

CHAPTER 423

POLICE PENSIONS

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423.01 POLICE PENSIONS. In every city of the first class in this state there may be created a police pension fund, which shall be managed, controlled, and distributed in accordance with the provisions of sections 423.01 to 423.07.

[1915 c. 68 s. 1; 1923 c. 54 s. 1] (1436)

423.02 INCORPORATION OF POLICE DEPARTMENT AS RELIEF ASSOCIATION; PENSIONS. Every paid municipal police department now existing or which may hereafter be organized is hereby authorized to become incorporated pursuant to the laws of this state, or adopt a constitution and by-laws as a relief association, to provide for and permit and allow such police relief association, so incorporated or so organized, or any police pension relief association now in existence and incorporated according to law, to pay out of, and from any funds it may have received from any source, a service, disability, or dependency pension in such amounts and in such manner as its articles of incorporation or the constitution and by-laws shall designate, not exceeding the following sum per month to each of its pensioned members who shall have reached the age of 50 years or more, and served 20 years or more in such department, or their widows and children under 16 years of age.

A sum equal to one-half of the monthly compensation allowed such member as salary at the date of his retirement, when such member shall have arrived at the age of 50 years or more and shall have served as a member of such paid municipal police department for a period of 20 years or more in the police department of such city in which such relief association shall be so organized, or is so in existence, or who has been permanently disabled physically or mentally because of any injury received or suffered while a duly authorized member of such paid municipal police department, so as to render necessary his retirement from active police service. Any such member who has been a member of such paid municipal police department for 20 years or more and who shall sever his connection with the paid municipal police department before he shall have attained the age of 50 years, shall be eligible to the benefits of such police relief association of such city when he arrives at the age of 50 years. If any member retires under the provisions of sections 423.01 to 423.07 before he has served one year in the grade in which he is serving when he retires, he shall receive the same compensation as though he had retired in the next lower grade. No retired member shall receive less than \$70.00, nor more than \$75.00, per month, but commencing April 1, 1932, all retired members shall receive \$75.00 per month. In the case of any applicant for a service pension who, following his entry into the service of any such police department, has served in the military forces of the United States in any war or national defense emergency subsequent to January 1, 1940, and has thereafter returned honorably discharged from such service, and resumed active duty in such police department, the period that such applicant has served in such military or defense emergency service shall be counted

in computing period of service herein provided for, but during such period of military or defense emergency service, he shall not be considered as an active member of his association. This pension shall be paid to any widow or child under 16 years of age of any such pensioned and retired member of the police department or to any widow or child under 16 years of age of any member who dies while in the service of the police department of any such city, or to any widow or child under 16 years of age of any member who, after having been a member of such paid municipal police department for 20 years or more, shall sever his connection with such paid municipal police department and who shall die before he arrives at the age of 50 years, and such widow or child shall receive the sums hereinafter provided.

Forty dollars per month to such widow and \$10.00 per month to each of such children under 16 years of age; provided, that where such widow and such children reside together the money herein required to be paid to such children shall be paid to such widow for the support of such children but the money paid to such widow for herself and such children shall not exceed \$75.00 per month in all. In the event that any such widow remarries she shall receive no further benefits under sections 423.01 to 423.07. This fund shall not be used for any other purpose than for the payment of service, disability, or dependency pensions as provided in those sections. The word "member," as used in sections 423.01 to 423.07, includes policewomen, police matrons, and assistant police matrons.

[1915 c. 68 s. 2; 1921 c. 118 s. 1; 1923 c. 54; 1931 c. 118 s. 1; 1941 c. 306] (1437);

423.03 PAYMENTS; LIMITATIONS. The pensions authorized by sections 423.01 to 423.07 shall not be paid to any person while drawing salary in any amount from such city as an employee in any police department or from any department of the state or any county or municipality therein as an employee; provided that this provision shall not affect the status as a pensioner of any person whose status as a pensioner has been fixed by retirement while another provision of law was in effect; and no member shall be entitled to this pension after he removes his residence from the United States or who shall have been convicted of a felony; provided that no widow or child under 16 years of age of any member who shall have been convicted of a felony shall be deprived of their pension rights under sections 423.01 to 423.07 by reason thereof unless such widow or child under 16 years of age shall have been a party to the commission of such felony; and, provided that where such member so convicted of a felony is then receiving a pension, his wife or child under 16 years of age who has not been a party to the commission of such felony shall receive the pension provided for therein in the event of the death of such member; and any person receiving the pension therein mentioned shall not receive or be entitled to receive any other or further pension or relief from the association.

[1915 c. 68 s. 3; 1931 c. 118 s. 2] (1438)

423.04 NOT SUBJECT TO ATTACHMENT. No pension allowed or to be allowed by the pension board under sections 423.01 to 423.07 shall be subject to judgments, garnishments, executions, or other legal process, and no person entitled to such pension shall have any right to assign the same nor shall the association have the authority to recognize any attempted assignment or pay over any sum which has been assigned or attempted to be assigned.

[1915 c. 68 s. 4] (1439)

423.05 ASSOCIATION TO HAVE CHARGE OF FUNDS. The association, through its officers, shall have full charge, management, and control of the pension fund provided for in sections 423.01 to 423.07, which funds shall be derived from gifts of real estate or personal property, rents, money, or from other sources. It shall be the duty of the treasurer of any city affected by sections 423.01 to 423.07 to deduct each month from the monthly pay of each member of such police department a sum equal to two per cent of his monthly pay and place the same to the credit of the police pension fund; it shall be the duty of every police officer receiving any reward for services in making arrests, or otherwise, to place to the credit of the police pension fund all such rewards, and it shall be the duty of the chief of police of any such city to place to the credit of the police pension fund all moneys falling into the hands of the police that shall remain unclaimed for a period of six months and to sell all unclaimed property falling into the hands of the police when the same shall have been unclaimed for a period of six months and place the proceeds thereof to the credit of the police pension fund.

An amount or sum sufficient to pay pensions due and payable in the following fiscal year, provided this sum shall not be less than three-fifths of a mill, nor in excess of one mill, in addition to the rate allowed to be levied by the charter of any city affected by sections 423.01 to 423.07, shall be annually assessed and levied at the time and in the manner that taxes for the other funds of the city are levied by the proper officers of each city where a police relief association now exists upon each dollar of all the taxable property in the city as the same appears on the tax records of the city and such levy of this sum for the benefit of such police relief association shall be collected and apportioned by the proper officers of the county in which such city is located in the same manner as are all taxes of such city and all annual surpluses shall remain in the police pension fund.

[1915 c. 68 s. 5; 1921 c. 118 s. 2; 1925 c. 197; 1929 c. 311 s. 1; 1931 c. 118 s. 3; 1935 c. 76] (1440)

423.06 MEMBERSHIP OF GOVERNING BOARD. The governing board of this association shall consist of five members to be elected annually, who shall hold their term of office for one, two, three, four, and five years, respectively, or until the successor of each is duly elected and qualified, and the mayor, chief of police, and city treasurer shall be ex officio members of this board and the city treasurer shall be the custodian of all funds of the association and disburse the same as directed by the board. All vacancies occurring in the elective membership of this board shall be filled by a special election called for that purpose. In any such city where the police department is under the direction and supervision of a commissioner of public safety and not under the direction and supervision of the mayor of such city, the commissioner of public safety shall be ex officio member of this board in the place of the mayor of such city.

[1915 c. 68 s. 6] (1441)

423.07 NOT TO REPEAL EXISTING ACTS. Sections 423.01 to 423.06 shall not be deemed to repeal existing acts inconsistent therewith but shall be construed as supplemental thereto and any paid municipal police department now operating under other police pension laws of this state shall continue thereunder until it shall elect to come under the provisions of those sections with the consent of the city council or other governing body of the city.

[1915 c. 68 s. 7] (1442)

423.08 PENSIONS FOR POLICE MATRONS. In every city of this state now or hereafter having a population of over 50,000, where there is or may be created a police pension fund governed and managed by a police pension board or relief association in accordance with the provisions of Laws 1903, Chapter 159, as amended by Laws 1905, Chapter 109, such police pension board or relief association is hereby further authorized and directed to make further provisions for creating and paying pensions to disabled and retired police matrons, assistant matrons, and other policewomen in such cities as provided in section 423.09.

[1905 c. 184 s. 1; 1911 c. 188 s. 1; 1919 c. 460 s. 1] (1432)

423.09 PENSION BOARD. Every police pension board or relief association organized or incorporated in conformity with the laws of the state regulating the incorporation of societies for benevolent and other purposes and which has received or shall hereafter receive moneys from the state raised by taxation in the state is hereby authorized and directed to pay out of and from any funds it may have received from the state or from any other source a service pension not less than \$25.00 per month to each police matron, assistant matron, and other policewoman who shall, at the time of her application, have arrived at the age of 50 years or more and who has prior to her application or shall hereafter have done active service as police matron, assistant police matron, or other policewoman for a period of 12 years or more in the police department of such city in which such police pension board or relief association has been or shall be so organized and has retired therefrom; or has been or shall be disabled physically or mentally while in the performance of her duties as such police matron, assistant matron, or other policewoman so as to render necessary her retirement from active service in such capacity; and every such police pension board or relief association is hereby authorized and directed to pay to any such police matron, assistant police matron, and other policewoman who shall, at the time of her application, have arrived at the age of 50 years or more, and who has prior to her application or shall hereafter have done active service as police matron, assistant police matron, or other policewoman for a period of 20 years or more in the police department of such city, or

who has been or shall be disabled physically or mentally while in the performance of her duties so as to render necessary her retirement from active service in such capacity the same monthly service pension that it pays to male members of such association or police force, not exceeding the sum of \$50.00 per month. It shall not be necessary to entitle such police matron, assistant matron, or other policewoman to such pension that she become a member of such relief association.

[1905 c. 184 s. 2; 1911 c. 188 s. 2; 1919 c. 460 s. 2] (1433)

423.10 PENSIONS TO POLICEWOMEN. The pension authorized by sections 423.08 to 423.10 shall not be paid to any police matron, assistant matron, or other policewoman while drawing salary in any amount from such police department.

[1905 c. 184 s. 3; 1919 c. 460 s. 3] (1434)

423.11 LAWS APPLICABLE. Each and every of the provisions of Laws 1903, Chapter 159, as amended by Laws 1905, Chapter 109, are hereby made subject to the provisions of sections 423.08 to 423.10 for the purpose of allowing all police matrons, assistant matrons, and other policewomen in cities of the first class to obtain the same privileges and benefits as disabled and retired policemen in such cities.

[1905 c. 184 s. 4; 1919 c. 460 s. 4] (1435)

423.12 POLICE PENSION FUND. In every city of the second class in this state there may be created a police pension fund, which shall be governed and managed by a police pension board in accordance with the provisions of sections 423.12 to 423.20.

[1919 c. 152 s. 1] (1643-1)

423.13 PENSIONS FOR POLICE OFFICERS IN CITIES OF SECOND CLASS.

Every paid municipal police department now existing or which may hereafter be organized may and is hereby authorized to become incorporated pursuant to the provisions of any applicable law of this state, or adopt a constitution and by-laws as a relief association to provide and permit and allow said police relief association so incorporated or so organized to pay out of and from any funds it may have received from the state, or from any other source, a service pension in such amounts and in such manner as its articles of incorporation or the constitution and by-laws shall so designate, not exceeding the sum of \$60.00 per month to each of its pensioned members who shall have arrived at the age of 50 years, or more, and shall have done active police duty as a member of such paid municipal police department for a period of 20 years or more in the police department of such city in which such relief association has been or shall be so organized, or who, having been disabled physically or mentally because of any injury received or suffered while in the performance of his duty as such police officer so as to render necessary his retirement from active police service, may be placed upon the pension list, and shall receive such pension as provided for in the articles of incorporation or constitution and by-laws; provided, that if any such police officer shall die leaving a widow surviving him she may be paid, as long as she remains unmarried, such amounts not exceeding the sum of \$60.00 per month and in such manner as the articles of incorporation or constitution and by-laws of the police relief association shall provide; provided, that the fund shall not be used for any other purpose than for the payment of service pensions and a disability pension as herein provided.

[1919 c. 152 s. 2; 1929 c. 31; 1939 c. 122] (1643-2)

423.14 INCREASE OR DECREASE IN PENSION. Every such association shall have and retain the right to increase or reduce the amount of such pension not to exceed \$45.00 per month whenever, because of the amount of funds on hand or for other good reasons, such increase or reduction may seem advisable or proper to its board of management.

[1919 c. 152 s. 3; 1929 c. 31 s. 3] (1643-3)

423.15 PERSONS NOT ENTITLED TO A PENSION. The pension authorized by sections 423.12 to 423.20 shall not be paid to any person while drawing salary in any amount from the police department; and no member shall be entitled to the pension if he shall have been convicted of a felony or misdemeanor for which he shall be adjudged to be imprisoned or who is a habitual drunkard; and any person receiving the pension therein mentioned shall not receive or be entitled to receive any other or further pension or relief from the association.

[1919 c. 152 s. 4] (1643-4)

423.16 PENSIONS EXEMPT FROM GARNISHMENT. No payments made or to be made by the board to any member of the police force shall be subject to

judgment, 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 the authority to recognize or pay over any sum whatever which has been assigned.

[1919 c. 152 s. 5] (1643-5)

423.17 POLICE PENSION FUND; MANAGEMENT AND CONTROL. The association through its officers shall have full charge, management, and control of the police pension fund herein provided for, which fund shall be derived from the following sources:

(1) From the gifts of real estate or personal property, rents, or money or other sources;

(2) An amount or sum equal to three-sevenths of one mill shall be annually assessed, levied, and collected by the proper officers of such city where a police relief association exists, upon each dollar of all the taxable property in the city as the same appears on the tax records of the city, which sum shall, by the proper officers of the city, be placed on the credit of the police pension funds and shall not be used or devoted to any purpose other than for the purpose of the police pension fund. If at any time the fund so raised by taxation as in this section provided, together with other resources exceeds the needs of the police pension board in properly carrying out the provisions of sections 423.12 to 423.20; then as often as this shall occur, the sum so to be raised by taxation shall be proportionately reduced to such amount as will sufficiently carry out the provisions of sections 423.12 to 423.20; then there shall only be raised by taxation such part of three-sevenths of one mill upon each dollar of all the taxable property in such city as shall be necessary for the proper maintenance of this fund.

[1919 c. 152 s. 6] (1643-6)

423.18 POWERS REGARDING PROPERTY. The governing board shall have full power to hold, transfer, and sell real estate and personal property, and invest the funds for the betterment of the association.

[1919 c. 152 s. 7] (1643-7)

423.19 MEMBERS OF GOVERNING BOARD. The governing board of the association shall consist of five members to be elected annually, who shall hold office for one, two, three, four, and five years, respectively, or until their successors are elected and qualified, and the mayor, the chief of police, and the city treasurer shall be ex officio members of the board, and the city treasurer shall be the custodian of all funds of the association and disburse the same as directed by the board. All vacancies occurring in the elective membership of the board shall be filled by the board for the unexpired term or until the next annual election.

[1919 c. 152 s. 8] (1643-8)

423.20 REPORTS OF GOVERNING BOARD. The governing board of the association shall file, on or before the first day of September of each year, with the comptroller of the municipality, a detailed report of the amount of money received, expended, and on hand to the credit of the association.

[1919 c. 152 s. 9] (1643-9)

423.21 POLICE RETIREMENT FUND IN CERTAIN CITIES OF THE FOURTH CLASS. Subdivision 1. **Established.** Any city of the fourth class now or hereafter having property, exclusive of money and credits, of an assessed valuation of more than \$4,000,000, may, at the discretion of the city council or other governing body, establish and provide by ordinance for the accumulation, administration, and distribution of a police pension fund, or for the payment direct from current funds of pensions, for the benefit of all police officers retired or honorably discharged at or after reaching the age of 65 years, the last preceding 25 years of which time has been or shall have been spent as a police officer in the service of such municipality. No such pension shall in any case exceed 40 per cent of the salary of such officer at the time of retirement, nor in any case exceed \$600.00 per year, nor in any case be paid after the death of such officer to any dependent or other person whomsoever, nor be subject to garnishment, attachment, or other legal process.

Subdivision 2. **Tax levy.** To provide funds for the payment of such pensions the city council or other proper authority may levy a tax of not more than one-fifth of one mill on all the taxable property of such municipality, and may provide for the use, for these purposes, of some portion of the fines and penalties collected by the municipality from time to time.

[1929 c. 278] (1828-16½)

423.22 APPLICATION. Sections 423.22 to 423.36 shall apply to every city of the fourth class having an assessed valuation of more than \$8,000,000, in which the council shall have or hereafter may have adopted, by majority vote, a resolution electing to come under the provisions thereof. In the event any city shall at any time come under the terms of sections 423.22 to 423.36 it shall continue thereunder notwithstanding any subsequent change in classification or valuation.

[1935 c. 170 s. 1] (1828-16¾)

423.23 POLICE DEPARTMENT MAY INCORPORATE. The police department in any city of the fourth class is hereby authorized to become incorporated pursuant to the provisions of any laws of the state and to adopt articles of incorporation and by-laws as a relief association. All members of the department at the time of the taking effect of sections 423.22 to 423.36 and all persons subsequently becoming members of such department shall be members of the association, except municipal court officers and persons appointed for temporary service or for probationary periods; provided, that for purposes of sections 423.22 to 423.36 no employment after six months shall be considered to be temporary or probationary.

[1935 c. 170 s. 2] (1828-16¾a)

423.24 TERMINATION OF MEMBERSHIP. Every person shall cease to be a member of the association upon the termination, from any cause, of his employment in the police department, except as he may be entitled to receive benefits under sections 423.22 to 423.36 or under the by-laws of the association subsequent to such termination.

[1935 c. 170 s. 3] (1828-16¾b)

423.25 RETIREMENT PENSION. When any member of the association shall have reached the age of 55 years he may retire and shall thereupon be entitled to a pension as long as he shall live, at the following rates:

(1) \$75.00 per month when such member shall have served as a member of the police department for a period of 20 years or more, excluding temporary employment or probationary periods, as hereinbefore defined.

(2) An additional \$5.00 per month for each year of service over 20 that the person may have served as a member of such police department after the age of 55 years. The total amount of pension hereunder shall in no event exceed \$100.00 per month.

(3) In the event such member shall retire after reaching the age of 55 or more and after having been a member of said department for at least ten years, but before having served 20 years in the department, the amount of pension which he shall receive shall be that proportion of \$75.00 per month which the years of service in the department prior to retirement bear to 20 years, major fractions of years of service to be treated as one year and minor fractions to be disregarded.

(4) In no event shall temporary employment or employment for probationary period, as hereinbefore defined, be considered in computing pension allowances hereunder.

(5) In the event any member shall be discharged from the service of the police department after having served 20 years or more and before such member has reached the age of 55, he may, upon a vote of a majority of the members of the relief association, be permitted to continue as a member of such association, notwithstanding that he is no longer a member of the police department, and upon reaching the age of 55 years, shall be entitled to a pension at the rate of \$75.00 per month; provided, that in such event such member shall make application to the association for such privilege within six months from the time he is discharged and shall contribute each month after the discharge, and until reaching the age of 55 years, to the pension fund of the relief association a sum of money equal to three and one-half per cent of the then average monthly pay of members of the department holding the rank held by the member at the time of discharge. In the event such association approves such application, such member shall, within 60 days thereafter, pay into the association for the pension fund the monthly instalments herein provided for the period between his discharge and the time of the first payment. Thereafter, in the event the member shall default in the payment of such monthly assessments and such default shall continue for a period of 60 days, all rights hereunder shall cease.

[1935 c. 170 s. 4] (1828-16¾c)

423.26 RETIREMENT NOT COMPULSORY. Retirement at the age of 55 years shall not be compulsory, but when such members shall have reached the age of

60. years the police civil service commission, if one exists in such city, or, if not, the board or commission charged with the administration of the department of police in the city shall have the right to insist upon the retirement of such member at the age of 60 years, regardless of the provisions of any civil service laws.

[1935 c. 170 s. 5] (1828-16¼d)

423.27 TAX LEVY FOR FUND. For the support of the fund from which such pensions are paid the council or other governing body of such city shall each year, at the time the tax levies are made for the general revenues of the city, levy within the limits then permitted by law, a tax on all taxable property of such city in the sum of \$10,000 per annum, which levy shall be transmitted to the auditor of the county in which the city is located at the time the other tax levies are transmitted and shall be collected and the payment enforced in the same manner as other taxes of the city. In addition thereto, each member of the association shall be required to contribute to such fund each month one per cent of his monthly pay, such sum to be deducted at the time of the payment of his salary or wages by the city and transferred to such fund. In addition thereto, such relief association may transfer to such fund moneys raised from other sources and under the control of such association.

[1935 c. 170 s. 6] (1828-16¼e)

423.28 TAX LEVIES OMITTED, WHEN. If at any time the balance on hand in such fund, together with interest or other earnings accrued therein, exceeds the sum of \$50,000 then as often as this shall occur the levy of taxes for the fund shall be omitted for that year, and if at any time the whole amount of \$10,000 from taxation is not needed for the maintenance of the fund at \$50,000 then the sum to be raised by taxation shall be proportionately reduced to such amount as will be sufficient to keep the fund at \$50,000, or more.

[1935 c. 170 s. 7] (1828-16¼f)

423.29 OFFICERS. The articles of incorporation or by-laws of such relief association shall provide for a board of directors to consist of five members, from whom there shall be elected by the board officers to consist of president, vice-president, secretary, and treasurer. The mayor or principal executive officer of the city and the city treasurer shall, ex officio, be members of the board, in addition to the five members also provided for. Members of the board and the officers thereof shall hold office for such time as may be provided in the articles of incorporation or by-laws of the association.

[1935 c. 170 s. 8] (1828-16¼g)

423.30 POLICE PENSION FUND. The city treasurer shall be the custodian of all funds of the relief association. All moneys raised by taxation as provided under sections 423.22 to 423.36 shall be paid and all other funds of the association shall be paid to the city treasurer and kept by him in a separate fund called the police pension fund. Upon the written direction of the board of directors of the association, the city treasurer shall invest these funds in such interest-bearing securities as are specified, from time to time, by the board of directors; provided, that the same shall be such securities as may be prescribed, from time to time, by the laws of Minnesota as permissible investments for trust funds of the State of Minnesota by the state board of investment, except that, in addition thereto, such funds may be invested in first mortgages upon improved real estate located in the city.

[1935 c. 170 s. 9] (1828-16¼h)

423.31 REPORT OF BOARD OF DIRECTORS. The board of directors of the association shall file annually, on or before the first day of September, with the clerk of the city, a detailed report of the amount of money received, expended, and remaining on hand to the credit of the fund. The books and records of the board shall be open to inspection and audit by any taxpayer of the city, or his duly authorized representative, and shall be audited with other books and records of the city at the time of the making of any general city audit.

[1935 c. 170 s. 10] (1828-16¼i)

423.32 EXPENSES. Actual expenses in connection with the making of investments may be paid from the fund upon authorization by the board of directors, but no salaries or fees shall be paid to any officer or agent therefrom.

[1935 c. 170 s. 11] (1828-16¼j)

423.33 DEDUCTIONS FROM PAY WHEN REPAID. When a member of the association shall cease to be a member of the department for any reason other

than death or retirement, he shall be paid, on demand, the full amount of accumulated deductions from pay standing to his credit. When any member shall die without having received a pension or without having received in pension payments, an amount equal to the total amount of the accumulated deductions from his salary as provided for in sections 423.22 to 423.36, the full amount of those accumulated deductions, less such pension payments, if any, as have been paid to the member, shall be paid in one lump sum to the beneficiary designated by such member or, if none, to the legal representatives of such member. If no valid claim is established therefor, such accumulated dividends shall remain with and become the property of the association. No member shall be entitled to interest upon deductions under the provisions of this section.

[1935 c. 170 s. 12] (1828-16¾k)

423.34 HEALTH AND ACCIDENT BENEFITS. In addition to the pension fund and pension payments provided under sections 423.22 to 423.36, the relief association may, by proper by-laws, provide for the payment of additional health or accident benefits to members of the association and to widows or dependents of deceased members thereof. For the payment of such additional benefits such relief association may assess all members of the police department an additional amount not to exceed two and one-half per cent of the monthly pay of such members. The plan and schedule of such benefits and the amount of such additional assessments upon members must be approved by a majority vote of the members of the department and may be changed by a majority vote of the members. Such additional payments shall be made from a fund to be known as the police relief fund, which shall be kept separate from all other funds of the city and separate from the police pension fund. Such police relief fund shall not be supported by taxation, but shall be supported by these additional assessments and in such other ways as the by-laws of the association may, from time to time, provide.

[1935 c. 170 s. 13] (1828-16¾l)

423.35 LIMITATIONS. No pension payments shall be made under sections 423.22 to 423.36 to any person while he is in the employ of the city in any capacity or while he is an employee of the state, or while he is receiving a pension from any public funds; provided, if any such person is in the employ of the city or of the state, or is receiving pension from any public funds, and the amount of his monthly compensation or pension is not equal to the monthly pension to which he is entitled under sections 423.22 to 423.36 the difference shall be paid to him.

[1935 c. 170 s. 14] (1828-16¾m)

423.36 MEMBERSHIP. Members of such relief association shall not be compelled to become members of the municipal employees retirement association established by section 422.46, and if already members of the association shall, upon the establishment of the relief association under sections 423.22 to 423.36, cease to be members thereof and shall be entitled to receive from such association the amount of accumulated deductions of pay contributed to the association in the same manner as they would be entitled thereto upon ceasing to be employees of the municipality.

[1935 c. 170 s. 15] (1828-16¾n)