

CHAPTER 423

POLICE PENSIONS

423.01 POLICE PENSIONS.

HISTORY. 1903 c. 159 s. 1; 1905 c. 109 s. 2; 1915 c. 68 s. 1; 1923 c. 54 s. 1; G.S. 1923 s. 1436; M.S. 1927 s. 1436. (Repealed by 1945 c. 47 s. 10).

A statute applying to cities "now or hereafter having a population of over 50,000 inhabitants and having a home rule charter" includes not only those cities within the designated class at the time the law was enacted but also those subsequently coming within the same. *State ex rel v City Council*, 188 M 447, 247 NW 514.

423.02 INCORPORATION OF POLICE DEPARTMENT AS RELIEF ASSOCIATION; PENSIONS.

HISTORY. Sp. L. 1891 c. 143 s. 1; 1895 c. 8 ss. 169, 171; 1903 c. 159 s. 2; 1915 c. 68 s. 2; 1921 c. 118 s. 1; 1923 c. 54; G.S. 1923 s. 1437; M.S. 1927 s. 1437; 1931 c. 118 s. 1; M. Supp. s. 1437; 1941 c. 306. (Repealed by 1945 c. 47 s. 10.)

A city of the third class, such as South St. Paul, operating under a home rule charter, need not establish police pensions under sections 1436 to 1442 (423.01 to 423.07) but may establish pensions for all city employees under section 254-23 (353.01), et seq. OAG Aug. 19, 1936 (785j).

423.03 PAYMENTS; LIMITATIONS.

HISTORY. 1903 c. 159 s. 4; 1911 c. 67 s. 1; 1915 c. 68 s. 3; G.S. 1923 s. 1438; M.S. 1927 s. 1438; 1931 c. 118 s. 2; M. Supp. s. 1438. (Repealed by 1945 c. 47 s. 10.)

Pension and retirement acts are remedial in nature and are entitled to a liberal construction which will meet the essential legislative purpose. That part of Laws 1915, Chapter 199, Section 9, reading: "return to the work of teaching in said public schools", is construed to mean a return to the work of teaching in the public schools of the state of Minnesota. *Mattson v Flynn*, 216 M 354, 13 NW(2d) 11.

423.04 NOT SUBJECT TO ATTACHMENT.

HISTORY. 1903 c. 159 s. 5; 1915 c. 68 s. 4; G.S. 1923 s. 1439; M.S. 1927 s. 1439. (Repealed by 1945 c. 47 s. 10).

423.05 ASSOCIATION TO HAVE CHARGE OF FUNDS.

HISTORY. 1903 c. 159 ss. 6, 7; 1905 c. 109 s. 3; 1915 c. 68 s. 5; 1921 c. 118 s. 2; G.S. 1923 s. 1440; 1925 c. 197; M.S. 1927 s. 1440; 1929 c. 311 s. 1; 1931 c. 118 s. 3; 1935 c. 76; M. Supp. s. 1440. (Repealed by 1945 c. 47 s. 10).

423.06 MEMBERSHIP OF GOVERNING BOARD.

HISTORY. 1903 c. 159 s. 8; 1915 c. 68 s. 6; G.S. 1923 s. 1441; M.S. 1927 s. 1441. (Repealed by 1945 c. 47 s. 10).

423.07 NOT TO REPEAL EXISTING ACTS.

HISTORY. 1915 c. 68 s. 7; G.S. 1923 s. 1442; M.S. 1927 s. 1442. (Repealed by 1945 c. 47 s. 10).

The requirement of amended law for local consent is functus officio and without effect on amendment, the city having given its consent before the amendment. *State ex rel v City Council*, 188 M 447, 247 NW 514.

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423.011 POLICE RELIEF ASSOCIATION FOR ST. PAUL.

HISTORY. 1945 c. 47 s. 1.

423.012 APPLICANTS.

HISTORY. 1945 c. 47 s. 2.

423.021 PAYMENTS; LIMITATIONS.

HISTORY. 1945 c. 47 s. 3.

423.022 USES OF FUND.

HISTORY. 1945 c. 47 s. 4.

423.023 MEMBER.

HISTORY. 1945 c. 47 s. 5.

423.031 PENSIONS; LIMITATIONS.

HISTORY. 1945 c. 47 s. 6.

423.035 POWERS AND DUTIES OF RELIEF ASSOCIATION.

HISTORY. 1945 c. 47 s. 7.

423.041 PENSIONS NOT SUBJECT TO LEGAL PROCESS.

HISTORY. 1945 c. 47 s. 8.

423.061 GOVERNING BODY.

HISTORY. 1945 c. 47 s. 9.

423.08 PENSIONS FOR POLICE MATRONS.

HISTORY. 1905 c. 184 s. 1; 1911 c. 188 s. 1; G.S. 1913 s. 1453; 1919 c. 460 s. 1; G.S. 1923 s. 1432; M.S. 1927 s. 1432.

423.09 PENSION BOARD.

HISTORY. 1905 c. 184 s. 2; 1911 c. 188 s. 2; G.S. 1913 s. 1454; 1919 c. 460 s. 2; G.S. 1923 s. 1433; M.S. 1927 s. 1433.

423.10 PENSIONS TO POLICEWOMEN.

HISTORY. 1905 c. 184 s. 3; G.S. 1913 s. 1455; 1919 c. 460 s. 3; G.S. 1923 s. 1434; M.S. 1927 s. 1434.

423.11 LAWS APPLICABLE.

HISTORY. 1905 c. 184 s. 4; G.S. 1913 s. 1456; 1919 c. 460 s. 4; G.S. 1923 s. 1435; M.S. 1927 s. 1435.

423.12 POLICE PENSION FUND.

HISTORY. 1919 c. 152 s. 1; M.S. 1927 s. 1643-1; 1945 c. 199 s. 1.

423.13 PENSIONS FOR POLICE OFFICERS IN CITIES OF SECOND CLASS.

HISTORY. 1895 c. 8 ss. 169, 171; 1919 c. 152 s. 2; M.S. 1927 s. 1643-2; 1929 c. 31; 1939 c. 122; M. Supp. s. 1643-2; 1943 c. 382 s. 1; 1945 c. 199 s. 2.

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423.14 INCREASE OR DECREASE IN PENSION.

HISTORY. 1919 c. 152 s. 3; M.S. 1927 s. 1643-3; 1929 c. 31 s. 3; M. Supp. s. 1643-3; 1945 c. 199 s. 3.

423.15 PERSONS NOT ENTITLED TO A PENSION.

HISTORY. 1919 c. 152 s. 4; M.S. 1927 s. 1643-4; 1945 c. 199 s. 4.

423.153 SERVICE IN ARMED FORCES COUNTED IN PERIOD OF SERVICE.

HISTORY. 1945 c. 199 s. 5.

423.155 PAYMENTS TO WIDOWS AND CHILDREN.

HISTORY. 1945 c. 199 s. 6.

423.16 PENSIONS EXEMPT FROM GARNISHMENT.

HISTORY. 1919 c. 152 s. 5; M.S. 1927 s. 1643-5; 1945 c. 199 s. 7.

423.17 POLICE PENSION FUND; MANAGEMENT AND CONTROL.

HISTORY. 1895 c. 8 s. 172; 1919 c. 152 s. 6; M.S. 1927 s. 1643-6; 1945 c. 199 s. 8.

423.18 POWERS REGARDING PROPERTY.

HISTORY. 1919 c. 152 s. 7; M.S. 1927 s. 1643-7; 1945 c. 199 s. 9.

423.19 MEMBERS OF GOVERNING BOARD.

HISTORY. 1919 c. 152 s. 8; M.S. 1927 s. 1643-8; 1945 c. 199 s. 10.

423.20 REPORTS OF GOVERNING BOARD.

HISTORY. 1919 c. 152 s. 9; M.S. 1927 s. 1643-9; 1945 c. 199 s. 11.

423.201 PAYMENTS CONTINUED.

HISTORY. 1945 c. 199 s. 12.

423.202 WORKMENS COMPENSATION ACT NOT AFFECTED.

HISTORY. 1945 c. 199 s. 13.

423.203 INSURANCE LAWS NOT TO APPLY.

HISTORY. 1945 c. 199 s. 14.

423.21 POLICE RETIREMENT FUND IN CERTAIN CITIES OF THE FOURTH CLASS.

HISTORY. 1895 c. 8 s. 171; 1929 c. 278; M. Supp. s. 1828-16½.

423.22 APPLICATION.

HISTORY. 1935 c. 170 s. 1; M. Supp. s. 1828-16¾.

Laws 1935, Chapter 170, providing for a police retirement fund in cities of the fourth class having an assessed valuation of over \$8,000,000, is not vulnerable to a charge of unconstitutionality on the ground that the classification of the cities is not germane to the subject matter of the act, or that it is based upon present population and assessed valuation as distinguished from those cities which may

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subsequently come within its classification, or because it keeps permanently within its provisions a city which has elected to come under them, regardless of its subsequent change of status. *Nichols v City of Eveleth*, 204 M 352, 283 NW 539.

A resolution of city council adopted October 22, 1935, to take effect as of July 1, 1936, became operative at once upon adoption, and it is doubtful whether the council may suspend or rescind the resolution by July 1, 1936. OAG June 25, 1936 (336).

423.23 POLICE DEPARTMENT MAY INCORPORATE.

HISTORY. 1935 c. 170 s. 2; M. Supp. s. 1828-16%a; 1943 c. 116 s. 1.

423.24 TERMINATION OF MEMBERSHIP.

HISTORY. 1935 c. 170 s. 3; M. Supp. s. 1828-16%b.

423.25 RETIREMENT PENSION.

HISTORY. 1895 c. 8 s. 171; 1935 c. 170 s. 4; M. Supp. s. 1828-16%c; 1943 c. 116 s. 2.

423.26 RETIREMENT NOT COMPULSORY.

HISTORY. 1935 c. 170 s. 5; M. Supp. s. 1828-16%d.

423.27 TAX LEVY FOR FUND.

HISTORY. 1935 c. 170 s. 6; M. Supp. s. 1828-16%e.

423.28 TAX LEVIES OMITTED, WHEN.

HISTORY. 1935 c. 170 s. 7; M. Supp. s. 1828-16%f.

423.29 OFFICERS.

HISTORY. 1935 c. 170 s. 8; M. Supp. s. 1828-16%g.

423.30 POLICE PENSION FUND.

HISTORY. 1895 c. 8 s. 170; 1935 c. 170 s. 9; M. Supp. s. 1828-16%h.

423.31 REPORT OF BOARD OF DIRECTORS.

HISTORY. 1935 c. 170 s. 10; M. Supp. s. 1828-16%i.

423.32 EXPENSES.

HISTORY. 1935 c. 170 s. 11; M. Supp. s. 1828-16%j.

423.33 DEDUCTIONS FROM PAY WHEN REPAID.

HISTORY. 1935 c. 170 s. 12; M. Supp. s. 1828-16%k.

423.34 HEALTH AND ACCIDENT BENEFITS.

HISTORY. 1935 c. 170 s. 13; M. Supp. s. 1828-16%L.

423.35 LIMITATIONS.

HISTORY. 1935 c. 170 s. 14; M. Supp. s. 1828-16%m.

423.36 MEMBERSHIP.

HISTORY. 1935 c. 170 s. 15; M. Supp. s. 1828-16%n.

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423.37 POLICE RELIEF ASSOCIATIONS FORMED, CITIES OF THIRD CLASS.

HISTORY. 1935 c. 92 ss. 1, 2; 1937 c. 197 s. 1; M. Supp. ss. 1716-4, 1716-5; 1943 c. 521 s. 1.

423.371 ORGANIZATION.

HISTORY. 1935 c. 92 s. 8; M. Supp. s. 1716;11; 1943 c. 521 s. 2.

423.372 POLICEMAN.

HISTORY. 1943 c. 521 s. 3.

423.373 MEMBERS.

HISTORY. 1943 c. 521 s. 4.

423.374 OFFICERS.

HISTORY. 1943 c. 521 s. 5.

423.375 ANNUAL REPORTS.

HISTORY. 1935 c. 92 s. 10; M. Supp. s. 1716-13; 1943 c. 521 s. 6.

423.376 TAX LEVY.

HISTORY. 1935 c. 92 ss. 6, 7; M. Supp. ss. 1716-9, 1716-10; 1943 c. 521 s. 7.

423.377 DEDUCTIONS FROM SALARIES.

HISTORY. 1935 c. 92 ss. 3, 12; M. Supp. s. 1716-6, 1716-15; 1943 c. 521 s. 8.

423.378 MANAGEMENT OF FUNDS.

HISTORY. 1943 c. 521 s. 9.

423.379 MONEYS PUT IN SEPARATE FUNDS.

HISTORY. 1943 c. 521 s. 10.

423.38 PURPOSES OF EXPENDITURES.

HISTORY. 1935 c. 92 ss. 11, 13; M. Supp. s. 1716-14, 1716-16; 1943 c. 521 s. 11.

423.381 WHO ENTITLED TO RELIEF.

HISTORY. 1943 c. 521 s. 12.

423.382 PAYMENTS DURING DISABILITY.

HISTORY. 1943 c. 521 s. 13.

423.383 LIMITATIONS.

HISTORY. 1943 c. 521 s. 14.

423.384 RETIREMENT AGE.

HISTORY. 1935 c. 92 ss. 4, 5, 14; 1937 c. 197 s. 2; M. Supp. s. 1716-7, 1716-8, 1716-17; 1943 c. 521 s. 15.

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423.385 TIME LIMITATION FOR RETIREMENT.

HISTORY. 1943 c. 521 s. 16.

423.386 SERVICE IN ARMED FORCES.

HISTORY. 1943 c. 521 s. 17.

423.387 BENEFITS TO SURVIVORS OF PENSIONERS.

HISTORY. 1943 c. 521 s. 18.

423.388 BOARD OF EXAMINERS.

HISTORY. 1943 c. 521 s. 19.

423.389 INVESTMENTS.

HISTORY. 1943 c. 521 s. 20.

423.39 EXEMPTION OF FUNDS.

HISTORY. 1943 c. 521 s. 21.

423.391 APPLICATION OF SECTIONS 423.37 TO 423.391.

HISTORY. 1943 c. 521 s. 22.