

CHAPTER 374—H.F.No.411

[Not Coded]

An act relating to the city of Columbia Heights; providing for police department relief association; membership therein; benefits and contributions; membership of certain police personnel in the public employees' police and fire fund; providing for administration and benefits of the Columbia Heights firemen's relief association; amending Laws 1975, Chapter 424, Section 9; repealing Laws 1965, Chapter 605, Section 6; and Laws 1975, Chapter 424, Section 3.

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

Section 1. **COLUMBIA HEIGHTS, CITY OF; POLICE AND FIREMEN'S RELIEF.** Subdivision 1. The provisions of this act shall apply equally to policemen, policewomen and the chief of police hired by the city of Columbia Heights. All such persons will be referred to as a policeman in this act.

Subd. 2. Notwithstanding the provisions of any general or special law to the contrary, all policemen first employed by the city of Columbia Heights after June 15, 1972, who are engaged in the hazards of protecting the safety and property of others and who have the power to arrest by warrant, shall have become and shall be members of the public employees police and fire fund operated pursuant to Minnesota Statutes, Sections 353.63 to 353.68, commencing the first day of employment of each such policeman.

The following amounts shall be paid into the public employees police and fire fund for previous service of a policeman first hired subsequent to June 15, 1972:

(a) The city of Columbia Heights shall within 90 days following the effective date of this act, pay into the public employees police and fire fund an amount equal to the monthly contributions which would have been required under Minnesota Statutes, Sections 353.63 to 353.68 to be paid into the fund by the city for the benefit of each policeman had this act been in effect continuously from June 15, 1972 to the effective date of this act, calculated commencing the first day of employment of each such employee to the date of actual payment to the fund of such amount by the city.

(b) The city of Columbia Heights shall in addition pay into the public employees police and fire fund an amount equal to the monthly contributions which would have been required under Minnesota Statutes, Sections 353.63 to 353.68 to be paid into the fund by each policeman had this act been in effect continuously from June 15, 1972 to the effective date of this act, calculated commencing the first day of employment of each policeman to the date of actual payment to the fund by the city.

Employer and employee contributions shall be paid without interest and shall be calculated for each employee at the rate in effect when service by such employee was rendered. No allowable service with respect to payment shall be credited to the employee's account until payment is received by the public employees retirement

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association. Provided, however, that upon receipt by the public employees retirement association of the payments provided in clauses (a) and (b) herein, such policeman shall receive credit in the public employees police and fire fund for allowable service commencing his first day of employment with the Columbia Heights police department.

Each policeman first hired by the city of Columbia Heights subsequent to June 15, 1972 shall, within 90 days following the effective date of this act, pay to the city of Columbia Heights clerk treasurer for deposit in the general fund of the city, an amount equal to the amount paid by the city of Columbia Heights into the public employees police and fire fund pursuant to the provisions of clause (b) on behalf of such policeman. In the event any payments from such policemen have not been made to the clerk treasurer on or before the 90th day following the effective date of this act, the clerk treasurer of the city of Columbia Heights may, commencing the 91st day following the effective date of this act, deduct from the monthly basic salary of each policeman who has not fully paid the city pursuant to this section, an additional eight percent of his basic pay until the amount owed to the city of Columbia Heights by such policeman pursuant to this section, plus interest at the rate of six percent per annum on the unpaid balance, commencing the 91st day following the effective date of this act, is paid to the clerk treasurer.

No policeman first hired subsequent to June 15, 1972 by the city of Columbia Heights police department shall be, nor shall he have been, a member of the Columbia Heights police relief association as defined in this act nor shall he be subject to any law relating thereto. For the purpose of computation of service requirements in connection with payment of any pensions or other benefits provided to policemen first hired subsequent to June 15, 1972, service of such employees, upon receipt by the public employees police and fire fund of the amounts required to be paid pursuant to clauses (a) and (b), shall be taken into account on the same basis as though this act was in existence during all the times such service was rendered.

Subd. 3. The words "basic pay" as used in this act shall include all monthly wages or salary compensation subject to state of Minnesota or federal withholding for tax purposes actually paid to each individual policeman regardless of rank excluding payments for clothing allowances and expenses of the policeman paid either directly by the city of Columbia Heights or to such policeman as reimbursement for incurred expenses.

Sec. 2. The police department of the city of Columbia Heights shall continue to maintain the Columbia Heights police relief association for the benefit of policemen hired by the city of Columbia Heights prior to June 15, 1972. The association shall be maintained as set out in this act, other applicable state laws, the articles of incorporation of the Columbia Heights police relief association, and its bylaws. Any conflict between the provisions of Minnesota Statutes, Chapters 69, 353, 423 or 424, the provisions of any other Minnesota laws or statutes, or the articles of incorporation or bylaws of the Columbia Heights police relief association shall be resolved in favor of the provisions of this act. The affairs of the association shall continue to be vested in a five person board of directors consisting, unless otherwise provided in this act, of members of the association regardless of whether such members are active or retired members of the Columbia

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Heights police department.

Sec. 3. Subdivision 1. The Columbia Heights police relief association shall have the power to regulate its own management and its own affairs, and shall have 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. The Columbia Heights police relief association shall have the power to amend, from time to time, subject to the provisions of this act, its articles of incorporation or its bylaws.

Sec. 4. Any duly appointed policeman who was first hired by the city of Columbia Heights as a policeman prior to June 15, 1972, and who was on the effective date of this act serving on active duty as a policeman employed by the city of Columbia Heights and regularly entered on the payroll of the police department of the city, shall be a member of the Columbia Heights police relief association and shall continue to be a member unless such policeman's employment is terminated for any reason other than disability incurred prior to serving pursuant to the provisions of this act as an active duty policeman for a period of at least 20 years in the employ of the city of Columbia Heights. A disabled member of the Columbia Heights police relief association may continue to be a member of the association. Further, any person who was first hired by the city of Columbia Heights to serve as a duly appointed policeman, who served as such for no less than 20 years prior to the effective date of this act and who retired or terminated from such service prior to the effective date of this act, shall be a member of the Columbia Heights police relief association. Any person whose status is embraced within the definition of this section shall have the right to continue as a member of the Columbia Heights police relief association and shall be entitled to all benefits pertaining thereto, and any such member shall have the right to retain his membership on promotion or appointment within the Columbia Heights police department. In the event any policeman first hired prior to June 15, 1972, voluntarily and of his own volition terminates service with the Columbia Heights police department, he shall not be eligible to be a member of the Columbia Heights police relief association if he is rehired by the city of Columbia Heights.

Sec. 5. The officers of the Columbia Heights police 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 bylaws of the association. The affairs of the association shall be managed by a board of directors elected in the manner prescribed by the articles of incorporation and bylaws of the association. Persons holding office on the effective date of this act may serve the remainder of their respective terms of office.

Upon majority vote of the members of the association at an annual meeting or special meeting called for such purpose, the clerk treasurer of the city of Columbia Heights may from time to time serve as an ex officio member of the board of directors. In the event the clerk treasurer is elected to serve as ex officio member of the board of directors, the clerk treasurer or his representative may attend all annual meetings, meetings of the board of directors, and meetings of the general membership. The clerk treasurer shall have no vote and shall serve as an ex officio member of the board of

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directors of the association until the members of the association elect, by a majority vote, at an annual meeting or special meeting called for such purpose, to terminate the membership of the clerk treasurer as an ex officio member of the board of directors. Nothing herein shall be construed to mean that the general membership is required to elect the clerk treasurer as an ex officio member of the board of directors or to allow such clerk treasurer to continue in office after such election has been made. Further, nothing herein shall be construed to mean that the clerk treasurer may not be again elected to serve as an ex officio member of the board of directors from time to time after having been elected and having had his term of office terminated. The city clerk treasurer or city finance director may at the discretion of the board of directors be appointed the sole investment agent of the Columbia Heights police relief association or may be appointed agent or agents jointly with other individuals or corporations. Nothing herein shall be construed to mean that the board of directors is required to appoint the city clerk treasurer or city finance director as investment agents or to continue such appointment after such appointment has been made.

The secretary of the association shall furnish a corporate bond to the association for the faithful performance of his duties in such amount as the association from time to time may determine. No treasurer of the Columbia Heights police relief association shall enter upon his duties until he has given the association a good and sufficient bond in an amount set by the Columbia Heights city council for the faithful discharge of his duty according to law. The association shall pay the premiums on such bonds from its special fund.

Sec. 6. Subdivision 1. The secretary and treasurer of the Columbia Heights police relief 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 financial report of all receipts, expenditures and balances in the association's special and general funds for the preceding calendar year ending December 31, showing the sources of such receipts and to whom and for what purpose the money has been paid and expended and any other information the state commissioner of insurance may require. They shall file on or before June 30 of each year one duplicate original copy thereof each with the mayor, city manager, and clerk treasurer of the city of Columbia Heights, one duplicate original copy with the state commissioner of finance and two copies with the commissioner of insurance. The commissioner of insurance shall forward one copy to the Anoka county auditor. No state aid or tax moneys shall be paid to the Columbia Heights police relief association by either the state or the city of Columbia Heights until said report is so filed.

The financial report shall be certified by an independent public accountant who shall give his opinion as to the condition of the funds and comment upon any exception to the report, or in lieu thereof, file with the commissioner of insurance an audit report prepared by the state auditor.

Subd. 2. The detailed financial report of the Columbia Heights police relief association may be examined by the commissioner of insurance, and when he finds that it appears the money, or any part thereof, paid under the provisions of this act or paid under the provisions of Minnesota Statutes, Chapter 69 not in conflict with this act has

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been, or is being, expended for an unauthorized purpose, he shall notify the state auditor of this fact. The state auditor may examine these financial reports and records of the Columbia Heights police relief association, and when he finds the money, or any part thereof, obtained under the provisions of this act or under the provisions of chapter 69, has been, or is being, expended for an unauthorized purpose he shall order the funds restored and take whatever steps he deems necessary to assure restoration. No further aid shall be paid to the municipality for the benefit of the Columbia Heights police relief association until the funds are restored. The members of the Columbia Heights police relief association shall be liable to the state for the total cost and expenses of such examination.

Sec. 7. The board of examiners of the association shall continue to operate as provided in the association's bylaws.

Sec. 8. Subdivision 1. The words "salary of a top patrolman" and "top patrolman's salary" as used in this act shall mean all monthly wages and salaries subject to Minnesota state or federal withholding for tax purposes of a top patrolman employed by the city of Columbia Heights on scheduled shifts set by the city of Columbia Heights pursuant to the current terms of any labor agreement between the policeman or his union and the city of Columbia Heights. The terms "salary of a top patrolman" and "top patrolman's salary" shall exclude payment for overtime work which shall be defined as work performed at the express authorization of the city of Columbia Heights in excess of the policeman's scheduled shift, any increased amount of pay over the pay of a top patrolman for duties as a detective investigator, payment for volunteer work, payment for court time, payment for call back time which shall be defined as work performed by a policeman who is called to duty during his scheduled off-duty time, payment of education incentive or for longevity, payment for clothing, payment for holiday service, night shift pay, emergency duty pay, standby pay or pay for or in lieu of any fringe benefit or term or condition of employment whatsoever other than payment for scheduled shifts. This definition shall be effective retroactive to June 15, 1976.

Subd. 2. The clerk treasurer of the city of Columbia Heights shall each month until June 30, 1977, deduct from the salary of each policeman who is a member of the Columbia Heights police relief association an amount equal to six percent of the salary of a top patrolman and transfer the total thereof to the treasurer of the special fund of the association and to the credit of each individual policeman from whose pay said deductions were made. Commencing July 1, 1977, the clerk treasurer shall each month deduct from the salary of each policeman who is a member of the association an amount equal to seven percent of the salary of a top patrolman and transfer the total thereof to the treasurer of the special fund of the association, who shall credit said total to the special fund of the association and to the credit of each individual policeman from whose pay said deductions were made. Commencing July 1, 1978, the clerk treasurer shall each month deduct from the salary of each policeman who is a member of the association, an amount equal to eight percent of the salary of a top patrolman and transfer the total thereof to the treasurer of the special fund of the association, who shall credit said total to the special fund of the association and to the credit of each individual policeman from whose pay said deductions were made. Provided, however, commencing on the first day of his 26th year of service as a policeman employed by the city of Columbia Heights, any

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policeman who has completed 25 years' service with the Columbia Heights police department pursuant to the provisions of this act shall not be required to contribute any percentage or amount of his basic pay to the special fund of the association, nor shall the clerk treasurer of the city of Columbia Heights deduct any amount from the basic pay of such policeman for the transfer thereof to the special fund of the association.

Subd. 3. Each member of the Columbia Heights police relief association shall have paid or shall pay into the Columbia Heights police relief association special fund an amount equal to six percent of the salary of a top patrolman, as defined in subdivision 1 for each month of covered employment for the period between January 1, 1970, and June 30, 1977. In the event such payments have not been made on or before July 1, 1977, or the effective date of this act, whichever is earlier, the clerk treasurer of the city of Columbia Heights may, commencing the effective date of this act, deduct from the monthly salary of each such policeman an additional ten percent of the basic pay of such policeman until the total amount owed by such policeman pursuant to this subdivision, plus interest at the rate of eight percent per annum on the unpaid balance commencing June 15, 1976 is paid, and transfer the total thereof to the treasurer of the special fund of the Columbia Heights police relief association, who shall credit said total to the special fund of the Columbia Heights police relief association and to the credit of each individual policeman from whose pay said deductions were made.

Subd. 4. The monthly "covered payroll" of the city of Columbia Heights as it is affected by Minnesota Statutes, Chapter 69 shall, commencing January 1, 1970, be defined for the purposes of this act as being the aggregate salaries of all active duty policemen employed by the Columbia Heights police department who are members of the Columbia Heights police relief association, assuming for the purposes of this subdivision that all policemen first hired prior to June 15, 1972, are paid the salary of a top patrolman as defined in subdivision 1.

Subd. 5. If a policeman in the city of Columbia Heights is separated from 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 by the association, 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.

Sec. 9. The minimum obligation of the city of Columbia Heights to the Columbia Heights police relief association shall be determined and provided in accordance with the applicable provisions of Minnesota Statutes, Chapter 69, except that actuarial surveys of the Columbia Heights police relief association prepared in accordance with Minnesota Statutes, Chapter 69, shall be based on the following assumptions with respect to future salary increases: The salary on which contributions for retirement benefits are based in the year 1977 shall be 1.054 multiplied by such salary for the year 1976. The salary on which contributions for retirement benefits are based in the year 1978 shall be 1.050 multiplied by such salary for the year 1977. The salary on which contributions for retirement benefits are based in the year 1979 shall be 1.050 multiplied by such salary for

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the year 1978. The salary on which contributions for retirement benefits are based in the year 1980 shall be 1.040 multiplied by such salary for the year 1979. Commencing in the year 1981 the salary on which contributions for retirement benefits are based shall be multiplied by the multiplier as provided in Minnesota Statutes, Section 69.73, Clause (4)(e).

Sec. 10. The provisions of Minnesota Statutes, Chapter 69, as amended from time to time, not in conflict with this act shall specifically apply to the city of Columbia Heights and to the Columbia Heights police relief association.

Sec. 11. Subdivision 1. Commencing in the year 1980, in addition to the minimum obligation required by Minnesota Statutes, Chapter 69, the city of Columbia Heights shall provide additional financing to the Columbia Heights police relief association sufficient to pay the benefits set out in this act at such time or times as such benefits become payable and to amortize by the year 2010 the unfunded liability (deficit) as determined in accordance with the applicable provisions of this act and the provisions of Minnesota Statutes, Chapter 69 in effect on the effective date of this act. The city of Columbia Heights may in the years 1977 and 1978 levy such additional taxes as may be necessary to pay the costs and expenses reasonably and necessarily incurred by the city of Columbia Heights and by the Columbia Heights police relief association in arriving at and effecting an agreement relative to the amount of pension benefits payable to members of the Columbia Heights police relief association, the financial obligation of the city of Columbia Heights vis-a-vis the Columbia Heights police relief association, the financial obligation of the Columbia Heights police relief association vis-a-vis its special fund, the amount of covered payroll and relative to effecting a guarantee of adequate funding of the Columbia Heights police relief association special fund, all of which, except for the guarantee of adequate funding of the accrued deficit of the special fund, was made necessary as the result of the enactment of Minnesota Statutes, Section 69.77. For the purpose of providing the financial requirements of this act, the city may levy taxes for the payment thereof without limitation as to rate or amount, notwithstanding any Columbia Heights city charter limitation or any law to the contrary. The levy of such taxes shall not cause the amount of other tax levies of the city of Columbia Heights to be reduced in any amount. The city shall provide in its annual budget for the financial requirements of this act.

Subd. 2. The tax so levied shall be transmitted with other tax levies to the auditor of Anoka county and by said county it shall be collected and payment thereof enforced, when and in like manner as state and county taxes are paid.

Subd. 3. 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 of Columbia Heights, and is in addition to the amount of tax the city may levy for general purposes. The Anoka county auditor, 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.

Sec. 12. As soon as practicable after the first day of June and the first day of November, the Anoka county treasurer shall pay to the treasurer of the Columbia Heights

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police relief association the amount of such tax then collected and payable to the association, together with all interest collected thereon between the time of collection and the time of payment to the association. The clerk treasurer of the city of Columbia Heights, in the event that such tax or any part thereof is paid to him, shall likewise pay the same to the treasurer of the association as soon as the same has been collected, together with all interest and penalties thereon.

Sec. 13. In the event the Columbia Heights police relief association is terminated by attrition or any other reason, any surplus remaining in the accounts of the special or general funds of the Columbia Heights police relief association after discharging all obligations created hereunder or created by other applicable general or special laws of this state shall be paid into the general treasury of the city of Columbia Heights.

Sec. 14. Except as provided by this act, by specific enactment of the legislature, or by charter amendment to the charter of the city of Columbia Heights, no relief association shall be established in the city of Columbia Heights to provide benefits for policemen, their spouses or children. No person who is employed as an active duty policeman in the Columbia Heights police department shall concurrently be a member of the public employees retirement association and of the Columbia Heights police relief association. Provided, however, any policeman who has been a member in the Columbia Heights police relief association for no less than 20 years may become or may have become, upon his retirement, termination or disability causing termination from the Columbia Heights police department, a member of the public employees retirement association and may receive retirement benefits from each fund for which he qualifies independently by reason of age and service based upon the units of service credits accumulated respectively as a member of each association.

Sec. 15. All payments made or to be made by the Columbia Heights police 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, nor shall the Columbia Heights police relief association have the 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. 16. This act 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 "worker's compensation act". Payments made pursuant to the provisions of this act shall be cumulative to any payments made pursuant to the worker's compensation act.

Sec. 17. The Columbia Heights police 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 of Columbia Heights and the interest from the investment thereof.

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(b) Funds derived from state aid from the state of Minnesota.

(c) Funds derived from salary deductions of members of the association.

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

Sec. 18. The money received from the various sources and the interest thereon 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 of Columbia Heights including salary deductions from the pay of policemen and from state aid from the state of Minnesota, shall be deposited in the special fund and shall be expended only for the purposes authorized in this act. 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. 19. All moneys received by the Columbia Heights police relief association and deposited by it in its special fund shall be appropriated and disbursed by the association only for the following purposes:

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

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

(c) For the payment of reasonable attorney fees, salaries and expenses of its officers and employee members, and the expense of operating and maintaining the relief association, including the premiums on the official bonds of its officers and employees. Salaries of officers and employee members of the Columbia Heights police relief association shall be reasonable and shall be in relation to the actual work performed and to the time necessarily expended for such work and shall not exceed \$25 per month for each officer or employee member unless the Columbia Heights city council shall first approve by a 3/5 vote the expenditure of such salary. Salaries exceeding \$25 per month, if any, of such officers or employee members shall be set annually by the city council commencing January 1, 1977.

Sec. 20. Any member of the Columbia Heights police relief association who, by reason of sickness or accident, becomes disabled from performing the duties of a policeman in the police department of the city of Columbia Heights shall be entitled to receive from the association during the period of such disability, the sum of 35/80ths of his salary per month exclusive of longevity benefits at the time of disability, but in no event shall the monthly disability pension paid to any member exceed a sum equal to 35/80ths of the salary of a top patrolman as defined in section 8, subdivision 1. A member who becomes disabled prior to attaining the rank of top patrolman or who has attained the rank of top patrolman shall be entitled to any future increases and obligated to any future decreases of salary of policemen of equivalent rank or of the rank or position most closely analogous to the position of such disabled policeman that may occur

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during his period of disability subject to the aforementioned limitations, and said disability benefits shall be adjusted accordingly. In no event, shall a pension be less than \$75 per month.

Sec. 21. No disability pension shall be paid or allowed by the 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 occurs or within 90 days after such member should reasonably have known such disability had occurred.

Sec. 22. Applications for disability pension shall be made in writing to the secretary of the association by, or on behalf of, the disabled member. The board of directors shall prescribe the form of such applications, and the proofs required to be submitted in connection therewith. All such applications and proofs shall be referred by the secretary to the board of directors, and shall be considered by said board at the next regular or special meeting thereof. The board of directors shall refer such applications to the board of examiners for investigation, which board, upon completing said investigation, shall make its recommendations to the board of directors as to the granting or denying of such application.

Sec. 23. The board of directors shall determine the question of granting or denying the disability pension by a majority vote of the members of said board present and voting at the meeting at which said matter is presented for determination.

Sec. 24. Subdivision 1. Any member of the Columbia Heights police relief association who has completed the following period or periods of service as a policeman in the police department of the city of Columbia Heights, as defined in this act, shall, after he has reached the age of 50 years, and has retired from the payroll of the police department of the city of Columbia Heights, receive a service pension paid monthly and computed on a "unit" system. A unit shall be 1/80th of the salary of a top patrolman as defined in section 8, subdivision 1 on the first day of the month in which the pensions provided for members of the Columbia Heights police relief association in this act are paid.

Subd. 2. A member who has 20 years of service, but less than 21 years of service, shall be entitled to a pension equal to 35/80ths of a top patrolman's salary based on a top patrolman's salary as of the date of the member's retirement. In the event the salary of a top patrolman either increases or decreases during the period of the member's retirement, the member's pension shall be equal to 35/80ths of such top patrolman's salary.

Subd. 3. A member who has 21 years of service, but less than 22 years of service, shall be entitled to a pension equal to 36/80ths of a top patrolman's salary based on a top patrolman's salary as of the date of the member's retirement. In the event the salary of a top patrolman either increases or decreases during the period of the member's retirement, the member's pension shall be equal to 36/80ths of such top patrolman's salary.

Subd. 4. A member who has 22 years of service, but less than 23 years of service, shall be entitled to a pension equal to 37/80ths of a top patrolman's salary based on a top

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patrolman's salary as of the date of the member's retirement. In the event the salary of a top patrolman either increases or decreases during the period of the member's retirement, the member's pension shall be equal to 37/80ths of such top patrolman's salary.

Subd. 5. A member who has 23 years of service, but less than 24 years of service, shall be entitled to a pension equal to 38/80ths of a top patrolman's salary based on a top patrolman's salary as of the date of the member's retirement. In the event the salary of a top patrolman either increases or decreases during the period of the member's retirement, the member's pension shall be equal to 38/80ths of such top patrolman's salary.

Subd. 6. A member who has 24 years of service, but less than 25 years of service, shall be entitled to a pension equal to 39/80ths of a top patrolman's salary based on a top patrolman's salary as of the date of the member's retirement. In the event the salary of a top patrolman either increases or decreases during the period of the member's retirement, the member's pension shall be equal to 39/80ths of such top patrolman's salary.

Subd. 7. A member who has 25 or more years of service shall be entitled to a pension equal to one-half of a top patrolman's salary based on a top patrolman's salary as of the date of the member's retirement. In the event the salary of a top patrolman either increases or decreases during the period of the member's retirement, the member's pension shall be equal to one-half of such top patrolman's salary.

Subd. 8. Pensions as set out in this section shall be payable monthly during the life of such retired member.

Sec. 25. 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 time exclusions shall be made for a leave of absence granted to enable him to accept an appointive position in the police department of the city of Columbia Heights not subject to the provisions of this act.

Sec. 26. No member of the Columbia Heights police relief association shall be entitled to draw a disability and a service pension concurrently.

Sec. 27. In determining the years of service of any member of the Columbia Heights police relief association, no time exclusions shall be made for the period any member serves as a member of the armed forces of the United States subsequent to his entry into the service of the police department, providing such policeman left the service of the police department for the purpose of joining the armed forces, is honorably discharged from the armed forces of the United States, and resumes his duties with the police department of the city of Columbia Heights within 60 days after his discharge therefrom, or within such further period as may be granted to him by the board of directors of the association and the city of Columbia Heights within which to resume said duties.

Sec. 28. Subdivision 1. Any member of the Columbia Heights police relief association who has completed a period or periods of service as a policeman in the police department of the city of Columbia Heights, as defined in this act, equal to 20 years or

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more, but who has not reached the age of 50 years, shall have the 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 and approval therefor, pay his pension retroactive to his 50th birthday and monthly thereafter. Such deferred pensioner shall not, however, be entitled to collect a disability pension from the association for disability occurring after his separation from the police department of the city of Columbia Heights.

Subd. 2. Application for service pensions shall be made in writing to the secretary of the association, by, or on behalf of the retired member, and the board of directors shall prescribe the form of such applications, and the proofs required to be submitted in connection therewith. All applications and proofs shall be referred by the secretary to the board of directors, and shall be considered by said board at the next regular or special meeting thereof. The board of directors shall refer such applications to the board of examiners for investigation, which board, upon completing said investigation, shall make its recommendations to the board of directors as to the granting or denying of such application.

Subd. 3. The board of directors shall determine the question of granting or denying said application by a majority vote of the members of said board present and voting at the meeting at which said matter is presented for final determination.

Sec. 29. In the event any member of the Columbia Heights police relief association who terminated service before reaching the age of 50 years prior to January 1, 1970, and who served as a policeman in the police department of the city of Columbia Heights for more than 20 years and 11 months, applies on or subsequent to his 50th birthday for credit for 21 years' service as such policeman, the general membership of the association shall, at a meeting called for such purpose within 60 days of such application, determine by majority vote whether such deferred pensioner shall be paid a pension equal to 36/80ths of a top patrolman's salary retroactive to the date of such application and monthly thereafter. In the event such credit is allowed and in the event the salary of a top patrolman either increases or decreases during the period of such applicant's retirement, his service pension shall be equal to 36/80ths of such top patrolman's salary. The vote of the general membership of the association as provided in this section shall be binding upon the city of Columbia Heights.

Sec. 30. When a member of the association dies leaving:

(a) A widow who became his legally married wife, not including a common law wife, while or prior to the time the association member was on the payroll of the police department of the city of Columbia Heights as a policeman, as defined in this act, and remained continuously married until his death without either spouse having commenced an action for dissolution of the marriage, legal separation or separate maintenance within 24 months prior to the date of the first required payment of pension benefits, and who, in any case, is residing with him at the time of his death, shall be entitled to a pension as provided in this section. No temporary absence for the purposes of health, business or pleasure shall constitute a change of residence for purposes of this section. A widow whose husband had completed 20 years or less of service as a policeman in the police

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department of the city of Columbia Heights shall be, commencing July 1, 1971, entitled to a monthly pension equal to two-thirds of 35/80ths of a top patrolman's salary based on a top patrolman's salary as of the date of the member's death. In the event the salary of a top patrolman either increases or decreases during the period that such widow is entitled to receive such benefits, her pension shall be equal to two-thirds of 35/80ths of such top patrolman's salary.

Such widow whose husband had completed 21 years of service as a policeman in the police department of the city of Columbia Heights shall be, commencing July 1, 1971, entitled to a monthly pension equal to two-thirds of 36/80ths of a top patrolman's salary based on a top patrolman's salary as of the date of the member's death. In the event the salary of a top patrolman either increases or decreases during the period that such widow is entitled to receive such benefits, her pension shall be equal to two-thirds of 36/80ths of such top patrolman's salary.

Such widow whose husband had completed 22 years of service as a policeman in the police department of the city of Columbia Heights shall be, commencing July 1, 1971, entitled to a monthly pension equal to two-thirds of 37/80ths of a top patrolman's salary based on a top patrolman's salary as of the date of the member's death. In the event the salary of a top patrolman either increases or decreases during the period that such widow is entitled to receive such benefits, her pension shall be equal to two-thirds of 37/80ths of such top patrolman's salary.

Such widow whose husband had completed 23 years of service as a policeman in the police department of the city of Columbia Heights shall be, commencing July 1, 1971, entitled to a monthly pension equal to two-thirds of 38/80ths of a top patrolman's salary based on a top patrolman's salary as of the date of the member's death. In the event the salary of a top patrolman either increases or decreases during the period that such widow is entitled to receive such benefits, her pension shall be equal to two-thirds of 38/80ths of such top patrolman's salary.

Such widow whose husband had completed 24 years of service as a policeman in the police department of the city of Columbia Heights shall be, commencing July 1, 1971, entitled to a monthly pension equal to two-thirds of 39/80ths of a top patrolman's salary based on a top patrolman's salary as of the date of the member's death. In the event the salary of a top patrolman either increases or decreases during the period that such widow is entitled to receive such benefits, her pension shall be equal to two-thirds of 39/80ths of such top patrolman's salary.

Such widow whose husband had completed 25 years or more of service as a policeman in the police department of the city of Columbia Heights shall be, commencing July 1, 1971, entitled to a monthly pension equal to two-thirds of 40/80ths of a top patrolman's salary based on a top patrolman's salary as of the date of the member's death. In the event the salary of a top patrolman either increases or decreases during the period that such widow is entitled to receive such benefits, her pension shall be equal to two-thirds of 40/80ths of such top patrolman's salary.

(b) A child or children born as the issue of the lawful wedlock of such pensioner, or

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legally adopted by such pensioner shall be entitled to a pension or pensions as follows:

(1) To such child or children, there shall be paid a pension of not to exceed \$50 per month to each child until such child becomes 18 years of age. Providing, however, the total pension hereunder, commencing July 1, 1971, for the widow and children of a deceased member who had completed 20 years or less of service as a policeman in the police department of the city of Columbia Heights shall not exceed 35/80ths of a top patrolman's salary based on a top patrolman's salary as of the date of the member's death. In the event the salary of a top patrolman either increases or decreases during the period that such widow and child or children are entitled to receive such benefits, their pension shall be equal to 35/80ths of such top patrolman's salary.

The total pension hereunder, commencing July 1, 1971, for the widow and children of a deceased member who had completed 21 years of service as a policeman in the police department of the city of Columbia Heights shall not exceed 36/80ths of a top patrolman's salary based on a top patrolman's salary as of the date of the member's death. In the event the salary of a top patrolman either increases or decreases during the period that such widow and child or children are entitled to receive such benefits, their pension shall be equal to 36/80ths of such top patrolman's salary. The total pension hereunder, commencing July 1, 1971, for the widow and children of a deceased member who had completed 22 years of service as a policeman in the police department of the city of Columbia Heights shall not exceed 37/80ths of a top patrolman's salary based on a top patrolman's salary as of the date of the member's death. In the event the salary of a top patrolman either increases or decreases during the period that such widow and child or children are entitled to receive such benefits, their pension shall be equal to 37/80ths of such top patrolman's salary.

The total pension hereunder, commencing July 1, 1971, for the widow and children of a deceased member who had completed 23 years of service as a policeman in the police department of the city of Columbia Heights shall not exceed 38/80ths of a top patrolman's salary based on a top patrolman's salary as of the date of the member's death. In the event the salary of a top patrolman either increases or decreases during the period that such widow and child or children are entitled to receive such benefits, their pension shall be equal to 38/80ths of such top patrolman's salary.

The total pension hereunder, commencing July 1, 1971, for the widow and children of a deceased member who had completed 24 years of service as a policeman in the police department of the city of Columbia Heights shall not exceed 39/80ths of a top patrolman's salary based on a top patrolman's salary as of the date of the member's death. In the event the salary of a top patrolman either increases or decreases during the period that such widow and child or children are entitled to receive such benefits, their pension shall be equal to 39/80ths of such top patrolman's salary.

The total pension hereunder, commencing July 1, 1971, for the widow and children of a deceased member who had completed 25 years or more of service as a policeman in the police department of the city of Columbia Heights shall not exceed 40/80ths of a top patrolman's salary based on a top patrolman's salary as of the date of the member's death. In the event the salary of a top patrolman either increases or decreases during the

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period that such widow and child or children are entitled to receive such benefits, their pension shall be equal to 40/80ths of such top patrolman's salary.

In cases where such child or children are living with their mother or guardian and are being cared for and supported by such person, the pension to which such child or children are entitled hereunder may be paid to such mother or guardian if so ordered by the board of directors of the Columbia Heights police relief association. Provided, however, that in the event any such widow dies or remarries her pension benefits shall terminate forever, and in the event any such child or children becomes legally adopted, the pension benefits of such child or children shall terminate forever.

Sec. 31. Subdivision 1. All meetings of the general membership of the Columbia Heights police relief association and all meetings of its board of directors shall be held in the city of Columbia Heights. Unless notice is given to the contrary pursuant to the provisions of this act, said meetings shall be held in the Columbia Heights police station.

Subd. 2. The annual meeting of the association shall be held on the first Thursday in June of each year.

Subd. 3. Special meetings of the association may be called at any time by the board of directors, by the president thereof or upon the written request of at least three members of the association, addressed to the president, requesting the call of a special meeting. Such meeting shall be called by the president within seven days from the receipt of such request. It shall be the duty of the secretary to give all active and retired members of the association including ex officio members, if any, of the board of directors 48 hours written notice of the special meeting. Such notice shall include the agenda for the meeting and the time, date and place of the meeting. No business shall be transacted at any special meeting except business stated in the notice. Notices mailed by U.S. postal service to the last known address of each active and retired member of the association and mailed to the ex officio member, if any, of the board of directors addressed to him at the city of Columbia Heights city offices, shall be sufficient to satisfy the requirements of this section provided the notices are posted no later than the sixth day prior to the date of the meeting not including Sundays or Minnesota state holidays.

Subd. 4. Notice setting forth the time, place and purpose of all special meetings of the association shall be given by posting a notice of such meeting on the police bulletin board in the police station in the city of Columbia Heights at least three days prior to the date of such meeting. Failure to give notice as provided in this subdivision shall not invalidate any action otherwise properly taken at such special meeting.

Sec. 32. Neither the bylaws nor articles of incorporation of the Columbia Heights police relief association shall be changed in any respect unless said proposed change shall be presented in writing at a regular meeting of the association or at a special meeting of the association called for that purpose pursuant to written notice as set out in section 31. No formal action regarding such proposed change shall take place at either such regular or special meeting but shall lie over until the next regular meeting of the association or the next special meeting called for that purpose pursuant to written notice as set out in section 31. Commencing the effective date of this act, all bylaw or articles of

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incorporation amendments affecting benefits paid by the Columbia Heights police relief association, shall not be effective unless ratified by the Columbia Heights city council by three-fifths vote.

Sec. 33. At all meetings of the association, business properly coming before such meeting may be transacted by majority vote of all members appearing at the meeting in person or through proxy. The appointment of a proxy shall be in writing filed with the secretary of the relief association at or before the meeting. The authority of a proxy may be terminated at will. Unless otherwise provided in the appointment, the proxy's authority shall cease 11 months after the appointment. A termination of the proxy's authority by act of the maker shall be ineffective until written notice of the termination has been given to the secretary. Unless otherwise provided therein, the appointment filed with the secretary shall have the effect of revoking all appointments of prior date. A proxy's authority shall be revoked by the death of the maker. All members of the Columbia Heights police relief association, both active and retired, shall have the power to vote on all business properly coming before the association.

Sec. 34. Subdivision 1. Any member of the Columbia Heights police relief association who is 68 years of age or older shall not serve on nor be appointed to the Columbia Heights police relief association board of directors except as hereinafter set forth. The Columbia Heights city council shall, within 60 days from the date of the 68th birthday of any director of the Columbia Heights police relief association, either reappoint such person or appoint a different person to serve on the board of directors. Any person so appointed by the city council shall, unless he is a member of the Columbia Heights police relief association, be a resident of the city of Columbia Heights living in such city. Such person shall serve as a member of the board of directors for the remainder of the calendar year of such appointment and for the next succeeding calendar year. Each year thereafter all such appointees shall serve one year terms and the city council shall make such appointments or reappointments at the first regular January meeting of the council. There shall be five persons serving on the board of directors until all obligations of the Columbia Heights police relief association are paid. The board of directors shall terminate on the last day of the year in which the final obligation of the Columbia Heights police relief association is paid.

Subd. 2. The Columbia Heights police relief association may, upon the affirmative vote of a majority of the total number of members of the association voting by proxy or attending a meeting of the association called for such purpose, delegate to the Columbia Heights city council the power to fill any vacancy of the board of directors' position by appointment. In the event any such delegation to the city council is made, the city council shall continue to make yearly appointments to fill such position or positions until the board of directors is terminated.

Subd. 3. Nothing herein shall be construed to prohibit a member of the Columbia Heights police relief association from serving or resigning as a member of the board of directors of the association prior to the day of such member's 68th birthday. Provided, however, in the event of such resignation, if a qualified member of the Columbia Heights police relief association is not elected to be a member of the board of directors prior to the 68th birthday of such retired member of the board, the Columbia Heights city council

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shall appoint a person to be a director pursuant to subdivision 1 of this section. Further, nothing herein shall be construed to prohibit the city council from appointing to the board of directors a person who is 68 years of age or older, whether he be a resident of the city of Columbia Heights living in such city or a member of the Columbia Heights police relief association.

Sec. 35. The city of Columbia Heights is authorized to increase or decrease the pension benefits paid to members of the Columbia Heights police relief association only by increasing or decreasing the monthly salary of a top patrolman pursuant to the provisions of this act. Nothing in this act shall be construed to give authorization to the city of Columbia Heights to increase or decrease benefits of members of the Columbia Heights police relief association by increasing or decreasing the number or value of "units", as provided in section 24 of this act, for periods of service in the Columbia Heights police department, nor shall the city of Columbia Heights be authorized to change the definition of a "unit" or "units".

It shall be unlawful for the city of Columbia Heights to contribute any public funds or to levy taxes for such increase in benefits paid to members of the Columbia Heights police relief association unless the city of Columbia Heights has complied with the provisions of this section.

Sec. 36. For the purpose of computation of service requirements in connection with payment of any pensions or other benefits provided to members of the Columbia Heights police relief association, service of policemen who were members of the Columbia Heights police relief association prior to the effective date of this act shall be taken into account on the same basis as though this act was in existence during all the time such service was rendered.

Sec. 37. An emergency exists and this act shall be construed as a relief measure for the city of Columbia Heights and the Columbia Heights police relief association.

Sec. 38. Laws 1975, Chapter 424, Section 9, is amended to read:

Sec. 9. **COLUMBIA HEIGHTS, CITY OF; RETIREMENT BENEFITS FOR FIREFIGHTERS.** As used in sections 6, 7, and 8, a "unit" shall be one-eightieth of the monthly salary of a first grade ~~fireman~~ firefighter as established from time to time. In the event that there is no longer a paid first grade firefighter on the payroll of the city of Columbia Heights, then and in that event a "unit" shall be one-eightieth of the monthly salary of a first grade firefighter or a firefighter of an equivalent grade to a first grade firefighter, performing similar duties as performed by a first grade firefighter of the city of Columbia Heights, in a city located within the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington having approximately the same population as the city of Columbia Heights and having a paid firefighter's department. The board of trustees of the paid division, or the trustee as provided in section 58 of this act, and the city council of the city of Columbia Heights shall jointly determine which city shall qualify for purposes of determining the monthly salary upon which a "unit" is based. In the event no city maintains a paid firefighter's department, or if the determination of which city qualifies is unable to be agreed upon by the parties, then and in that event a

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unit shall be one-eightieth of the monthly salary of a top patrolman of the police department of the city of Columbia Heights, said monthly salary adjusted by an amount equal to the percentage difference in monthly salaries between a top patrolman's monthly salary and a first grade firefighter's monthly salary, as of the date that a paid firefighter was last enrolled on the payroll of the city of Columbia Heights. Provided that in all events the adjustment of the "unit" caused by a change in the salary of a first grade firefighter or his equivalent, as provided in this section, shall be made at the end of every calendar year. In computing retirement or disability benefits of a member pursuant to section 6 or 7, a member shall be entitled to service credit for service as a volunteer fireman firefighter on the basis of one year service credit for each three years service as a volunteer, with proportionate credit for lesser periods of service.

For purposes of this section the term "monthly salary of a first grade firefighter" shall mean the salary of a non-ranked firefighter on the payroll of the city of Columbia Heights paid for work performed during one "work week", as defined in Article III, 3.12 of the labor agreement between the city of Columbia Heights and the International Association of Firefighters Local No. 1216 in effect on the effective date of this act multiplied by a factor of 4.3. Such monthly salary shall exclude all overtime and call-out pay, hospitalization and insurance pay, education incentive and inspector allotment pay and payment for uniforms. A ranked firefighter includes: captain, chief and assistant chief of the Columbia Heights fire department.

Sec. 39. COLUMBIA HEIGHTS, CITY OF; FIREFIGHTERS SERVICE PENSIONS. The Columbia Heights fire department relief association is separated into two divisions. One division shall be for the benefit of paid firefighters, first employed by the city of Columbia Heights, on or prior to December 31, 1974. This division shall be known as the "Columbia Heights fire department relief association, paid division" hereinafter referred to as "paid division". "Paid firefighter" means a person regularly entered onto the payroll of the fire department of the city as a paid full time regular firefighter serving on active duty. The other division shall be known as the "Columbia Heights fire department relief association, volunteer division" hereinafter referred to as the "volunteer division", which division shall include all volunteer firefighters, hereinafter called "volunteers", of the city. Volunteers shall be persons who are not regularly entered on the full time payroll of the fire department of the city, but who regularly comply with such rules as may be prescribed by the public safety director or fire chief of the city upon delegation by the city council to such public safety director or fire chief of the right to prescribe rules for service by volunteers with the fire department of the city, and who by reason of their status as such volunteers are engaged in the hazards of fire fighting.

Sec. 40. Sections 38 to 60 shall not affect any pensions or other benefits which have been allowed or which are being paid by the Columbia Heights fire department relief association under or in accordance with any prior law in effect on the date these sections become effective. Payment of pensions and benefits shall be continued by the association, subject only to the provisions of sections 38 to 60. When every member of the volunteer division is deceased, the funds of such division shall become a trust fund managed for the benefit of the beneficiaries of such fund. In the event the city council shall abolish the volunteer branch of its fire department, any surplus remaining in the account of the special fund of the volunteer division after discharging all obligations to all members and

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other beneficiaries of the volunteer division shall be paid into the general treasury of the city of Columbia Heights. In the event the paid division is terminated by attrition or any other reason, any surplus remaining in the account of the special fund of the paid division after discharging all obligations shall be paid into the general treasury of the city. Upon the effective date of sections 38 to 60, the funds of the Columbia Heights fire department relief association may be allocated by three-fifths vote of the city council to the respective accounts of the special funds of each division of the relief association.

Sec. 41. The governing body of the Columbia Heights fire department relief association volunteer division shall consist of a board of trustees composed of the members of the Columbia Heights city council. The city manager, clerk-treasurer, chief of the fire department and the public safety director of the city shall be ex-officio members of the board of trustees. The ex-officio members shall not vote, nor shall they regulate the management or affairs of the division except as provided herein. The board of trustees of the volunteer division shall have the exclusive control and management of all affairs, property, and funds of the volunteer division from whatever source received for the benefit of the volunteer division special fund and shall have authority to carry out the objects and purposes of the volunteer division as set forth in sections 38 to 60.

The city clerk-treasurer and city finance director may, in the discretion of the board of trustees, be appointed the sole investment agent of the volunteer division special fund or may be appointed agent or agents jointly with other individuals or corporations.

The board of trustees of the volunteer division shall investigate and act upon all applications for disability and service pensions and all other claims for relief by or on behalf of members of the division or their beneficiaries. The board of trustees of the volunteer division shall select a competent physician who shall advise the board in its investigations. The physician shall not have a vote on the board.

Sec. 42. The mayor of the city of Columbia Heights shall be designated the president of the volunteer division's board of trustees and shall preside at all meetings of the board, provided, that in the mayor's absence the members of the city council who are present shall elect one council member as temporary presiding officer. The mayor shall have general supervision over the volunteer division and its affairs.

The city treasurer or finance director shall from time to time collect from the city of Columbia Heights and from the county of Anoka all funds derived from taxes levied by the city for the benefit of the special fund of the division and the interest from the investment thereof. He shall also collect from the state of Minnesota all funds and interest thereon derived from levies imposed and collected by the state for the benefit of the volunteer division on fire insurance premiums collected within the corporate limits of the city. He shall further receive and collect all funds derived from private sources specifically for the benefit of the volunteer division special fund. Such funds shall be transmitted to the division's board of trustees for investment.

Sec. 43. The volunteer division may adopt bylaws not in conflict with this act. The board of examiners shall be the representative of the volunteer division membership at any meeting with the volunteer division board of trustees. Members of the board of

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examiners shall act as advisors to the board of trustees but shall not have a vote in any matters coming before the board.

Sec. 44. Special meetings between the board of examiners and the board of trustees of the volunteer division shall be held in the Columbia Heights city council chambers and may be called at any time by the board of examiners upon the written request of any member of the board of examiners, upon written request of at least 30 percent of the members of such division or upon written request of the president of the board of trustees. A request shall be delivered to the Columbia Heights city manager and shall include the agenda for the meeting and the time and date of the meeting. It shall be the duty of the city manager to give all active and retired members of the volunteer division, members of the board of trustees and ex-officio members of the board of trustees 48 hours written notice of the special meeting. The notice shall include the agenda for the meeting and the time and date of the meeting. No business shall be transacted at any special meeting except business stated in the notice. Notices mailed by U. S. mail to the last known address of each active and retired volunteer division member and to each member of the volunteer division board of trustees including ex-officio members shall be sufficient to satisfy the requirements of this section provided the notices are posted no later than the fifth day prior to the meeting, not including Sundays or holidays.

A special meeting between the board of trustees and the board of examiners of the volunteer division shall be called no later than 15 days subsequent to the date the city manager receives written request for such meeting including the agenda for the meeting and the time and date of the meeting.

A special meeting of the volunteer division membership shall be called no later than 15 days subsequent to the date the city manager receives a written request for such meeting, including the agenda for such meeting and setting the time, date and place for such meeting, signed by at least 20 percent of the membership of such division. Meetings of the volunteer division membership shall be held at the place designated in the written request for the meeting but in any case shall be held either at the Columbia Heights fire department or at the city council chambers.

Sec. 45. The account in the special fund for the benefit of members of the Columbia Heights fire department relief association who are volunteers shall be continued and shall be designated the Columbia Heights fire department relief association volunteer division special fund and the special fund for the benefit of the members of the Columbia Heights fire department relief association who are paid firemen shall continue and shall be designated the Columbia Heights fire department relief association paid division special fund. The funds received by either division of the Columbia Heights fire department relief association from dues, fines, initiation fees, and entertainments shall be kept in a fund called the general fund and may be disbursed upon a majority vote of all members of the association for any purposes authorized by the articles of incorporation and bylaws of both divisions of the association. All moneys received by the association which are derived from payroll deductions from paid division members' salaries shall be paid into the account of the paid division special fund for the benefit of the paid firemen only. Funds received from all other sources may be allocated between the paid division special fund and the volunteer division special fund in such proportions as shall be

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designated from time to time by three-fifths vote of the Columbia Heights city council. State aid funds for fire relief associations received by the city pursuant to Minnesota Statutes, Chapter 69, and taxes collected may be transferred to the Columbia Heights fire department relief association in accordance with the provisions of chapter 69 or retained in whole or in part by the city as a portion of the required employer's pension contribution for firefighters who are members of the public employees' police and fire fund.

Sec. 46. The volunteer division, the city of Columbia Heights, and the officers of each, are authorized to do all things required by sections 38 to 60 and the Volunteer Firemen's Relief Association Guidelines Act of 1971, as a condition for the use of public funds or the levy of taxes for the support of the volunteer division.

Sec. 47. The minimum obligation of the city of Columbia Heights to the Columbia Heights fire department relief association shall be determined by the applicable provisions of Minnesota Statutes, Chapter 69, except that the normal cost of the paid division special fund shall be computed as a percentage of the salary paid only to members of the paid division.

Sec. 48. Commencing in the year 1980, in addition to the minimum obligation required by Minnesota Statutes, Chapter 69, the city of Columbia Heights shall provide additional financing to the Columbia Heights fire department relief association sufficient to amortize by the year 2010 the fund deficits as determined in accordance with the applicable provisions of Minnesota Statutes, Chapter 69. For the purpose of providing the financial requirements of sections 38 to 60, the city may levy taxes for the payment thereof without limitation as to rate or amount, notwithstanding any city charter limitation or any law to the contrary. The levy of such taxes shall not cause the amount of other tax levies of the city to be reduced in any amount. The city shall provide in its annual budget for the financial requirements of sections 38 to 60.

Sec. 49. Except as provided by sections 38 to 40 by specific enactment of the legislature or by charter amendment to the charter of the city of Columbia Heights, no relief association shall be established in the city to provide benefits for firefighters. No person who is a member of the Columbia Heights fire department relief association paid division shall be a member of the public employees retirement association. Provided, however, a volunteer firefighter who is a full time employee of some other department or agency of the city of Columbia Heights, the state of Minnesota, or of some other political subdivision of the state, may be a member of the public employees retirement association.

Sec. 50. Subdivision 1. Notwithstanding any provision of the law to the contrary, the bylaws of the Columbia Heights fire department relief association volunteer division may provide that the service pension payable to a retired volunteer firefighter, age 50 years or more with 20 years of service, shall be in the amount of not more than \$150 per month, hereinafter referred to as the "base service pension", plus an additional \$3 per month for each year of service in excess of 20 years to a maximum of \$180 per month. The base service pension as of the effective date of sections 38 to 60 shall be in the amount of \$150 per month.

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Subd. 2. Notwithstanding any provision of law to the contrary, the bylaws of the Columbia Heights fire department relief association volunteer division may provide, upon consent, approval and ratification by written resolution of the Columbia Heights city council by a four-fifths vote for (1) early retirement benefits after ten years service in good standing, (2) surviving spouse and/or minor child or children benefits and/or (3) disability benefits for volunteers provided that any such benefits do not exceed 50 percent of \$180 per month per member or per such member's spouse and children.

Subd. 3. Notwithstanding any provision of the law to the contrary, the bylaws of the Columbia Heights fire department relief association volunteer division may provide that the estate of each volunteer shall be given a payment of \$1,000 for funeral benefits upon the death of the volunteer regardless of date or cause of death. No payment shall be made pursuant to this subdivision unless the volunteer is a member in good standing of the volunteer division or has retired as a member in good standing of the division.

Subd. 4. The city of Columbia Heights shall not reduce benefits provided in this act to volunteers unless a majority of the active and retired volunteers who are eligible to receive such benefits request such reduction in writing to the Columbia Heights city council.

Sec. 51. The Columbia Heights city council may provide for an increase in benefits paid to members of the paid division or to members of the volunteer division without further special or general legislation by the state, provided the action by the city council complies with the provisions of sections 38 to 60. The city council may increase or decrease the benefits paid to members of the paid division only by increasing or decreasing the monthly salary of a first grade firefighter pursuant to the provisions of Laws 1975, Chapter 424, Section 9. Nothing in sections 38 to 60 shall be construed to give authorization to the city council to increase or decrease benefits of members of the paid division by increasing or decreasing the number or value of "units" as defined in Laws 1975, Chapter 424, for periods of service in the fire department, nor shall the city council be authorized to change the definition of a "unit" or "units".

The city council shall not provide for any increase in the benefits paid to the members of the volunteer division unless the city council shall first have obtained and given consideration to an actuarial survey, which survey shall use the actuarial assumptions provided in Minnesota Statutes, Chapter 69. The city council shall make written findings stating that based upon such actuarial survey, such increase in benefits to members of the volunteer division and such increase in funding of the volunteer division special fund, if necessary, shall not create a deficit in the volunteer division special fund, the amortization of which, together with the amortization of any existing deficit in the volunteer division special fund, exceeds 20 years from the date such increase in benefits is authorized.

It shall be unlawful for the city of Columbia Heights to contribute any public funds, or to levy taxes for any such increase in benefits paid to members of the paid division or to members of the volunteer division, as the case may be, unless the city council has first complied with the provisions of sections 50 and 51.

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Sec. 52. Minnesota Statutes, Section 69.021 shall specifically apply to the city of Columbia Heights and to the Columbia Heights fire department relief association.

Sec. 53. The Columbia Heights city clerk, when the state aid and tax collected is received by him, shall within five days transmit the payments to the city treasurer or city finance director who shall within 25 days of receipt by him pay over such amount to the board of trustees of each division of the Columbia Heights fire department relief association as such amount of state aid and tax is apportioned to each such division from time to time by three-fifths vote of the Columbia Heights city council.

Sec. 54. For the purpose of computation of service requirements in connection with payment of any pensions or other benefits provided by sections 38 to 60, service of volunteers who were members of the Columbia Heights fire department relief association prior to the date sections 38 to 60 become effective and service of all paid firefighters shall be taken into account on the same basis as though sections 38 to 60 were in existence during all the time such service was rendered.

Sec. 55. Sections 38 to 60 shall become effective upon approval by the Columbia Heights city council and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Sec. 56. Notwithstanding any other law to the contrary, the governing body of the paid division shall be composed of a board of trustees. The board of trustees shall consist of six active paid firefighters, except as otherwise provided herein. The officers of the board of trustees shall be a president, one or more vice presidents, a secretary, a treasurer, assistant secretary, and assistant treasurer. Each officer shall be elected by the members of the paid division including retired, disabled whether permanently or temporarily, and active members. Nothing contained herein shall prevent a temporarily disabled active member from being elected or continuing as an officer of the board of trustees. In the event there are not six active members, or temporarily disabled active members, to fill the required six offices, the number of required offices shall be reduced to the number of active or temporarily disabled active members available.

Provided in no event shall said board of trustees consist of less than two officers, and said officers shall be a president and a secretary-treasurer.

In the event there are not enough active or temporarily disabled active members to act as a board of trustees, the paid division shall be governed as provided in section 58.

Sec. 57. The affairs of the paid division shall be managed by the board of trustees in the manner prescribed by law and the board of trustees of the paid division shall have exclusive control and management of all funds allocated to it under applicable law and received by its treasurer, including the funds derived under the provisions of Minnesota Statutes, Sections 424.30 and 424.31, funds derived from the state of Minnesota, and all moneys or property donated, given, granted, or devised for the benefit of the paid division special fund; and such funds when received shall be kept in a separate account in the special fund account of the paid division and never disbursed for any purposes except the following:

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(1) For the relief of sick, injured, and disabled members of the paid division;

(2) For the payment of pensions to disabled firefighters and the surviving spouses and orphans of firefighters who are members of the paid division;

(3) For the payment of pensions to retired firefighters of the paid division;

(4) For the payment of the fees, dues, and assessments in the Minnesota state fire department association, so as to entitle the members of the paid division to membership in and benefits of such state association;

(5) For the payment of funeral benefits, if so provided in the division's bylaws, and subject to the following requirements and limitations:

(a) The decedent must have died while serving as an active duty member of the paid division,

(b) The decedent must have completed a period or periods of service equal to 20 years or more,

(c) The decedent must have died without a surviving spouse or minor child entitled to benefits from the Columbia Heights fire department relief association;

In no event shall the funeral benefit exceed the lesser of:

(i) The actual unreimbursed expenses incurred by the estate or representative, or

(ii) \$2,000;

(6) For the payment of necessary expenses of administering such fund.

In the event that there are not enough paid members available to act as a board of trustees, funds shall be paid to a trustee, as provided in section 58, for the benefit of the beneficiaries of such funds and for purposes consistent with clauses (1) through (6).

The relief association may invest its funds in such income paying properties and securities as the city council shall from time to time authorize. Benefits shall in all cases be within the limits authorized by state law and in accordance with the articles of incorporation and bylaws of the association.

Sec. 58. In the event the paid division board of trustees ceases to exist as provided in section 56, the existing funds of the division, and all funds the division would have been entitled to, had it continued to exist, shall be paid to a federally insured banking institution chartered by the state of Minnesota or by the United States as trustee for the beneficiaries and shall be managed for the benefit of the beneficiaries of such funds as provided in Laws 1965, Chapter 605, Sections 20, 21, 22, 23, 24, 25 and 26, as amended by Laws 1975, Chapter 424, Sections 6, 7, 8 and 9, and sections 38 to 60. When the trustee determines that there are no longer any persons entitled to benefits, the trustee shall pay

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all remaining funds to the general fund of the city of Columbia Heights, and the trust shall terminate.

Notwithstanding the provisions of any other law to the contrary, the trustee of the paid division shall have all the powers and duties that the board of trustees of the paid division would have had if said board would have continued to manage and administer the affairs of the paid division.

Sec. 59. The board of trustees of the paid division of the Columbia Heights fire department relief association, or the trustee acting in its place as provided in section 58, shall have full and permanent charge of and the responsibility for the proper management and control of its special fund.

Sec. 60. REPEALER. Laws 1965, Chapter 605, Section 6; and Laws 1975, Chapter 424, Section 3, are repealed.

Sec. 61. This act shall become effective upon approval of the Columbia Heights city council and upon compliance with Minnesota Statutes, Section 645.021.

Approved June 2, 1977.

CHAPTER 375—H.F.No.415

An act relating to privacy of data on individuals; definitions; emergency classifications by commissioner; rights of individuals; amending Minnesota Statutes 1976, Sections 15.162, Subdivisions 2a, 3, 4, 5, and 6; 15.1642; and 15.165.

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

Section 1. Minnesota Statutes 1976, Section 15.162, Subdivision 2a, is amended to read:

Subd. 2a. **PRIVACY OF DATA.** "Confidential data on individuals" means data which is: (a) made not public by statute or federal law applicable to the data and is inaccessible to the individual subject of that data; or (b) collected by a civil or criminal investigative agency as part of an active investigation undertaken for the purpose of the commencement of a legal action, provided that the burden of proof as to whether such investigation is active or in anticipation of a legal action is upon the agency. Confidential data on individuals does not include arrest information that is reasonably contemporaneous with an arrest or incarceration. The provision of clause (b) shall terminate and cease to have force and effect with regard to the state agencies, political subdivisions, statewide systems, covered by the ruling, upon the granting or refusal to grant an emergency classification pursuant to section 15.1642 of both criminal and civil investigative data, or on ~~June 30, 1977~~ July 31, 1978, whichever occurs first.

Sec. 2. Minnesota Statutes 1976, Section 15.162, Subdivision 3, is amended to read:

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