

political subdivision or other public agency shall grant or approve any financial assistance to any operator for the purchase or operation of any vehicle used for transportation service or grant any permit or license otherwise required by law for operation of that service unless the operator of the transportation service complies with the provisions of sections 1 to 4.

Sec. 6. **[299A.16] EVIDENCE.** Proof of the installation or failure to install wheelchair securement devices, or proof of faulty installation of wheelchair securement devices, or proof of the maintenance or failure to properly maintain wheelchair securement devices, or proof of the use or failure to use wheelchair securement devices is *admissible in evidence in any litigation involving personal injuries or property damage arising out of the use or operation of a vehicle providing transportation service.* For the purposes of this section "wheelchair securement device" means such a device approved by the commissioner of public safety.

Sec. 7. **[299A.17] PENALTY.** For each failure to comply with any requirement of sections 2, 3 or 4 an operator is guilty of a misdemeanor.

Sec. 8. **[299A.18] RULES; APPROVAL OF DEVICES.** The commissioner of public safety shall, no later than July 1, 1979, adopt rules containing standards for wheelchair securement devices that meet the requirements of section 2, subdivision 1, and section 3, subdivision 1, and shall approve or disapprove of securement devices that meet those standards.

Sec. 9. **[123.80] [Subd. 3.] SCHOOL BUSES; AMENDMENT OF RULES.** Upon adoption of rules by the commissioner of public safety pursuant to section 8, the state board of education shall amend its rules relating to the transportation of handicapped students to ensure that the amended rules carry out the intent of this act.

Sec. 10. **EFFECTIVE DATE.** This act is effective the day following final enactment.

Approved April 5, 1978.

CHAPTER 753-H.F.No.1760

[Not Coded]

An act relating to the city of Crystal; benefits payable by the firefighter's relief association; amending Laws 1969, Chapter 1088, Sections 1, 2, 4, 5, 6, 7, 8 and 10.

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

Section 1. Laws 1969, Chapter 1088, Section 1, is amended to read:

Section 1. **CRYSTAL, CITY OF; FIREFIGHTER'S RELIEF ASSOCIATION.** Notwithstanding the contrary provisions of Minnesota Statutes, Chapter 424, and other

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laws regarding ~~firemen's~~ firefighter's relief associations organized and operating under the laws of the state of Minnesota, the ~~firemen's~~ firefighter's relief association of the city of Crystal, ~~Minnesota, hereafter referred to as the association,~~ shall provide the additional benefits set forth in this act to its members.

Sec. 2. Laws 1969, Chapter 1088, Section 2, is amended to read:

Sec. 2. Subdivision 1. The association shall provide for the payment to a member who has heretofore retired or shall hereafter retire having reached the age of 50 years or more and having served 20 years or more as a volunteer ~~fireman~~ firefighter and who qualifies with such additional conditions as to age, service, and membership as may be required by the bylaws of the association of a service pension of ~~\$5.50 not to exceed \$10.50~~ \$10.50 per month for each year of service up to a maximum of ~~\$165~~ \$315 per month for 30 years of service. The service pension shall be payable to the member upon retirement for the remainder of his natural life of the member in conformity to the bylaws of the association.

Subd. 1a. The association shall provide that a member who has qualified for a service pension pursuant to subdivision 1 may elect to receive a lump sum service benefit in an amount not to exceed \$600 per year of service in lieu of the service pension provided by subdivision 1.

Subd. 2. The association shall provide for the payment of a pension to ~~his widow a member's surviving spouse~~ upon the death of a member who served 20 years or more as a volunteer ~~fireman~~ firefighter and was or would have been entitled to receive a service pension upon reaching the age of 50 years or upon retirement of a ~~widow's surviving spouse's~~ widow's surviving spouse's pension of not more than ~~\$2.75~~ \$5.25 per month for each year of the deceased member's service up to a maximum of ~~\$82.50~~ \$157.50 per month for 30 years service. The pension shall be paid as the bylaws of the association provide for ~~her~~ the natural life of ~~the surviving spouse~~; provided that if ~~she~~ he ~~remarry the surviving spouse remarries such~~ the pension shall cease and terminate as of the date of ~~her~~ the remarriage ~~of the surviving spouse~~. For the purposes of this subdivision, the term "~~widow surviving spouse~~" shall mean a spouse who became the legally married ~~wife~~ spouse of the member while or prior to the time he served on active duty with the fire department and remained ~~such the spouse of the member~~ continuously after the marriage until ~~his~~ the member's death and who, in case the deceased member was a service or deferred pensioner, was legally married to ~~such the~~ member at least three years before ~~his~~ the member's retirement from the fire department.

Subd. 3. The association shall provide for payment of a ~~children's surviving child's~~ pension to ~~his~~ the surviving ~~children~~ child of ~~a member~~ upon the death of a member who served 20 years or more as a volunteer ~~fireman~~ firefighter and was or would have been entitled to receive a service pension upon reaching the age of 50 years or upon retirement if ~~their mother~~ the surviving parent is living and is entitled to receive a ~~widow's surviving spouse's~~ widow's surviving spouse's pension as provided herein of not more the ~~\$25~~ \$47.72 per month for each child up to the time each child reaches the age of 18 years as the bylaws of the association provide; provided that aggregate monthly ~~widow's surviving spouse's~~ pension under subdivision 2 and children's pension under this subdivision shall not exceed ~~\$255~~ \$486.82 per month. For the purposes of this subdivision and subdivision 4, the term "surviving

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~~children child~~ " shall mean a child ~~or children~~ of the deceased member who were born while the member served on active duty with the fire department or within nine months following ~~his the member's~~ termination or resignation from active duty or within nine months of ~~his the member's~~ death, if ~~he the member~~ had neither resigned nor had been terminated. ~~Surviving children~~ The term shall ~~also include children a child~~ adopted by the deceased member while serving on active duty, but shall not include ~~children a child~~ who ~~predecease predeceases~~ the volunteer ~~fireman firefighter~~.

Subd. 4. The association shall provide in its bylaws for payment of a ~~children's~~ surviving child's pension to ~~his the surviving children child of a deceased member upon~~ the death of a member who served 20 years or more as a volunteer ~~fireman firefighter~~ and was or would have been entitled to receive a service pension upon reaching the age of 50 years or upon retirement who ~~survive their mother survives the surviving parent~~ of ~~\$25 \$47.72~~ per month for each child under the age of 18; 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 aggregate sum of ~~\$200 \$400~~ per month.

Sec. 3. Laws 1969, Chapter 1088, Section 4, is amended to read:

Sec. 4. Subdivision 1. The association shall provide for the payment of a service award of ~~\$5.50 not to exceed \$10.50~~ per month for each year of service to a member who has served as a volunteer ~~fireman firefighter~~ for more than ten but less than 20 years and whose position as a volunteer ~~fireman firefighter~~ has been eliminated or who has become physically or mentally disabled so as to be totally and permanently incapable of performing service in the department as determined by a board of examiners. The service award payable upon the elimination of a volunteer position shall be paid upon the ~~member's reaching date that the member reaches~~ the age of 50 years. In the case of physical or mental disability incurred in the line of duty, the above service award shall be paid commencing 100 days after the date of disability. A service award pursuant to this subdivision shall be payable for life.

Subd. 2. The association shall provide for the payment of a pension to the ~~widow~~ surviving spouse of a deceased member who performed services in the department for more than ten years, but less than 20 years, and whose position as a volunteer ~~fireman firefighter~~ was eliminated or who became physically or mentally disabled so as to be totally and permanently incapable of performing service in the department. The ~~widow's~~ surviving spouse's pension shall be payable upon the death of the deceased member in the amount of ~~\$2.75 \$5.25~~ per month for each year of the deceased member's service.

Subd. 3. The association may provide for the payment of a ~~children's~~ surviving child's pension to ~~the a surviving children child~~ of a deceased member who performed services in the department for more than ten years, but less than 20 years, and whose position as a volunteer ~~fireman firefighter~~ was eliminated or who became physically or mentally disabled so as to be totally and permanently incapable of performing service in the department and whose ~~mother surviving parent~~ is living and entitled to receive a pension. The pension may be payable upon the death of a member in an amount of ~~\$1.25 \$2.50~~ per month for each year of the deceased member's service, provided that the total aggregate payments to the surviving children of a deceased member under this section

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shall not exceed ~~\$40~~ \$20 per month per year of the deceased member's service.

Subd. 4. The association may provide for the payment of a pension to the a surviving ~~children~~ child of a deceased member who performed services in the department for more than ten years but less than 20 years and whose position as a volunteer ~~fireman~~ firefighter was eliminated or who became physically or mentally disabled so as to be totally and permanently incapable of performing service in the department, who also survive their mother. The ~~said~~ pension shall be payable upon the death of the member if ~~he the member~~ is not survived by a ~~widow~~ surviving spouse entitled to receive a pension or upon the death of a ~~widow~~ surviving spouse entitled to receive a pension or upon the occurrence of any event which terminates the ~~widow's~~ surviving spouse's right to receive a pension under section 2, subdivision 2, of this act. The ~~children's~~ surviving child's pension shall be in the amount of ~~\$1.25~~ \$2.50 per month for each year of the deceased member's service, provided that the total aggregate payments to the surviving children of a deceased member under this section shall not exceed ~~\$200~~ \$400 per month.

Sec. 4. Laws 1969, Chapter 1088, Section 5, is amended to read:

Sec. 5. The association shall provide that a volunteer ~~fireman~~ firefighter who has performed service in the department for more than ten years and resigns shall be paid a lump sum service benefit after ~~he the member~~ has reached the age of 50 years, provided that in no event shall the lump sum service benefit exceed the amount of ~~\$300~~ \$600 per year of service.

Sec. 5. Laws 1969, Chapter 1088, Section 6, is amended to read:

Sec. 6. The association shall provide for the payment of temporary disability compensation to members who become temporarily disabled, which disability shall have arisen from or shall have occurred during the performance by the member of ~~his~~ duties as a volunteer ~~fireman~~ firefighter or member of the association. A member shall be "disabled" within the meaning of this section only if ~~such the~~ disability prevents ~~him the~~ member from performing ~~his~~ duties as a volunteer ~~fireman~~ firefighter and renders the member incapable of gainful employment in the member's regular occupation. The bylaws shall also prescribe the amount of ~~such the~~ benefits, which provided however that the amount shall not exceed \$10 per day for not more than 100 days. No benefit for disability shall be paid unless the member notifies the secretary of the association of ~~his the~~ the occurrence of the disability and applies for benefits within 30 days after disability commences.

Sec. 6. Laws 1969, Chapter 1088, 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 the~~ volunteer time shall apply toward ~~his the member's~~ retirement under the terms of the full time retirement program of the city; provided, however, that benefits shall be determined on a pro rata 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 ~~firemen~~ firefighter.

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Sec. 7. Laws 1969, Chapter 1088, Section 8, is amended to read:

Sec. 8. Subdivision 1. The treasurer of the city of Crystal and the secretary of the association, 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 percent interest assumption; plus an additional amount sufficient to retire the accumulated deficit within 40 years of the passage of this act. The estimate shall be reduced by aids or estimated aids from the state of Minnesota. During the first year after the passage of this act, and at least once every four years thereafter, the 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 Laws 1965, Chapter 751, as amended~~ minimum municipal obligation determined pursuant to Minnesota Statutes, Section 69.773. The association shall have an actuarial survey made and filed in accordance with Minnesota Statutes, Section 69.773, Subdivision 2.

The records of account shall be maintained under the direction of the city treasurer and the secretary of the 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 city treasurer shall submit a report to the city council which shall reflect the financial condition of the relief association fund.

Subd. 2. The city shall levy a tax for the ~~firemen's~~ firefighter's pension fund equal to the net amount so certified, in the manner and at the time it levies other taxes. When the fund has reached a point sufficient to fully fund the association, the tax levy shall be established at an amount sufficient to maintain the fund in a completely funded status as new obligations are incurred. The proceeds of this tax shall be paid into the ~~firemen's~~ firefighter's pension fund.

Sec. 8. Laws 1969, Chapter 1088, Section 10, is amended to read:

Sec. 10. Moneys in the pension fund shall be disbursed only for purposes and in the manner authorized by the articles of incorporation or bylaws of the association. The ~~funds assets~~ of the association shall be invested in securities which are permitted by law as investments for ~~funds assets~~ of the Minnesota state retirement system and ~~funds assets~~ of Minnesota ~~firemen's~~ firefighter's relief associations.

Sec. 9. This act is effective upon approval by the Crystal city council and upon compliance with Minnesota Statutes, Section 645.021.

Approved April 5, 1978.

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