

## CHAPTER 425

### BUREAU OF HEALTH, PENSIONS

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**425.01 BUREAU OF HEALTH PENSION FUND AND BOARD.** In every city of the first class in this state there may be created a department or bureau of health pension fund which shall be governed and managed by a department or bureau of health pension board in accordance with the provisions of this chapter.

[1919 c. 430 s. 1] (1442-1)

**425.02 DISABLED OR RETIRED EMPLOYEES, PENSIONS.** Every such municipal department or bureau of health now existing or which may hereafter be organized may and hereby is authorized to become incorporated pursuant to the provisions of the general statutes of Minnesota, and to adopt articles of incorporation and bylaws as a relief association to provide and permit the department or bureau of health relief association so incorporated or so organized to pay out of and from any fund that it may have received from the state, or from any other source, a service or disability pension in such sum and under such limitations and conditions as its articles of incorporation and bylaws shall provide and permit, to each of its pensioned members who shall have reached the age of 50 years or more and who shall have done active duty as a member of such health department or bureau for a period of 20 years or more in the city in which such relief association shall be so organized, or who having been disabled physically or mentally because of any injury or disability received or suffered while so employed as such member of such health department or bureau so as to render necessary his retirement from active service, and in addition thereto to pay out of and from any such fund funeral benefits for deceased members not exceeding the sum of \$250 for each pensioned deceased member, and not exceeding the sum of \$500 for a member who died while still employed in such department or bureau of health, and general administration expenses, in such sum and under such limitations and conditions as the articles of incorporation and bylaws shall provide and permit. Such member entitled to pension under the provisions hereof may be placed upon the pension list, and shall receive such pension, in such sum and under such limitations and conditions as the articles of incorporation and bylaws shall provide and permit; provided, that such funds shall not be used for any other purpose than for the payment of service and disability pensions as herein provided, funeral benefits for deceased members and general administration expenses. Any such association shall pay a sum of money per month according to the formula hereinafter contained to each of its pensioned members in accordance with the following schedules and regulations:

(a) To each member of the association who retired from the service of the health department or bureau prior to January 1, 1957, a pension of 40 units, said units being hereinafter defined, if such member had served 20 years or more and had reached the age of 50 years.

(b) A unit is hereby defined to be one percent of the maximum monthly salary of a health sanitarian in the employment of the city in which the said department or bureau of health is operative, on January 1 of the current calendar year in which the pensions provided for in this section are paid.

(c) To each member of the association who retires from the service of the health department or bureau after January 1, 1957, after having served 20 years and having attained the age of 50 years a pension of 40 units per month.

(d) There shall be added to the basic pension of 40 units per month provided herein to each member retiring after January 1, 1957, one unit per month for each year of service over 20 years up to and including 30 years of service.

(e) To any member of said association who has been permanently disabled physically or mentally because of any injury or disability received or suffered while

employed as a member of such health department or bureau so as to render necessary his retirement from the service there shall be paid a sum equal to 40 units per month if the date of such retirement was prior to January 1, 1957. If the date of retirement is subsequent to January 1, 1957, he shall receive a sum equal to 40 units per month if the retirement is necessary during the first 20 years of his service; and if such retirement occurs after 21 years or more he shall receive, in addition to the basic pension herein provided for, payments each month of one unit per month for each year of service over 20 years and up to and including 30 years of service. All such disability pensions shall be payable regardless of whether the said employee has attained the age of 50 years.

[1919 c 430 s 2; 1929 c 224 s 1; 1937 c 414 s 1; 1943 c 278 s 1; 1951 c 271 s 1; 1953 c 435 s 1; 1957 c 905 s 1] (1442-2)

**425.03 WAIVER OF PENSION BENEFITS.** Any person entitled to a pension under the provisions hereof shall have and retain the right to waive all or any portion of the pension benefits granted herein by written notice to said association. The amount of such pension so waived shall not accrue to the credit of such pensioner, but upon written notice to the association cancelling such waiver, he shall receive the monthly pension to which he may be entitled under the provisions hereof.

[1919 c 430 s 3; 1929 c 224 s 1; 1943 c 278 s 2; 1951 c 271 s 2; 1957 c 905 s 2] (1442-3)

**425.04 PAYMENTS, EXCEPTIONS.** The pension authorized by this chapter shall not be paid to any person who is drawing salary in any amount from said municipality or who shall have been convicted of a felony for which he shall be adjudged to be imprisoned, or who is an habitual drunkard; and any person receiving the pension herein mentioned shall not receive or be entitled to receive any other or further pension or relief from said association. Every person employed in the health department or health bureau of any city in which a health relief association has heretofore or may hereafter be organized shall be required to join such health relief association, provided that part-time employees shall hereafter not be eligible to join any such association. This section shall not affect the status of the membership of persons heretofore joining any such pension association organized under the provisions of Laws 1919, Chapter 430, or acts amendatory thereof. Public health nurses and dental hygienists in such bureau of health and employed on the school year basis shall be considered full-time employees.

[1919 c 430 s 4; 1929 c 224 s 1; 1937 c 414 s 2; 1943 c 278 s 3; 1957 c 905 s 3] (1442-4)

**425.05 PENSIONS NOT SUBJECT TO GARNISHMENT.** No payments made or to be made by the board to any member of the department or bureau of health shall be subject to judgment, garnishment, execution, or other legal processes 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 which has been assigned, except that nothing herein contained shall be construed as prohibiting payment of such pension to the duly appointed guardian of the person to whom it has been awarded.

[1919 c. 430 s. 5] (1442-5)

**425.06 FUND; TAX LEVY.** The association, through its officers, shall have full charge, management and control of the health department or bureau pension fund herein provided for, which fund shall be derived from the following sources: (1) dues of its members and from the gifts of real estate or personal property, rents or money, or other sources; (2) the commissioner of finance or department of finance of any city affected by this chapter shall deduct each month from the monthly pay of each member of such department or bureau of health relief association, a sum equal to three percent of such monthly pay and place the same to the credit of the said health department or bureau pension fund, provided, however, that such three percent shall not exceed three percent of the current maximum monthly salary of a health sanitarian in the employment of such department or bureau of health; (3) an amount or sum equal to one-tenth of one mill shall be annually assessed, levied and collected by the proper officers of such city where a health relief association exists upon each dollar of taxable property in such city as the same appears on the tax records of such city, which said sum shall by the proper

officers of said city be placed to the credit of the health department or bureau pension fund, and shall not be used or devoted to any other purpose than for the purpose of health department or bureau pension fund.

[1919 c 430 s 6; 1929 c 224 s 1; 1943 c 278 s 4; 1947 c 465 s 1; 1951 c 271 s 3; 1957 c 905 s 4] (1442-6)

**425.07 POWERS OF BOARD.** 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. 430 s. 7] (1442-7)

**425.08 MEMBERS OF BOARD.** The governing board of the association shall consist of five members to be elected annually, the members of the first board shall hold their offices for one, two, three, four, and five years, respectively, and until their successors are duly elected and qualified, and the commissioner of public safety or other department head, and chief health officer and city treasurer or commissioner of finance, or other similar officer, shall be ex-officio members of said governing board. The city treasurer or commissioner of finance or other similar officer shall be ex-officio treasurer of said board and organization. All vacancies occurring in the elective membership of said board shall be filled by a special election called for said purpose.

[1919 c. 430 s. 8; 1943 c. 278 s. 5] (1442-8)

**425.09 REPORT OF BOARD.** The governing board of each association shall file annually on or before the 10th day of September with the comptroller of the municipality a detailed report of the amount of money so received, expended, and remaining on hand to the credit of the association.

[1919 c. 430 s. 9] (1442-9)