

CHAPTER 91—S. F. No. 641

[Not Coded]

Duluth

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

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

Section 1. **Definitions.** Subdivision 1. For the purposes of this act the terms defined in this section have the meanings ascribed to them.

Subd. 2. "Member" means any person duly employed as a police officer of the police department of the city or any other employee of such department duly sworn in as a police officer who is not subject to transfer to another department of the city and not required to be a member of any other public employees retirement or pension system; but does not include any person temporarily employed by such police department not within the classified service of the city. Any member of the association appointed as chief of police shall continue to remain a member thereof. Any police officer who is a member of the association who is assigned to serve as an officer of the municipal court of the city shall continue to remain as a member thereof.

Subd. 3. "Association" means any police relief association or police pension association created or maintained under this act.

Subd. 4. "Pension" means a service pension, a deferred service pension, a disability pension, or a pension payable to a widow or to any child which is payable under the terms of this act.

Subd. 5. "Pensioner" means a person granted a pension in accordance with any provision of section 11.

Subd. 6. "Deferred service pensioner" means a person granted a pension in accordance with the provisions of section 11, subdivision 1, clause (2).

Subd. 7. "Widow" means a person who was the legal wife of a member at the time of his death, and includes a person who was the legal wife of any pensioner or deferred service pensioner at the time of his death who was married to him at least one year prior to his retirement from the department.

Subd. 8. "Child" means a minor under the age of 18 years who is a legitimate issue of a deceased member or pensioner.

Subd. 9. "Unit" means one one-hundred and twenty-eighth of the current monthly salary of a first-class patrolman.

Sec. 2. Duluth police department. The members of the police department of any city now or hereafter having 75,000 inhabitants or more and less than 150,000 inhabitants shall organize a police pension association or maintain the police pension association now existing.

Sec. 3. Incorporation. The association shall become incorporated. It shall be governed by a board of eight members. The commissioner of public safety, the treasurer, and the chief of police of the city shall be ex officio members. The other members of the board shall be elected by the members of the association. Those elected to the first board shall be elected for terms of one, two, three, four, five years. At each annual meeting thereafter one elective member shall be elected for a term of five years. Each elective member shall hold office until his successor is elected and has qualified. Any vacancy in the office of an elective member shall be filled at a special election called for that purpose. Any member so elected shall hold office for the balance of the term for which his predecessor was elected. The affairs of the association shall be regulated by its articles of incorporation and its bylaws.

Sec. 4. Governing board. The governing board shall annually elect a chairman and a secretary. The secretary shall act as secretary of the association.

Sec. 5. President; vice president. The members of the association shall annually elect a president and a vice-president.

Sec. 6. Treasurer. The treasurer of the city shall act as treasurer of the association.

Sec. 7. Fund established. The association shall establish, administer, and maintain a police pension fund or continue to maintain the police pension fund now existing in the city, for the benefit of its members, their widows, children, and beneficiaries. The governing board shall manage and control any such fund.

Sec. 8. Funds, derivation. These funds shall be derived from the following sources:

- (a) Gifts made for such purpose;
- (b) Rewards received by members;
- (c) Money coming into the custody or control of the police department remaining unclaimed for six months;
- (d) Proceeds from the sales of property coming into custody or control of the police department and remaining unclaimed for six months, and the chief of police shall sell such unclaimed property;
- (e) An amount equal to four percent of the current

maximum monthly pay of each member deducted by the city treasurer from the monthly salary of the member, but such amount shall not exceed four percent of the current maximum monthly pay of a first-class patrolman;

(f) An amount equal to five percent of the current maximum monthly pay of each member deducted by the city treasurer from the monthly salary of the member in the event the reserve in the police pension fund, at the end of any calendar year, totals less than \$1,000 per capita of the contributing members for that year, but such amount shall not exceed five percent of the current maximum monthly pay of a first-class patrolman;

(g) All moneys derived from taxation, as provided by section 9; and

(h) Moneys now in any police pension fund continued to be maintained by the association.

Any surplus remaining in these funds at the close of any fiscal year shall continue therein.

Sec. 9. City contribution. Subdivision 1. Except as provided in subdivision 2, in addition to the rate allowed to be levied by the charter of the city, the city shall levy an amount sufficient to pay pensions due and payable under this act in the following fiscal year at the time and in the manner in which it levies other taxes, and the proceeds of this tax shall be paid into the police pension fund. This levy shall never be less than two mills, shall be in addition to any per capita limitation in the charter of the city, and shall not be considered as a part of the tax levy under any limitation in the charter of the city.

Subd. 2. In the event the police pension reserve fund in any year is less than \$250,000 on August 1, the city shall increase such tax levy to two and one-half mills.

Sec. 10. Fund, use. The police pension fund shall be used only for the payment of:

- (a) service, disability, or dependency pensions;
- (b) expenses of administration of such fund.

Sec. 11. Pensions, payment. Subdivision 1. The association shall grant pensions payable from the police pension fund in monthly installments in the manner and for the following purposes:

- (1) To any member of the age of 50 years or more who performs duty as a member of the police department of the city for 20 years or more, upon his written application after retiring from such duty there shall be paid monthly during his lifetime a pension equal to 50 units and an additional unit for

each year of such service in excess of 20 years, but not to exceed 60 units;

(2) to any member who performs duty as a member of the police department of the city 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, there shall be paid monthly during his lifetime a pension equal to 50 units and an additional unit for each year of such service in excess of 20 years, but not to exceed 60 units;

(3) to any member not eligible for a service pension who, while a member of the police department of the city, becomes diseased or sustains an injury which permanently unfits him from the performance of police duties there shall be paid monthly during his lifetime a pension equal to 50 units while so disabled; but no member shall be awarded, granted, or paid a pension pursuant to this clause, except upon the certificate of two or more physicians or surgeons chosen by the governing board. This certificate shall set forth the cause, nature, and extent of the disability, disease, or injury of the member. No member shall be awarded, granted, or paid a pension pursuant to this clause unless the certificate states that the disability, disease, or injury was incurred or sustained by him while a member of the police department. Each such certificate shall be filed with the association; and at its discretion the governing board may require any such person to submit to a re-examination by a competent physician chosen by the board. If found by this re-examination to be physically fit such person shall be reinstated to the position held immediately prior to the commencement of his disability.

(4) to the widow or to a surviving child under 18 years of age of a member who dies while in the service of the police department of the city or to the widow or to a surviving child under 18 years of age of any pensioner or any deferred service pensioner during the period of his deferment there shall be paid monthly a benefit as follows:

(a) 26 units to the widow, while she remains such;

(b) seven units to a surviving child under 18 years of age until such child becomes 18 years of age.

In the event the widow and such surviving children reside together, the benefits to be paid to such children shall be paid to the widow for the support of the children, but such widow shall not receive more than \$100 per month in any event. If a widow remarry, her benefit shall cease as of the date of the remarriage.

Subd. 2. In the case of any applicant for a pension who,

following admission to membership in the 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 periods of service required for benefits under this section. During such period of military service or defense emergency service, such person is not considered as an active member of the association. If such person dies while in such military service or defense emergency service before he qualifies for any pension under this section, his widow or any surviving child under 18 years of age shall not be entitled to receive any pension.

Subd. 3. A person receiving a pension under this act may not receive any other pension or relief from the association.

Subd. 4. In the event that the reserve in any such police pension fund at the end of any calendar year totals less than \$1,000 per capita of the contributing membership, no pension payable under this section shall be more than \$100 per month for the following calendar year.

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

Sec. 13. **Insurance laws, application.** The laws of this state regulating insurance or insurance companies do not apply to any such police pension association.

Sec. 14. **Workmen's compensation act, not affected.** This act does not abridge, repeal, or amend any law of this state relating to the workmen's compensation act.

Sec. 15. **Limitation.** Subdivision 1. 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 in effect at the time this act becomes effective. Payment of such pensions and benefits shall be continued by the association in accordance with its articles of incorporation, constitution, and bylaws, subject to all the provisions thereof existing at the time of the passage of this act.

Subd. 2. Any pensioner receiving a pension under any prior act may elect to receive a pension as provided in sections 1 to 14, but in no event shall any such pension be less than

50 units or greater than 60 units, to be computed upon the salary of a first class patrolman as of December 31, 1952. In the event the salary of a first class patrolman is thereafter fixed at an amount less than the salary of a first class patrolman as of December 31, 1952, the lesser amount shall be used in computing the pension.

Sec. 16. This act becomes effective May 1, 1953.

Approved March 6, 1953.

CHAPTER 92—H. F. No. 43

[Not Coded]

An act authorizing certain towns to establish township electrical systems.

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

Section 1. **Township electric system.** Any town having over 750 and less than 850 inhabitants and an assessed valuation over \$3,500,000, exclusive of moneys and credits, and which has owned and operated a township electric system since January 1, 1920 may construct, acquire, operate and maintain a township electric system to light any public highway and other public grounds and buildings within its corporate limits and in connection therewith provide or purchase electricity and retail same to residents of said town and provide facilities therefor.

Sec. 2. **Validation.** Any expenditure, contract or agreement made by any such town for such purpose subsequent to January 1, 1920, is hereby validated and approved to the same extent as though authorized prior to the paying or making thereof.

Approved March 6, 1953.

CHAPTER 93—H. F. No. 484

[Not Coded]

An act authorizing the governor and the state auditor to convey to Lee E. Johnson a tract of land in Pope County, Minnesota.

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

Section 1. **Deed to Lee E. Johnson.** The governor is hereby authorized and directed upon the recommendation of