

CHAPTER 423

POLICE PENSIONS

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423.075 COMPULSORY RETIREMENT OF CERTAIN EMPLOYEES OF POLICE AND FIRE DEPARTMENTS.

Subdivision 1. Notwithstanding any contrary provisions of sections 197.455 to 197.48, every employee, officer, or person on the payroll of any fire or police department in any city of the first class who is a member of any tax aided pension, relief, or retirement fund established and maintained by authority of laws of this state, shall retire upon reaching the age of 65 years.

Subd. 2. [Repealed, 1981 c 224 s 276]

History: 1981 c 224 s 194

423.38 PURPOSES FOR WHICH EXPENDITURES MAY BE MADE.

All moneys received by a relief association and deposited by it in its special fund shall be appropriated and disbursed by the association only for the following purposes:

(a) For the relief of sick, injured and disabled members of the association, their surviving spouses and orphans.

(b) For the payment of disability and service pensions to members of the relief association.

(c) For the payment of administrative expenses of the association as authorized pursuant to section 69.80.

History: 1981 c 224 s 195

423.801 DEFINITIONS.

[For text of subd 1, see M.S.1980]

Subd. 2. "Member" means any person who is employed as a police officer, radio engineer or clerk, or any other person who is duly appointed and regularly entered on the police payroll and on active duty. The term shall not include any person who is employed in subsidized on-the-job training, work experience or public service employment as an enrollee under the federal comprehensive employment and training act from and after March 30, 1978 unless the person has as of the later of March 30, 1978 or the date of employment sufficient service credit in the relief association to meet the minimum vesting requirements for a deferred service pension, or the city agrees in writing to make the total required employer contributions on account of that individual from revenue sources other than funds provided under the federal comprehensive employment and training act, or the person agrees in writing to make the required employer contribution in addition to the member contribution.

[For text of subds 3 to 6, see M.S.1980]

History: 1981 c 224 s 196

423.802 ESTABLISHMENT OF POLICE RELIEF ASSOCIATION.

Subdivision 1. The members of the police department of each city of the second class which was so classified on December 31, 1979 shall organize a police relief association or maintain the relief association now existing.

Subd. 2. This association shall create, maintain, and administer a police pension fund for the benefit of its members, their surviving spouses, and their surviving children.

History: 1981 c 224 s 197

423.805 POLICE PENSION FUND.

The association shall establish a police pension fund or continue to maintain the police pension fund now existing in the city and shall have the management and control of the fund.

History: 1981 c 224 s 198

423.806 SOURCES OF FUNDS.

Subdivision 1. These funds are derived from the following sources:

- (a) Gifts made for that purpose;
- (b) Rewards received by members;
- (c) Moneys which comes into the possession of members which remains unclaimed for six months;
- (d) Proceeds from sales of property which comes into the possession of members and which remains unclaimed for three months, which property shall be sold by the chief of police;
- (e) Contributions made by members through payroll deduction, the amount of which shall be specified in the bylaws of the relief association;
- (f) All moneys derived from taxations, as provided by section 423.807;
- (g) Moneys in the special fund of the relief association maintained by the association and all interest thereon or gains therefrom;
- (h) Any other income allowed by law.

[For text of subd 2, see M.S.1980]

History: 1981 c 224 s 199

423.807 TAX LEVY.

Subdivision 1. Except as provided in subdivision 2, in addition to all other taxes it may levy, the city shall levy a tax of one-third of one mill at the time and in the manner it levies other taxes, and the proceeds of this tax shall be paid into the police pension fund.

Subd. 2. Any levy by the city for support of the relief association shall not be less than one-tenth of one mill.

[For text of subds 3 and 4, see M.S.1980]

History: 1981 c 224 s 200,201

423.808 USES OF PENSION FUND.

The police pension fund shall be used only for the payment of:

- (a) service, disability, or dependency pensions;

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- (b) salaries, in an amount not in excess of \$500 per year; and
- (c) expenses of administration of the association as authorized pursuant to section 69.80.

History: 1981 c 224 s 202

423.809 PENSIONS, LIMITATIONS.

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

(1) Any member of the age of 50 years or more, who performs duty as a member of the police department of the city for 20 years or more, upon written application after retiring from duty, shall be paid monthly during the retiring member's lifetime a pension equal to 35 units and an additional unit for each year of service in excess of 20 years, but not to exceed 42 units.

(2) Any member who performs duty as a member of the police department of the city for 20 years or more who retires from duty before attaining the age of 50 years, upon written application after reaching the age of 50 years shall be paid monthly during the retiring member's lifetime a pension equal to 35 units and an additional unit for each year of service in excess of 20 years, but not to exceed 40 units.

(3) Any member who, after ten years service but with less than 20 years service with the police department of the city, becomes superannuated so as to be permanently unable to perform the member's duties, shall be paid monthly during the retiring member's lifetime a pension equal to 16 units and an additional two units for each completed year of service over ten years and less than 20 years.

(4) Any member not eligible for a service pension who, while a member of the police department of the city, becomes diseased or sustains an injury which permanently unfits the member for the performance of police duties, shall be paid monthly during the disabled member's lifetime a pension equal to 36 units while so disabled.

Subd. 2. If a member of the police department of the city is separated from the service under circumstances that no pension benefits are payable to the member or to the member's surviving spouse or to the member's surviving children, the treasurer of the city shall return to the member 75 percent of the amount the member has paid in without interest. In the event the member is reinstated to police duty all moneys paid to the member shall be returned to the pension fund within six months from the date of the reinstatement. Failure to do so relieves the association from any liability as to prior years of service credit as of the reinstatement date. In case of the death of the member, any sums shall be paid to the member's heirs, executors, or administrators.

[For text of subds 3 to 5, see M.S.1980]

History: 1981 c 224 s 203,204

423.810 BENEFITS.

Subdivision 1. When a service pensioner, disability pensioner, or deferred pensioner, or an active member of a relief association dies, leaving a surviving spouse, one or more surviving children, or both, the surviving spouse and child, or children, shall be entitled to a pension, or pensions, from the relief association as follows:

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(a) To the surviving spouse, a pension of 18 units per month, for the surviving spouse's natural life; but if the surviving spouse shall remarry the pension shall cease as of the date of the remarriage.

(b) To each surviving child, a pension of six units per month until the child reaches the age of 18 years.

The total pensions hereunder for the surviving spouse and children of a deceased member shall not exceed 36 units per month.

"Surviving spouse" means a person who was the member's legally married spouse, residing with the member, and who was married during or prior to the time the member was on the payroll of the police department, and who, in case the deceased member was a service or deferred pensioner, was legally married to the member at least one year before the member's retirement from the police department. "Surviving child" means any child of the deceased member who was living while the deceased member was on the payroll of the police department or was born within ten months after the deceased member was withdrawn from the payroll of the police department and who has not attained the age of 18 years.

[For text of subds 2 and 3, see M.S.1980]

History: 1981 c 224 s 205

423.811 [Repealed, 1981 c 233 s 2]

423.815 POWERS OF CITY OFFICIALS LIMITED.

Subdivision 1. When the governing board of the police relief association of any city of the second class determines what is necessary to adequately protect, maintain, and administer the police pension fund created by section 423.802, subdivision 2, neither the governing body of the city nor any official of the city may thereafter deny adequate representation therefor.

[For text of subd 2, see M.S.1980]

Subd. 3. [Repealed, 1981 c 224 s 276]

History: 1981 c 224 s 206

423.90 PAYMENT OF BENEFITS OUTSIDE THE UNITED STATES.

Notwithstanding any law to the contrary, any police relief association operating pursuant to this chapter, or any applicable special law, may pay a service pension or other retirement benefit to any eligible person who is not a resident of the United States if the person has established an account in a banking institution within the jurisdiction of the district courts of the United States, the banking institution serves as a trustee for the person and the payment of the service pension or retirement benefit is made to the banking institution.

History: 1981 c 233 s 1