

## CHAPTER 736—S. F. No. 2045

[Not Coded]

*An act relating to the establishment of a policeman's pension fund, establishing benefits and providing tax levies therefor.*

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

**Section 1. Brooklyn Center, city of; policeman's pension fund.** In lieu of the police pension system as provided in Minnesota Statutes, Section 423.801 through 423.815, the city of Brooklyn Center shall establish a policeman's pension fund and shall provide pensions and benefits to policemen and their survivors and dependents as provided in this act.

**Sec. 2.** The members of the Brooklyn Center police department entitled to benefits under this act shall consist only of policemen, including policewomen and police matrons, but not including a person who is not a police officer as defined in Minnesota Statutes, Section 353.01, Subdivision 22.

**Sec. 3.** The city shall grant pensions payable from the policeman's pension fund in monthly installments, in the manner and for the following purposes:

(1) Any policeman of the age of 50 years or more who performs duty as a member of the police department of the city of Brooklyn Center 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 fifty percent of the average regular monthly base salary paid to top grade patrolmen during his years of service subsequent to 1960.

(2) Any policeman who performs duty as a member of the police department of the city of Brooklyn Center 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 fifty percent of the average regular monthly base salary paid to top grade patrolmen during his years of service subsequent to 1960.

(3) Any policeman who, after ten years service but less than 20 years service on the police department of the city of Brooklyn Center, becomes superannuated so as to be permanently unable to perform his duties, as determined by the city council of the city of Brooklyn Center, shall be paid monthly during his lifetime a pension equal to 25 percent plus two and one-half percent for each year in excess of ten, of the average regular monthly base salary paid to top grade patrolmen during his years of service subsequent to 1960.

**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**

(4) Any policeman who becomes permanently and totally physically disabled in the line of duty with the Brooklyn Center police department so as to be incapable of engaging in any gainful employment, shall be paid during his lifetime a monthly pension equal to 90 percent of the average regular monthly base salary paid to top grade patrolmen during his years of service subsequent to 1960, provided however, that the permanency and totality of such disability be determined initially and attested to annually thereafter by at least two competent medical examiners selected by the city.

(5) Any policeman not eligible for a service pension who, while a member of the police department of the city of Brooklyn Center, becomes diseased or sustains an injury which permanently disables him for the performance of police duties, as determined by two competent medical examiners selected by the city, shall be paid during his lifetime while so disabled, a monthly pension equal to 45 percent of the average regular monthly base salary paid to top grade patrolmen during his years of service subsequent to 1960.

Sec. 4. The city shall grant to the widow and surviving children, as defined in Minnesota Statutes, Section 423.810, of a policeman who is killed in the line of duty, or a policeman who dies from injuries incurred in the line of duty with the Brooklyn Center police department, a monthly pension equal to 90 percent of the average regular monthly base salary paid to top grade patrolmen during his years of service subsequent to 1960, said benefit to be paid until reduced as follows:

(1) In the event that the widow remarry, such pension shall cease, and in lieu thereof, the city shall provide to each of the surviving children of the deceased policeman a monthly pension equal to 8 percent of the average regular monthly base salary paid to top grade patrolmen during his years of service, subsequent to 1960, until the child reaches the age of 18 years at which time the payment shall cease.

(2) In the event that there are no surviving children, the city shall pay to the surviving widow a monthly pension equal to 45 percent of the average regular base salary paid to top grade patrolmen during the deceased policeman's years of service, subsequent to 1960, provided that if she remarry, such pension shall cease.

Sec. 5. The city shall grant pensions or benefits payable from the policeman's pension fund to the widow and surviving children, as defined in Minnesota Statutes, Section 423.810, of a service pensioner, deferred pensioner, disability pensioner, or active policeman when death is other than in the line of duty as follows:

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(1) To the widow of an active policeman, a monthly pension equal to 25 percent of the average regular monthly base salary paid to top grade patrolmen during his years of service subsequent to 1960, and to the widow of a service, deferred or disability pensioner, a monthly pension equal to 50 percent of the deceased policeman's pension benefit, provided that if the widow remarry, all benefits payable shall cease as of the date of remarriage.

(2) To each of the surviving children of a deceased policeman, a *monthly pension equal to eight percent of the average regular monthly base salary paid to top grade patrolmen during his years of service subsequent to 1960, until the child reaches the age of 18 years, at which time the payment shall cease.*

Sec. 6. No person shall be entitled to receive a pension from the policeman's pension fund of the city of Brooklyn Center if he is receiving an annuity or benefit from the public employees' retirement association resulting from services as a police officer of the city or village of Brooklyn Center.

Sec. 7. A policeman who has served on the Brooklyn Center police department for more than 10 years but less than 20 years, and who leaves the department in good standing for reasons other than superannuation or physical disability, shall be eligible for a pension upon attaining the age of 55 years, which pension shall be in the same proportion to the service pension provided in section 3, subdivision 1, of this act as the years of service performed on the Brooklyn Center police department is to 20 years. In the event of the death of such a former policeman who left the department after serving for more than ten years but less than 20 years, the widow of such deceased former policeman, as defined in this act, shall be paid a monthly pension equal to 50 percent of the pension which would have been paid to the deceased former policeman had he lived, such pension to be payable commencing on the date the deceased former policeman would have attained the age of 55 years and thereafter, provided that if the widow remarry, such pension and/or eligibility therefor shall cease. All pensions payable pursuant to this section shall be paid only after application therefor has been made by the proposed recipient.

Sec. 8. Any policeman who has served less than 20 years on the police department, may, upon his separation therefrom and at his option, withdraw all of his contributions paid to the policeman's pension fund as provided for elsewhere in this act by application to the treasurer of the city of Brooklyn Center who shall have custody of the assets of the fund. Payment made pursuant to such application shall constitute the total of all contributions made by the policeman to the policeman's pension fund, without earnings thereon, and shall

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constitute a waiver of all other and future benefits which may be payable from the policeman's pension fund.

Sec. 9. An amount equal to six percent of the regular monthly base salary of the top grade patrolman in the city police department, exclusive of all moneys for overtime, special assignments, allowances, incentives or longevity payments, shall be deducted from the monthly salary of each police officer of the city and shall be paid into the policeman's pension fund of the city.

Sec. 10. Any policeman who was duly appointed, regularly entered on the police payroll, and who performed duties as a member of the city of Brooklyn Center police department prior to Brooklyn Center becoming a city of the second class shall be credited with each year of such service upon his payment into the policeman's pension fund of an amount equal to his total contribution to the public employees police and fire fund of the public employees' retirement association. Members must complete said payment after this act becomes effective and within 60 days after receipt of respective employee contributions to the public employees police and fire fund of the public employees' retirement association.

Sec. 11. Subdivision 1. The city manager of the city of Brooklyn Center shall administer the policemen's pension fund and he shall, during the month of June each year prepare and certify an estimate of the necessary appropriation which, in addition to the policemen's contributions and any other contributions to the fund, will be sufficient to meet the current normal cost determined by the entry age normal cost method based upon a three percent interest assumption, plus an additional amount sufficient to retire the present accumulated deficit within 40 years of the passage of this act. This estimate of pension appropriation shall be submitted to the city council of the city of Brooklyn Center prior to the setting of the annual budget for the city for the following year. During the first year after passage of this act, and at least once every four years thereafter, the city shall obtain an actuarial survey and report prepared by an approved actuary as defined in Chapter 11, Laws 1957, to assist in the preparation of the annual estimates required by this section.

Subd. 2. The city shall levy a tax for the policemen's pension fund equal to the net amount so certified, in the manner and at the time that it levies other taxes. The proceeds of this tax shall be paid into the policeman's pension fund. When the fund has become fully funded, the tax levy shall be established at an amount sufficient to maintain the fund in a completely funded status as new obligations are incurred.

Subd. 3. The administrator of the policeman's pension fund

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shall invest such moneys as may from time to time be credited to the fund as are not required for current expenses in accordance with the investment regulations established by statute for the state employees' retirement fund. The governing body of the city of Brooklyn Center may, at its option, enter into an agreement with the State Board of Investment for the custodianship and investment of all or any portion of the moneys credited to the policeman's pension fund.

Sec. 12. Any payment of benefit made under the provisions of this act is exempt from any legal process. No person entitled to any such payment of benefit may assign the same. The city shall not recognize any assignment or pay any sum on account thereof.

Sec. 13. It shall be unlawful for the governing body of the city of Brooklyn Center or any officer of said city, to contribute any public funds for the operation and maintenance of a police pension fund or police relief association which pays retirement benefits to a police officer or dependents thereof, or to levy taxes for the support of such pension fund or relief association, except as provided by sections 1 through 13 of this act.

Sec. 14. This act shall become effective upon its approval by a majority of the city council of the city of Brooklyn Center and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved May 24, 1967.

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#### CHAPTER 737—S. F. No. 2105

*An act relating to insurance; amending Minnesota Statutes 1965, Section 60.49.*

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

Section 1. Minnesota Statutes 1965, Section 60.49, is amended to read:

**60.49 Insurance; real estate.** *The real estate acquired or held by any domestic company, including a life company, for the convenience and accommodation of its business shall not exceed in value 25 percent of its cash assets and invested assets, not including real estate acquired or held for the convenience and accommodation of its business. nor shall any foreign company acquire or hold for like purposes real property in this state in greater proportion. Any domes-*

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