

state and such other information as may be required for the enforcement of this act. The registrar may establish dates for the submission of required forms and reports and may, for good cause shown, waive any deadline established.

Sec. 6. [168.846] **PENALTY.** Any person who shall knowingly submit any false or incomplete information or report required by this act or rule or regulation promulgated pursuant to this act or who shall in any manner violate any provision of this act shall be guilty of a misdemeanor. In addition the registrar may exercise the powers provided by Minnesota Statutes, Section 168.17.

Approved March 12, 1971.

CHAPTER 50—H.F.No.473

[Coded]

An act relating to corn detasseling operations; relating to minors engaged therein.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [181.72] **CORN DETASSELING; EMPLOYMENT OF MINORS.** **Subdivision 1.** None of the provisions of Minnesota Statutes 1969, Sections 181.37, 181.38, or 181.40 shall apply to corn detasseling operations but this shall not permit the operation of machinery by minors which is now prohibited.

Sec. 2. [181.72] **Subd. 2.** This act shall not apply to persons under the age of 14.

Approved March 12, 1971.

CHAPTER 51—H.F.No.519

[Not Coded]

An act relating to the city of Crookston; establishing and empowering a firemen's relief association.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. CROOKSTON, CITY OF; FIREMEN'S RELIEF ASSOCIATION. The city of Crookston shall maintain a firemen's relief association incorporated under the laws of the state of Minnesota. The association shall have perpetual existence.

Sec. 2. The relief association shall be organized, operated and maintained in accordance with this act and such of its articles of incorporation and bylaws not in conflict therewith by firemen as herein defined who are members of the fire department. It shall have 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 regulation and restrictions of this act and other laws of this state pertaining to a corporation and firemen's relief associations not inconsistent herewith.

Sec. 3. For the purpose of this act, the term "fireman" means an individual, either a regular or a volunteer, who is regularly entered on the payroll of the department serving on active duty or subject to call as a volunteer and engaged in the hazards of fire fighting, but does not include a substitute fireman or an individual employed irregularly by the fire department.

Sec. 4. Every fireman as herein defined shall be eligible to apply for membership in the relief association within the time and in the manner hereinafter set forth. Any such fireman desiring to become such member shall not later than 90 days from the time when he is regularly entered on the payroll of the fire department make *written application for membership in the relief association on forms* supplied by the relief association accompanied by one or more physicians certificates required by the bylaws of the association. After such application has been filed, the board of examiners of the association shall make a thorough investigation thereof and file their report with the secretary of the association. Such application must be acted upon by the association within six months after the date the applicant was entered on the payroll of the fire department. If a fireman does not become a member of the association in accordance with the provisions of this act, he shall become a member of the public employees retirement association in accordance with the provisions of Minnesota Statutes, Chapter 353.

Sec. 5. The association shall have the right to exclude all applicants for membership who are not physically and mentally sound so as to prevent the unwarranted risks of the association. Additional requirements of the entrance fees and annual dues may be prescribed by the bylaws of the association.

Sec. 6. The officers of the association shall be a president, one or more vice presidents, a secretary and a treasurer. The offices of

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assistant secretary and assistant treasurer may be created by the bylaws of any such association. The affairs of this association shall be managed by a board of trustees elected by the active members in the manner prescribed by the articles of incorporation of the association. The secretary and the treasurer of the 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. The association shall and is hereby authorized to pay the premium on such bonds.

Sec. 7. The association shall prepare and file an annual financial report in accordance with the provisions of Minnesota Statutes, Section 69.051.

Sec. 8. The city clerk treasurer shall prepare and file with the commissioner of insurance his certificate stating the existence of the relief association in accordance with the provisions of Minnesota Statutes, Section 69.011.

Sec. 9. An actuarial survey of the association shall be prepared in accordance with the provisions of Minnesota Statutes, Sections 69.71 to 69.77. An actuarial survey of the association shall be prepared after passage of this act by the legislature but prior to ratification by the Crookston city council showing the condition of its funds as of December 31, 1970.

Sec. 10. Subdivision 1. The financial requirements of the association shall be determined in the manner prescribed by this section from the actuarial surveys prepared in accordance with Minnesota Statutes, Sections 69.71 to 69.77.

Subd. 2. The normal level cost and additional annual rate of support required to amortize the deficit determined pursuant to Minnesota Statutes, Sections 69.73 and 69.77 for each year shall be converted to dollar amounts. The total of these two amounts is the financial requirement of the association for the year in question.

Subd. 3. Each member of the association who is a regular full time fireman shall pay into the retirement fund of the association during his term of covered employment for retirement, disability and survivor benefits a contribution of six percent of his salary during the calendar year 1971 and thereafter. The contributions shall be deducted from his salary by the city of Crookston, transmitted to the association, and deposited to the credit of the proper fund thereof. The contributions of a member who is a volunteer fireman shall be in an amount prescribed by the bylaws and shall be paid to the treasurer of the association who shall place the same in a special fund to the credit of the individual fireman.

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Subd. 4. The minimum obligation of the city of Crookston for each year shall be the financial requirement of the association for that year less the anticipated contribution of the members for that year under subdivision 3 and the anticipated amount of state aid for that year.

Subd. 5. The city of Crookston shall pay to the association each year an amount at least as great as its minimum obligation for that year. The city may levy taxes sufficient to yield the amount of this payment without limitation as to the rate or amount of taxation. The levy of taxes for the association shall not cause the amount or rate of other taxes which the city may levy to be reduced.

Sec. 11. Subdivision 1. The Crookston fireman's relief association may itself invest and reinvest its funds or it may designate any trust company licensed to do business in Minnesota as a depository to receive in an agency account for custody, investment, accounting, and disbursement such portion of the funds as may not be required for immediate use.

Subd. 2. The funds of the association shall be invested in accordance with the provisions set forth in Minnesota Statutes, Section 69.77.

Sec. 12. The moneys received by the association are to be kept in an "association special fund" or in an "association general fund." The moneys received from the state and city, including deductions from firemen's salaries together with earnings on the special fund shall be deposited in the "association special fund" and may be extended only for the purposes named in section 13. All other moneys may be deposited in the "association general fund" and may be expended for any purposes the association deems proper.

Sec. 13. The amounts paid to the relief association by the state and city, including deductions from firemen's salaries, together with the earnings on the special fund and set aside as the "association special fund" shall be appropriated and disbursed only in accordance with the provisions of Minnesota Statutes, Section 424.31.

Sec. 14. Subdivision 1. A full time fireman who is a member of the Crookston fire department relief association and has contributed to the retirement fund after 20 years of service shall be entitled to separate himself from said department, and upon attaining the age of 60 years shall be entitled to a basic pension of an amount equal to 50 percent of his salary at the time of retirement.

Subd. 2. The 20 years of service in order to qualify for the retirement benefits as set forth in subdivision 1 of this section need not be consecutively served so long as a member contributes to the general and special fund in accordance with this act and the articles

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of incorporation and bylaws of the association during his period or periods of service and returns to the general and special fund any amount which he may have previously withdrawn from said funds plus interest at the rate of six percent per annum for the period of time said amount was withdrawn. In order to qualify for the benefits set forth in subdivision 1 of this section, a member is entitled to receive one year of credit as a full time fireman for every three years of service as a volunteer fireman with the Crookston fire department, provided, however, that said member must serve a minimum period of 15 years as an actual full time fireman in order to receive said credit as a volunteer fireman.

Subd. 3. A full time fireman who is contributing by a basic pay deduction and who is separated from service before he has had 20 years of service due to resignation or caused by injury, death or other disability outside of the performance of his duties as a fireman or under such circumstances that no pension benefits are payable to him or his widow or children, the treasurer of the relief association shall return to such fireman, or in case of his death to his heirs, executors or administrators, all the amounts so deducted from his basic pay without interest less amount of benefits previously received by him, his widow, children, heirs, executors or administrators.

Subd. 4. A full time fireman who has had 20 years of service and is 60 years or more of age and has retired as a pensioner, in case of his death and in case no pension benefits are payable to his widow or children, the treasurer of the relief association shall pay to his widow or heirs, executors or administrators all the amounts deducted from his basic pay without interest less the amount of benefits previously received by him, his widow, children, heirs, executors or administrators.

Subd. 5. A full time fireman after 20 years of service may retire on a deferred pension and will be entitled to a pension when he has attained the proper age of 60 years. He shall, upon application, be placed upon the deferred pension roll of the relief association.

Subd. 6. A full time fireman less than 60 years of age who shall become disabled and physically unfit to perform his duties as a direct result of injury, sickness or other disability incurred on or arising out of an act of duty which shall render him physically or mentally unable to perform his duties as such fireman shall receive disability benefits during the period of such disability equal to 50 percent of his salary at the time of his disability. If a fireman is injured under circumstances which entitle him to receive workmen's compensation benefits under Minnesota Statutes, Chapter 176, the amount so received shall be deducted from the allowable disability benefits herein. No disability benefit payments shall be made except upon adequate proof furnished to the relief association of the existence of such disability, and during the time when such benefits are being paid the association

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shall have the right at reasonable times to require the disabled fireman to submit proof of the continuance of the disability claimed. No fireman shall be entitled to draw a disability and a service pension at the same time.

Subd. 7. When a full time fireman who is a service pensioner, disability pensioner, or deferred pensioner or an active member of the Crookston fire department 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 the fire department and remained such continuously after such 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 at least three years before his retirement from said fire 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 purpose of this action.

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

(1) To such widow a pension of the sum of \$75 per month or 50 percent of the earned retirement at the date of death, whichever is greater, for her natural life and a pension of \$15 per month for each child of such deceased member under 18 years of age. The amount of such pension for such child or children shall be determined by the association, but the total amount of such pension or pensions shall not exceed the sum of \$105 per month and provided if such widow shall remarry then her pension shall cease and terminate as of the date of her said remarriage.

(2) To such child or children of the deceased member after the death of the widow of such member a monthly pension or pensions in such amount or amounts in excess of \$15 per month for each child as the board of trustees of such association shall deem necessary to properly support such child or children until they reach the age of 18 years, but not to exceed the sum of \$90 per month to the children of any one family.

(3) If a full time fireman shall die under circumstances which entitle his widow and dependent children to receive benefits under the workmen's compensation law, the amount so received by them shall be deducted from the benefits payable under this section.

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Subd. 8. Upon the death of a full time fireman or volunteer fireman who is an active member of the relief association whose death was the direct result of accident or exposure or sickness contracted in the performance of his duties as a fireman, the treasurer shall on order of the board of trustees pay his legal heirs or representatives the sum of \$500.

Subd. 9. When a full time fireman who is a member of the relief association dies from any cause not connected with his duties as a fireman, the treasurer shall on order of the board of trustees pay his legal heirs or representatives the sum of \$100.

Subd. 10. When a volunteer fireman who is a member of the relief association dies from any cause not connected with his duties as a fireman, the treasurer shall on order of the board of trustees pay his legal heirs or representatives the sum of \$100. In addition to the above benefit, a volunteer fireman who had completed 20 years of service and was more than 55 years of age and had not retired at the time of his death, the treasurer shall on order of the board of trustees pay his legal heirs or representatives the additional sum of \$100 for each year of service after said member had completed 20 years and was more than 55 years of age. The total of such additional benefits shall not exceed \$500.

Subd. 11. A volunteer fireman who is a member of the Crookston fire department relief association, after 20 years of service shall be entitled to separate himself from said department and upon attaining the age of 55 years shall be entitled to a basic pension of \$20 per month plus an additional \$2 per month for each year of service in excess of 20 years. The total of such additional pension shall not exceed \$20 per month. Said pensions are to be paid quarterly and no other relief or benefits shall be allowed any person drawing said pension. A volunteer fireman after 20 years of service may retire on a deferred pension and will be entitled to a pension when he has attained the proper age of 55 years. He shall, upon application, be placed on the deferred pension roll of the relief association.

Subd. 12. When a volunteer fireman who is a member of the Crookston fire department relief association is disabled as a direct result of his duties as a fireman, he shall be entitled to disability payments as follows:

(a) In case of total disability from injury, exposure or sickness resulting from performance of duties as a fireman, the sum of \$25 per week for 12 weeks. If disability continues beyond a 12 week period the disability payment shall be \$15 per month for the duration of such disability.

(b) For partial disability from exposure or sickness resulting from his duties as a fireman, the sum of \$15 per week for 12 weeks.

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Subd. 13. If a volunteer fireman is disabled or shall die under circumstances which entitle him, his widow or dependent children to receive benefits under the workmen's compensation law, the amounts so received shall be deducted from the benefits payable under these bylaws to volunteer firemen, their widows and dependent children.

Subd. 14. No disability benefit payments shall be made except upon adequate proof furnished to the relief association of the existence of such disabilities and during the time when any such benefits are being paid, the association shall have the right at reasonable times to require the disabled fireman to submit proof of the continuance of the disability claimed. No fireman shall be entitled to draw a disability and a service pension at the same time.

Subd. 15. Any fireman or volunteer fireman requiring hospital or medical care resulting from exposure, sickness or injuries received while performing his duties as a fireman shall be entitled to the same, which if not covered under the workmen's compensation law shall be paid for by the Crookston fire department relief association.

Subd. 16. All payments made or to be made by the relief association under any of the provisions of this act shall be totally exempt from garnishment, execution or other legal process, and no person entitled to such payment shall have the right to assign the same or 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 void.

Sec. 15. Persons who are receiving or are entitled to receive benefits from the association on the effective date of any amendment to Laws 1949, Chapter 378, or who possess established deferred pension rights on that date shall thereafter receive the same benefits as they received or were entitled to receive under applicable law prior to the adoption of the amendments.

Sec. 16. 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 state of Minnesota and from the city in which the relief association is located, including said wage deductions 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 the association.

Sec. 17. The Crookston relief association shall establish a board of examiners who shall as and when requested by the association's board of trustees make a thorough investigation of and report on all applications for membership in the association, investigate and make recommendations on all applications for disability pensions, service

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pensions and claims for relief. Such 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 fire department.

Sec. 18. Each year the books and accounts of the secretary and treasurer of the relief association shall be examined by either a certified public accountant designated by the board of trustees or the state public examiner. If the public examiner is selected, the board of trustees shall request that there be an examination in the manner now provided by law. If the examination discloses that any money has been expended for purposes not authorized by this act, a copy of the examination shall be submitted to the governor who shall thereupon direct the state auditor not to issue any further warrants to the association until the certified public accountant or the public examiner shall report that money unlawfully expended has been replaced. The governor may also take such action as the emergency may demand.

Sec. 19. This act shall not be construed as abridging, repealing or amending the laws of this state relating to the provisions of the workmen's compensation act.

Sec. 20. If any section or portion of any section of Laws 1949, Chapter 378, as amended is declared invalid, the rest shall nevertheless be and remain in full force and effect.

Sec. 21. Neither the bylaws nor the articles of incorporation of the association shall be amended without prior approval of the city council of the city of Crookston.

Sec. 22. This act is effective upon its approval by the governing body of the city of Crookston and compliance with the provisions of Minnesota Statutes, Section 645.021. Irrespective of the date of compliance with section 645.021, the change in method of computing the employee's contribution to the retirement funds of the association prescribed by this act shall apply commencing January 1, 1971.

Sec. 23. No provision of this act shall be construed as exempting, abridging, repealing or amending the compliance with the provisions of the Police and Fireman's Relief Association Guidelines Act of 1969 as amended, unless the relief association is exempted by specific reference to the act hereinbefore mentioned. Notwithstanding the provisions of this or any other act, the association and municipality and the officers of each are authorized to do all things required by the guidelines act as conditions for the contributions of public funds or the levy of taxes for the support of the association.

Approved March 12, 1971.

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