of 50, he may continue as a member of said association, notwithstanding that he is no longer a member of said police department, and upon reaching the age of 50 years, shall be entitled to a pension at the rate of \$100 per month; provided that in such event such member shall contribute each month after said termination of employment, and until reach-

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ing the age of 50 years, to the pension fund of said relief association a sum of money equal to three and one half percent of the then average monthly pay of members in said department holding the rank held by said member at the time of the termination of employment. Such member shall within 60 days thereafter pay into said association for the pension fund the monthly instalments herein provided for the period between his termination of employment and the time of the first payments. Thereafter, in the event said member shall default in the payment of such monthly assessments and such default shall continue for a period of six months, all rights hereunder shall cease. In the event that any member of the police department and of the relief association, regardless of his age, becomes totally disabled from performing any kind of work, labor, or services after he has served as a member of the police department for at least ten years and shall have been discharged or shall have resigned from the police department by reason of disability, he shall be entitled to and paid a pension from the pension fund of the association, the amount of which shall be that proportion of \$150 per month which the years of service in the department prior to retirement bear to 25 years, major fractions of years to be treated as one year and minor fractions to be disregarded.

No such pension for disability shall commence until the association shall have been furnished with satisfactory proof as to the applicant's age, his years of service in the department, and of his disability and causes thereof. The applicant must submit himself to examination by the official physician of the association and to such other doctor as the association may direct and submit to such examination as often as requested by the association, the cost of which is to be paid by the association out of the pension fund. The applicant may submit reports as to his disability from other doctors at his own expense, to the association for consideration but the report of the official physician of the association is the basis upon which the association decides upon the allowance of the disability pension and computes the amounts thereunder. No such pension shall be paid to any person who is receiving compensation under the workmen's compensation act for injury causing such disability.

~~The association shall have the right to cancel or suspend any pension or reduce the amount thereof during such time as the person otherwise entitled thereto is receiving a pension in any form from any municipal or other subdivision of~~

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the state or is regularly receiving income from a business or employment. No pension shall be reduced below the amount which, when added to the income from the other pension, business, or employment, equals the monthly pension to which the person would otherwise be entitled.

Sec. 2. Minnesota Statutes, 1957, Section 423.27 is amended to read:

423.27 Tax levy for fund. For the support of the fund from which such pensions are paid the council or other governing body of such city shall each year, at the time the tax levies are made for the general revenues of the city, levy within the limits then permitted by law, a tax on all taxable property of such city in the sum of ~~\$10,000~~ *\$5000* per annum, which levy shall be transmitted to the auditor of the county in which the city is located at the time the other tax levies are transmitted and shall be collected and the payment enforced in the same manner as other taxes of the city. In addition thereto, each member of the association shall be required to contribute to such fund each month ~~one per cent of his monthly pay~~, *three percent of the then average pay of the member holding the rank of patrolman*, such sum to be deducted at the time of the payment of his salary or wages by the city and transferred to such fund. In addition thereto, ~~such relief association may transfer to such fund moneys raised from other sources and under the control of such association the city shall levy an amount to match the contribution of each member.~~

Sec. 3. Minnesota Statutes 1957, Section 423.28 is amended to read:

423.28 Tax levies omitted, when. If at any time the balance on hand in such fund, together with interest or other earnings accrued therein, exceeds the sum of ~~\$50,000~~ *\$100,000* then as often as this shall occur the levy of taxes for the fund shall be omitted for that year, and if at any time the whole amount of ~~\$10,000~~ *\$5,000* from taxation is not needed for the maintenance of the fund at ~~\$50,000~~ *\$100,000* or more, then the sum to be raised by taxation shall be proportionately reduced to such amount as will be sufficient to keep the fund at ~~\$50,000~~ *\$100,000* or more; *provided the tax levies for matching the members' contributions shall continue notwithstanding that the fund is over \$100,000 or more.*

Sec. 4. Minnesota Statutes 1957, Section 423.58, is amended to read:

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423.58 Death of pensioner; rights of widow and children. 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 continuously 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.

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~~ *\$50* and not to exceed ~~\$60~~ *\$100* per month, as the by-laws of such association shall provide, for her natural life; provided, however, 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~~ *\$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 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~~ *\$150* 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

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pension or pensions hereunder for any child or children shall not exceed the sum of ~~\$75~~ \$150 per month.

Approved April 20, 1961.

CHAPTER 640—H. F. No. 1318

[Not Coded]

An act authorizing the commissioner of conservation to construct, reconstruct, repair, and restore certain water control structures located in Jackson and Nobles counties; appropriating money therefor.

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

Section 1. Round lake, Jackson county; water level. In order to restore and maintain the water level of Round Lake, Jackson county, and to supplement the natural water supply available for that purpose, the commissioner of conservation is authorized to repair, reconstruct, and modify Branch O of Judicial Ditch No. 9, Jackson and Nobles counties, and all channels, dykes, pumps, culverts, and other structures required to conduct water from said ditch into Round Lake. After completion of the projects, the county boards of the respective counties shall be responsible for maintenance and operation of the project.

Sec. 2. Construction authorized in section 1 shall not be undertaken until the repair of Judicial Ditch No. 9 shall have been ordered by the district court having jurisdiction thereon; nor until the county boards of the respective counties shall each have indicated, by resolution properly certified, their intention of maintaining and operating the project when completed, and saving the state harmless from any claims of whatsoever nature arising therefrom.

Sec. 3. There is hereby appropriated to the commissioner of conservation out of the game and fish fund \$10,000 and trunk highway fund \$14,000, or so much thereof as may be necessary, for the purposes of this act, provided any balance remaining on June 30, 1962, shall not cancel but be available for the succeeding fiscal year. The moneys from the trunk highway fund shall be expended solely for the purpose of repairing or rebuilding culverts or bridges on trunk highways required pursuant to sections 1 and 2; the

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