

## Pensions and Relief

## CHAPTER 422

RETIREMENT ALLOWANCES TO EMPLOYEES OF CITIES  
OF THE FIRST CLASS

Sec.	Definitions	Sec.	
422.01	Definitions	422.25	Payments to widows of deceased employees; determination of worth of retirement allowance
422.02	Retirement allowances to employees	422.26	Payments to widows of deceased employees; amount
422.03	Expense fund; retirement fund	422.27	Payments to widows of deceased employees; amounts included in financial statement
422.04	When effective	422.28	Payments to widows of deceased employees; payable
422.05	Classification of employees	422.29	Payments to widows of deceased employees; duties of retirement board
422.06	Retirement allowance for employees in the non-contributing class including common laborers	422.30	Retirement of employees; credit on time of service of time under disability
422.07	Disability allowances	422.31	Disability allowances in certain cities
422.08	Service allowance; options	422.32	Amount of allowance
422.09	Refunds	422.33	Retirement board to determine amounts
422.10	Deductions from pay; amounts; retirement before full amounts have been deducted; increase, decrease or withdrawal of deductions	422.34	Tax levy
422.11	Individual record of credits required	422.35	Payment of disability allowance
422.12	City treasurer custodian of funds; depositories	422.36	Pension and retirement allowances to surviving spouse
422.13	Financial responsibility of city; statements and estimates; tax levy	422.37	Retirement allowance may be left on deposit in fund
422.14	Retirement board; members	422.38	Retirement allowance to separated person leaving contributions on deposit
422.15	Retirement allowances in cities of first class	422.39	Payment to heirs
422.16	Retirement board; expenses; reports; records; powers	422.40	Withdrawal of deposits
422.17	Retirement board; meetings; employees; rules and regulations; executive and recording secretaries	422.41	Rights forfeited on withdrawal
422.18	Members of independent retirement fund organizations or relief associations	422.42	Retirement allowance for disabled persons
422.19	Application; approval	422.422	Disability allowances in certain cities
422.20	Allowances not assignable or subject to execution	422.43	Retirement allowance in certain cases
422.21	Supervision by insurance department	422.44	May pay interest on balances
422.22	Adoption of law	422.45	Application
422.23	Cities to which law applies	422.46	Retirement boards may make loans to contributing members in certain cases
422.24	Payments to widows of deceased employees	422.47	Compulsory retirement of certain employees of police and fire departments

**422.01 DEFINITIONS.** Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the words, terms, and phrases defined in subdivisions 2 to 32, for the purposes of sections 422.01 to 422.23, shall be given the meanings subjoined to them.

Subdivision 2. **Expense fund.** The "expense fund" shall consist of such amounts as shall be paid by the city on the basis of statements submitted by the retirement board to defray the expense of the administration of sections 422.01 to 422.23, exclusive of the payment of retirement allowances and of other benefits provided for in those sections.

Subdivision 3. **Retirement fund.** The "retirement fund" shall consist of such amounts as are deposited in the fund by or to the account of city employees and such amounts as shall be contributed by the city for the purpose of the paying of retirement allowances.

Subdivision 4. **Service allowance.** "Service allowance" means the allowance to which an employee may be entitled who retires from the city service after having attained the minimum established age for retirement.

Subdivision 5. **Disability allowance.** "Disability allowance" means the allowance to which an employee may be entitled who retires from the city service as a result of disability before having attained the minimum established age for retirement.

Subdivision 6. **Retirement allowance.** "Retirement allowance" means either a service allowance or a disability allowance.

Subdivision 7. **Annuity.** "Annuity" means payments for life derived from contributions made by an employee, as provided in sections 422.01 to 422.23.

Subdivision 8. **Pension.** "Pension" means payments for life derived from credits allowed and appropriations made by the city, as provided in sections 422.01 to 422.23.

Subdivision 9. **Supplementary allowance.** "Supplementary allowance" means the allowance which may be granted to a present incumbent, division "B" in addition to a pension and an annuity

Subdivision 10. **Present incumbent.** "Present incumbent" means an employee who is in the service of the city at the date the provisions of sections 422.01 to 422.23 become effective therein, who elects to become a beneficiary of the fund created by those sections and to comply with the provisions of those sections relative thereto, and who is not in the non-contributing class.

Subdivision 11. **Future entrant.** "Future entrant" means an employee who enters the service of a city at a date subsequent to the date when sections 422.01 to 422.23 become effective therein, who becomes a contributor to the retirement fund.

Subdivision 12. **Actuarial equivalent.** "Actuarial equivalent" means the annual amount, determined by calculations based on mortality tables, purchasable with a given amount at a stated age.

Subdivision 13. **Accumulated amount.** "Accumulated amount" means the amount which any given instalments or periodic instalments of money would accumulate when increased by interest additions compounded at regular intervals.

Subdivision 14. **Net accumulated credits.** "Net accumulated credits" means the amount standing to the credit of any employee in the contributing class after deducting all amounts debited the account of such employee from the gross credits to such account.

Subdivision 15. **Established age.** "Established age" means the minimum age for retirement on a service allowance as specified by the rules of the retirement board.

Subdivision 16. **Separation refund.** "Separation refund" means the amount returned to an employee who is separated from the service of the city prior to having become entitled to a retirement allowance, or to his heirs, executors, or assigns.

Subdivision 17. **Present worth.** "Present worth" of an annuity, pension, or retirement allowance means the value or cost price thereof to the date of retirement or other date, when specified.

Subdivision 18. **Actuarial deficit or surplus.** "Actuarial deficit or surplus" of an allowance or of allowances means the difference between the estimated cost of the allowance or allowances and the actual cost thereof.

Subdivision 19. **Employee.** "Employee" means each and every person not an elective officer of the city, paid by the city or any of its various boards, departments, or commissions, and any person employed by any of the various boards, departments, or commissions operating as a department of the city government or independently in care of any of its governmental activities the funds of which board, department, or commission are wholly, or in part, raised by taxation in such city, and each and all of the employees of such boards, departments, or commissions, the funds of which boards, departments, or commissions are raised wholly or in part by taxation upon the property in such city, shall be entitled to all the privileges conferred by sections 422.01 to 422.23 to the same extent as persons employed directly by the municipality.

Subdivision 20. **Dependent.** The word "dependent" means a spouse, child, or any person actually dependent upon and receiving his principal support from such employee.

Subdivision 21. **Elective officer and elective position.** "Elective officer" means and includes only an officer elected by direct vote of the people, and "elective position" means a position filled by direct vote of the people.

Subdivision 22. **Conditional present incumbent.** "Conditional present incumbent" means any employee of the city at the time sections 422.01 to 422.23 are adopted therein who continues in such employment without having submitted to the retirement board a written notice of a desire to accept the provisions of those sections, except employees of the non-contributing class and officers and employees who are included in the exempt class for reasons other than a failure to submit such notice.

Subdivision 23. **Heir or heirs.** The word "heir" or "heirs" means surviving spouse, child, and any person actually dependent upon and receiving his principal

# MINNESOTA STATUTES 1941

2833

## RETIREMENT ALLOWANCES, FIRST CLASS CITIES 422.02

support from the employee concerned; provided, that this definition shall not apply to any case in which the employee is a member of the pension fund at the time this definition becomes effective.

**Subdivision 24. Service allowance for present encumbent.** The service allowance for a present encumbent in the contributing class shall consist of an "annuity," a "pension," and a "supplementary allowance."

**Subdivision 25. Service allowance for future entrant.** The service allowance for a future entrant in the contributing class shall consist of an "annuity" and a "pension."

**Subdivision 26. Annuity of future entrant.** The annuity shall be the actuarial equivalent of the net accumulated contributions of the retiring employees, calculated at his age at the date of retirement.

**Subdivision 27. Pension of future entrant.** The pension shall be the actuarial equivalent of the accumulated amount of such annual instalments as may be now or hereafter fixed and designated by law throughout the period of service of the retiring employee, not to exceed 25 years, accumulated to the date of retirement at four per cent compound interest.

**Subdivision 28. Supplementary allowance for persons in contributing class.** The supplementary allowance shall be the actuarial equivalent of the difference between:

(1) The net accumulated amount at the time of retirement of the contributions which such employee would have been required to make during the period for which credit is claimed, had the provisions of sections 422.01 to 422.23 been in force throughout the period, and

(2) The net accumulated amount of the contributions made and to be made by the retiring employee for all periods of service for the city subsequent to the adoption of sections 422.01 to 422.23 therein, not exceeding 30 years.

**Subdivision 29. Minimum retirement allowance.** All members in the contributing class who, at the time of retirement, have been in the service of the city 15 years or over, shall be entitled to a minimum retirement allowance of \$30.00 per month.

**Subdivision 30. Death benefit.** In the event of the death of an employee in the contributing class while still in the service of the city, there shall be paid to the heirs thereof the net amount to the credit of the employee at the time of his death; provided, that the employee shall have fulfilled all conditions as to age, service, and participation requisite for retirement on a service pension. In the absence of heirs of such employee, that portion of the amount to the credit of the employee on which the pension is to be based, as defined in subdivision 27, and that portion on which the supplementary allowance, if any, is to be based, as defined in subdivision 28, shall be canceled and the city shall be liable for only the balance of such credits.

**Subdivision 31. Service.** Except as otherwise provided in sections 422.01 to 422.23, the service of each "present encumbent" shall be calculated from the date in service from which the employee elects to claim credit and the amount of service of each future entrant shall be calculated from the date of original appointment. The service shall include periods of service at different times and service for one or more departments, branches, or independent boards of the municipality. It is further provided that in computing length of service of contributing employees for the purposes of those sections, periods of separations from the service shall not be included.

**Subdivision 32. Payment of retirement allowances.** Retirement allowances shall be paid in monthly instalments and checks shall be issued and mailed to the last known address of each beneficiary on the first business day of the month succeeding the month in which his allowance is authorized; provided, that where a beneficiary is laboring under legal disabilities the monthly instalments in such cases may be paid to the duly appointed guardian.

[1919 c. 522 ss. 2, 3, 7; 1925 c. 335 s. 1; 1933 c. 328 s. 1; 1937 c. 51 s. 1] (1442-12) (1442-13) (1442-17)

**422.02 RETIREMENT ALLOWANCES TO EMPLOYEES.** Each city of the state now or hereafter having over 50,000 inhabitants, in addition to other powers by it possessed, is hereby authorized and empowered to adopt a plan and to pay retirement allowances to retired employees thereof as hereinafter specified.

[1919 c. 522 s. 1; 1925 c. 335 s. 1] (1442-11)

**422.03 EXPENSE FUND; RETIREMENT FUND.** For the purpose of sections 422.01 to 422.23 there shall be created an expense fund and a retirement fund.

[1919 c. 522 s. 2] (1442-12)

**422.04 WHEN EFFECTIVE.** Any person who shall have been employed by the city to which sections 422.01 to 422.23 apply and who shall have fulfilled the conditions therein specified shall be entitled to receive a retirement allowance therefrom, as set forth in the provisions of sections 422.01 to 422.23.

Any conditional present encumbent shall be entitled to participate in the benefits provided by sections 422.01 to 422.23 upon submitting to the retirement board a written notice of desire to accept the provisions of sections 422.01 to 422.23 and of such evidence of the right to so participate as the board may require; provided, that any such employee who is less than 30 years of age at the date this provision becomes effective therein shall submit such notice before reaching that age, and any such employee who shall have passed the age of 30 at that date shall make written application for participation in the benefits of the retirement fund within 90 days after such date. All such applications not filed within the time specified herein shall be denied by the retirement board.

The minimum age for retirement on a service allowance, except as otherwise provided, shall be established by the retirement board, may be greater for men than for women, may differ for different classes or grades of employment, but shall not be less than 60 years for men and 58 years for women, nor greater than 65 years for men and 63 years for women. The ages so established by the board shall not be subject to revision prior to the expiration of a five-year period from the establishment thereof, and shall apply to all persons who retire during the continuance thereof.

Subject to the limitations stated in sections 422.01 to 422.23, any employee in the contributing class who shall have attained the established age for retirement shall be entitled to retire, and any such employee who shall remain in the service of the city for five years thereafter, shall be retired, and receive a service allowance as specified in sections 422.01 to 422.23; provided, that if in not less than 90 days before the arrival of an employee at the age of compulsory retirement, the head of the department, branch, or independent board of the municipality in which he or she is employed, certifies to the retirement board that by reason of his or her efficiency and his or her willingness to remain in the service of the municipality the continuance of such an employee therein would be advantageous to the public service, such employee may be retained for a term not exceeding three years upon certification by the retirement board, and at the end of the three years he or she may, by similar certification, be continued for one additional term not to exceed two years.

Any employee who retired prior to the passage of this amendment, and the designated beneficiaries of any such employee shall be entitled to a retirement allowance to be calculated, determined and payable in accordance with the provisions of sections 422.01 to 422.23.

[1919 c. 522 s. 4; 1925 c. 335 s. 1; 1935 c. 93] (1442-14)

**422.05 CLASSIFICATION OF EMPLOYEES.** Employees of the city shall be divided into a contributing class, a non-contributing class, and an exempt class.

The contributing class shall consist of all employees not included in either of the other two classes, and shall be subdivided into present incumbents, employees in the service of the city at the date sections 422.01 to 422.23 becomes effective therein, who elect to become contributors to and prospective beneficiaries of the fund created by sections 422.01 to 422.23, and future entrants, employees who enter the service of the city subsequent to the date sections 422.01 to 422.23 becomes effective therein.

The non-contributing class shall consist of all employees, including common laborers, whose individual pay or compensations do not exceed \$750.00 per annum; provided, however, that when the compensation of an employee who is paid on a monthly basis equals or exceeds \$62.50 per month on a 12-month basis, such employee shall be classified as a contributor and shall from and after such time contribute to the fund and assume all the obligations imposed upon and be entitled to all the benefits conferred upon members of the contributing class, as herein and in sections 422.01 to 422.23 specifically set forth.

From and after the end of the calendar year in which the average annual compensation of an employee who is paid on a day basis equals or exceeds \$750.00

per calendar year during his period of service with the city, such employee from and after such date shall be classified as a contributor and shall assume all the obligations imposed upon and be entitled to all the benefits conferred upon members of the contributing class, as in sections 422.01 to 422.23 specifically set forth.

Any employee in the non-contributing class may, upon written application filed with the retirement board prior to attaining the age of 50 years, elect to become a member of the contributing class, and shall then assume all the obligations imposed upon and be entitled to all the benefits conferred upon members of the contributing class, as in sections 422.01 to 422.23 specifically set forth. Any employee in the non-contributing class who has attained the age of 50 years at the time of the passage of sections 422.01 to 422.23 shall have one year from and after such passage to make the election. Such election, when made, shall be final and irrevocable.

The exempt class shall consist of:

(1) Employees who are members of, or who are eligible to become members of, an organization or association on behalf of which a tax is levied against the city for the purpose of paying retirement allowances to disabled or superannuated employees;

(2) Persons filling elective positions. Any elective officer holding an elective position, as those terms are defined herein, who shall have filled such elective position for 20 years or more and who shall not have received as compensation for his services as such elective officer any sum or sums in excess of \$3,000 per annum, shall be entitled to retire upon the completion of 20 years of service on a service allowance. Such service allowance shall be computed and determined as provided for herein. Before receiving this service allowance such officer shall contribute to the fund herein provided for an amount which shall be equal to the amount of contributions to the fund which the elective officer would have made had he been a contributor to the fund since January 1, 1922, in accordance with the method of contribution herein provided for, plus four per cent compound interest;

(3) Persons serving without pay;

(4) Persons serving on executive boards;

(5) Pupil nurses, internes and staff physicians employed at the city hospitals;

(6) Employees in the service of the city at the time sections 422.01 to 422.23 are adopted, who, after such adoption, have not given written notice of a desire to accept the provisions of sections 422.01 to 422.23;

(7) Persons not citizens of the United States.

[1919 c. 522 s. 5; 1925 c. 335 s. 1; 1933 c. 328 s. 1; Ex. 36 c. 20; 1937 c. 171 s. 1; 1939 c. 288] (1442-15)

**422.06 RETIREMENT ALLOWANCE FOR EMPLOYEES IN THE NON-CONTRIBUTING CLASS INCLUDING COMMON LABORERS.** A retirement allowance, payable in equal monthly instalments shall be granted to any laborer or other employee in the non-contributing class who satisfies the conditions hereafter specified.

Such retirement allowance shall be the actuarial equivalent of the accumulated amount of monthly instalments of \$12.50 throughout the period of service of the retiring employee, accumulated to the date of retirement at four per cent compound interest; provided that no such allowance shall exceed \$500.00 per annum, nor be less than \$360.00 per annum.

Upon receipt of proof of death of any common laborer or other employee in the non-contributing class who has fulfilled the minimum age and service requirements for retirement on an allowance, (1) who is employed by the city, or (2) who is temporarily separated from the service of the city, or (3) who has been retired on an allowance, there shall be paid to the heir or heirs of such employee or to such trustee or trustees as the retirement board may select, the sum of \$150.00.

In order to be entitled to retirement allowance, a common laborer or other employee in the non-contributing class shall be a resident of the city, shall have been employed thereby for a period of time which in the aggregate shall equal 20 or more periods of five months each, the last season of which shall have immediately preceded the date of retirement, and in addition thereto shall either (1) have attained the age of 55 years and have been declared by the medical board to be incapacitated for further service to the city or (2) shall have attained the age of 70 years.

The retirement board may require any such beneficiary while still under the age of 70 years, to undergo a medical examination by the medical board once each year. Should the medical board report and certify to the retirement board that such beneficiary is no longer physically or mentally incapacitated for the performance of duty, such retirement allowance shall cease and the head of the department in which such beneficiary was employed at the time of this retirement shall, upon notification by the retirement board, reemploy the beneficiary.

Should any such retired beneficiary, while under the age of 70, refuse to submit to at least one medical examination in any year by a physician or physicians designated by the medical board his pension shall be discontinued until the withdrawal of such refusal, and should such refusal continue for one year all his rights in and to the retirement allowance shall be forfeited.

Upon application of any such beneficiary under the age of 70, drawing a pension or a retirement allowance under the provisions of sections 422.01 to 422.23, approved by the retirement board, the beneficiary may be restored to active service by the head of the department in which the beneficiary was employed at the time of his retirement. Upon the restoration of a beneficiary to active service, his retirement allowance shall cease.

[1919 c. 522 s. 6; 1933 c. 328 s. 1; 1937 c. 53 s. 1] (1442-16)

**422.07 DISABILITY ALLOWANCES.** Upon the application of the head of the department in which a contributing employee is employed, or upon the application of the contributing employee or of one acting in his behalf, the retirement board shall retire the contributor for disability; provided the medical board, after a medical examination of the contributor made at the place of residence of the contributor or at a place mutually agreed upon, shall certify to the retirement board that the contributor is physically or mentally incapacitated for the performance of further service to the city and that the contributor ought to be retired.

Disability of an employee resulting from injury received in the performance of the duties of the city service shall be defined as accident disability. Disability incurred as a result of injury not connected with the performance of such service shall be defined as ordinary disability. In order to be entitled to a retirement allowance for ordinary disability an employee shall have rendered ten or more years of service to the city.

The ordinary disability allowance shall be the actuarial equivalent at the age when an employee retires on such disability allowance of the net amount to which the contributions already made by the employee and the credits allowed or contributions already made by the city on his behalf would accumulate if allowed to remain at four per cent compound interest until the earliest permissible date for retirement on a service allowance.

The accident disability allowance shall equal the actuarial equivalent at the age when an employee retires on such disability allowance of the net amount which would be accumulated to the credit of the employee if his annual contributions at the time of disability and the annual credits or contributions of the city were continued to the earliest permissible date for retirement on a service allowance, interest for such period being calculated at four per cent compound interest.

Payment of any disability allowance shall continue throughout the full period of the disability subject to the same optional selections as are provided for service allowances; provided that when a disability beneficiary shall have attained the minimum age for retirement on a service allowance the disability allowance shall be discontinued only as provided by the terms of the option selected.

Any employee eligible to an accident disability allowance who is also entitled to an allowance under a workman's compensation act shall be entitled to receive during the period of such compensation only that portion of the retirement allowance provided by sections 422.01 to 422.23 by which such retirement allowance exceeds the workmen's compensation.

Once each year the retirement board may require any disability beneficiary while still under the established age for retirement to undergo medical examination by a physician or physicians designated by the retirement board, the examination to be made at the place of residence of the beneficiary or other place mutually agreed upon. Should the medical board report and certify to the retirement board that such disability beneficiary is no longer physically or mentally incapacitated for the performance of duty, his allowance shall be discontinued and the head of the department in which said beneficiary was employed at the time of his

retirement shall, upon notification by the retirement board of such report of the medical board, reemploy the beneficiary at a rate of salary not less than the amount of his retirement allowance, but after the expiration of five years subsequent to the retirement of such beneficiary his restoration to duty, notwithstanding the recommendation of the medical board, shall be optional with the head of the department.

Should any disability beneficiary while under the established age for retirement refuse to submit to at least one medical examination in any year by a physician or physicians designated by the medical board, his allowance shall be discontinued until the withdrawal of such refusal, and should such refusal continue for one year, all his rights in and to any retirement or disability allowance constituted by sections 422.01 to 422.23 shall be forfeited.

Upon application of any beneficiary under the established age for retirement drawing a pension or a retirement allowance under the provisions of sections 422.01 to 422.23, approved by the retirement board, the beneficiary may be restored to active service by the head of the department in which the beneficiary was employed at the time of his retirement. Upon the restoration of a beneficiary to active service his retirement allowance shall cease.

The medical board shall consist of the city physician, a physician to be selected by the retirement board, and a physician to be selected by the employee.

[1919 c. 522 s. 8; 1925 c. 335 s. 1; 1933 c. 328 s. 1] (1442-18)

**422.08 SERVICE ALLOWANCE; OPTIONS.** At the time of his retirement any employee who is eligible to receive a service allowance may elect to receive his benefits in a retirement allowance payable throughout life or may on retirement elect to receive the actuarial equivalent at that time of his annuity, pension, or retirement allowance in a lesser annuity, or a lesser pension, or a lesser retirement allowance, payable throughout life, with the provisions that:

Option I. If the beneficiary dies before receiving in payments the present value of his annuity, pension, or retirement allowance, as it was at the time of his retirement, the balance shall be paid to his legal representatives or to such person, having an insurable interest in his life, as the beneficiary shall nominate by written designation duly acknowledged and filed with the retirement board at the time of retirement, or

Option II. Upon the death of the beneficiary, his annuity, pension, or retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as the beneficiary shall nominate by written designation duly acknowledged and filed with the retirement board at the time of retirement, or

Option III. Upon death of the beneficiary one-half of his annuity, pension, or retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as the beneficiary shall nominate by written designation duly acknowledged and filed with the retirement board at the time of retirement, or

Option IV. Other benefits shall be paid the beneficiary or such other persons as the beneficiary shall nominate, provided such other benefits shall be certified by the executive secretary of the retirement board to be of equivalent actuarial value and approved by the retirement board.

[1919 c. 522 s. 9; 1925 c. 335 s. 1] (1442-19)

**422.09 REFUNDS.** In case of an employee to whom sections 422.01 to 422.23 apply who shall become absolutely separated from the service without being entitled to a retirement allowance the total net accumulated amount of deductions from his salary, pay, or compensation made for the purpose of accumulating a fund from which to pay retirement allowances shall be returned to such employee with accrued interest.

Upon the death of a contributor before retirement there shall be paid to his estate or to such person as he shall have nominated, the net accumulated salary deductions standing to his credit; provided that in case of the death of a contributor after ten years of service, there shall be paid to the dependents or heirs of such contributor the present worth of the city's accumulated annual instalments of \$60.00 then standing to the credit of such contributor in addition to the net accumulated salary deductions as specified above. If there be no dependents or heirs of such contributor surviving him, then only the net accumulated salary deductions shall be paid to the estate of such contributor.

Upon reinstatement of a former employee to the service, credit for such past service or for any part thereof shall be granted only upon repayment of the amount of the separation refund, with interest, from the time of separation; provided this provision shall not apply to service rendered prior to the date that sections 422.01 to 422.23 become effective.

[1919 c. 522 s. 10; 1925 c. 335 s. 1; 1933 c. 328 s. 1] (1442-20)

**422.10 DEDUCTIONS FROM PAY; AMOUNTS; RETIREMENT BEFORE FULL AMOUNTS HAVE BEEN DEDUCTED; INCREASE, DECREASE OR WITHDRAWAL OF DEDUCTIONS.** Beginning on the first day of the year next succeeding that in which sections 422.01 to 422.23 become effective in any city, and thereafter throughout the period of employment, there shall be deducted and withheld from the basic salary, pay, or compensation of each employee in the contributing class, except as hereinafter provided, the following percentage of such salary, pay, or compensation.

Employees who enter the service at 20 years of age or younger, three per cent of salary, pay, or compensation; employees who enter the service at 45 years of age or older, eight per cent of salary, pay, or compensation; employees who enter the service after the age of 20 and prior to age 45, a percentage of salary, pay, or compensation, which shall be equal to three per cent, plus as many times two-tenths of one per cent as the age of the employee exceeds 20 at the time service begins.

Every employee to whom sections 422.01 to 422.23 apply who shall continue in the service after the passage of sections 422.01 to 422.23, as well as every person to whom sections 422.01 to 422.23 applied who may hereafter be appointed to a position or place, shall be deemed to consent and agree to the deductions made and provided for herein, and payment with such deductions, for service, shall be a full and complete discharge and acquittance of all claims and demands for all services rendered by such person during the period covered by such payment; except his claim to the benefits to which he may be entitled under the provisions of sections 422.01 to 422.23.

Any employee who becomes entitled to a retirement allowance and who retires without having paid into the retirement fund the full amount required by sections 422.01 to 422.23 shall have the option of electing to receive such allowance on the basis of the actuarial equivalent of the net balance of debits and credits to his account at the time, or on the basis of the actuarial equivalent of the total credits at date of retirement, initial and successive instalments of the allowance to be applied on any indebtedness of such employee to the retirement fund until such indebtedness is paid, any instalments so credited to be treated as if actually paid to the annuitant entitled to such allowance.

No employee shall be required to contribute to the retirement fund for a period in excess of 30 years; all contributions made thereafter to this fund shall be voluntary.

Subject to such terms and conditions and to such rules and regulations as the retirement board may adopt, any contributor from time to time may:

(1) Increase or decrease his rate of contribution to the retirement fund, but in no event shall the contribution be less than the minimum contribution specified in the provisions of sections 422.01 to 422.23.

(2) Withdraw from his individual account in the retirement fund the amount in excess of the minimum accumulation resulting from the deductions specified in the provisions of sections 422.01 to 422.23.

(3) Withdraw, after having become eligible for service retirement, such part of his net accumulated contributions as shall be in excess of the amount necessary to procure the minimum annuity to which he would be entitled at the expiration of 30 years of service.

[1919 c. 522 s. 11; 1925 c. 335 s. 1; 1933 c. 328 s. 1; Ex. 1934 c. 73 s. 1; Ex. 1936 c. 21] (1442-21)

**422.11 INDIVIDUAL RECORD OF CREDITS REQUIRED.** The city comptroller or other person having supervision of the payment of salaries to employees shall cause the deductions to be withheld from all specific appropriations for the particular salaries or compensation from which the deductions are made and from all allotments out of lump sum appropriations for payments of such salaries or compensation for each fiscal year; and a record of these sums shall be entered to the credit of the various employees from whose salaries deductions have been



made. The amount of the deductions shall be deposited with the city treasury and credited to the retirement fund.

At the close of each fiscal year there shall be distributed to each contributing employee in proportion to the accumulated amount then to the credit of said employee as accumulated salary deductions the amount of the income from interest earned on the accumulated funds in possession of the board, after having deducted from the total of such income (1) the amounts otherwise required as interest for various allowances or purposes specified in sections 422.01 to 422.23, (2) an amount to be set aside to apply on the cost of disability allowances and (3) an amount to be set aside to liquidate actual or to amortize prospective losses on investments. The net balance of the interest earnings to be so distributed shall be distributed at the greatest multiple of one-tenth of one per cent of the total of all such accumulated amounts from salary deductions. Any excess then remaining from such interest earnings shall be credited to a reserve fund and be added to and distributed with the interest earnings of the next succeeding year. The amount that shall be deducted from the gross interest earnings to apply on the cost of disability allowances shall be not more than one-half the cost of disability allowances for contributing employees. The amount that shall be set aside to liquidate past losses on investments or to create a reserve from which to liquidate future losses shall be such amount as the board may deem necessary for such purpose but not in excess of one mill on the dollar of the gross amount received as interest on the cash and investments in the fund.

At the end of each calendar year and throughout the first 300 months of actual employment there shall be entered to the credit of each employee from whose salary or compensation deductions are made, a credit of \$60.00 per employee, the accumulated amount of which shall be charged to the municipality and payable by the municipality. It shall be the duty of the proper authorities to levy from time to time a sufficient sum in addition to all other sums to be levied by taxation to meet the liabilities against the municipality created thereby.

[1919 c. 522 s. 12; 1933 c. 328 s. 1] (1442-22)

**422.12 CITY TREASURER CUSTODIAN OF FUNDS; DEPOSITORIES.** The city treasurer shall be the custodian of the funds created by sections 422.01 to 422.23.

For the purpose of meeting disbursements for retirement allowances and other payments in excess of the receipts, there may be kept an available fund, not exceeding ten per cent of the total amount in the several funds created by sections 422.01 to 422.23 on deposit in any bank in the city, organized under the laws of the state of Minnesota or under the laws of the United States, or with any trust company incorporated under any law of the state of Minnesota; provided the bank or trust company shall furnish adequate security for the funds and that the sum so deposited in any one bank or trust company shall not exceed 25 per cent of the paid-up capital and surplus of the bank or trust company.

Except as herein provided, no trustee or any person connected with the retirement board shall have any interest direct or indirect in the gains or profits of any investment made by the retirement board, nor, as such directly or indirectly receive any pay or emoluments for his services. No trustee or person connected with the retirement board directly or indirectly, for himself or as an agent or partner of others, shall borrow any of its funds or deposits or in any manner use the same, except to make such current and necessary payments as are authorized by the board of trustees; nor shall any trustee or person connected with the retirement board become an endorser or surety or become in any manner an obligor, for moneys loaned or borrowed of the retirement board.

[1919 c. 522 s. 13] (1442-23)

**422.13. FINANCIAL RESPONSIBILITY OF CITY; STATEMENTS AND ESTIMATES; TAX LEVY.** Interest as provided in sections 422.01 to 422.23 and the payment of all pensions, annuities, retirement allowances, refunds, and death benefits granted by the retirement board under the provisions of sections 422.01 to 422.23 are hereby made obligations of the city. All income, interest, and dividends derived from deposits and investments authorized by sections 422.01 to 422.23 shall be placed to the credit of the retirement fund.

Prior to August 31st of each successive year the retirement board shall prepare an itemized statement showing (1) the aggregate present worth of all retirement allowances and portions thereof chargeable against the city on behalf of employees

who were retired during the 12 months ending with the last preceding month of June, (2) the net aggregate of the amounts credited to the employees and charged to the city during the preceding fiscal year, (3) the actuarial deficit or surplus for the preceding fiscal year and (4) an estimate of the administrative expense of the retirement board for the next succeeding fiscal year. This statement shall be submitted to the board of tax levy or other corresponding body on or before the first day of the next succeeding month of September, together with such recommendations as the retirement board deem advisable. The board of tax levy or other corresponding body shall thereupon make an appropriation for the benefit of the retirement fund which shall be not less than the sum of the estimated administrative expense and the net present worth of all retirement allowances and portions thereof chargeable against the city on behalf of employees who were granted allowances during the 12 months ending with the last preceding month of June, increased or decreased, as the case may be, by the actuarial deficit or surplus for the preceding fiscal year.

It shall be the duty of the city council or other chief governing body of such city, in addition to all other taxes levied by such city, to annually levy a tax for such purpose and such tax when levied shall be extended upon the county lists and collected and enforced in the same manner as other taxes levied by such city are extended, collected and enforced. The proceeds of such taxes shall be paid into the city treasury to the credit of the retirement fund, which shall constitute and remain a special fund and shall be used only for the payment of obligations created, pursuant to the provisions of sections 422.01 to 422.23.

The rate of interest to be used as a basis for calculations, except as otherwise specified, shall be the average rate of interest received from the invested portion of the retirement fund, but not less than the average rate of interest paid by the banks of the city on savings deposits, calculated to the nearest one-fourth per cent.

[1919 c. 522 s. 14] (1442-24)

**422.14 RETIREMENT BOARD; MEMBERS.** A retirement board of five members is hereby constituted which shall consist of the following:

- (1) Mayor;
- (2) The city comptroller or corresponding official;
- (3) The chairman of the ways and means committee of the city council or corresponding member of the chief governing body of the city; and

(4) Two legally qualified voters of the city, residents thereof for the preceding five years, to be chosen by the employees of the city who are contributors to the retirement fund created by sections 422.01 to 422.23. The employers are hereby authorized to form an association for that purpose. The person first selected shall be chosen to serve for one year from the first of the next succeeding January after his appointment, the second for two years from the first of the next succeeding January after his appointment, after the expiration of which times the respective successors in office shall be appointed to serve for a term of two years, and each shall continue to serve until his successor is duly elected. The first two representatives chosen in any city shall be chosen during the first week of June after sections 422.01 to 422.23 become effective therein. Thereafter, such selection shall be made by the employees during the first week of December of each year. Vacancies occurring by death, resignation, or removal of such representative shall be filled by representatives chosen by the employees.

[1919 c. 522 s. 15] (1442-25)

**422.15 RETIREMENT ALLOWANCES IN CITIES OF FIRST CLASS.** The members of the retirement board shall be the trustees of the several funds created by sections 422.01 to 422.23, and shall have exclusive control and management of these funds, and shall have power to invest the same, subject to all the terms, conditions, limitations, and restrictions imposed by law upon savings banks in the making and disposing of their investments; and subject to like terms, conditions, limitations, and restrictions, these trustees shall have full power to hold, purchase, sell, assign, transfer, or dispose of any of the securities and investments in which any of the funds created by sections 422.01 to 422.23 shall have been invested as well as the proceeds of the investments, and of the money belonging to these funds, except that any reserve built up from the city's contributions shall be invested in bonds of that city in preference to other bonds paying an equal or a less rate of interest.

The board shall have authority:

(1) To make such loans and advances of credit and purchases of obligations, representing loans and advances of credit, as are insured by the federal housing administration, and to obtain such insurance;

(2) To make such loans secured by mortgages on real property, which the federal housing administrator has insured or made a commitment to insure, and to obtain such insurance;

(3) To enter into any and all agency agreements necessary to enable it to invest its funds in loans, advances of credit, and obligations insured by the federal housing administrator, or which he has made a commitment to insure, and to enter into any agreement or arrangement with any other of the pension and retirement systems of the city of Minneapolis for the joint handling of these securities;

(4) To provide for the prorating of part or all the cost of making, handling or foreclosing of such mortgages against the earnings of such mortgages and to establish reserve accounts from such earnings to liquidate losses or future losses on such mortgages;

(5) To employ and dismiss agents, attorneys, appraisers, and others necessary for the proper handling or servicing of such mortgages and to fix their compensation or fee on such basis as it may see fit for such services rendered in connection with such mortgages; and

(6) To do any and all things necessary to carry out the provisions of sections 422.01 to 422.23 in the best interest of the funds.

The board shall, upon the request of any contributing employee who has borrowed from the retirement fund under the federal housing administration insured mortgage system, provide for the repayment of such loan by deductions from such employee's monthly compensation.

All payments from the funds created by sections 422.01 to 422.23 shall be made by the treasurer of the city only upon warrant signed by the president of the retirement board and countersigned by the executive secretary, and no warrant shall be drawn except by order of the retirement board duly entered in the record of its proceedings.

The retirement board is hereby authorized and empowered in carrying out the provisions of sections 422.01 to 422.23 to establish special funds supplementing individual contributions by the employees and to receive, invest, and disburse for such purpose all moneys in the form of donations, gifts, legacies, bequests, or otherwise which may be contributed by private individuals or corporations or organizations for the benefit of the city employees generally, or any special employee or class of employees of the city.

[1919 c. 522 s. 16; 1939 c. 66] (1442-26)

**422.16 RETIREMENT BOARD; EXPENSES; REPORTS; RECORDS; POWERS.** The members of the retirement board shall serve without compensation but shall be reimbursed for any necessary expenditures and no employee shall suffer loss of salary or wages through serving on the retirement board.

Every member of the retirement board shall take a similar oath of office as taken by other employees of the city and such oath shall be subscribed to by each member and filed with the clerk of the city.

The retirement board shall keep in convenient form such data as shall be necessary for actuarial valuation of the various funds and accounts created by sections 422.01 to 422.23.

The retirement board shall publish annually a report showing the condition of the various funds created by sections 422.01 to 422.23, and setting forth such other facts, recommendations, and data as may be of use in the advancement of knowledge concerning employees, pensions, and annuities; and the retirement board shall submit their report to the mayor of the city and file at least one copy thereof with each board or department for the use of its members.

The retirement board shall prepare and keep all needful tables, records, and accounts required for carrying out the provisions of sections 422.01 to 422.23, including data showing the mortality and disability experience of the officers and employees of the service and the date of withdrawal from such service, and any other information that may serve as a guide for future valuations and adjustments of the plan for the retirement of officers and employees.

Mortality tables shall be adopted as a basis of calculation for retirement allowances, which tables may be modified from time to time. Pending the action of the

retirement board, McClintock's tables shall constitute the basis for all calculations.

The retirement board shall perform such other functions as are required for the execution of the provisions of sections 422.01 to 422.23.

For the purposes of sections 422.01 to 422.23, the retirement board shall possess the powers and privileges of a corporation, and as such may sue and be sued, and shall have the right to issue subpoenas and to compel the attendance of witnesses.

[1929 c. 522 s. 17] (1442-27)

**422.17 RETIREMENT BOARD; MEETINGS; EMPLOYEES; RULES AND REGULATIONS; EXECUTIVE AND RECORDING SECRETARIES.** The retirement board shall meet on the second Tuesday of each calendar month of each year and may adjourn from time to time. Special meetings may be held upon the call of the president. At the first regular meeting, which shall be held on the first Tuesday of July following the date sections 422.01 to 422.23 become effective in any city, or as soon thereafter as practicable, the retirement board shall appoint an executive secretary, who shall have charge of the performance of the duties required by the provisions of sections 422.01 to 422.23, and shall appoint other necessary clerical help.

The executive secretary and all other employees under the supervision of the retirement board shall possess all the rights and privileges and be subject to all the obligations and restrictions of other employees of the city. The compensation of all employees of the retirement board shall be fixed by the board.

At the regular meeting in January each year, the board shall elect one of its members as president, one member as vice-president, and one member as recording secretary, who shall hold office for one year or until successors have been elected and qualified. The president shall preside at all meetings at which he is present. In the absence of the president the vice-president shall preside and have all the powers of the president while acting as such. The recording secretary shall keep a record of all proceedings of the board, which shall be open to public inspection. At least one of the officers of the board shall be one of the representatives elected by the employees of the city to the board.

Subject to the limitations of sections 422.01 to 422.23 and of the law of the state, the retirement board shall from time to time establish rules and regulations for the administration of the fund or funds created by sections 422.01 to 422.23 and for the transaction of its business. Roberts rules of order shall be the rules of order of the retirement board except as otherwise specifically adopted.

For the purpose of administration, except as otherwise herein provided, the executive secretary, under the direction of the retirement board, shall be and is hereby authorized and directed to perform or cause to be performed any and all acts and to make such regulations as may be necessary and proper for the purpose of carrying the provisions of sections 422.01 to 422.23 into full force and effect.

[1919 c. 522 s. 18] (1442-28)

**422.18 MEMBERS OF INDEPENDENT RETIREMENT FUND ORGANIZATIONS OR RELIEF ASSOCIATIONS.** In the event that the members of any retirement fund organization or relief association, on behalf of which a tax is levied against the city, surrender its charter or other legal right to demand the levy of such tax and cease to receive further contributions from either employees or from the city, then and in that case the trustees of such organization or association or other legally constituted representatives thereof shall transfer the total assets of such organization or association to the retirement fund constituted by sections 422.01 to 422.23 and the city shall thereupon assume and become responsible for the cost of the retirement allowance previously granted by such association or organization. Employees who were members of such organization or association or who were eligible to become members thereof shall thereupon automatically become subject to all the terms imposed by sections 422.01 to 422.23 on contributing employees, except as hereinafter provided.

Any contributor to the retirement fund who theretofore has been a member of and a contributor to any such retirement fund organization or relief association who claims credit for service during the time of such membership, shall be required to pay into the retirement fund an amount equal to the difference between the accumulated amount that would have been contributed under the provisions of sections 422.01 to 422.23 and the accumulated cost of membership in the organization or association, not including permissible refunds.

At the time of retirement of an employee on an allowance, any such employee shall be entitled to receive an allowance, in addition to other allowances, which shall be the actuarial equivalent of the net cost of such former membership.

No employee of any city to which sections 422.01 to 422.23 thereafter apply shall be required to become a member of any retirement fund or relief association or to contribute to any fund established for such purpose except a fund established pursuant to the terms of sections 422.01 to 422.23.

[1919 c. 522 s. 19] (1442-29)

**422.19 APPLICATION; APPROVAL.** No disability or service allowance shall be granted to any employee who may become eligible for retirement as provided in sections 422.01 to 422.23 until the employee, or one authorized to act in his behalf, shall have filed with the retirement board, in such form as may be prescribed by the board, an application for such allowance; no instalment of any such allowance shall be paid for any period prior to the effective date of retirement.

The pension board shall be allowed a period of 60 days from and after the filing of the application within which to approve the same and compute the amount of service or disability allowance to which the applicant is entitled. In the event a service or disability allowance is granted the same shall commence with the effective date of the retirement of the person entitled thereto.

[1919 c. 522 s. 20; 1935 c. 146 s. 1] (1442-30)

**422.20 ALLOWANCES NOT ASSIGNABLE OR SUBJECT TO EXECUTION.** None of the moneys mentioned in sections 422.01 to 422.23 shall be assignable either in law or equity or be subject to execution, levy, attachment, garnishment, or other legal process.

[1919 c. 522 s. 21] (1442-31)

**422.21 SUPERVISION BY INSURANCE DEPARTMENT.** All organizations in any city in the state to which sections 422.01 to 422.23 apply, existing for the purpose of paying retirement allowances or other benefits to civil employees of such city and all funds from which such allowances are to be paid shall be subject to the supervision of the state department of insurance.

[1919 c. 522 s. 22] (1442-32)

**422.22 ADOPTION OF LAW.** No such pension system shall be effective until it shall have been adopted by three-fifths of the votes of the electors of the city cast at a general or special election.

[1919 c. 522 s. 23; 1925 c. 335 s. 2] (1442-33)

**422.23 CITIES TO WHICH LAW APPLIES.** Sections 422.01 to 422.23 shall apply to each city of the state of Minnesota containing more than 50,000 inhabitants, and to each such city in which the people, pursuant to section 422.22, have heretofore adopted or may hereafter adopt and put into operation such pension system.

[1919 c. 522 s. 24; 1925 c. 335 s. 3] (1442-34)

**422.24 PAYMENTS TO WIDOWS OF DECEASED EMPLOYEES.** In every city of the state now or hereafter having over 50,000 inhabitants, which adopts or had adopted a system of paying pensions or retirement allowance to retired municipal employees pursuant to sections 422.01 to 422.23, the retirement board in control of such system is hereby authorized to pay retirement allowances to the widows of each and every employee who dies while in the service of the city without having elected to accept the provisions of those sections and who, at the time of the ratification of the system provided by those sections, shall have been employed by the city for a period of 30 or more years.

[1925 c. 200 s. 1] (1442-35)

**422.25 PAYMENTS TO WIDOWS OF DECEASED EMPLOYEE; DETERMINATION OF WORTH OF RETIREMENT ALLOWANCE.** It shall be the duty of the retirement board to determine the value or present worth of the retirement allowance as of the date of death of any such employee in the same manner as would have been pursued had the employee retired from the service of the city at that date and requested a pension pursuant to the provisions of Option II, as set forth in section 422.08.

[1925 c. 200 s. 2] (1442-36)

**422.26 PAYMENTS TO WIDOWS OF DECEASED EMPLOYEES; AMOUNTS.** The pension to be granted and paid pursuant to the terms of sections 422.24 to 422.29 to the residuary beneficiary of any such deceased employee shall be the same as would have been payable had the employee elected to receive his retirement allowance pursuant to Option II, as set forth in section 422.08 for the purposes of

# MINNESOTA STATUTES 1941

## 422.27 RETIREMENT ALLOWANCES, FIRST CLASS CITIES

2844

sections 422.24 to 422.29, the widow of such deceased employee is hereby designated as the residuary beneficiary.

[1925 c. 200 s. 3] (1442-37)

**422.27 PAYMENTS TO WIDOWS OF DECEASED EMPLOYEES; AMOUNTS INCLUDED IN FINANCIAL STATEMENT.** The retirement board in such city shall include in the financial statement required by section 422.13 the amount, in addition to all other amounts, of the portion of the present worth of any such retirement allowance chargeable against the city and it shall be the duty of the proper city officials in such city to levy a tax sufficient to provide such amount in addition to the amount to be levied pursuant to sections 422.01 to 422.23.

[1925 c. 200 s. 4] (1442-38)

**422.28 PAYMENTS TO WIDOWS OF DECEASED EMPLOYEES; PAYABLE.** The retirement allowance provided by sections 422.24 to 422.29 shall be payable as of the day following the death of the employee.

[1925 c. 200 s. 5] (1442-39)

**422.29 PAYMENTS TO WIDOWS OF DECEASED EMPLOYEES; DUTIES OF RETIREMENT BOARD.** The retirement board provided by sections 422.01 to 422.23 is hereby invested with all the rights, privileges, and obligations relative to such retirement allowance and to the funds from which instalments thereof are to be paid as pertaining to the allowances and funds authorized by sections 422.01 to 422.23.

[1925 c. 200 s. 6] (1442-40)

**422.30 RETIREMENT OF EMPLOYEES; CREDIT ON TIME OF SERVICE OF TIME UNDER DISABILITY.** Where any city of the first class pays a disability allowance to any employee under any provisions of a home rule charter and which provisions require the rendition of services for any specified period immediately preceding the time of retirement to entitle an employee to a retirement allowance, the time during which any such person has heretofore received a disability allowance within such specified period immediately preceding retirement, by reason of any disability arising from an accident occurring in the course of his employment, shall be credited as services with the same force and effect as if he had actually rendered services during such time.

[1927 c. 190] (1442-41)

**422.31 DISABILITY ALLOWANCES IN CERTAIN CITIES.** Every city of the state now or hereafter having over 50,000 inhabitants which adopts or has adopted a system of paying pensions or retirement allowances to retired municipal employees pursuant to sections 422.01 to 422.23, and the retirement board in control of such system is hereby authorized to pay pensions or retirement allowances to each and every employee who, at the time of ratification of the system provided by sections 422.01 to 422.23, was, is, or shall be then receiving compensation from the city under the provisions of the Workmen's Compensation Act and (1) who, at the time of the injury for which such compensation is paid, was, is, or shall be receiving salary or pay as an employee in excess of \$750.00 per annum, or (2) who, at the time of retirement from the city service, had been or shall have been employed by the city for periods which in the aggregate equal 20 or more seasons of five or more months each in not to exceed an equal number of years, at rates of pay which did not provide an average amount in excess of \$750.00 per annum, and has attained the age of 55 years.

[1929 c. 106 s. 1] (1442-42)

**422.32 AMOUNT OF ALLOWANCE.** The pension or retirement allowance to which any such employee shall be entitled who at the time of the adoption of such plan had been receiving in excess of \$750.00 per annum shall be of the same amount and shall be calculated in the same manner as would have been pursued if the plan as provided by sections 422.01 to 422.23 had been in effect at the time when the injury was received for which such compensation is paid as provided by the Workmen's Compensation Act.

The pension or retirement allowance to which any such employee at rates of pay less than an average of \$750.00 per annum shall be entitled shall be of the same amount and shall be calculated in the same manner as provided in section 422.06.

[1929 c. 106 s. 2] (1442-43)

**422.33 RETIREMENT BOARD TO DETERMINE AMOUNTS.** It shall be the duty of the retirement board to determine the annual amount of any such allowance

and to provide for payment thereof; provided that payment thereof shall not begin until the compensation, as provided by the Workmen's Compensation Act has ceased.

[1929 c. 106 s. 3] (1442-44)

**422.34 TAX LEVY.** The retirement board in any such city shall include in the financial statement required by section 422.13 the amount, in addition to all other amounts, of the portion of any such disability or retirement allowance chargeable against the city, and it shall be the duty of the proper city officials in such city to levy a tax sufficient to provide such amount in addition to the amount to be levied pursuant to sections 422.01 to 422.23.

[1929 c. 106 s. 4] (1442-45)

**422.35 PAYMENT OF DISABILITY ALLOWANCE.** The retirement board provided by sections 422.01 to 422.23 is hereby invested with all the rights, privileges, and obligations relative to any such disability or retirement allowance, and is authorized to continue payment to the surviving spouse of any employee during the lifetime only of such surviving spouse, and to the funds from which instalments thereof are to be paid that pertain to the allowances and funds authorized by sections 422.01 to 422.23 including the right, privilege, or obligation to cancel any such allowance under conditions specified therein.

[1929 c. 106 s. 5; 1935 c. 250] (1442-46)

**422.36 PENSION AND RETIREMENT ALLOWANCES TO SURVIVING SPOUSE.** Every city of this state now or hereafter having over 50,000 inhabitants, which has heretofore adopted or shall hereafter adopt a system of paying pensions and retirement allowances to retired municipal employees pursuant to sections 422.01 to 422.23 acting by and through its council or chief governing body of the city, and the pension and retirement board in charge of such system are hereby authorized and empowered to pay pensions and retirement allowances to the surviving spouse, dependents, heirs, or nominees of any employee of the city in the contributing class who has heretofore died or who may hereafter die, before attaining the minimum age for retirement on a service pension under the provision of sections 422.01 to 422.23 and who has rendered or shall have rendered services to and been in the employ of the city, for 20 years or more prior to the date of his decease, and whose death was not or shall not be caused by an accident which occurred or shall occur while such employee was or shall be engaged in the performance of his duties as such employee.

The amount of such pensions and retirement allowances hereby authorized shall be the net amount of personal contributions made by such employee under the provisions of sections 422.01 to 422.23 prior to his decease, and interest thereon, and the net amount of the contributions made by the city in respect to such employee, with interest thereon. Such pensions and retirement allowances shall be calculated and determined in the same manner as provided in sections 422.01 to 422.23 for the calculation and determination of pensions and retirement allowances becoming payable under the provisions of sections 422.01 to 422.23.

It shall be the duty of the governing body of the city to levy annually a tax on the taxable property in the city sufficient to pay all pensions and retirement allowances hereby authorized, in addition to all other taxes authorized to be levied by sections 422.01 to 422.23; and it shall be the duty of the retirement board of the city to administer the proceeds of such additional taxes and cause the same to be paid to the person or persons entitled thereto under the provisions of this section and sections 422.01 to 422.23.

[1931 c. 244; 1933 c. 146] (1442-48)

**422.37 RETIREMENT ALLOWANCE MAY BE LEFT ON DEPOSIT IN FUND.** Any member of the contributing class who becomes permanently separated from the service of any city to which sections 422.37 to 422.42 apply, after 20 or more years of service for such city may, by an instrument in writing filed with the municipal pension and retirement board within 30 days after such separation becomes permanent, elect to allow his contributions to such fund to the date of separation to remain on deposit in such fund.

[1937 c. 52 s. 1] (1442-51)

**422.38 RETIREMENT ALLOWANCE TO SEPARATED PERSON LEAVING CONTRIBUTIONS ON DEPOSIT.** If a member of the contributing class makes the election herein and in section 422.37 provided for, he, upon attaining the age of 55 years, or someone acting in his behalf, shall make application for such retirement allowance in the manner provided for by section 422.08. In the event

such contributing member, after 20 years of service, becomes separated from the city after having attained the age of 55 years, he or someone acting in his behalf shall make the application within the time and in the manner provided for herein. Such retirement allowance shall be the actuarial equivalent of the city's contribution and the member's deposit, as they were on the date the separation becomes permanent, plus interest, as provided for in section 422.11.

[1937 c. 52 s. 2] (1442-52)

**422.39 PAYMENT TO HEIRS.** If such contributing member dies before reaching the age of 55 years, or having attained the age of 55 years without having made the election provided for herein, there shall be paid to his heirs, as defined in section 422.01, subdivision 23, the total amount to his credit on the date of his death. In the absence of heirs, that portion of the credit contributed by the city shall be canceled, and the balance as it was on the date of separation paid to the contributor's estate. The interest credit accrued from the date of separation to the date of death on such member's deposit shall be withheld and credited to the reserve for loss on investment account.

[1937 c. 52 s. 3] (1442-53)

**422.40 WITHDRAWAL OF DEPOSITS.** Such contributing member may, after electing to receive a retirement allowance as provided herein, make application to withdraw his deposit before reaching the age of 55 years, at which time that portion contributed by the city shall be canceled and one-half the interest credited on his deposit on date of separation to date application is made to withdraw such credit shall be withheld and credited to the reserve for loss on investment account of such fund.

[1937 c. 52 s. 4] (1442-54)

**422.41 RIGHTS FORFEITED ON WITHDRAWAL.** If such deposit is withdrawn before retirement, the retirement rights shall be forfeited unless such employee returns to the service of the city and again becomes a contributing member to the fund and redeposits the amount withdrawn, plus four per cent compound interest from date of withdrawal to date of reinstatement to the service of the city.

[1937 c. 52 s. 5] (1442-55)

**422.42 RETIREMENT ALLOWANCE FOR DISABLED PERSONS.** If such contributing member, after becoming permanently separated from the service of the city and after electing to receive a retirement allowance as provided herein, becomes totally and permanently disabled for any cause before reaching the age of 55 years, he shall be entitled to receive such retirement allowance before reaching the age of 55 years, upon application to the municipal pension and retirement board and certified by the medical board provided in sections 422.01 to 422.23. Such retirement allowance shall be the actuarial equivalent of the total credit to his account on the date application for such retirement allowance is made.

[1937 c. 52 s. 6] (1442-56)

**422.422 DISABILITY ALLOWANCES IN CERTAIN CITIES.** In every city of the first class in the state which adopts or has adopted a system of paying pensions or retirement allowances to retired municipal employees pursuant to sections 422.01 to 422.42, the retirement board in control of such system is hereby authorized to pay a disability allowance to any member of the pension fund who has heretofore made application for disability allowance and, at the time of making application therefor, had reached the age of 61 years, but had not reached the age of 62 years, and who, on such date, had been in the service of the city for 18 years or more, notwithstanding the employee is unable to procure proof that he is a citizen of the United States, if all of the other conditions necessary to entitle him to the disability allowance have been complied with.

[1941 c. 504]

**422.43 RETIREMENT ALLOWANCE IN CERTAIN CASES.** In all cases where the retirement board of any city which has adopted a plan of, and is paying, retirement allowances to employees pursuant to sections 422.01 to 422.23 is required to refund the net accumulated credits of any contributing employee standing to his credit on date of death, or to refund the balance remaining to the credit of a retired employee at the date of his death, who has retired under the Option I plan of retirement, the retirement board shall, at the written request of such employee filed with the retirement board prior to his death, or at the written request of a beneficiary filed with the retirement board after the employee's death, provide for



# MINNESOTA STATUTES 1941

2847

## RETIREMENT ALLOWANCES, FIRST CLASS CITIES 422.47

the payment of such credits or balances or any portion thereof in monthly instalments until such credits or balances are exhausted; provided that such beneficiary shall be of the class of persons now permitted to receive a sum or sums standing to the credit of the employee at the time of his death.

[1939 c. 65 s. 1] (1442-40a)

**422.44 MAY PAY INTEREST ON BALANCES.** The retirement board shall provide for the payment of annual interest on the credits or balances remaining on deposit at the same rate that is paid to contributing employees on accumulated salary deductions.

[1939 c. 65 s. 2] (1442-40b)

**422.45 APPLICATION.** Nothing in sections 422.43 and 422.44 shall be construed to alter the method of determining the persons entitled to receive such refunds or the amount to be paid.

[1939 c. 65 s. 3] (1442-40c)

**422.46 RETIREMENT BOARDS MAY MAKE LOANS TO CONTRIBUTING MEMBERS IN CERTAIN CASES.** In every city of the first class in this state which has heretofore adopted or shall hereafter adopt a system of paying pensions and retirement allowances to retired municipal employees pursuant to sections 422.01 to 422.23, the retirement board is hereby authorized to make loans to the contributing members of such retirement fund in amounts not to exceed 50 per cent of the amount of the salary deductions standing to the credit of any contributor. No loan shall be made except in case of necessity which in the opinion of the board is deemed sufficient to warrant the granting of such loan, nor without the approval of at least three members of the board. Loans may be granted in case of lay-off of employees where such lay-off is of indefinite duration and does not amount to a complete separation from the service.

Repayment of loans in all cases where the employee is still in service shall begin with the month following the making of the loan and there shall be repaid on such loan each month an amount equal to the regular monthly deduction from the salary of such employee, which deduction for repayment of the loan shall be in addition to the deduction for credit to the retirement fund. In cases where loans are made to employees that have been laid off, the repayment shall begin with the first month in which the employee is reinstated in his regular employment. All loans made under this section shall bear a rate of interest which shall be one-half of one per cent higher than the rate of interest which may be credited by the retirement board to the credit of contributors on their credits from salary deductions.

[1933 c. 304; 1937 c. 246 s. 1] (1442-49)

**422.47 COMPULSORY RETIREMENT OF CERTAIN EMPLOYEES OF POLICE AND FIRE DEPARTMENTS.** Every employee, officer, or person on the pay-roll of any fire or police department in any city of the first class who is designated as a future beneficiary by the rules of any tax-aided pension, relief, or retirement fund established and maintained by authority of the laws of this state, shall retire upon reaching the age of 65 years; provided that any such employee, officer, or person on the pay-roll of any such fire or police department serving as such on or before January 1, 1939, who has attained the age of 65 years and who has not served a sufficient length of time to entitle him to benefits under the terms and provisions of any such pension act now in effect providing for benefits for such firemen and policemen, employees, officers, or persons on the pay-roll of the fire or police department in such city, may, subject to the provisions of any charter of any such city providing for a civil service commission and the rules and regulations of the civil service commission enacted pursuant thereto, remain in the service of any such city as an employee, officer, or person on the pay-roll of such fire or police department until he has served a sufficient length of time to entitle him to such benefits. This proviso shall not apply to substitutes and persons employed irregularly from time to time in either the fire or the police departments of such city.

[1939 c. 136 s. 1; 1941 c. 426] (1442-40d)