

CHAPTER 423

POLICE PENSIONS

Sec.	CITIES FIRST CLASS	Sec.	CITIES FOURTH CLASS
423.075	Compulsory retirement of certain employees of police and fire departments	423.41	Policemen's relief association; cities employing five or more policemen
	CERTAIN CITIES FOURTH CLASS	423.42	Regulation of management
423.21	Police retirement fund in certain cities of the fourth class	423.43	Policeman defined; present relief association; present benefit rights; acceptance
423.22	Application	423.44	Membership automatic
423.23	Police department may incorporate	423.45	Officers; directors; bond
423.24	Termination of membership	423.46	Annual report; filing
423.25	Retirement pension	423.47	Tax levy
423.26	Retirement age	423.48	Contribution by members; deduction by treasurer; separation or death
423.27	Tax levy for fund	423.49	Funds; control thereof
423.28	Tax levies omitted, when	423.50	General fund; special fund
423.29	Officers	423.51	Disbursement from special fund
423.30	Police pension fund	423.52	By-laws, specifications and definitions
423.31	Report of board of directors	423.53	Sickness or accident of member; allowance
423.32	Expenses	423.54	Disability; allowance
423.33	Deductions from pay when repaid	423.55	Completion of period of service; age; retirement; service pension
423.34	Health and accident benefits	423.56	Member retiring after serving 20 years but has not reached retirement age
423.35	Limitations	423.57	Service in the armed forces of the United States
423.36	Membership	423.58	Death of pensioner; rights of widow and children
	CITIES THIRD CLASS	423.59	Board of examiners
423.37	Police department may form relief association in certain cities	423.60	Investment of surplus funds
423.371	Organization, operation	423.61	Pension exempt from legal process
423.372	Policeman, defined; rights	423.62	Rights under workmen's compensation not affected
423.373	Acting policemen to become members		CITIES SECOND CLASS
423.374	Officers of association	423.801	Definitions
423.375	Secretary and treasurer to make annual report	423.802	Policemen's relief association
423.376	Tax levy	423.803	Incorporation, governing board
423.377	Salary deductions	423.804	Regulation
423.378	Association to have management of funds	423.805	Policemen's pension fund
423.379	Placed in separate funds	423.806	Sources of funds
423.38	Purposes for which expenditures may be made	423.807	Tax levy
423.381	Relief benefits, entitlement	423.808	Uses of pension fund
423.382	Payments during disability	423.809	Pensions, limitations
423.383	Time limit	423.810	Benefits
423.384	Service pensions	423.811	Persons not entitled to pensions
423.385	Retirement after 20 years of service	423.812	Suit for benefits
423.386	Service in armed forces to be included	423.813	Payments exempt from process, assignment forbidden
423.387	Benefits; pensioners, survivors	423.814	Rights of members now receiving pensions
423.388	Board of examiners	423.815	Powers of city officials limited
423.389	Investment of funds		
423.39	Funds exempt from execution		
423.391	Workmen's compensation act not affected		
423.392	Application		

NOTE: For police pensions for certain cities and villages, see Laws 1965, Chapter 536.

- 423.01 [Repealed, 1945 c 47 s 10]
- 423.011, 423.012 [Repealed, 1955 c 151 s 18]
- 423.02 [Repealed, 1945 c 47 s 10]
- 423.021-423.023 [Repealed, 1955 c 151 s 18]
- 423.03 [Repealed, 1945 c 47 s 10]
- 423.031, 423.035 [Repealed, 1955 c 151 s 18]
- 423.04 [Repealed, 1945 c 47 s 10]
- 423.041 [Repealed, 1955 c 151 s 18]
- 423.05, 423.06 [Repealed, 1945 c 47 s 10]
- 423.061 [Repealed, 1955 c 151 s 18]
- 423.07 [Repealed, 1945 c 47 s 10]

CITIES FIRST CLASS

423.075 COMPULSORY RETIREMENT OF CERTAIN EMPLOYEES OF POLICE AND FIRE DEPARTMENTS. Subdivision 1. Every employee, officer, or person on the payroll 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 laws of this state, shall retire upon reaching the age of 65 years; provided that any such em-

ployee, officer, or person on the payroll 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 payroll 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 payroll 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.

Subd. 2. The provisions of Minnesota Statutes 1961, Sections 197.45, 197.46, and 197.47, shall not be applicable to subdivision 1 of this section.

[1939 c 136 s 1; 1941 c 426; 1963 c 802 s 1] (1442-40d)

423.08-423.11 [Repealed, 1961 c 561 s 17]

423.12-423.203 [Repealed, 1955 c 105 s 15]

CERTAIN CITIES FOURTH CLASS

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 percent of the salary of such officer at the time of retirement, nor in any case exceed \$600 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.

Subd. 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-fifteenth 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; 1973 c 773 s 1] (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] (1828-16%)

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 Laws 1935, Chapter 170, 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. For the purpose of sections 423.22 to 423.26 no employment after six months shall be considered temporary or probationary. All such members of the department shall be assessed for entrance fee and dues of the association, as fixed by its by-laws, which with the assessment authorized by section 423.34, shall, when certified by the secretary of the association to the city clerk, be deducted from the pay of such member and paid into the proper fund of the association.

[1935 c 170 s 2; 1943 c 116 s 1; 1965 c 51 s 74] (1828-16¼ a)

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

MINNESOTA STATUTES 1974

423.25 POLICE PENSIONS

5044

sections 423.22 to 423.36 or under the by-laws of the association subsequent to such termination.

[1935 c. 170 s. 3] (1828-16½b)

423.25 RETIREMENT PENSION. When any member of the association reaches the age of 50 years he may retire and shall thereupon be entitled to a pension as long as he lives at the following rates:

(1) \$100 per month when such member shall have served as a member of said police department for a period of 20 years or more, excluding temporary employment or probationary periods.

(2) An additional \$10 per month for each year of service over 20 that said person may have served as a member of such police department after the age of 50 years. The total amount of pension hereunder shall in no event exceed \$200 per month.

(3) In the event such member shall retire after reaching the age of 50 years, and after having been a member of said department for at least ten years but before having served 20 years in said department, the amount of pension which he shall receive shall be that proportion of \$100 per month which the years of service in said 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 periods be considered in computing pension allowance hereunder.

(5) In the event any member shall terminate his employment with said police department after having served 20 years or more and before such member has reached the age of 50, he may continue as a member of said association, notwithstanding that he is no longer a member of said police department, and upon reaching the age of 50 years, shall be entitled to a pension at the rate of \$100 per month; provided that in such event such member shall contribute each month after said termination of employment, and until reaching the age of 50 years, to the pension fund of said relief association a sum of money equal to three and one-half percent of the then average monthly pay of members in said department holding the rank held by said member at the time of the termination of employment. Such member shall within 60 days thereafter pay into said association for the pension fund the monthly installments herein provided for the period between his termination of employment and the time of the first payments. Thereafter, in the event said member shall default in the payment of such monthly assessments and such default shall continue for a period of six months, all rights hereunder shall cease. In the event that any member of the police department and of the relief association, regardless of his age, becomes totally disabled from performing any kind of work, labor, or services after he has served as a member of the police department for at least ten years and shall have been discharged or shall have resigned from the police department by reason of disability, he shall be entitled to and paid a pension from the pension fund of the association, the amount of which shall be that proportion of \$150 per month which the years of service in the department prior to retirement bear to 25 years, major fractions of years to be treated as one year and minor fractions to be disregarded.

No such pension for disability shall commence until the association shall have been furnished with satisfactory proof as to the applicant's age, his years of service in the department, and of his disability and causes thereof. The applicant must submit himself to examination by the official physician of the association and to such other doctor as the association may direct and submit to such examination as often as requested by the association, the cost of which is to be paid by the association out of the pension fund. The applicant may submit reports as to his disability from other doctors at his own expense, to the association for consideration but the report of the official physician of the association is the basis upon which the association decides upon the allowance of the disability pension and computes the amounts thereunder. No such pension shall be paid to any person who is receiving compensation under the workmen's compensation act for injury causing such disability.

[1935 c 170 s 4; 1943 c 116 s 2; 1953 c 376 s 1; 1961 c 639 s 1] (1828-16¾c)

423.26 RETIREMENT AGE. Retirement at the age of 50 years shall not be compulsory, but when such member shall have reached the age of 65 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 65 years, regardless of the provisions of any civil service laws.

[1935 c 170 s 5; 1953 c 376 s 2] (1828-16% d)

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 \$5000 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 three percent of the then average pay of the member holding the rank of patrolman, 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, the city shall levy an amount to match the contribution of each member.

[1935 c 170 s 6; 1961 c 639 s 2] (1828-16% e)

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 \$100,000 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 \$5,000 from taxation is not needed for the maintenance of the fund at \$100,000 or more, then the sum to be raised by taxation shall be proportionately reduced to such amount as will be sufficient to keep the fund at \$100,000 or more; provided the tax levies for matching the members' contributions shall continue notwithstanding that the fund is over \$100,000 or more.

[1935 c 170 s 7; 1961 c 639 s 3] (1828-16% f)

423.29 OFFICERS. The articles of incorporation or bylaws 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] (1828-16% g)

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] (1828-16% h)

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] (1828-16% i)

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] (1828-16% j)

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] (1828-16½k)

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 bylaws of the association may, from time to time, provide.

[1935 c. 170 s. 13] (1828-16¼l)

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] (1828-16¼m)

423.36 MEMBERSHIP. Members of such relief association shall not be compelled to become members of the municipal employees retirement association, 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; 1973 c 35 s 73] (1828-16¼n)

CITIES THIRD CLASS

423.37 POLICE DEPARTMENT MAY FORM RELIEF ASSOCIATION IN CERTAIN CITIES. In each city of the third class the members of its police department may organize a policemen's relief association, or maintain any policemen's relief association existing therein on April 29, 1947. This association shall create, maintain, and administer a policemen's pension fund for the benefit of its members, the widows and children of its members, and the beneficiaries of any policemen's pension or benefit fund in operation on April 29, 1947. All such associations now existing as such corporations, or hereafter incorporated under the laws of this state, shall have perpetual existence. Laws 1947, Chapter 625, shall not apply to any associations in existence on April 29, 1947; but each such association may elect to come under its provisions by the adoption of a resolution of the members of said association signifying its intention to do so, by a majority vote of all members then entitled to vote and voting, at any annual meeting of said association, or at any special meeting duly called for that purpose, and upon the filing of a copy of said resolution certified by the proper officers, with the secretary

of state, and the filing and recording in the office of the register of deeds of the county in which such association is located. Upon the adoption of such a resolution, Laws 1947, Chapter 625, shall apply to all accepting associations as fully as though such associations had been formed hereunder, notwithstanding the provisions of any constitution, by-laws, charter provision, or ordinance.

[1943 c 521 s 1; 1947 c 625 s 1]

423.371 ORGANIZATION, OPERATION. Subdivision 1. **Articles, bylaws.** Each such relief association shall be organized, operated, and maintained in accordance with its own articles of incorporation and bylaws, by policemen, as hereinafter defined, who are members of said police department. Each association shall have the power to regulate its own management and its own affairs, and all additional corporate powers which may be necessary or useful; subject to the laws of this state pertaining to corporations, not inconsistent herewith.

Subd. 2. **Amendments.** All associations organized or duly coming under this act, shall have the power to amend, from time to time, their articles of incorporation or their bylaws, and by the amendment of their bylaws from time to time, may, subject to the minimum and maximum pensions hereinafter provided, increase or decrease the disability and service pensions already being paid, or thereafter to be paid, to disability and service pensioners, their widows and children, and the widows and children of deceased members, so as to maintain as nearly as possible a proper relationship between the prevailing pay of active members of the association and the pensions being paid, or to be paid, to disability and service pensioners, and the widows and children of deceased pensioners and members, or to maintain the reserves accumulated in the special fund of the association, on a sound and safe basis, and the over-all solvency of the association. Pensions being paid by such associations to disability and service pensioners, and the widows and children of deceased pensioners and members, at the time this provision shall go into effect, and become law, shall not be reduced by any such amendment of the bylaws. The service pensions being paid retired members, and to be paid existing members, shall in no event be reduced to an amount less than the amount provided for disabled members now receiving disability pensions, or who may hereafter be entitled to receive disability pensions, and further provided that no reduction shall be made in the pensions being paid to either service or disability pensioners who retire from the force, following their retirement, unless a pro-rata reduction is likewise made in the pensions to be paid members for service and disability pensions who may thereafter be entitled thereto.

[1943 c 521 s 2; 1947 c 625 s 2; 1953 c 35 s 1]

423.372 POLICEMAN, DEFINED; RIGHTS. A policeman under Laws 1947, Chapter 625, is a duly appointed policeman, policewoman, or police matron, who is regularly entered on the payroll of the police department of such city, serving on active duty therein, after having completed any probationary period required under the laws or ordinances of such city. Probationers in the police department, substitutes and persons employed irregularly from time to time, and elective officials of such department, shall not be deemed to be included under Laws 1947, Chapter 625. All persons who are members of the policemen's relief associations of such cities, on April 29, 1947, whether their status is embraced within the definition of a policeman herein contained or otherwise, shall have the right to continue as members of their respective associations and be entitled to all benefits pertaining thereto, and any member included under the definition of policeman herein provided shall have the right to retain his membership on promotion or appointment to other positions to which such policeman herein may be subject. Laws 1947, Chapter 625, shall not affect any pensions or other benefits which have been allowed or which are being paid by any such relief association under or in accordance with any prior act or acts, on April 29, 1947. Payment of such pensions and benefits shall be continued by the respective associations in accordance with their articles of incorporation and by-laws, and shall be subject to all of the provisions thereof, existing on April 29, 1947, or as thereafter duly repealed or amended.

[1943 c 521 s 3; 1947 c 625 s 3]

423.373 ACTING POLICEMEN TO BECOME MEMBERS. Every policeman as herein defined shall automatically become a member of the policemen's relief association of any such city upon the completion of any probationary period required under the laws or ordinances of such city and his appointment as a regular police-

MINNESOTA STATUTES 1974

423.374 POLICE PENSIONS

5048

man of such city as defined in section 423.372. He shall thereupon become subject to the articles of incorporation and by-laws of such association, and shall be entitled to all of the privileges and benefits therein provided for members of the policemen's relief association of such city.

[1943 c. 521 s. 4]

423.374 OFFICERS OF ASSOCIATION. The officers of the relief association shall be a president, one or more vice presidents, a secretary and a treasurer. The offices of assistant secretary and assistant treasurer may be created by the by-laws of any such associations. The affairs of each association shall be managed by a board of directors elected in the manner prescribed by the articles of incorporation of the association.

The secretary and treasurer of each relief association shall each furnish a corporate bond to the association for the faithful performance of their duties, in such amounts as the association from time to time may determine. Each relief association shall and is hereby authorized to pay the premiums on such bonds from its special fund.

[1943 c. 521 s. 5]

423.375 SECRETARY AND TREASURER TO MAKE ANNUAL REPORT. The secretary and treasurer of every association, prior to the first day of February in each year, shall jointly prepare and sign with the approval of the association's board of directors, a detailed and itemized report of all receipts and expenditures in the association's special fund for the preceding calendar year, showing the sources of said receipts and to whom and for what purpose the money has been paid and expended, and the balance of the fund. They shall file duplicate original copies thereof with the clerk or city recorder of the city in which the association is located, and with the mayor and the treasurer thereof. No money shall be paid to a relief association by the city in which the association is located until said report is so filed.

[1943 c. 521 s. 6]

423.376 TAX LEVY. Subdivision 1. **Rate.** The city council or other governing body of each such city wherein such relief association is located shall each year, at the time the tax levies for the support of the city are made, and in addition thereto, levy a tax for the benefit of the special relief fund of such policemen's relief association of one-half mill on all taxable property within such city, until the balance in said special fund of such policemen's relief association in any such city has reached the sum of \$150,000 and thereafter said levy may be reduced by said city to a sum sufficient to maintain the balance in said special fund at not less than \$150,000. In addition, the city may levy an emergency levy of one-sixth mill or fraction thereof (in addition to the one-half mill hereinbefore provided) whenever the balance in said special fund is less than \$50,000.

Subd. 2. **Collection.** The tax so levied shall be transmitted with other tax levies to the auditor of the county in which such city is located and by said county shall be collected and payment thereof enforced, when and in like manner as state and county taxes are paid.

Subd. 3. **Additional.** This tax is in addition to all other taxes which the city may levy upon the aggregate valuation of all taxable property within the city, and is in addition to the amount of tax the city may levy for general purposes. The auditor of the county in which city is located, in extending or reducing tax levies shall not consider this tax as a part of the general tax levy for city purposes and shall not include it in any limitations as provided in Minnesota Statutes, Section 275.11.

Subd. 4. **Payment.** As soon as practicable after the first day of June and the first day of November, in each year, the county treasurer of each such county shall pay to the treasurer of each such relief association within said county the amount of such tax then collected and payable to said association, together with all interest and penalties so collected, and all interest collected thereon between the time of collection and the time of payment to such relief association. And the city treasurer of such city, in the event that such tax or any part thereof is paid to him, shall likewise pay the same to the treasurer of the policemen's relief associa-

MINNESOTA STATUTES 1974

5049

POLICE PENSIONS 423.381

tion of such city, as soon as the same has been collected, together with all interest and penalties thereon.

[1943 c 521 s 7; 1947 c 625 s 4; 1949 c 496 s 1; 1951 c 299 s 1; 1953 c 35 s 2; 1959 c 175 s 1; 1973 c 773 s 1]

423.377 SALARY DEDUCTIONS. In addition, and only if such tax is levied, the city treasurer, finance commissioner or other officer charged with the responsibility of the city's finances, shall, each month, deduct from the salary of each policeman of such city subject to sections 423.37 to 423.391, four percent of the prevailing pay of all such policemen of such city, and transfer the total thereof to the treasurer of the special fund of the policemen's relief association, who shall credit said total to the special fund of such association and to the credit of each individual policeman from whose pay said deductions were so made.

If a policeman in any such city is separated from the service due to resignation or some reason not involving malfeasance, nonfeasance, moral turpitude, or if his separation from such service is caused by injury, death or other disability, under such circumstances that no pension benefits are payable to him or his widow or children, the treasurer of the special fund shall return to such policeman, or in case of his death, to his heirs, executors or administrators, all of the amounts so deducted from his pay without interest, but less the amount of any disability or other benefits theretofore paid to such policeman.

[1943 c 521 s 8; 1947 c 625 s 5; 1953 c 35 s 3; 1959 c 175 s 2]

423.378 ASSOCIATION TO HAVE MANAGEMENT OF FUNDS. Each such relief association shall have full and permanent charge of, and the responsibility for the proper management and control of all funds that may come into its possession, and particularly funds derived from the following sources:

(a) Funds derived from the tax levies by the city in which such relief association is located, and interest from the investment thereof.

(b) Funds derived from deductions made from the basic pay of members of such relief association.

(c) Funds derived from private sources such as gifts, charges, rents, entertainments, dues paid by members, and from other sources.

[1943 c 521 s 9; 1947 c 625 s 6]

423.379 PLACED IN SEPARATE FUNDS. The money received from the various sources shall be kept in two separate and distinct funds, one to be designated as the association special fund, and the other as its general fund. All money received from the city in which the relief association is located, including wage deductions from the basic pay of policemen, shall be deposited in the special fund and shall be expended only for the purposes hereinafter authorized. All money received from other sources shall be deposited in the general fund, and may be expended for any purpose deemed proper by such association.

[1943 c 521 s 10; 1947 c 625 s 7]

423.38 PURPOSES FOR WHICH EXPENDITURES MAY BE MADE. All monies received by such relief association and deposited by it in its special fund shall be appropriated and disbursed by each such association only for the following purposes:

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

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

(c) For the payment of salaries and expenses of its officers and employees, and the expense of operating and maintaining such relief association, including the premiums on the official bonds of its officers and employees.

[1943 c. 521 s. 11]

423.381 RELIEF BENEFITS, ENTITLEMENT. Each relief association shall in its bylaws define the sickness and disability entitling its members to relief, and specify the amounts thereof, and also specify the amounts to be paid to its disability and service pensioners, and to widows and children of deceased members, and fix the age limit of children to which pensions may be paid, subject to, and in accordance with, the provisions of Laws 1947, Chapter 625.

[1943 c 521 s 12; 1947 c 625 s 8]

423.382 PAYMENTS DURING DISABILITY. A member of such association who, by reason of sickness or accident, becomes disabled from performing the duties of a policeman in the police department of any such city, shall be entitled to receive from the association during disability, such disability pension as the bylaws of the association may provide, which pension shall in no event, however, be less than \$75 per month. No disability pension shall be paid or allowed by such association unless notice of the disability and application for pension on account thereof, shall be made by or on behalf of the disabled member to the secretary of the association within 90 days after such disability.

[1943 c. 521 s. 13]

423.383 TIME LIMIT. A member of any such relief association entitled to disability pension, as herein defined, shall receive the same from such association for such periods of time, at such times, and in such amounts, as the bylaws of the association shall provide, but in no event shall such disability pension be less than \$75 per month.

[1943 c. 521 s. 14]

423.384 SERVICE PENSIONS. A member of any such association as herein defined, who has completed a period, or periods of service, as a policeman in the police department of any such city, equal to 20 years or more, shall, after he has arrived at the age of 50 years or more, and has retired from the payroll of the police department of such city, be entitled to receive from the association, a service pension in such amount as shall be fixed by the bylaws of the association, which pension shall in no event be less than \$75 per month, nor more than one half of the prevailing pay of such policeman during the major portion of the year immediately preceding his retirement, and thereafter the maximum pension of such policeman shall not exceed one half of the prevailing pay of active members of the association of equivalent rank, or the position most closely analogous thereto, and shall be payable monthly during the term of his natural life, subject to the bylaws of such association, provided however that those policemen who are members of any such association at the time of the passage of this act, shall be entitled to a minimum service pension equal to one half of the monthly based pay of such policeman at the time of the passage of this act. All leaves of absence of more than 90 days except such as are granted to a member because of his disability due to sickness or accident, shall be excluded in computing the period of service. No deductions shall be made for a leave of absence granted to a member to enable him to accept an appointive position in said police department not subject to the provisions of sections 423.37 to 423.391. No member shall be entitled to draw both a disability and a service pension.

[1943 c 521 s 15; 1947 c 625 s 9; 1949 c 496 s 2; 1953 c 35 s 4]

423.385 RETIREMENT AFTER 20 YEARS OF SERVICE. A member of such association as herein defined, who has completed a period, or periods of service, as a policeman in the police department of any such city equal to 20 years or more, but has not reached the age of 50 years, shall have the right to retire from the department without forfeiting his right to a service pension. He shall, upon application, be placed on the deferred pension roll of the association, and, after he has reached the age of 50 years, the association shall, upon application therefor, pay his pension from the date the application is approved by the association.

[1943 c. 521 s. 16]

423.386 SERVICE IN ARMED FORCES TO BE INCLUDED. In determining the years of service of any such policeman, no deduction shall be made for the period any such policeman shall have been a member of the armed forces of the United States subsequent to his entry into the service of the police department, who left the service of such police department to enter the armed forces of the United States, providing such policeman is honorably discharged from the armed forces of the United States, and resumes his duties as such within 60 days after such discharge from the armed services of the United States, or within such further period as may be granted to him by the board of directors of such association within which to resume said duties.

[1943 c. 521 s. 17]

423.387 BENEFITS; PENSIONERS, SURVIVORS. When a service pensioner,

MINNESOTA STATUTES 1974

5051

POLICE PENSIONS 423.389

disability pensioner, or deferred pensioner, or an active member of such relief association dies, leaving:

(a) a widow who became his legally married wife while or prior to the time he was on the payroll of any such police department as a policeman, and remained such continually after their marriage until his death, without having applied for any divorce or legal separation, and who, in case the deceased member was a service or deferred pensioner, was legally married to such member before his retirement from said police department; and who, in any case, was residing with him at the time of his death. No temporary absence for purposes of business, health, or pleasure shall constitute a change of residence for the purposes of this section.

(b) a child or children born the issue of the lawful wedlock of such pensioner, or legally adopted by such pensioner during his lifetime.

Such widow and said child or children shall be entitled to a pension or pensions as follows:

(1) To such widow a pension of not less than \$25 per month, as the bylaws of such association shall provide, for her natural life; provided, that if she shall remarry, then such pension shall cease and terminate as of the date of her remarriage.

(2) To such child or children, if their mother is living, a pension of not to exceed \$25 per month for each child up to the time each child reaches the age of not less than 16, and not to exceed 18 years of age, which pension and age shall be fixed by the bylaws of such association. Provided, the total pension hereunder for the widow and children of said deceased member shall not exceed the sum of one half of the prevailing monthly pay of such decedent during the major portion of the year immediately preceding the termination of his services as a policeman in the police department of such municipality, and thereafter the maximum pension of such widow and children shall not exceed one half of the prevailing pay of active members of the association of equivalent rank to the position held by such decedent for the major portion of the year immediately preceding the termination of his services as a policeman, or the position most closely analogous thereto.

(3) A child or children of a deceased member receiving a pension or pensions hereunder shall, after the death or remarriage of their mother, be entitled to receive a pension or pensions in such amount or amounts as may be fixed by the bylaws of such association, until they reach the age of not less than 16 and not more than 18 years, as the bylaws of such association may provide; but the total amount of such pension or pensions hereunder for any child or children shall not exceed the sum of one half of the prevailing pay of such decedent during the major portion of the year immediately preceding the termination of his services as a policeman in the police department of such municipality, and thereafter the maximum pension of such child or children shall not exceed one half of the prevailing pay of active members of the association of equivalent rank to the position held by such decedent for the major portion of the year immediately preceding the termination of his services as a policeman, or the position most closely analogous thereto. The board of directors of such association shall determine to whom and for what purposes such pension or pensions shall be paid for the benefit of such child or children.

[1943 c 521 s 18; 1947 c 625 s 10; 1953 c 35 s 5]

423.388 BOARD OF EXAMINERS. The relief association shall establish a board of examiners who shall, as and when requested by the association's board of directors, investigate and make report on all applications for disability pension and make recommendations as to the allowance or disallowance thereof; investigate and make report on all disability pensioners, and make recommendations as to the continuance or discontinuance thereof; and investigate and report on all applications for service pensions. This board shall consist of a competent physician selected by the association, and at least three members of the relief association on active duty with the police department, and a majority vote of the members of the relief association on said board shall constitute its recommendation to the board of directors.

[1943 c. 521 s. 19]

423.389 INVESTMENT OF FUNDS. Money accumulated in the special fund of any such association shall be invested from time to time as the board of directors thereof shall direct only in bonds of the United States and the state of Minnesota,

and of municipalities situated in the state of Minnesota, and at no time shall the funds of any such association be permitted to accumulate in any bank in an amount larger than the deposit insurance carried by said bank for the protection of individual depositors.

[1943 c. 521 s. 20]

423.39 FUNDS EXEMPT FROM EXECUTION. All payments made or to be made by any such policemen's relief association under any of the provisions of Laws 1947, Chapter 625, shall be totally exempt from garnishment, execution, or other legal process, and no persons entitled to such payment shall have the right to assign the same, nor shall the association have authority to recognize any assignment, or to pay any sum on account thereof; and any attempt to transfer any such right or claim, or any part thereof, shall be absolutely void.

[1943 c 521 s 21; 1947 c 625 s 11]

423.391 WORKMEN'S COMPENSATION ACT NOT AFFECTED. Laws 1947, Chapter 625, shall not be construed as abridging, repealing or amending the laws of this state relating to the provisions of the law commonly known as the Workmen's Compensation Act.

[1943 c 521 s 22; 1947 c 625 s 12]

423.392 APPLICATION. The provisions of section 423.37 shall apply to and bind any city of the third class which by a resolution of its governing body, adopted by a majority of the members thereof shall choose to be bound by it, and such city may thereafter continue to be bound by it notwithstanding a subsequent change in the classification of the city; but section 423.37 does not apply to any policemen's relief association in existence April 29, 1947 unless the association elects to come under its provisions as herein provided.

[1947 c 625 s 13; 1951 c 60 s 1; 1971 c 25 s 80]

CITIES FOURTH CLASS

423.41 POLICEMEN'S RELIEF ASSOCIATION; CITIES EMPLOYING FIVE OR MORE POLICEMEN. The police department of each city of the fourth class employing five or more regular and fully paid policemen when authorized by an ordinance approved or adopted by the unanimous vote of the governing body of said city may maintain a policemen's relief association which shall be duly incorporated under the laws of this state. All such associations now existing as such corporations, or hereafter incorporated under the laws of this state, shall have perpetual existence.

[1947 c 624 s 1]

423.42 REGULATION OF MANAGEMENT. Each such relief association shall be organized, operated, and maintained in accordance with its own articles of incorporation and by-laws, by policemen, as hereinafter defined, who are members of said police department. Each association shall have the power to regulate its own management and its own affairs, and all additional corporate powers which may be necessary or useful; subject, however, to the regulations and restrictions of sections 423.41 to 423.62 and other laws of this state pertaining to corporations; not inconsistent herewith.

[1947 c 624 s 2]

423.43 POLICEMAN DEFINED; PRESENT RELIEF ASSOCIATION; PRESENT BENEFIT RIGHTS; ACCEPTANCE. A policeman under sections 423.41 to 423.62 is a duly appointed policeman, policewoman, or police matron, who is regularly entered on the payroll of the police department of such city, serving on active duty therein, after having completed any probationary period required under the laws or ordinances of such city. Probationers in the police department, substitutes and persons employed irregularly from time to time, and elective officials of such department, shall not be deemed to be included under sections 423.41 to 423.62.

All persons who are members of the policemen's relief associations of such cities, at the time of the passage of Laws 1947, Chapter 624, whether their status is embraced within the definition of a policeman herein contained or otherwise, shall have the right to continue as members of their respective associations and be entitled to all benefits pertaining thereto, and any member included under the definition of policeman herein provided shall have the right to retain his membership on

promotion or appointment to other positions to which such policemen herein may be subject.

Sections 423.41 to 423.62 shall not affect any pensions or other benefits which have been allowed or which are being paid by any such relief association under or in accordance with any prior act or acts, at the time Laws 1947, Chapter 624, becomes effective. Payment of such pensions and benefits shall be continued by the respective associations in accordance with their articles of incorporation and by-laws, and shall be subject to all of the provisions thereof, existing at the time of the passage of Laws 1947, Chapter 624, but each such association may elect to come under the provisions of this act by the adoption of a resolution of the members of said association signifying its intention to do so, by a majority vote of all members then entitled to vote and voting, at any annual meeting of said association, or at any special meeting duly called for that purpose, and upon the filing of a copy of said resolution certified by the proper officers, with the secretary of state, and the filing and recording in the office of the register of deeds of the county in which such association is located. Upon the adoption of such a resolution, sections 423.41 to 423.62 shall apply to all accepting associations as fully as though such associations had been formed hereunder, notwithstanding the provisions of any constitution, bylaws, charter provision or ordinance.

[1947 c 624 s 3]

423.44 MEMBERSHIP AUTOMATIC. Every policeman as herein defined shall automatically become a member of the policemen's relief association of any such city upon the completion of any probationary period required under the laws or ordinances of such city and his appointment as a regular policeman of such city as defined in section 423.43. He shall thereupon become subject to the articles of incorporation and by-laws of such association, and shall be entitled to all of the privileges and benefits therein provided for members of the policemen's relief association of such city.

[1947 c 624 s 4]

423.45 OFFICERS; DIRECTORS; BOND. The officers of the relief association shall be a president, one or more vice presidents, a secretary and a treasurer. The offices of assistant secretary and assistant treasurer may be created by the by-laws of any such associations. The affairs of each association shall be managed by a board of directors elected in the manner prescribed by the articles of incorporation of the association.

The secretary and treasurer of each relief association shall each furnish a corporate bond to the association for the faithful performance of their duties, in such amounts as the association from time to time may determine. Each relief association shall and is hereby authorized to pay the premiums on such bonds from its special fund.

[1947 c 624 s 5]

423.46 ANNUAL REPORT; FILING. The secretary and treasurer of every association, prior to the first day of February in each year, shall jointly prepare and sign with the approval of the association's board of directors, a detailed and itemized report of all receipts and expenditures in the association's special fund for the preceding calendar year, showing the sources of said receipts and to whom and for what purpose the money has been paid and expended, and the balance of the fund. They shall file duplicate original copies thereof with the clerk or city recorder of the city in which the association is located, and with the mayor and the treasurer thereof. No money shall be paid to a relief association by the city in which the association is located until said report is so filed.

[1947 c 624 s 6]

423.47 TAX LEVY. The city council or other governing body of each such city wherein such a relief association is located may each year, at the time the tax levies for the support of the city are made, and in addition thereto, levy a tax for the benefit of the special relief fund of such policemen's relief association of one-half of one mill on all taxable property within such city, until the balance in said special fund of such policemen's relief association in any such city has reached the sum of \$150,000, and thereafter said levy may be reduced by such city to a sum sufficient to maintain the balance in said special fund at not less than \$150,000.

The tax so levied shall be transmitted with other tax levies to the auditor of

the county in which such city is located and by said county shall be collected and payment thereof enforced, when and in like manner as state and county taxes are paid.

As soon as practicable after the first day of June and the first day of November in each year, the county treasurer of each such county shall pay to the treasurer of each such relief association within said county the amount of such tax then collected and payable to said association, together with all interest and penalties so collected, and all interest collected thereon between the time of collection and the time of payment to such relief association. And the city treasurer of such city, in the event that such tax or any part thereof is paid to him, shall likewise pay the same to the treasurer of the policemen's relief association of such city, as soon as the same has been collected, together with all interest and penalties thereon.

[1947 c 624 s 7; 1957 c 38; 1959 c 82 s 1; 1973 c 773 s 1]

423.48 CONTRIBUTION BY MEMBERS; DEDUCTION BY TREASURER; SEPARATION OR DEATH. In addition, and only if such tax is levied, the city treasurer, finance commissioner, or other officer charged with the responsibility of the city's finances, shall, each month, deduct from the salary of each policeman of such city subject to the provisions of sections 423.41 to 423.62, four percent of the basic pay of all such policemen of such city, and transfer the total thereof to the treasurer of the special fund of the policemen's relief association, who shall credit said total to the special fund of such association and to the credit of each individual policeman from whose pay said deductions were so made.

If a policeman in any such city is separated from the service due to resignation or some reason not involving malfeasance, nonfeasance, moral turpitude, or if his separation from such service is caused by injury, death, or other disability, under such circumstances that no pension benefits are payable to him or his widow or children, the treasurer of the special fund shall return to such policeman, or in case of his death, to his heirs, executors, or administrators, all of the amounts so deducted from his base pay without interest, but less the amount of any disability or other benefits theretofore paid to such policeman.

[1947 c 624 s 8; 1959 c 82 s 2]

423.49 FUNDS; CONTROL THEREOF. Each such relief association shall have full and permanent charge of, and the responsibility for the proper management and control of all funds that may come into its possession, and particularly funds derived from the following sources:

(a) Funds derived from the tax levies by the city in which such relief association is located, and interest from the investment thereof.

(b) Funds derived from deductions made from the basic pay of members of such relief association.

(c) Funds derived from private sources such as gifts, charges, rents, entertainments, dues paid by members, and from other sources.

[1947 c 624 s 9]

423.50 GENERAL FUND; SPECIAL FUND. The money received from the various sources shall be kept in two separate and distinct funds, one to be designated as the association special fund, and the other as its general fund. All money received from the city in which the relief association is located, including wage deductions from the basic pay of policemen, shall be deposited in the special fund and shall be expended only for the purposes hereinafter authorized. All money received from other sources shall be deposited in the general fund, and may be expended for any purpose deemed proper by such association.

[1947 c 624 s 10]

423.51 DISBURSEMENT FROM SPECIAL FUND. All monies received by such relief association and deposited by it in its special fund shall be appropriated and disbursed by each such association only for the following purposes:

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

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

(c) For the payment of salaries and expenses of its officers and employees, and

the expense of operating and maintaining such relief association, including the premiums on the official bonds of its officers and employees.

[1947 c 624 s 11]

423.52 BY-LAWS, SPECIFICATIONS AND DEFINITIONS. Each relief association shall in its by-laws define the sickness and disability entitling its members to relief, and specify the amounts thereof, and also specify the amounts to be paid to its disability and service pensioners, and to widows and children of deceased members, and fix the age limit of children to which pensions may be paid, subject to, and in accordance with, the provisions of sections 423.41 to 423.62.

[1947 c 624 s 12]

423.53 SICKNESS OR ACCIDENT OF MEMBER; ALLOWANCE. A member of such association who, by reason of sickness or accident, becomes disabled from performing the duties of a policeman in the police department of any such city, shall be entitled to receive from the association during disability, such disability pension as the by-laws of the association may provide, which pension shall in no event, however, be less than \$75 per month. No disability pension shall be paid or allowed by such association unless notice of the disability and application for pension on account thereof, shall be made by or on behalf of the disabled member to the secretary of the association within 90 days after such disability.

[1947 c 624 s 13]

423.54 DISABILITY; ALLOWANCE. A member of any such relief association entitled to disability pension, as herein defined, shall receive the same from such association for such periods of time, at such times and in such amounts, as the by-laws of the association shall provide, but in no event shall such disability pension be less than \$75 per month.

[1947 c 624 s 14]

423.55 COMPLETION OF PERIOD OF SERVICE; AGE; RETIREMENT; SERVICE PENSION. A member of any such association as herein defined, who has completed a period, or periods of service, as a policeman in the police department of any such city, equal to 20 years or more, shall, after he has arrived at the age of 50 years or more, and has retired from the payroll of the police department of such city, be entitled to a service pension equal to one-half of the monthly base pay of such policeman at the time of his retirement from said police department, but in no event shall such pension be less than \$75 per month, which pension shall be payable monthly during the term of his natural life in conformity with the bylaws of such association. All leaves of absence of more than 90 days, except such as are granted to a member because of his disability due to sickness or accident, shall be excluded in computing the period of service. No deductions shall be made for a leave of absence granted to a member to enable him to accept an appointive position in said police department not subject to the provisions of sections 423.41 to 423.62. No member shall be entitled to draw both a disability and a service pension.

[1947 c 624 s 15]

423.56 MEMBER RETIRING AFTER SERVING 20 YEARS BUT HAS NOT REACHED RETIREMENT AGE. A member of such association as herein defined, who has completed a period, or periods of service, as a policeman in the police department of any such city equal to 20 years or more, but has not reached the age of 50 years, shall have the right to retire from the department without forfeiting his right to a service pension. He shall, upon application, be placed on the deferred pension roll of the association, and, after he has reached the age of 50 years, the association shall, upon application therefor, pay his pension from the date the application is approved by the association.

[1947 c 624 s 16]

423.57 SERVICE IN THE ARMED FORCES OF THE UNITED STATES. In determining the years of service of any such policeman, no deduction shall be made for the period any such policeman shall have been a member of the armed forces of the United States subsequent to his entry into the service of the police department, who left the service of such police department to enter the armed forces of the United States, providing such policeman is honorably discharged from the armed forces of the United States, and resumes his duties as such within 60 days after such

discharge from the armed services of the United States, or within such further period as may be granted to him by the board of directors of such association within which to resume said duties.

[1947 c 624 s 17]

423.58 DEATH OF PENSIONER; RIGHTS OF WIDOW AND CHILDREN. When a service pensioner, disability pensioner, or deferred pensioner, or an active member of such relief association dies, leaving:

(a) A widow who became his legally married wife while or prior to the time he was on the payroll of any such police department as a policeman, and remained such continuously after their marriage until his death, without having applied for any divorce or legal separation, and who, in case the deceased member was a service or deferred pensioner, was legally married to such member before his retirement from said police department; and who, in any case, was residing with him at the time of his death. No temporary absence for purposes of business, health or pleasure, shall constitute a change of residence for the purposes of this section.

(b) A child or children born the issue of the lawful wedlock of such pensioner. Such widow and said child or children shall be entitled to a pension or pensions as follows:

(1) To such widow a pension of not less than \$50 and not to exceed \$100 per month, as the bylaws of such association shall provide, for her natural life; provided, however, that if she shall remarry, then such pension shall cease and terminate as of the date of her remarriage.

(2) To such child or children, if their mother is living, a pension of not to exceed \$25 per month for each child up to the time each child reaches the age of not less than 16, and not to exceed 18 years of age, which pension and age shall be fixed by the bylaws of such association. Provided, the total pension hereunder for the widow and children of said deceased member shall not exceed the sum of \$150 per month.

(3) A child or children of a deceased member receiving a pension or pensions hereunder shall, after the death or remarriage of their mother, be entitled to receive a pension or pensions in such amount or amounts as may be fixed by the bylaws of such association, until they reach the age of not less than 16 and not more than 18 years, as the bylaws of each association may provide; but the total amount of such pension or pensions hereunder for any child or children shall not exceed the sum of \$150 per month.

[1947 c 624 s 18; 1961 c 639 s 4]

423.59 BOARD OF EXAMINERS. The relief association shall establish a board of examiners who shall, as and when requested by the association's board of directors, investigate and make report on all applications for disability pension and make recommendations as to the allowance or disallowance thereof; investigate and make report on all disability pensioners, and make recommendations as to the continuance or discontinuance thereof; and investigate and report on all applications for service pensions. This board shall consist of a competent physician selected by the association, and at least three members of the relief association on active duty with the police department, and a majority vote of the members of the relief association on said board shall constitute its recommendation to the board of directors.

[1947 c 624 s 19]

423.60 INVESTMENT OF SURPLUS FUNDS. Money accumulated in the special fund of any such association shall be invested from time to time as the board of directors thereof shall direct only in bonds of the United States and the state of Minnesota, and of municipalities situated in the state of Minnesota, and at no time shall the funds of any such association be permitted to accumulate in any bank in an amount larger than the deposit insurance carried by said bank for the protection of individual depositors.

[1947 c 624 s 20]

423.61 PENSION EXEMPT FROM LEGAL PROCESS. All payments made or to be made by any such policemen's relief association under any of the provisions of sections 423.41 to 423.62 shall be totally exempt from garnishment, execution, or other legal process, and no persons entitled to such payment shall have the right to

MINNESOTA STATUTES 1974

5057

POLICE PENSIONS 423.806

assign the same, nor shall the association have authority to recognize any assignment, or to pay any sum on account thereof; and any attempt to transfer any such right or claim, or any part thereof, shall be absolutely void.

[1947 c 624 s 21]

423.62 RIGHTS UNDER WORKMEN'S COMPENSATION NOT AFFECTED.

Sections 423.41 to 423.62 shall not be construed as abridging, repealing, or amending the laws of this state relating to the provisions of the law commonly known as the workmen's compensation act.

[1947 c 624 s 22]

423.71-423.775 [Local, City of Minneapolis, Police Pensions]

CITIES SECOND CLASS

423.801 DEFINITIONS. Subdivision 1. For the purposes of sections 423.801 to 423.814 the terms defined in this section have the meanings ascribed to them.

Subd. 2. "Member" means a policeman, policewoman, police matron, radio engineer, clerk, or other person duly appointed and regularly entered on the police payroll and on active duty.

Subd. 3. "Unit" means that fractional part of the monthly salary of a first grade patrolman for the second month of the previous fiscal year as determined in the articles of incorporation of the association which fractional part shall never be less than one-ninetieth nor greater than one-seventy-fifth of such monthly salary.

Subd. 4. "Disability" means a physical or mental incapacity of a member to perform the duties of his position in the service of the police department.

Subd. 5. "Pensioner" means a former member who has qualified for and is receiving a pension.

Subd. 6. "Deferred pensioner" means a member who has completed not less than 20 years of service and retires before reaching the age of 50 years who is entitled to receive a pension when he attains the age of 50 years, upon a written request therefor.

[1955 c 105 s 1; 1957 c 191 s 1]

423.802 POLICEMEN'S RELIEF ASSOCIATION. Subdivision 1. The members of the police department of each city of the second class shall organize a policemen's relief association or maintain the relief association now existing.

Subd. 2. This association shall create, maintain, and administer a policemen's pension fund for the benefit of its members, their widows, and their children.

[1955 c 105 s 2]

423.803 INCORPORATION, GOVERNING BOARD. The association shall become incorporated. It shall be governed by a board of eight members. The mayor, chief of police, and treasurer of the city shall be ex officio members. The other members shall be elected by the members of the association. Those elected to the first board shall be elected for terms of one, two, three, four, five years respectively; thereafter election shall be for a term of five years. Each elective member shall hold office until his successor is elected and has qualified. Any vacancy in the office of an elective member shall be filled by a special election called for that purpose. Any member so elected shall hold office for the balance of the term for which his predecessor was elected.

[1955 c 105 s 3]

423.804 REGULATION. The affairs of the association shall be regulated by its articles of incorporation and bylaws.

[1955 c 105 s 4]

423.805 POLICEMEN'S PENSION FUND. The association shall establish a policemen's pension fund or continue to maintain the police pension fund now existing in the city and shall have the management and control of any such fund.

[1955 c 105 s 5]

423.806 SOURCES OF FUNDS. Subdivision 1. These funds are derived from the following sources:

- (a) Gifts made for such purpose;
- (b) Rewards received by members;
- (c) Moneys coming into the hands of members remaining unclaimed for six months;
- (d) Proceeds from sales of property coming into the hands of members and

remaining unclaimed for three months, which property shall be sold by the chief of police;

(e) An amount equal to two percent of the monthly salary of a first grade patrolman deducted from the monthly salary of each member; or in the event that the pension fund becomes less than \$75,000 an amount equal to four percent of the monthly salary of a first grade patrolman deducted from the monthly salary of each member until the pension fund again reaches \$75,000 or more; but in no event shall any such deduction be less than two percent or more than four percent of the monthly salary of a first grade patrolman;

(f) All moneys derived from taxations, as provided by section 423.807;

(g) Moneys now in any police fund continuing to be maintained by the association and all interest thereon or gains therefrom;

(h) Any other income allowed by law.

Subd. 2. Any surplus remaining in these funds at the close of any fiscal year shall continue therein.

[1955 c 105 s 6; 1967 c 295 s 1]

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 policemen's pension fund.

Subd. 2. At any time that the balance in the policemen's pension fund reaches \$150,000 any levy in an ensuing year shall be only such as will be calculated to maintain this amount, but in no event shall any levy exceed one-third of one mill, or be less than one-tenth of one mill.

Subd. 3. The amount necessary to extend or reduce tax levies as herein provided shall not be included as a part of the general tax levy for city purposes or in the calculation of any limitation of any percent of the assessed valuation upon which taxes are required to be extended.

Subd. 4. Any appropriation made to this fund from this tax levy is not to be considered a part of the cost of government as defined in the charter of the city.

[1955 c 105 s 7; 1957 c 191 s 2; 1973 c 773 s 1]

423.808 USES OF PENSION FUND. The policemen's pension fund shall be used only for the payment of:

(a) service, disability, or dependency pensions;

(b) salaries, in an amount not in excess of \$500 per year;

(c) expenses of officers and employees of the association in connection with the protection of the fund; and

(d) all expenses of operating and maintaining the association.

[1955 c 105 s 8]

423.809 PENSIONS, LIMITATIONS. Subdivision 1. The association shall grant pensions payable from the policemen's 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 his written application after retiring from such duty, shall be paid monthly during his lifetime a pension equal to 35 units and an additional unit for each year of such 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 such duty before he attains the age of 50 years, upon his written application after reaching the age of 50 years shall be paid monthly during his lifetime a pension equal to 35 units and an additional unit for each year of such 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 his duties, shall be paid monthly during his lifetime a pension equal to 16 units and an additional two units for each completed year of such 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 him for the performance of police duties, shall be paid monthly during his 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 such circumstances that no pension benefits are payable to him or to his widow or to his children, the treasurer of the city shall return to him 75 percent of the amount he has paid in without interest. In the event the member is reinstated to police duty all moneys paid him 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 to reinstatement date. In case of the death of the member any such sums shall be paid to his heirs, executors, or administrators.

Subd. 3. In the case of any applicant for a pension pursuant to subdivision 1, clauses (1), (2), or (3), who, following admission to membership in the association has served in the military forces of the United States in any war or national defense emergency subsequent to January 1, 1940, and thereafter returned honorably discharged from such service and resumed membership in the association, the period that the applicant spent in such military service shall be counted in computing period of service required for benefits under this section. During such period of military service or defense emergency service, any such person is not considered a member of the association and is not entitled to any pension provided by subdivision 1, clauses (3) and (4). If the member does not return to his employment in the police department of the city within one year from the time peace is declared or within one year from the termination of the period of emergency, whichever is the later, the provisions of this subdivision shall not apply.

Subd. 4. No member shall be awarded, granted, or paid a pension pursuant to subdivision 1, clauses (3) and (4), except upon the certificate of two or more physicians or surgeons chosen by the governing board. This certificate shall set forth the cause, nature, and extent of the disability, disease, or injury of the member. No member shall be awarded, granted, or paid a pension pursuant to subdivision 1, clause (4), unless the certificate states the disability, disease, or injury. Each such certificate shall be filed with the association.

Subd. 5. A member who has been finally convicted of a felony is not entitled to any pension.

[1955 c 105 s 9]

423.810 BENEFITS. Subdivision 1. The association shall grant pensions or benefits payable from the policemen's pension fund to any member or to any widow or to any child under 18 years of age or any member from the time and for the following purposes:

When a service pensioner, disability pensioner, or deferred pensioner, or an active member of a relief association dies, leaving

(1) a widow, who was his legally married wife, residing with him, and who was married while or prior to the time he 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 his retirement from the police department; or

(2) a child or children, who were living while the deceased was on the payroll of the police department or born within ten months after the decedent was withdrawn from such payroll, the widow and child, or children, shall be entitled to a pension, or pensions, as follows:

(a) To the widow, a pension of 18 units per month, for her natural life; but if she remarry the pension shall cease as of the date of the remarriage.

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

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

Subd. 2. A widow or child under 18 years of age of any member convicted of a felony shall not be deprived of a pension by reason of the conviction unless the widow or child was a party to the commission of the felony. When such member is receiving a pension at the time of his conviction, his wife or children under 18 years of age who were not parties to the commission of the felony shall receive the pension provided for herein, in the event of the member's death.

Subd. 3. Any member who becomes disabled from performing his duties as a member of the police department of the city by reason of sickness or accident,

if off the payroll of the police department, having exhausted all sick leave and other benefits due him, is entitled to receive from the association during his disability such benefits as the bylaws of the association provide, but such benefits shall not extend beyond a six-months period. The bylaws may provide that such a member shall have completed a minimum number of years of service in order to be entitled to such benefits. Before any such benefits shall be paid or allowed, notice of the disability and application for benefits on account thereof shall be made to the secretary of the association within 90 days after such sickness or disability.

[1955 c 105 s 10]

423.811 PERSONS NOT ENTITLED TO PENSIONS. No person is entitled to any pension after removing his residence from the United States. Any person receiving any pension is not entitled to receive any further benefit or relief from the association.

[1955 c 105 s 11]

423.812 SUIT FOR BENEFITS. No person shall sue for any benefits provided in section 423.809, subdivision 1, clauses (3) or (4), unless he shall post a bond in a sufficient amount to defray the cost to the governing board of defending the action. In the event the governing board is sustained the portion of the bond necessary to defray these costs shall be forfeited.

[1955 c 105 s 12; 1965 c 51 s 75]

423.813 PAYMENTS EXEMPT FROM PROCESS, ASSIGNMENT FORBIDDEN. Any payment made by the association under any provision of sections 423.801 to 423.814 is exempt from any legal process. No person entitled to any such payment may assign the same. The association may not recognize any assignment or pay any sum on account thereof.

[1955 c 105 s 13]

423.814 RIGHTS OF MEMBERS NOW RECEIVING PENSIONS. Any member of the association who received a pension for the month of June, 1954, and who is eligible to receive a pension thereafter shall receive a pension each month thereafter, during the time he is so eligible to receive a pension, equal to not less than 32 units nor more than 35 units.

[1955 c 105 s 14]

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

Subd. 2. Any duties performed by any member of such association under any provision of subdivision 1, are deemed to be police duties.

Subd. 3. The provisions of subdivisions 1 and 2 are effective beginning July 1, 1955.

[1957 c 191 s 3]

423.82-423.836 [Local, City of St. Paul, Police Pensions.]