

Sec. 10. **Effective date.** This act shall take effect and be in force from and after its passage.

Approved April 14, 1949.

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CHAPTER 406—S. F. No. 524

[Not Coded]

*An act to provide for and continue the organization of a policemen's relief association in each city of the first class of this state now or hereafter having a population of 450,000 inhabitants or more, including each such city now operating under a charter adopted pursuant to the provisions of Section 36, Article 4, of the state constitution, and for the creation, maintenance and administration of a policemen's pension fund by any such association; repealing Laws 1943, Chapter 280.*

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

**Section 1. Police pension in certain cities of the first class.** In each city of the first class of the State now or hereafter having a population of 450,000 inhabitants or more, including each such city operating under a charter adopted pursuant to the provisions of Section 36, Article 4, of the state constitution, the members of its police department shall organize a policemen's relief association, or maintain any policemen's relief association existing therein at the time of the taking effect of this act, as provided by this act. This association shall create, maintain and administer a policemen's pension fund for the benefit of its members, the widows and children of its members, and the beneficiaries of any policemen's pension or benefit fund in operation at the time of the taking effect of this act.

Each policemen's relief association now existing or which may hereafter be organized, may become incorporated pursuant to the provisions of any applicable law or may function as an unincorporated association. Each such association shall be governed and maintained by its members as provided in this act. Each such association may regulate and manage its affairs by its articles of incorporation, constitution, and by-laws, subject to the provisions of the laws of this state. The governing board of each association shall consist of five mem-

bers to be elected annually, who shall hold their term of office for one, two, three, four, and five years, respectively, or until a successor is duly elected and qualified, and the Mayor, Chief of Police, and City Treasurer shall be ex-officio members of the board. The City Treasurer shall be the custodian of the funds of the association and shall disburse them only as directed by the board. All vacancies occurring in the elective membership of the board shall be filled by a special election called for that purpose. In any city in which the police department is under the direction and supervision of a commissioner of public safety, he shall be an ex-officio member of the board.

**Sec. 2. Members.** The word "Members" as used in this act includes all duly appointed policemen, policewomen, police matrons, assistant police matrons, police stenographers and police clerks who are regularly entered on the payroll of the police department of such city, serving on active duty therein.

**Sec. 3. Police pension fund; source of funds.** Each policemen's relief association shall establish a policemen's pension fund, take over, or continue to maintain the policemen's pension or benefit fund existing in the city at the time of the taking effect of this act. The association shall have full charge, management and control of this fund, subject to the provisions of this act. The funds shall be derived from:

1. Gifts of real estate or personal property, rents, money or other sources.

2. Any reward received by any police officer for services in making arrests or otherwise. Any police officer receiving such award shall place it to the credit of the policemen's pension fund.

3. All moneys falling into the hands of the police that remains unclaimed for a period of six months, including money or property confiscated in raids or seizures, and the proceeds from the sale of unclaimed property falling into the hands of the police, when the same is unclaimed for a period of six months. The chief of police of the city shall sell such unclaimed property and place the proceeds thereof to the credit of the policemen's pension fund.

4. The percentages herein indicated of the monthly salary of each member of such association. The city treasurer shall deduct an amount equal to 4% of the salary of a first

grade patrolman from the monthly salary of each member, and place the amount to the credit of the policemen's pension fund.

5. Funds derived from taxation as hereinafter provided for.

6. Funds taken over from any policemen's pension or benefit fund existing in the city at the time of the taking effect of this act.

Sec. 4. **Tax levy; use of surplus fund.** Subdivision 1. There shall be annually levied and assessed at the time and in the manner that taxes for other funds of the city are levied a tax of one mill, the proceeds of which are to be paid into said fund as provided in Section 3, Paragraph 5. At any time that the balance in said fund, made up of all the items set forth in Section 3, shall be \$900,000 or more any levy in a further ensuing year shall only be in such amount as will be calculated to maintain said fund at said \$900,000 herein provided for.

Subd. 2. Any annual surplus shall remain in the policemen's pension fund. This fund shall be used and disbursed by the association only for the following purposes:

1. For the payment of service, disability, or dependency pensions.

2. For the payment of salaries not in excess of \$1,500 per year, and in connection with the protection of such fund expenses of its officers and employees and the expenses of operating and maintaining such relief association, including the official bond premium of its officers and employees and any legal and actuarial expenses.

Subd. 3. This tax is in addition to all other taxes which the city may levy upon the aggregate valuation of all taxable property within the city, and is in addition to the amount of tax the city may levy for general purposes. The auditor of the county in which the city is located, in extending or reducing tax levies shall not consider this tax as a part of the general tax levy for city purposes, and shall not include it in the limitation of any percent of the assessed valuation upon which taxes are required to be extended. Any appropriation made to such pension fund from such tax levy shall not be considered

a part of the cost of government as defined by the charter of any city affected by this act.

**Sec. 5. Pensions granted widows and children.** Subdivision 1. Any such policemen's relief association shall grant pensions payable from the policemen's pension fund in monthly installments, in the manner and for the following purposes:

(1) Any member of any association of the age of fifty years or more, who performs duty as a member of such a paid municipal police department for a period of twenty years or more, upon his own written application after retiring from duty with such police department, shall be paid from such fund an annual pension during his lifetime equal to one-half of the full annual salary or compensation of a first grade patrolman of such police department when retired.

(2) Any such member of any association who performs duty as a member of such a paid municipal police department for a period of twenty years, or more, who retires from duty with such police department, before he attains the age of fifty years, upon his written application, after reaching the age of fifty years or more, shall be paid from such fund an annual pension during his lifetime equal to one-half of the full annual salary or compensation of a first grade patrolman of such police department at the time of his retirement.

(3) To any member of any association who shall after ten years' service but less than twenty years' service with such paid municipal police department, become superannuated by age, so as to be permanently unfitted for or unable to perform his duties, there shall be paid from such fund an annual pension during his lifetime of not less than \$50.00 per month. To this amount, there shall be added the sum of \$5.00 per month for each year of service in excess of ten and less than twenty years.

(4) To any member of any association who, while a paid member of such a police department, meets with an accident, or sustains any injury, connected with his services as a police officer, of such nature as to permanently unfit him for the performance of police duty, there shall be paid from such fund an annual pension during his lifetime equal to one-half of the annual salary or compensation of a first grade patrolman of such police department when so disabled.

Subd. 2. Notwithstanding the provisions of subdivision 1, no pension or benefit granted thereunder shall exceed the sum of \$90.00 per month, except as hereafter provided in this subdivision, but commencing May 1, 1949, each member of this association eligible to benefits under the provisions of subdivision 1, clauses (1), (2), or (4), may receive \$90.00 per month, or such lesser amount as is determined by the association.

Subd. 3. If a policeman in any such city is separated from the service due to resignation, or any other reason, after having completed five years of service, under such circumstances that no pension benefits are payable to him or his widow or children, the treasurer shall return to such policeman, or in case of his death, to his heirs, executors or administrators, all of the amounts deducted from his base pay without interest, but less the amount of any disability or other benefits theretofore paid to such policeman.

Subd. 4. In the case of any applicant for a pension pursuant to subdivision 1, clauses (1), (2), or (3), who, following the admission to membership in such association, has served in the military forces of the United States in any war or national defense emergency subsequent to January 1, 1940, and thereafter returned honorably discharged from such service, and resumed membership in the association, the period that the applicant spent in such military service shall be counted in computing the periods of service required for benefits under this section; but during such period of military or defense emergency service, any person so serving is not considered a member of the association, and is not entitled to any pension provided by subdivision 1, clauses (3) and (4). None of the provisions of this subdivision applies in the event the member does not return to his employment in such police department within one year from the time peace has been declared or within one year from the termination of the period of emergency, whichever is the later.

Subd. 5. No member of any such association shall be awarded, granted, or paid a pension pursuant to subdivision 1, clauses (3) and (4), except upon the certificate of two or more competent physicians or surgeons chosen by the governing board of the association, which certificate shall set forth the cause, nature, and extent of the disability, disease, or injury of the member. No member of any such association shall be awarded, granted, or paid a pension pursuant to sub-

division 1, clause (4), unless the certificate shall distinctly state that the disability, disease, or injury was incurred or sustained by the member while a duly authorized paid member of the municipal police department. In each case, the certificate shall be filed with the association.

Subd. 6. No member of any such association, who has been convicted of a felony, is entitled to such pension during the period of his incarceration in any penal institution as a punishment for the commission of the felony.

Sec. 6. **Grants for certain purposes.** Subdivision 1. The policeman's relief association provided by this act, shall grant pensions or benefits payable from the policemen's pension fund to any member, widow, or to any child under eighteen years of age, of any member of any such association from the time and for the following purposes:

When a service pensioner, disability pensioner, or deferred pensioner, or an active member of a relief association dies, leaving

(1) A widow, who was his legally married wife, residing with him, and who was married while or prior to the time he was on the payroll of the police department; and who, in case the deceased member was a service or deferred pensioner, was legally married to the member at least one year before his retirement from the police department; or

(2) A child or children, who were living while the deceased was on the payroll of the police department, or born within nine months after the decedent was withdrawn from the payroll of the police department, the widow and child, or children, shall be entitled to a pension, or pensions, as follows:

(a) To the widow, a pension of not less than \$50.00, and not to exceed \$60.00 per month, as the by-laws of the association provide, for her natural life; provided, that if she remarries, then the pension shall cease as of the date of remarriage;

(b) To the child, or children, a pension of \$15.00 per month each, until such child reaches the age of eighteen years, in conformity with the by-laws of the association; provided, the total pensions hereunder for the widow and children of the deceased member shall not exceed \$90.00 per month.

Subd. 2. No widow, or child under eighteen years of age, of any member convicted of a felony, shall be deprived of her pension by reason of such conviction, unless the widow or child was a party to the commission of the felony. When the member convicted of a felony is receiving a pension at the time of his conviction, his wife, or children under eighteen years of age, who were not parties to the commission of the felony, shall receive the pension provided for herein, in the event of the death of the member.

Subd. 3. Any member of such association who, by reason of sickness or accident, becomes disabled from performing the duties of a policeman in the police department of any such city, and if off the payroll of the police department and has exhausted all sick leave or other benefits due him from the employing agency, shall be entitled to receive from the association, during disability, such benefits as the by-laws of the association may provide; the by-laws may provide for a minimum number of years of service for a member to be eligible for the benefits of this subdivision, and in no case shall the benefits be extended beyond a period of six months. No benefits shall be paid or allowed by such association under this subdivision unless notice of the disability and application for benefits on account thereof, shall be made by or on behalf of the sick or disabled member to the secretary of the association within ninety days after such sickness or disability.

**Sec. 7. Removal from United States; suit authorized; exempt from garnishment.** Subdivision 1. No person is entitled to any pension after removing his residence from the United States. No person receiving any pension shall be entitled to receive any further benefit or relief from the policemen's relief association paying the pension.

Subd. 2. No person shall sue for any benefits provided in Section 5, Subd. 1, clauses (3) or (4) unless such person shall post bond in sufficient amount to defray the cost to the governing board of defending such action, and in the event the governing board is sustained, that portion of the bond necessary to defray such costs shall be forfeited.

Subd. 3. All payments made by any policemen's relief association under any provision of this act are exempt from garnishment, execution, or other legal process, and no person entitled to such payment shall have the right to assign the same, nor shall the association have authority to recog-

nize any assignment or to pay any sum on account thereof. Any attempt to transfer any such right or claim, or any part thereof, is void.

Laws 1943, Chapter 280, is hereby repealed, but no rights or benefits accrued or granted thereunder, or under the regulations of the association in force at the time of the taking effect of this act, shall be destroyed or reduced hereby. All actions or transactions taken or made, prior to the time of the taking effect of this act, by any policemen's relief association, continued in existence hereby, which would have been regular and in conformity with Minnesota Statutes 1941, Sections 423.01 through 423.07, are hereby legalized, confirmed and made effective.

**Sec. 8. Monthly payments; limitation; determination by ballot.** Subdivision 1. For the period commencing January 1, 1949, and ending June 30, 1951, upon approval by a three-fourths vote of all the members of the city council or governing body of any city mentioned in Section 1, the amounts, mentioned in Section 5, Subdivision 2, may be increased to \$110 per month, together with an increase for any member who retires after May 1, 1949, and who has made contributions by payroll deduction at the rate of four per cent or more of the salary of a first grade patrolman to the fund, by adding to such basic pension the sum of \$3.00 per month for each year of service in excess of 20 and not more than 25, and the millage mentioned in Section 4, Subdivision 1, increased to one and one-half mills.

Subd. 2. There shall be submitted to the voters of any city wherein the city council or governing body makes increases in accordance with Section 8, Subdivision 1, at the time of the general state election in November, 1950, a green ballot, designated as "Referendum Ballot." Such ballot shall be submitted by such council or governing body, and shall propound the following proposition:

"Shall the increase in the Policemen's Pension granted by the City Council or governing body pursuant to Laws 1949, be continued after June 30, 1951.

Yes

No  "



If more than 50 per cent of the voters, voting on the question, vote in the affirmative, such increase shall continue after June 30, 1951.

Approved April 14, 1949.

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CHAPTER 407—S. F. No. 602

[Coded as Section 97.48 Subd. 23]

*An act relating to protected wild animals and providing for the opening date of the seasons for the taking of same.*

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

[97.48 Subd. 23] **Date of opening of season.**

Section 1. If the date of the opening of the season for the taking of any protected wild animals, except those under federal regulations, as prescribed by law falls on any day other than a Saturday, the commissioner of conservation may designate the nearest Saturday to said date as the opening day of the season.

Approved April 14, 1949.

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CHAPTER 408—S. F. No. 632

[Coded as Sections 422.48 to 422.51]

*An act relating to the payment of retirement allowances to employees of cities of the first class.*

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

[422.48] Section 1. **Retirement allowances increased.** In any city of the first class which has heretofore adopted or which may hereafter adopt a pension system, pursuant to the provisions of Minnesota Statutes 1945, Chapter 422, the retirement board in charge of the operation of such system shall increase the retirement allowances hereafter paid, which have