

Sec. 3. This act is effective the day after final enactment.

Approved March 28, 1978.

CHAPTER 683-H.F.No.2278

[Not Coded]

An act relating to the city of Brooklyn Center; firefighter's relief association; amending Laws 1967, Chapter 815, Sections 1; 2; 3; 4; 5; 7; and 8, Subdivision 1.

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

Section 1. Laws 1967, Chapter 815, Section 1, is amended to read:

Section 1. **BROOKLYN CENTER, CITY OF; FIREFIGHTER'S RELIEF ASSOCIATION.** Notwithstanding the provisions to the contrary of Minnesota Statutes, Section 424.17, the bylaws of the ~~firemen's~~ firefighter's relief association of the city of Brooklyn Center may provide for payment of the service pensions authorized by this subdivision. The bylaws of the association may provide for payment of a service pension to volunteer ~~firemen~~ firefighters who are members of the association, which service pension shall be paid in a lump sum in an amount not exceeding ~~\$300 for each year of service or a total of \$7,500,~~ 35 percent of the annual base service pension provided by the bylaws of the association for each year of service to a retiring member or widow surviving spouse or minor children of a deceased member who qualifies for a service pension by reason of having reached the age of 50 years, and who has done active duty for 20 years or more as a volunteer ~~fireman~~ firefighter of the fire department in Brooklyn Center. The bylaws of such association may provide for payment of a service pension, which service pension shall be paid in a lump sum, in an amount not exceeding ~~\$300~~ 35 percent of the annual base service pension provided by the bylaws of the association for each year of service, to the widow surviving spouse or minor children of a deceased member who dies before reaching the age of 50 years, or before rendering 20 years active duty as a volunteer ~~fireman~~ firefighter. Except as provided in section 424.17 or in this act, no other pension or benefit shall be payable to members of the association who are volunteer ~~firemen~~ firefighters, provided that, if the services of all volunteer ~~firemen~~ firefighters are discontinued and the volunteer division of the fire department abolished by the municipality, the volunteer ~~firemen~~ firefighters who are members of the association at the time of such discontinuance and abolishment may be paid a service pension, in a lump sum, in an amount not to exceed ~~\$300 for each year of service~~ 35 percent of the annual base service pension provided by the bylaws of the association for each year of service rendered prior to such discontinuance and abolishment ~~or a total of \$7,500.~~

The selection by any person of a lump sum service pension pursuant to the provisions of section 424.17, or of this act, in lieu of a monthly service pension, if any, offered by the association pursuant to any other provision of this act, shall be at the option of the recipient, and payment and acceptance of a lump sum pension shall constitute a waiver of any additional or future benefits which he might otherwise claim

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from the association.

Sec. 2. Laws 1967, Chapter 815, Section 2, is amended to read:

Sec. 2. Subdivision 1. In lieu of the lump sum service pension established by Minnesota Statutes, Section 424.17, or that which is authorized by section 1, the bylaws of the ~~firemen's~~ firefighter's relief association of the city of Brooklyn Center may provide for payment to a volunteer ~~fireman~~ firefighter who qualifies under the terms of Minnesota Statutes, Section 424.17, of a base service pension of not more than ~~\$120~~ \$150 per month, nor less than ~~\$80~~ \$120 per month, said pension to be payable for ~~his~~ the firefighter's natural life in conformity with the bylaws of the association. In addition to the aforementioned base service pension, the bylaws of the association may provide an added pension to volunteer ~~firemen~~ firefighters for service in excess of 20 years, but in no event shall such added pension exceed 25 percent of the base service pension paid such ~~firemen~~ firefighter.

Subd. 2. In lieu of the lump sum service pension established by Minnesota Statutes, Section 424.17, or that which is authorized by section 1, the ~~firemen's~~ firefighter's relief association of the city of Brooklyn Center may provide in its bylaws for payment of a pension to the widow surviving spouse of a volunteer ~~fireman~~ firefighter of not more than ~~\$120~~ \$150 per month, nor less than ~~\$80~~ \$120 per month, such pension to be paid as the bylaws of the association provide, for ~~her~~ the spouse's natural life; provided that if ~~she~~ remarry the spouse remarries such pension shall cease and terminate as of the date of ~~her~~ the spouse's remarriage. For the purposes of this subdivision the term "~~widow~~" "spouse" shall mean a spouse person who became the legally married wife of to the member volunteer ~~fireman~~ firefighter, while or prior to the time ~~he~~ the firefighter served on active duty with the fire department, and remained such continuously after the marriage until ~~his~~ the firefighter's death without having applied for any divorce or legal separation, and who, in case the deceased member was a service or deferred pensioner, was legally married to such member at least three years before ~~his~~ such member's retirement from the fire department; and who, in any case, was residing with ~~him~~ the firefighter, service or deferred pensioner at the time of ~~his~~ death; no temporary absence for purposes of business, health, or pleasure shall constitute a change of residence for the purposes of this section.

Subd. 3. In lieu of the lump sum service pension established by Minnesota Statutes, Section 424.17, or that which is authorized by section 1, the ~~firemen's~~ firefighter's relief association of the city of Brooklyn Center may provide in its bylaws for payment of a pension to surviving children of a deceased volunteer ~~fireman~~ firefighter if their ~~mother~~ other parent is living in the amount of not more than ~~\$25~~ 25 percent of the monthly base service pension per month for each child up to the time each child reaches the age of not less than 16 years or more than 18 years as the bylaws of the association provide; provided that the total pension under subdivision 2 and this subdivision for the ~~widow~~ surviving parent and children of a deceased volunteer ~~fireman~~ firefighter shall not exceed ~~\$200~~ 200 percent of the monthly base pension per month. For the purposes of this subdivision and subdivision 4, the term "surviving children" shall mean a child or children who were living while the deceased served on active duty with the fire department, or who were born within nine months after the decedent was withdrawn from

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active duty in the department.

Subd. 4. In lieu of the lump sum service pension established by Minnesota Statutes, Section 424.17, or that which is authorized by section 1, the ~~firemen's~~ firefighter's relief association of the city of Brooklyn Center may provide in its bylaws for payment of a pension for surviving children of a deceased volunteer ~~fireman~~ firefighter after the death of their ~~mother~~ surviving parent in such an amount as the board of trustees of the association shall deem necessary properly to support such children until they reach the age of not less than 16 years, and the bylaws of the association may provide for the extension of such pension until such child or children reach the age of 18 years; provided that in no event shall the pension paid to the surviving children of a deceased volunteer ~~fireman~~ firefighter pursuant to this subdivision exceed a total of \$200 200 percent of the monthly base pension per month in aggregate.

Sec. 3. Laws 1967, Chapter 815, Section 3, is amended to read:

Sec. 3. The bylaws of the ~~firemen's~~ firefighter's relief association of the city of Brooklyn Center may provide, upon the death of any member of the association or any pensioner who is a former member, whether or not a volunteer, that there may be paid a death or funeral benefit ~~not to exceed \$500 of~~ not more than \$2,000 nor less than \$1,000 to defray or assist the family of the deceased in defraying the funeral expenses of the deceased.

Sec. 4. Laws 1967, Chapter 815, Section 4, is amended to read:

Sec. 4. In lieu of any pension established pursuant to the provisions of Minnesota Statutes, Section 424.17, or of section 1, a volunteer ~~fireman~~ firefighter who has performed service in the department for more than ten years, but less than 20 years, when ~~his~~ the firefighter's position is eliminated or ~~he~~ the firefighter becomes physically or mentally disabled so as to be incapable of performing service in the department as determined by the board of examiners, or when ~~he~~ the firefighter resigns in good standing from the department, may be paid a monthly service pension commencing when ~~he~~ the firefighter reaches the age of 50 years, the amount of said service pension to bear the same proportion to the amount of the pension ~~he~~ the firefighter would have received if ~~he~~ the firefighter had served 20 years as ~~his~~ the firefighter's years of service bear to 20 years of service, or, alternatively, may be paid a lump sum service benefit after ~~he~~ the firefighter has reached the age of 50 years, provided that in no event shall such lump sum payment exceed an amount of \$300 per year of service 35 percent of the annual base service pension provided by the bylaws of the association per year of service.

Sec. 5. Laws 1967, Chapter 815, Section 5, is amended to read:

Sec. 5. Any pension or other benefit paid pursuant to the provisions of section 2 ~~or~~ 3 to or in respect of a member who has served as a volunteer ~~fireman~~ firefighter for more than ten years, but less than 20 years, when ~~his~~ the firefighter's position is eliminated or ~~he~~ the firefighter becomes physically or mentally disabled so as to be incapable of performing service in the department as determined by the board of examiners, or when ~~he~~ the firefighter resigns in good standing from the department, the amount of such

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benefit or pension shall bear the same proportion to the pension or other benefit ~~he~~ the firefighter would have received if ~~he~~ the firefighter had served 20 years as ~~his~~ the firefighter's years of service bear to 20 years of service.

Sec. 6. Laws 1967, Chapter 815, Section 7, is amended to read:

Sec. 7. If the city shall convert the volunteer fire department to a full time, paid fire department and if any volunteer should become a full time ~~fireman~~ firefighter, ~~his volunteer~~ the volunteer's time shall apply toward ~~his~~ the volunteer's retirement under the terms of the full time retirement program of the city provided, however, that benefits shall be determined on a prorata basis so that volunteer benefits are paid for the time worked as a volunteer and benefits under the full time retirement program of the city shall be paid for the time spent as a paid ~~fireman~~ firefighter.

Sec. 7. Laws 1967, Chapter 815, Section 8, Subdivision 1, is amended to read:

Sec. 8. Subdivision 1. The treasurer of the city of Brooklyn Center and the ~~secretary~~ treasurer of the ~~firemen's~~ firefighter's relief association of the city of Brooklyn Center, maintaining and administering the ~~firemen's~~ firefighter's pension fund, shall during the month of June of each year, prepare and certify an estimate of the necessary appropriation which will be sufficient to meet the current normal cost determined by the entry age normal cost method based upon a ~~three~~ five percent interest assumption, plus an additional amount sufficient to retire the present accumulated deficit within 20 years of the passage of this act. During the first year after the passage of this act, and at least once every four years thereafter, the ~~firemen's~~ firefighter's relief association shall obtain an actuarial survey and report to assist in the preparation of annual estimates required by this section, which survey and report shall be prepared in accordance with the provisions of Chapter 751, Laws of 1965, as amended.

The records of account shall be maintained under the direction of the treasurer of the city of Brooklyn Center and the ~~secretary~~ treasurer of the ~~firemen's~~ firefighter's relief association. The system of accounting employed shall be in accordance with generally accepted accounting principles, and shall employ applicable actuarial assumptions in a manner which will provide an actuarial measurement of the liabilities for accumulated pension reserves needed for in-service members, the liabilities for rights which have become vested, and the overall financial solvency of the fund. Within 90 days following the end of each fiscal year the treasurer of the city of Brooklyn Center shall submit a report to the city council which shall reflect the financial condition of the relief association fund.

Sec. 8. This act is effective upon approval by the governing body of the city of Brooklyn Center and upon compliance with Minnesota Statutes, Section 645.021.

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