

Approved April 13, 1976.

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**CHAPTER 315—S.F.No.2309**

*An act relating to retirement; distribution of state aid to policemen's relief associations; volunteer firemen's lump sum and monthly benefits; amending Minnesota Statutes 1974, Sections 69.011, Subdivisions 1, 2, and 4; 69.021, Subdivisions 5, 6, and 7; 69.031, Subdivision 5; and 69.06.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Section 69.011, Subdivision 1, is amended to read:

**69.011 POLICE AND FIREMEN'S RELIEF; BENEFITS; QUALIFYING FOR STATE AID.** Subdivision 1. **DEFINITIONS.** Unless the language or context clearly indicates that a different meaning is intended, the following words and terms shall for the purposes of chapter 69 and chapter 424 have the meanings ascribed to them:

(a) "Commissioner" means the commissioner or director of insurance.

(b) "Municipality" means any city of any class, and organized town.

(c) "Minnesota Firetown Premium Report" means a blank form containing space for reporting by insurers of fire, lightning, sprinkler leakage and extended coverage premiums less return premiums and dividends received upon risks located or to be performed in this state.

(d) "Firetown" means any municipality having a qualified fire department or a qualified incorporated fire department having a retirement plan.

(e) "Average State Aid" means the sum of the amount of aid apportioned for firemen pensions or services the previous two years plus the amount of aid computed for apportionment by the assessed property valuation and population basis for the current year divided by three.

(f) "Assessed Property Valuation" means latest available assessed value of all property in a taxing jurisdiction, whether such property is subject to taxation, or exempt from ad valorem taxation for any reason, appearing on abstracts filed with the commissioner of revenue or equalized by the state board of equalization.

(g) "Minnesota Aid to Police Premium Report" means a blank

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form containing space for reporting by each fire and casualty insurer of all premiums less return premiums and dividends received upon direct business received by it in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year, with reference to insurance written for insuring against the perils contained in auto liability-bodily injury, auto liability-property damage, and auto physical damage as reported on lines 19, 20, and 21 of page 14 of the fire and casualty insurance companies annual financial statement which each insurer is required to file with the commissioner in accordance with the governing laws or regulations.

(h) ~~“Qualifying municipality” means any municipality having a qualified police department as provided by subdivision 4, clause (2):~~

Sec. 2. Minnesota Statutes 1974, Section 69.011, Subdivision 2, is amended to read:

Subd. 2. **CLERK TO FILE CERTIFICATE.** (a) On or before March 1 annually the clerk of each municipality having a duly organized fire department as provided in subdivision 4, clause (1) or the secretary of nonprofit fire fighting corporations having a relief and retirement plan or incorporated firemen's relief association shall certify that fact and the fire personnel and equipment of the fire department as of the preceding December 31 to the commissioner on a form prescribed by him together with the other facts the commissioner may require. The certification shall be made to the commissioner in duplicate. Each copy of the certificate shall be duly executed and deemed an original. The commissioner shall forward one copy to the auditor of the county wherein the fire department is located and retain one copy.

(b) On or before March 1 annually the clerk of each municipality having a duly organized police department ~~as provided in subdivision 4, clause (2)~~ and having a duly incorporated relief association ~~or a special police department fund within its treasury~~ shall certify that fact to the county auditor of the county where the police department is located and to the commissioner on a form prescribed by him together with the other facts the commissioner or auditor may require.

On or before March 1 annually, the clerk of each municipality and the auditor of each county employing one or more police officers as defined in section 4 of this act, shall certify the number of such police officers who were employed for a minimum of six months as of the preceding December 31, to the commissioner on forms prescribed by him.

Sec. 3. Minnesota Statutes 1974, Section 69.011, Subdivision 4, is amended to read:

Subd. 4. **QUALIFICATION FOR STATE AID.** (†) Any municipality in this state having for more than one year an organized fire department and officially established by the governing body of the municipality or an independent nonprofit fire fighting corporation created under

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the nonprofit corporation act of this state and operating exclusively for fire fighting purposes and providing retirement and relief benefits to its members or having a separate subsidiary incorporated firemen's relief and pension association providing retirement and relief benefits may qualify to receive state aid if it meets the following minimum requirements or equivalent as determined by the state fire marshal by July 1, 1972:

(a) Ten paid or volunteer firemen including a fire chief and assistant fire chief, and

(b) Regular scheduled meetings and frequent drills including instructions in fire fighting tactics and in the use, care, and operation of all fire apparatus and equipment, and

(c) A motorized fire truck equipped with a motorized pump, 250 gallon or larger water tank, 300 feet of one inch or larger fire hose in two lines with combination spray and straight stream nozzles, five-gallon hand pumps - tank extinguisher or equivalent, dry chemical extinguisher or equivalent, ladders, extension ladders, pike poles, crow bars, axes, lanterns, fire coats, helmets, boots, and

(d) Apparatus suitably housed in a building of good construction with facilities for care of hose and equipment, and

(e) A reliable and adequate method of receiving fire alarms by telephone or with electric siren and suitable means of sounding an alarm, and

(f) If response is to be provided outside the corporate limits of the municipality wherein the fire department is located, the municipality has another piece of motorized apparatus to make the response, and

(g) Other requirements the commissioner establishes by rule.

~~(2) Any municipality in this state having for more than one year an organized police department established by the governing body of the municipality may qualify to receive state aid.~~

Sec. 4. Minnesota Statutes 1974, Section 69.021, Subdivision 5, is amended to read:

Subd. 5. **CALCULATION OF STATE AID.** The amount of state aid available for apportionment shall be two percent of the fire, lightning, sprinkler leakage and extended coverage premiums reported to the commissioner by insurers on the Minnesota Firetown Premium Report and one-two percent of the premiums reported to the commissioner by insurers on the Minnesota Aid to Police Premium Report. The amount for apportionment in respect to firemen's state aid shall not be greater or lesser than the amount of premium taxes paid to the state upon the premiums reported to the commissioner by insurers on the Minnesota

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Firetown Premium Report. The total amount for apportionment in respect to police state aid shall not be greater or lesser than ~~one half~~ the amount of premium taxes paid to the state upon the premiums reported to the commissioner by insurers on the Minnesota Aid to Police Premium Report. ~~Of~~ The total amount for apportionment in respect to police state aid ; ~~20 percent of this amount shall be paid to the treasurer of the police and fire fund of the public employees retirement association to be applied against the deficit of said fund; and the remaining 80 percent~~ shall be distributed to the counties for apportionment to municipalities maintaining police departments and to the county on the basis of the number of active police officers, as certified pursuant to section 69.011, subdivision 2, clause (b), who are members of the public employees police and fire fund or of a local retirement association. For purposes of sections 69.011 to 69.051, the term "police officer" means any person primarily employed by a municipality or a county as a full time salaried law enforcement officer sworn to enforce the general criminal laws of the state, authorized to arrest with a warrant, and certified or meeting the requirements for certification by the Minnesota police officers training board, except in municipalities with a population of less than 1,000. The commissioner shall calculate the percentage of increase or decrease reflected in the apportionment over or under the previous years available premiums using the same premiums as a basis for comparison.

Sec. 5. Minnesota Statutes 1974, Section 69.021, Subdivision 6, is amended to read:

Subd. 6. **CALCULATION OF APPORTIONMENT OF AID TO COUNTIES.** With respect to firemen, one-half of the state aid available shall be distributed to the counties in proportion to their population as shown by the last official statewide federal census. The remaining one-half of the state aid available shall be distributed to the counties in proportion to their assessed property valuation, excluding mineral values.

In the case of incorporated or municipal fire departments ~~or police departments~~ furnishing fire protection ~~or police service~~ to cities, towns or townships in other counties as evidenced by valid fire ~~or police~~ service contracts filed with the commissioner of insurance and county auditor the distribution to the respective counties shall be adjusted proportionately to take into consideration the crossover fire ~~and police~~ protection service. The amount of firemen's state aid apportioned to each county shall not be less than 100 percent nor more than 150 percent of the average state aid calculated for apportionment to the county. Provided that if the amount of aid so calculated is either greater or less than the amount of aid available as calculated in subdivision 5 each county's proportionate share of the state aid shall be reduced or increased on a percentage basis so that the amount of aid apportioned shall not exceed the amount of tax collected. Other necessary adjustments shall be made to subsequent apportionments. No county shall receive less than provided for under this subdivision.

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The state aid available in respect to police officers shall not exceed the amount of tax collected and shall be distributed to the counties in proportion to the total number of active police officers, as defined in section 4 of this act, in each county who are employed either by municipalities maintaining police departments or by the county. Any necessary adjustments shall be made to subsequent apportionments.

Sec. 6. Minnesota Statutes 1974, Section 69.021, Subdivision 7, is amended to read:

**Subd. 7. APPORTIONMENT OF AID TO MUNICIPALITIES AND FIREMEN'S RELIEF ASSOCIATIONS BY COUNTY AUDITOR.** (1) The county auditor shall apportion the state aid received by him relative to the premiums reported on the Minnesota Firetown Premium Reports filed pursuant to this chapter to each municipality and/or firemen's relief association certified to him by the commissioner in the same manner that state aid is apportioned to the counties, one-half in proportion to the population and one-half in proportion to the assessed property valuation of the fire towns in the county for which aid is apportioned. The county auditor shall apportion the amount of aid to each municipality and/or firemen's relief association in an amount not less than 100 percent nor more than 150 percent of the average state aid calculated for apportionment to the municipality and/or firemen's relief association. Provided that if the amount of aid so calculated is either greater or less than the amount of aid available as calculated in subdivision 5 each municipality's and/or firemen's relief association's proportionate share of the state aid shall be reduced or increased on a percentage basis so that the amount of aid apportioned shall not exceed the amount of tax collected. No municipality or firemen's relief association shall receive less than provided for under this subdivision.

In the case of municipalities or independent fire departments qualifying for the aid the county auditor shall calculate the state aid for the municipality or relief association on the basis of the population and the property valuation of the area furnished fire protection service by the fire department as evidenced by duly executed and valid fire service agreements filed with him. If one or more fire departments are furnishing contracted fire service to a city, town or township only the population and valuation of the area served by each fire department shall be considered in calculating the state aid and the fire departments furnishing service shall enter into an agreement apportioning among themselves the percent of the population and the assessed property valuation of each service area. Agreement shall be in writing and filed with the commissioner in duplicate. The commissioner shall forward one copy of the agreement to the county auditor of the county wherein the fire department is located and retain one copy.

In the case of cities of the first and second class the state aid calculated shall be paid directly to the treasurer of the relief association. In the case of all other municipalities and independent fire department

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relief associations or retirement plans the aid shall be paid to the treasurer of the municipality where the fire department is located and the treasurer of the municipality shall within 30 days transmit the aid to the relief association if the relief association has filed a financial report with the treasurer of the municipality and has met all other statutory provisions pertaining to the aid apportionment.

The county auditor and commissioner are hereby empowered to make rules and regulations to permit the administration of the provisions of this section.

(2) The county auditor shall apportion the state aid received by him relative to the premiums reported on the Minnesota Aid to Police Premium Reports filed pursuant to this chapter to each municipality in the same following manner that state aid is apportioned to the counties; one half in proportion to the population and one half in proportion to the assessed property valuation of the qualifying municipalities in the county for which aid is proportioned. :

(a) For all municipalities maintaining police departments and the county, the state aid shall be distributed by the county auditor in proportion to the total number of police officers, as defined in section 4 of this act, employed by each municipality and by the county. No community shall receive less state aid than they received in 1975; and

(b) For each municipality which contracts with the county for police service, a proportionate amount of the state aid distributed to the county based on the number of police officers providing contract service shall be credited against the municipality's contract obligation.

In the case of municipalities qualifying for the aid the county auditor shall calculate the state aid for the municipality on the basis of the population and the property valuation of the area furnished police protection service by the police department as evidenced by duly executed and valid police service agreements filed with him. If one or more police departments are furnishing contracted police service to an area only the population and valuation of the area served by each police department shall be considered in calculating the state aid or the police departments furnishing service may enter into an agreement apportioning among themselves the percent of the population and the assessed property valuation of service area. Agreement shall be in writing and filed with the county auditor and the commissioner.

In the case of cities of the first and second class the state aid calculated shall be paid directly to the treasurer of the relief association if such an association exists. In the case of all other municipalities or cities of the first and second class if no relief association exists aid shall be paid to the treasurer of the municipality where the police department is located and the treasurer of the municipality shall within 30 days transmit the aid to the police retirement or relief fund if such fund exists and has filed a financial report with the treasurer of the

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municipality and has met all other statutory provisions pertaining to the aid apportionment.

The county auditor and commissioner are hereby empowered to make rules and regulations to permit the administration of the provisions of this section.

Sec. 7. Minnesota Statutes 1974, Section 69.031, Subdivision 5, is amended to read:

Subd. 5. **DEPOSIT OF STATE AID.** (1) The municipal treasurer, when the state aid and tax is received by him, shall within 30 days after receipt pay over the portion of it attributed to premiums reported on the Minnesota Firetown Premium Report to the treasurer of the duly incorporated firemen's relief association if there is one organized and the association has filed a financial report with the municipality; but if there is no relief association organized, or if any association dissolve, be removed, or has heretofore dissolved, or has been removed as trustees of state aid, then the treasurer of the municipality shall keep the money in the municipal treasury as provided for in sections 424.30 and 424.31 and shall be disbursed only for the purposes and in the manner set forth in those sections.

(2) The municipal treasurer, ~~when upon receipt of the state aid and tax is received by him, shall within 30 days after receipt pay all state aid received on account of attributed to insurance premiums reported in on the Minnesota Aid to Police Premium Report to the duly incorporated police relief associations of the police department or to the special police department fund within the treasury of such municipality if no police relief association is in existence. , shall disburse the state aid in the following manner:~~

(a) For a municipality in which a police relief association exists, the total state aid shall be transmitted to the treasurer of the relief association within 30 days of the date of receipt of the state aid by the county auditor, and the treasurer of the relief association shall deposit the total state aid in the special fund of the relief association upon receipt;

(b) For a municipality in which police retirement coverage is provided by the public employees police and fire fund, the total state aid shall be applied toward the municipality's employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3; or

(c) For a municipality in which both a police relief association exists and police retirement coverage is provided in part by the public employees police and fire fund, the municipality may elect at its option to transmit the total state aid to the treasurer of the relief association as provided in this subdivision, to use the total state aid to apply toward the municipality's employer contribution to the public employees

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police and fire fund, or to allot the total state aid proportionately to be transmitted to the police relief association as provided in this subdivision and to apply toward the municipality's employer contribution to the public employees police and fire fund on the basis of the respective number of active full time police officers, as defined in section 4 of this act.

Sec. 8. Minnesota Statutes 1974, Section 69.06, is amended to read:

**69.06 SERVICE PENSIONS.** Every fire department relief association organized under any laws of this state when its certificate of incorporation or bylaws so provide may pay out of any funds received from the state, or other source, a service pension in such amount, not exceeding ~~\$40-\$80~~ per month, as hereinafter authorized, or as may be provided by its bylaws, to each of its members who has heretofore retired or may hereafter retire, who has reached or shall hereafter reach the age of 50 years and who has done or hereafter shall do active duty for 20 years or more as a member of a volunteer, paid or partially paid and partially volunteer, fire department in the municipality where the association exists, and who has been or shall hereafter be a member of such fire department relief association at least ten years prior to such retirement and who complies with such additional conditions as to age, service, and membership as may be prescribed by the certificate or bylaws of the association.

The amount of monthly pension which may be paid to such retired firemen may be increased by adding to the maximum above prescribed an amount not exceeding ~~\$2-\$4~~ per month for each year of active duty over 20 years of service before retirement; provided, that no such fire department relief association shall pay to any member thereof a pension in any greater amount than the sum of ~~\$60-\$120~~ per month.

Any such fire department relief association where the majority of its members are volunteer firemen may provide in its certificate of incorporation or bylaws for a service pension in an amount not exceeding ~~\$300-\$600~~ per year of service to be paid in a lump sum where the retiring member qualifies for a service pension under the provisions hereinbefore set forth.

These pensions shall be uniform in amount, except as herein otherwise provided. No such pension shall be paid to any person while he remains a member of the fire department and no person receiving such pension shall be entitled to other relief from the association. No payments made or to be made by the association to any member on the pension role shall be subject to judgment, garnishment, execution, or other legal process and no person entitled to such payment shall have the right to assign the same, nor shall the association have the authority to recognize any assignment or pay over any sum which has been assigned.

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Sec. 9. Section 8 shall be effective July 1, 1976. Section 2 shall be effective December 31, 1976. The remainder of the act shall be effective on July 1, 1977.

Approved April 13, 1976.

**CHAPTER 316—S.F.No.2402**

[Coded in Part]

*An act relating to historic sites; designating additional historic sites; amending Minnesota Statutes 1974, Sections 138.081, by adding a subdivision; 138.53, Subdivisions 7, 38, and by adding subdivisions; 138.58, by adding subdivisions; and 138.73, Subdivision 17.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Section 138.081, is amended by adding a subdivision to read:

Subd. 3. HISTORIC SITES; ADDITIONAL SITES. The Minnesota historical society is designated as the state agency to administer the provisions of the federal act providing for the preservation of historical and archaeological data, 16 U.S.C. 469 to 469C, insofar as the provisions of the act provide for implementation by the state.

Sec. 2. Minnesota Statutes 1974, Section 138.53, Subdivision 7, is amended to read:

Subd. 7. ~~Conner's Fur Post—North West Company Snake River Post~~, owned by the Minnesota historical society and the state, is in Pine county and consists of approximately ~~43-94~~ acres located within government lots 3 and 4 and the southwest quarter of the southeast quarter of section 31, township 39 north, range 21 west, including all riparian rights.

Sec. 3. Minnesota Statutes 1974, Section 138.53, Subdivision 38, is amended to read:

Subd. 38. Grand Mound, owned by the Minnesota historical society, is in Koochiching county and consists of government lot 2, and the west 200 feet of government lot 1, section 32, township 70 north, range 26 west.

Sec. 4. Minnesota Statutes 1974, Section 138.53, is amended by adding a subdivision to read:

Subd. 66. Fort Beauharnois, owned by the state, is in Goodhue county and is located within the boundaries of Frontenac State Park.

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