

Lacs, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved May 24, 1967.

CHAPTER 774—H. F. No. 2553

[Not Coded]

An act relating to Hennepin county; authorizing the county to charge a fee for the issuance of special permits under the provisions of Minnesota Statutes 1965, Section 169.86.

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

Section 1. **Hennepin county; special load permits; fee.** The county of Hennepin, to cover administrative costs in issuing special permits under the provisions of Minnesota Statutes, Section 169.86, may charge a fee of \$5 for each such permit issued. All such fees for permits issued shall be deposited in the county treasury and credited to the county road and bridge fund.

Sec. 2. This act is effective upon approval by the county board of Hennepin county, and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 24, 1967.

CHAPTER 775—H. F. No. 2579

[Not Coded]

An act relating to the city of Moorhead; providing for benefits to certain police officers and their surviving dependents; prescribing the conditions for the use of public funds in connection therewith, in the operation of retirement plans for such persons.

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

Section 1. **Moorhead, city of; police relief association.** Notwithstanding any other provision of law or charter to the contrary, the Moorhead Policemen's Relief Association shall be covered by the provisions of this act.

Sec. 2. **Member's contributions.** Each member of the

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Association shall pay into the retirement funds of the Association during his term of covered employment, for retirement, disability and survivor benefits, a contribution of 6 percent of his total salary. The contributions shall be deducted from his salary by the City of Moorhead, transmitted to the Association, and deposited to the credit of the proper fund thereof. For the purposes of this section, covered employment shall be 30 years, so that no member shall be required to make contributions to the Association for any term of employment in excess of 30 years.

Sec. 3. Retirement benefit. The basic retirement benefit shall be 50 percent of the average salary of the policeman, upon which contributions to the Association have been made, during the last 10 years of employment. For all years of employment prior to the calendar year 1967, the average salary for such employment shall be the salary paid to said policeman during the calendar year 1967. A policeman shall be eligible to retire at the the conclusion of 20 full years of employment. For every year of service in excess of 20 years, the retirement benefit shall increase by $\frac{1}{2}$ of 1 percent of the average salary for the last 10 years of employment, said total retirement benefit not to exceed, however, 55 percent of the average salary for the last 10 years of employment. The minimum age at which retirement benefits may be drawn is the age of 55 years, except that a member with 18 years of service on the effective date of this act may draw retirement benefits at the age of 50 years.

Sec. 4. Deferred annuity. A member of the Association may elect to withdraw from membership upon termination of his employment as a policeman. In case of withdrawal from membership the Association shall refund the member's contributions, except that on the request of a withdrawing member with 4 or more years of membership credit, the Association shall, in lieu of a refund, issue to him a deferred pension certificate providing for pension payments to commence at the time he would be entitled to receive a retirement pension if he had continued his membership in the Association.

The amount of the monthly payments under the deferred pension certificate shall be the proportion of the monthly pension to which he would be entitled if he had the necessary minimum age and minimum years of service for retirement at the time of withdrawal, as his actual years of service at the time of withdrawal bear to the minimum years of service required for retirement. The monthly annuity payments shall commence upon the date the withdrawing member would have first been entitled to a retirement annuity had he continued his employment.

In the case of the death before commencement of payments to

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a holder of a deferred pension certificate, his contributions on which the certificate was based shall be paid to his surviving spouse, if living, otherwise to his designated beneficiary, if any, otherwise to his heirs.

Sec. 5. Disability benefit. Should a member of the Association become totally and permanently disabled from performing his duties as a police officer for the City of Moorhead, he shall be paid a disability benefit for the term of his life in accordance with the following schedule:

0 to 10 years of membership, \$75 per month

10 to 11 ½ years of membership, 11/20 of his retirement annuity

11 ½ to 12 ½ years of membership, 12/20 of his retirement annuity

12 ½ to 13 ½ years of membership, 13/20 of his retirement annuity

13 ½ to 14 ½ years of membership, 14/20 of his retirement annuity

14 ½ to 15 ½ years of membership, 15/20 of his retirement annuity

15 ½ to 16 ½ years of membership, 16/20 of his retirement annuity

16 ½ to 17 ½ years of membership, 17/20 of his retirement annuity

17 ½ to 18 ½ years of membership, 18/20 of his retirement annuity

18 ½ to 19 ½ years of membership, 19/20 of his retirement annuity

19½ to 20 years or more of membership, his retirement annuity.

Determination of disability shall be made by a physician designated by the council, at Association expense. Should either the council or the member not be satisfied with the decision of the physician engaged by the council, the matter shall be referred to a board of three physicians, one selected by the council, one selected by the member, and the third to be selected by the two physicians so selected. In default of the two physicians so selected to agree upon a third, the third shall be appointed within one month by the chief judge of the judicial district in which the City of Moorhead is lo-

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cated. The decision of the board of physicians shall be final. The costs of the panel of physicians shall be paid by the city. Their determination, however, shall not be construed to prevent the member from bringing action against the Association to recover disability benefits.

Disability benefits shall commence 90 days after the date of the disability except that where the member is receiving salary continuation under annual or sick leave provisions of his employment with the City of Moorhead, the disability benefits shall commence on the date the annual or sick leave terminates, not to commence, however, less than 90 days from the date of disability. Disability payments hereunder shall be reduced by the amount, if any, which a member receives by way of Workmen's Compensation benefits.

Sec. 6. Survivor benefit. Upon the death of a member before retirement or upon the death of a member who was disabled and receiving disability benefits at the time of his death or upon the death of a retired member, his surviving dependent spouse and dependent children under the age of 18 shall receive the monthly benefit provided below:

(a) Surviving dependent spouse, \$75 per month or 50 percent of the earned retirement at the date of death.

(b) Each dependent child, \$20 per month.

The payment to a surviving dependent spouse shall terminate upon her remarriage. The payment to a surviving dependent child may continue to the age of 22, provided the surviving dependent child is a full-time student. Survivor benefits to all the dependent children of any one deceased member shall not exceed the sum of \$100 per month.

Sec. 7. No escalation. No benefits payable hereunder shall be altered by reason of change in salary or other benefits paid to active members of the Association. Any member who has retired prior to the effective date of this act, upon either his retirement annuity or his disability annuity, shall continue to receive the same monthly benefit which he was receiving on the effective date of this act. Any survivor who was receiving or was entitled to receive benefits on the effective date of this act shall continue to receive the same benefits he was receiving or entitled to receive on the effective date of this act.

Sec. 8. Actuarial surveys. On December 31, 1967, and every four years thereafter, the Association shall have prepared an actuarial survey in accordance with Laws of Minnesota 1965, Chap-

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ter 751, as amended, copies of which actuarial surveys shall be filed with the City Clerk of the City of Moorhead and with the Chief Clerk of the House of Representatives and the Secretary of the Senate.

The financing requirements of the Association shall be determined by the actuarial surveys, as follows.

The normal level cost expressed as a percentage of payroll determined from the actuarial survey shall be translated to a dollar amount of normal cost. To the dollar amount of normal cost shall be added the amount of one year's payment toward amortization of the unfunded liability (deficit) by December 31, 2007. The total of these two amounts represents the financial requirements of the Association for the following year.

The minimum obligation of the City of Moorhead shall be the financial requirements of the Association less members' contributions of 6 percent of covered salary and less one year's estimated receipts expected from the State of Minnesota through state aid, if any. The foregoing determination of obligation of the City of Moorhead shall be submitted to its governing body not later than September 1 of each year so that it may ascertain whether it has been prepared in accordance with law. The city's obligation is contingent, however, upon compliance with this act by the association.

The City of Moorhead shall provide and pay, to the Association at least the amount of the minimum obligation each year. The City of Moorhead shall provide in its annual budget at least its minimum obligation and may levy taxes for the payment thereof without limitation as to rate or amount; the levy of taxes for the policemen's relief association shall not cause the amount of other taxes levied or to be levied by the City of Moorhead, which are subject to any limitation, to be reduced in any amount whatsoever. To avoid an undue increase in the amount of tax levy in any one year, the increased levy which may be required under this provision may be spread over several years, but the increased levy in any one year shall not be less than one mill until the appropriate level of the required tax levy is reached.

Sec. 9. Investment of funds. The funds of the Association shall be invested in investments that are lawful investments for the funds of the State Employees' Retirement Association, except that up to \$10,000 may be invested in the stock of any one corporation. The Association may select and appoint investment agencies to act for and in its behalf, subject to the approval of the City of Moorhead, or may contract with a trust company authorized to do

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business in the State of Minnesota for the investment of its funds in an agency account.

Sec. 10. **Association expenses.** All expenses for actuarial services, legal fees, audit services, physicians' services, and the like, are proper charges upon and may be paid from the special fund of the Association.

Sec. 11. To the extent not inconsistent herewith, Minnesota Statutes 1965, Sections 423.37 through 423.392, shall be applicable to the Policemen's Relief Association of the City of Moorhead.

Sec. 12. This act shall be effective when approved by the governing body of the City of Moorhead and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 24, 1967.

CHAPTER 776—H. F. No. 2591

[Not Coded]

An act relating to the city of Duluth; authorizing the city council to transfer by ordinance certain moneys from the gas division account of the public utility fund to the general fund; amending Laws 1951, Chapter 507, Section 1.

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

Section 1. Laws 1951, Chapter 507, Section 1, is amended to read:

Section 1. **Duluth, city of; transfer of certain funds.** The city council of ~~any city of the first class which has a population of less than 150,000 inhabitants and is authorized by its charter to maintain a public utility fund and required by such charter to keep a separate account for each utility operated;~~ *the city of Duluth* is hereby authorized to transfer by ordinance from ~~any such separate the gas division account of the public utility fund of the city~~ to the general fund of such city any moneys therein which are not pledged to or needed for the payment of any bonds issued on account of the cost of ~~such utility the gas division~~ and the interest on any such bonds, and which is not then needed for the construction, extension, operation, maintenance, and repair of ~~any such utility the gas division,~~ but there shall not be so transferred from the *gas division ac-*

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