

for by the party on whose application the publication is made. The party at whose request any notice is issued shall pay for the service of the same, except when sent by mail by the clerk or by the registrar. *In all other counties the fees of the clerk of the district court for services performed in connection with his duties in proceedings for the registration of a land title shall be governed by the provisions of Minnesota Statutes 1945, Section 357.02.*

Approved March 21, 1949.

CHAPTER 152—S. F. No. 464.

[Coded as Section 465.036]

An act enabling counties and municipal corporations to accept gifts to aid in building, equipping and maintaining public hospitals.

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

[465.036] Section 1. **Gifts to municipalities.** Counties, cities and villages, however organized, may accept gifts to aid in building, acquiring, equipping or maintaining public hospitals whether such hospital is maintained by a county, a city, or a village, or by any combination thereof.

Approved March 21, 1949.

CHAPTER 153—S. F. No. 495

[Not Coded]

An act relating to police pensions in cities of the first class.

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

Section 1. **Police pension association authorized in city of Duluth.** Police Pension Associations may be created or maintained in certain cities of the first class. In any city of the first class in this state which has a population of not

less than 75,000 and not more than 150,000 inhabitants and an assessed valuation, excluding monies and credits, of not more than \$90,000,000, the members of its police department may organize a Police Pension Association, or maintain any police pension association existing at the time of the taking effect of this act. Such association shall create, maintain, and administer a police pension fund for the benefit of its members, the widows and children of its members, and the beneficiaries of any police pension fund in operation at the time of the taking effect of this act.

Sec. 2. Definitions. For the purposes of this act, unless a different meaning is specifically stated, the words, terms and phrases defined in this section shall have the meaning given them.

Subdivision 1. Member. "Member" shall mean any person duly employed as a police officer of the Police Department of such city, and any other employe of said police department who is not subject to transfer to any other department of such city, and who is not required to be a member of any other public employe retirement or pension system under the laws of this state. Persons employed temporarily by such police department, elective officers and employes of said department not within the classified service of such city, if the charter thereof provides for a civil service system, shall not be considered members of and shall not be eligible to membership in any such association. Provided, that any appointee to the office of Chief of Police shall continue his membership in the association if he has, immediately prior to his appointment as Chief of Police, been a member in good standing of such association, and provided that any police officer who is a member of any such association and who is assigned to serve as a court officer of any municipal court in any such city shall continue to be considered a member of such association; and the city treasurer shall continue to make deductions from the salary of any such police officer as provided hereinafter.

Subd. 2. Association. "Association" shall mean any police relief association or police pension association created or maintained under this act, whether incorporated or unincorporated.

Subd. 3. Pension. "Pension" shall mean any pension payable under the terms of this act, whether it be a service pension, a deferred service pension, disability pension, or pension payable to the widow or children of a member.

Subd. 4. **Widow.** "Widow" shall mean the legal wife of the deceased member at the time of his death, provided she was married to him during or prior to the time he served as a member of the police department of such city; and, in the event the deceased member was a service pensioner or a deferred service pensioner, the widow thereof shall have been married to him at least one year prior to his retirement from such department.

Subd. 5. **Child or Children.** "Child" or "Children" shall mean the legitimate issue of the deceased member or pensioner, under the age of 18 years, living prior to the retirement from the Police Department of the deceased member or pensioner.

Sec. 3. Organization, Governing Board and Officers. Each such association shall be governed and maintained by its members as hereinafter provided:

Subdivision 1. **Organization.** Each such police pension relief association now existing, or which may hereafter be organized, may become incorporated pursuant to the provisions of any applicable law of this state, or may function as an unincorporated association. Each such association may regulate and manage its affairs by its Articles of Incorporation or by its Constitution and By-laws, subject to the provisions of the laws of this state.

Subd. 2. **Governing Board.** The governing board of each such association shall consist of five members, duly elected from the membership to serve for terms of five years; provided, that at the first election of such association one member shall be elected to serve for one year, one member for two years, one member for three years, one member for four years, and one member for five years, and thereafter one member shall be elected to such board at each annual meeting of the association for a five-year term. Any and all vacancies occurring in the membership of the governing board, other than vacancies caused by the expiration of a term of office, shall be filled by a special election called for that purpose, the member so elected to serve only for the balance of the unexpired term.

Subd. 3. **Ex-Officio Members of Governing Board.** The mayor, the city treasurer, and the chief of police shall be ex-officio members of the governing board without right of vote, except that, in any city in which the police department is

under the direction and supervision of the Commissioner of Public Safety, the Commissioner of Public Safety shall be an ex-officio member of the governing board in lieu of the mayor.

Subd. 4. Officers of Governing Board. Officers of the Governing Board shall consist of a Chairman and Secretary to be elected annually by the members of the governing board. The Secretary of the governing board shall also act as the secretary of the association.

Subd. 5. Officers of Association. Officers of each such association shall consist of a President and Vice-President to be elected annually by the members of the association.

Sec. 4. Police Pension Fund. Each such association shall establish a police pension fund or shall maintain any police pension fund existing in such city at the time of the taking effect of this act. The association, through its governing board, shall have full charge, management and control of such fund, subject to the provisions of this act. Such police pension fund shall be derived from each of the sources hereinafter specified;

Subdivision 1. Gifts. Gifts of real estate or personal property, rents, money, or from other sources, may be made to each such association.

Subd. 2. Rewards. Any rewards received by members of such association for services in making arrests or otherwise in the line of duty, shall be paid to and deposited with the City Treasurer and credited to such police pension fund.

Subd. 3. Confiscated Monies and Property. The Chief of Police of such city shall cause to be sold all property coming into the custody or control of the police department which shall remain unclaimed for a period of six months or more, and the proceeds therefrom, and all monies coming into the custody or control of the police department, which remain unclaimed for a period of six months or more, shall be deposited with the city treasurer to the credit of such police pension fund.

Subd. 4. Deductions from Pay of Members. The City Treasurer shall deduct an amount equal to four percent of the current maximum monthly pay of each member of such association, except that such contribution shall not exceed four percent of the current maximum monthly pay of a first-class

patrolman. Should the reserve in such police pension fund, at the end of any calendar year, total less than \$1,000 per capita of the contributing members for any such year, the city treasurer shall deduct five percent of such monthly pay during the following calendar year; provided that in no event shall such deduction exceed five percent of the current maximum monthly pay of a first-class patrolman.

Subd. 5. Tax Levies. An amount or sum sufficient to pay pensions due and payable under this act in the following fiscal year, which shall be not less than one mill in addition to the rate allowed to be levied by the charter of any city affected by this act, shall be annually assessed and levied at the time and in the manner that taxes for other funds of such city are levied by the proper officers of such city where such association shall be organized or exists, upon each dollar of all the taxable property in such city as the same appears on the tax records of such city. Such tax levy shall be in addition to any per capita limitation of the charter of any such city, and shall not be considered as a part of the tax levy under any such charter limitation. Such levy for the benefit of such association shall be collected and apportioned by the proper officers of any county in which such city is located in the same manner as are all taxes of such city. All annual surpluses as determined by the governing board of such police pension association shall remain in such police pension fund and shall be credited to the reserve fund thereof. In the event that the reserve fund as determined by the governing board of such police pension association in any such city is less than \$400,000 at the time the tax levy is made, the officials of such city shall increase the rate of this tax levy to one and one-half mills.

Subd. 6. Investment of Funds. The governing board shall have full power to hold, transfer and sell real estate and personal property and to invest the funds derived therefrom, and all other funds of the association, as in the judgment of such governing board are not needed for immediate purposes, in such securities as are duly authorized or legal investments for savings banks and trust companies, and shall sell any of such securities when necessary so as to provide money needed for the payment of pensions, benefits or administrative expenses.

Subd. 7. Annual Report. The governing board of such association shall file, on or before the first day of September of each year, with the City Auditor of the municipality, a de-

tailed report of the amount of money received, expended, and on hand to the credit of the association, together with a detailed report as to its investments, securities and financial condition. The books and records of any such association may be audited with other books and records of the city at the time of the making of any general city audit.

Subd. 8. City of Treasurer to be Custodian. The City Treasurer of each such city shall be the custodian of the funds and securities of such association, and shall disburse them only as directed by the governing board.

Sec. 5. Pensions. Any such association as provided for in this act shall pay out of and from any funds it may have received a service pension, disability pension, or dependency pension, in such manner as its articles of incorporation or constitution and by-laws shall designate as hereinafter provided.

Subdivision 1. Service Pensions. Each member of such association who is retired, or who may retire on or after the date of the taking effect of this act, who has served as a member of such police department of any such city for a period of 20 years, and who has been a contributing member of such association for such period of time, and who shall have attained the age of 50 years or more, shall receive a service pension in the amount of \$100 per month. Provided, that such retired member receiving such service pension shall be entitled to receive an additional sum of \$2.50 per month for each additional full year he may have served on such police department in excess of 20 years.

Subd. 2. Disability Pensions. Each member of such association who has been permanently disabled physically or mentally because of any injury received or suffered while a member in good standing of such association, so as to render necessary his retirement from active service in the police department, shall receive a disability pension in an amount equal to the minimum pension allowed a service pensioner under and subject to the provisions of this act. No member of such association shall be granted, awarded or paid a disability pension under this act except upon the certificate of a competent physician or surgeon, chosen by the governing board of such association, which certificate shall set forth the cause, nature and extent of the disability, disease or injury of the member, and the Chief of Police, or his duly authorized agent, shall certify that the disability, disease or injury was incurred or

sustained by the member while an employe of such police department. Each certificate shall be filed with such association. Any person receiving a pension under this section may be required to be re-examined at the discretion of the governing board of such association.

Subd. 3. When Service Pension Deferred. Each member of such association who has served in such police department for 20 years or more, and who has been a contributing member of such association for that period, and who shall sever his connection with such police department before he shall have attained the age of 50 years, shall be eligible to a service pension only upon reaching the age of 50 years and shall not be eligible to any disability pension during the time of his deferment, provided, however, that during the period of his deferment, he shall continue to pay his contributions to the police pension association on the same basis as a contributing member.

Subd. 4. Dependency Pensions. Any widow, or surviving child under the age of 18 years, of any member of such association who dies while in the service of such police department, or of any pensioner, or of any deferred service pensioner during the period of his deferment, shall receive benefits in the following amounts: To each such widow the sum of \$50 per month, and to each such child the sum of \$12.50 per month; provided, that where such widow and surviving child, or children, reside together, the benefits herein required to be paid to such child or children shall be paid to such widow for the support of such child or children.

Subd. 5. Military Leave to be Computed. In the case of any applicant for a service pension who, following his entry into the service of any such police department, has served in the military forces of the United States in any war or national defense emergency subsequent to January 1, 1940, and has thereafter returned honorably discharged from such service and resumes active duty in such police department, the period that such applicant has served in such military service shall be counted in computing the period of service required in this act for eligibility for pension benefits; but, during the period of such military service, he shall not be considered as an active member of such association.

Subd. 6. Maximum and Minimum Pensions. Notwithstanding any other provisions of this act, no pension or benefit

granted or paid to a member or a retired member shall be less than \$100 per month nor more than \$125 per month. In the event that the reserve in any such police pension fund shall at the end of any calendar year total less than \$1,000 per capita of the contributing membership, no pension payable under Section 5 of this act shall be more than \$100 per month for the following calendar year.

Sec. 6. Pensions Not Payable Under Certain Conditions. No funds of any such association shall be used for any other purpose than for the payment of service, disability or dependency pensions, and the expenses of the administration of such police pension fund; and no pensions shall be paid under circumstances as hereinafter detailed.

Subdivision 1. Public Employees. The pensions authorized by this act shall not be paid to any person while drawing a salary in any amount as an employe of any department of the state, or of any county, or of any municipality therein; provided, that this provision shall not affect the status as a pensioner of any person whose status as a pensioner has been fixed by retirement while another provision of law was in effect.

Subd. 2. Domicile Outside United States. No member, pensioner, widow or child, shall be entitled to any pension or payments thereon while he shall maintain his domicile outside the limits of the United States or its possessions.

Subd. 3. Felon Loses Right to Pension. (a) No member or pensioner who has been convicted of a felony shall be entitled to a pension during the period of his incarceration in any penal institution as punishment for the commission of such felony.

(b) No widow, or child under the age of 18 years, of any member or pensioner who shall have been convicted of a felony, shall be deprived of their pension rights under this act because of any such conviction, unless such widow or child shall have been a party to the commission of such felony. In the event that any member or pensioner dies after having been convicted of any such felony, his wife or children under the age of 18 years, who were not parties to the commission of such felony, shall receive the pension provided for herein for such wife and children.

Subd. 4. Pensioner Not Entitled to Other Benefits. No person receiving a pension under this act shall receive, or be entitled to receive, any other or further pension or relief from the association paying such pension.

Subd. 5. Remarriage of Widow. In the event that any widow receiving a pension under this act remarries, she shall receive no further benefits under this act as of the date of her remarriage. Pension benefits shall also be denied any such widow upon proof that she is cohabiting illegally.

Subd. 6. Board May Deny Pension to Widow. Where a widow has not lived with the pensioner during the last year preceding his death, then the governing board shall investigate the circumstances of the separation; and, if it shall determine that the separation is due to the misconduct of the said widow, then the governing board may, in its discretion, withhold any pension that might otherwise be due said widow.

Sec. 7. Fund Exempt from Execution. All payments made or to be made by any such police pension association under the provisions of this act shall be totally exempt from garnishment, execution or other legal process, and no persons entitled to such payment shall have the right to assign the same, nor shall the association have authority to recognize any assignment or to pay any sum on account thereof; and any attempt to transfer any such right or claim, or any part thereof, shall be void.

Sec. 8. Insurance Laws not to Apply. None of the laws of this state regulating insurance or insurance companies shall apply to any such police pension associations provided for by this act.

Sec. 9. Workmen's Compensation Act Not Affected. This act is not to be construed as abridging, repealing or amending the laws of this state relating to the provisions of the law commonly known as the Workmen's Compensation Act.

Sec. 10. Pension Rights Under Prior Acts. The provisions of this act shall not affect any pensions or other benefits which have been allowed or which are being paid by any existing police pension association under or in accordance with any prior act or acts at the time this act becomes effective. Payment of such pension and benefits shall be continued

by such existing police pension associations in accordance with their Articles of Incorporation, Constitution and By-laws, and shall be subject to all the provisions thereof existing at the time of the passage of this act; provided, that where the benefits and pensions created by the provisions of this act are in a larger amount than those given by prior acts, then the pensioners receiving pensions under any such prior act shall be entitled to receive the greater benefits and pensions as provided by the provisions of this act.

Sec. 11. **Certain Laws Repealed.** Except as otherwise provided herein, the provisions of this act shall supersede and repeal all prior laws and statutes relating to police pension associations in cities of the first class with a population of not less than 75,000 nor more than 150,000 inhabitants and an assessed valuation, excluding monies and credits, of not more than \$90,000,000.

Sec. 12 **Effective date.** This act shall become effective on and after January 1, 1950.

Approved March 21, 1949.

CHAPTER 154—S. F. No. 576

[Not Coded]

An act relating to firemen's relief associations in certain cities; amending Laws 1947, Chapter 43, Sections 1, 12, 18, 20 and 23.

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

Section 1. Laws 1947, Chapter 43, Section 1, is amended to read:

Section 1. ^{Firemen's} ~~Financial~~ relief associations ^{the} in ~~certain cities;~~ ^{the City of Faribault;} establishment. The fire department of ~~any city in this state~~ ^{any city in this state} having ~~not less than 12,000 and not over 19,000 inhabitants~~ ^{not less than 12,000 and not over 19,000 inhabitants} according to the most recent national census, and not less than \$3,000,000 or more than \$8,000,000 assessed valuation, shall maintain a firemen's relief association which shall be duly incorporated under the laws of the State of Minnesota.