
CHAPTER 200—S.F.No.843

An act relating to the city of Duluth; permitting the city to authorize on-sale wine licenses to sell certain beer not exceeding seven percent alcohol by weight.

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

Section 1. Notwithstanding any law to the contrary, the governing body of the city of Duluth may by ordinance provide that holders of on-sale wine licenses issued pursuant to Minnesota Statutes, Section 340.11, Subdivision 20 who are also licensed to sell non-intoxicating malt liquor at on-sale pursuant to Minnesota Statutes, Section 340.01 may make on-sales of beer not exceeding seven percent alcohol by weight brewed and bottled outside the United States, without an additional license. Except as herein provided, all such sales shall be subject to the applicable provisions of Minnesota Statutes, Chapter 340.

Sec. 2. This act is effective upon approval of the governing body of the city of Duluth and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 25, 1979.

CHAPTER 201—S.F.No.961

An act relating to retirement; volunteer firefighters' relief associations and independent nonprofit firefighting corporations; providing for a flexible statutory service pension maximum; providing a procedure for the recognition of a funding surplus in the calculation of the financial requirements of a relief association and the minimum obligation of a municipality; clarifying the calculation of the time period for the amortization of unfunded accrued liabilities of volunteer firefighters' relief associations; clarifying and updating various ambiguous and obsolete provisions regarding the fire state aid program, the authorization of retirement benefits for volunteer firefighters and the mandated guidelines for the financing of volunteer firefighters' relief associations; amending Minnesota Statutes 1978, Sections 69.771; 69.772, Subdivisions 1, 2, 3, 4, 5, 6, and by adding a subdivision; 69.773; and 69.774; and Laws 1963, Chapter 429, Section 1; Laws 1967, Chapters 575, Sections 1, Subdivision 1; and 2; 829, Section 1; Laws 1969, Chapters 526, Section 2a, as added; 664, Section 1; Laws 1971, Chapters 114, Section 10; 127, Section 1; 140, Section 7; and 214, Sections 1, as amended, and 2; Laws 1973, Chapters 304, Section 4; and 472, Section 1, as amended; Laws 1975, Chapter 237, Sections 1 and 2; Laws 1976, Chapter 209, Section 1; Laws 1977, Chapter 374, Sections 41; 50, Subdivision 2; 51; and 57; Laws 1978, Chapter 685, Sections 1 and 4; repealing Minnesota Statutes 1978, Sections 69.04; 69.055; 69.06; 69.22; 69.23; 69.24; 69.66; 69.67; 69.68; 69.691; 424.30; and 424.31; Laws 1959, Chapter 324; Laws 1965, Chapters 592, Section 1; and 598, Section 1; Laws 1967, Chapters 575, Section 1, Subdivision 2; 742, Section 1; 815, Sections 1 and 2, Subdivision 1; and 831; Laws 1969, Chapters 252, Section 1, Subdivisions 1 and 2; 526, Sections 1 and 2; 530; 644, Section 1; 714; 719, Section 1; 877;

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1088, Section 2, Subdivision 1; and 1105, Sections 1, 2 and 3; Laws 1971, Chapters 2; 114, Section 3, Subdivision 2; 140, Section 1; 184, Section 1, Subdivisions 1 and 2; 200; and 233; Laws 1973, Chapters 30, Section 1, Subdivision 1; 33; 166; 170; 173; 175; 181; 182; 280; 283, Section 1; 288; 304, Section 1, Subdivision 2; 311; and 464; Laws 1974, Chapter 112; Laws 1975, Chapters 36; 43; 117; 118; 119; 124; 125; 178; 197; 229, Section 1; 306, Section 33, Subdivisions 1 and 2; and 367; Laws 1976, Chapters 71; 97; 100, Section 1, Subdivisions 1 and 3; 206; 208; 214; 267; 272, Section 2; and 288, Section 1; Laws 1977, Chapters 294; 295; and 374, Section 50, Subdivision 1; Laws 1978, Chapters 599, Section 1, Subdivisions 2 and 3; 606; 617, Section 1; 622; 631; 673; 683, Sections 1 and 2, Subdivision 1; 753, Section 2, Subdivisions 1 and 1a; and 754.

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

Section 1. Minnesota Statutes 1978, Section 69.771, is amended to read:

69.771 **VOLUNTEER FIREFIGHTER'S RELIEF ASSOCIATION FINANCING GUIDELINES ACT; APPLICATION.** Subdivision 1. **COVERED RELIEF ASSOCIATIONS.** ~~Excepting those~~ The applicable provisions of sections 69.771 to 69.776 shall apply to any firefighter's relief associations governed by the Policemen and Firefighter's Guidelines Act of 1969, all firefighter's relief associations association other than a relief association enumerated in section 69.77, subdivision 1a, which is organized under any laws of this state, which is composed of voluntary volunteer firefighters or composed partially of volunteer firefighters and partially of paid personnel; that are operating under and paying pensions according to salaried firefighters with retirement coverage provided by the public employees police and fire fund and which operates subject to the service pension minimum requirements for entitlement and maximums contained in section 69.06 33, or other general or a special laws; the following applicable provisions shall govern law modifying those requirements or maximums.

Subd. 2. **AUTHORIZED EMPLOYER SUPPORT FOR A RELIEF ASSOCIATION.** ~~Effective January 1, 1972, it shall be unlawful for any governmental subdivision to~~ Notwithstanding any law to the contrary, a municipality may lawfully contribute any public funds, including any applicable fire state aid, or to levy property taxes for the support of the operation and maintenance of a firefighter's relief association that falls within the definition of specified in subdivision 1, except in accordance however organized, which provides retirement coverage or pays a service pension to retired firefighter or a retirement benefit to a disabled firefighter or a surviving dependent of either an active or retired firefighter for the operation and maintenance of the relief association only if the municipality and the relief association comply with the provisions of sections 69.771 to 69.776.

Subd. 3. **REMEDY FOR NONCOMPLIANCE; DETERMINATION.** The commissioner of insurance shall not certify include any municipality in the apportionment of fire state aid to a county auditor, as provided in pursuant to section 69.021, subdivision 6, nor shall any county auditor include any municipality in the apportionment of fire state aid pursuant to section 69.021, subdivision 7, in which there exists a firefighters' relief association herein before defined, as enumerated in subdivision 1 which does not comply with the provisions of sections 69.771 to 69.776 or the provisions of any applicable special

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law relating to the funding or financing of the association. Such compliance shall be determined by The commissioner of insurance shall determine if a municipality to which a firefighters' relief association is directly associated or a firefighters' relief association fails to comply with the provisions of sections 69.771 to 69.776 or the funding or financing provisions of any applicable special law based upon the information newly required after January 1, 1972, within contained in the annual financial report of the firefighters' relief association as described in required pursuant to section 69.051.

Sec. 2. Minnesota Statutes 1978, Section 69.772, Subdivision 1, is amended to read:

69.772 RELIEF ASSOCIATIONS PAYING LUMP SUM SERVICE PENSIONS.

Subdivision 1. **APPLICATION.** The following subdivisions of This section shall apply to those any firefighter's relief associations paying association specified in section 69.771, subdivision 1, which pays a lump sum service pension benefits only, but which does not pay a monthly service pension, to a retiring firefighter when at least the minimum requirements for entitlement to a service pension specified in accordance with section 69.06 12, or other general or any applicable special laws, legislation and do not provide monthly pension benefits the articles of incorporation or bylaws of the relief association have been met. Each such firefighter's relief association to which this section applies shall determine its financial requirements the accrued liability of the special fund of the relief association in accordance with the tables included herein and by applicable accrued liability table set forth in subdivision 2 and the financial requirements of the relief association and the minimum obligation of the municipality in accordance with the procedure set forth herein, and said determined financial requirements shall be provided for in the manner described herein subdivision 3.

Sec. 3. Minnesota Statutes 1978, Section 69.772, Subdivision 2, is amended to read:

Subd. 2. **DETERMINATION OF ACCRUED LIABILITY.** For every Each firefighters' relief association which allows pays a service pension when a retiring member firefighter meets the minimum requirements of for entitlement to a service pension specified in section 69.06 12 and which in its articles of incorporation or bylaws requires service credit for a period of service less than 20 years of active service, the following table for a totally nonforfeitable service pension as provided in section 19 shall be used to determine the accrued liability of the special pension fund of the firefighters' relief association relative to each active or deferred member of the fund relief association, calculated individually using the following table:

Cumulative Year	Accrued Liability
1	\$35
2	71
3	110
4	150
5	192
6	236
7	283
8	332

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9	383
10	437
11	494
12	553
13	616
14	681
15	750
16 and thereafter	50 additional per year

For every Each firefighters' relief association which allows pays a service pension when a retiring member firefighter meets the minimum requirements of for entitlement to a service pension specified in section 69.06 12 and which in its articles of incorporation or bylaws requires service credit for a period of service of at least 20 years of active service; the following table shall be used to determine the accrued liability of the special pension fund of the firefighters' relief association relative to each active or deferred member of the fund relief association, calculated individually using the following table:

Cumulative Year	Accrued Liability
1	\$30
2	62
3	95
4	130
5	167
6	205
7	246
8	288
9	333
10	380
11	429
12	481
13	535
14	592
15	652
16	714
17	780
18	849
19	922
20	1000
21 and thereafter	50 additional per year

The accrued liability reflected in dollar amounts after each cumulative year of service, is the total liability earned to date for each \$50 of lump sum retirement benefit per year of service which will be payable to a member after age 50 and after obtaining the minimum years of service in accordance with the state statutes and bylaws of the association. of the special fund accrued liability for each individual active or deferred

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member of the relief association shall be ~~that~~ determined as the multiple or portion of the accrued liability amounts ~~listed~~ corresponding to the cumulative years of active service with the fire department to which the relief association is affiliated to the credit of the member as set forth in the applicable table; that the ~~actual benefits lump sum service pension amount~~ currently provided by statute and bylaw bear to \$50 of ~~for in the articles of incorporation or the bylaws of the relief association bears to a lump sum retirement benefit service pension~~ of \$50 per year of service. If a member has fractional service as of December 31, the figure for service credit to be used for the determination of accrued liability pursuant to this section shall be rounded up to the nearest full year of service credit. The total accrued liability of the special fund to the date of calculation of the relief association as of December 31 shall be the sum of the accrued liability of the special fund as regards attributable to each active or deferred member of the relief association.

Sec. 4. Minnesota Statutes 1978, Section 69.772, is amended by adding a subdivision to read:

Subd. 2a. DETERMINATION OF ACCRUED LIABILITY FOR RECIPIENTS OF INSTALLMENT PAYMENTS. Each firefighters' relief association which pays a lump sum service pension in installment payments to a retired firefighter pursuant to section 12, subdivision 8, shall determine the accrued liability of the special fund of the firefighters' relief association relative to each retired member receiving a lump sum service pension in installment payments calculated individually as the sum of each future installment payment discounted at an interest rate of five percent, compounded annually, from the date the installment payment is scheduled to be paid to December 31. The sum of the accrued liability attributable to each retired member of the relief association receiving a lump sum service pension in installment payments shall be the total additional accrued liability of the special fund of the relief association as of December 31, and shall be added to the accrued liability of the special fund of the relief association calculated pursuant to subdivision 2 for purposes of calculating the financial requirements of the relief association and the minimum obligation of the municipality pursuant to subdivision 3.

Sec. 5. Minnesota Statutes 1978, Section 69.772, Subdivision 3, is amended to read:

Subd. 3. FINANCIAL REQUIREMENTS OF THE RELIEF ASSOCIATION; MINIMUM OBLIGATION OF THE MUNICIPALITY. During the month of July, the officers of the relief association shall determine the overall funding balance of the special fund of the relief association for the current calendar year, the financial requirements of the special fund of the relief association for the following calendar year and the minimum obligation of the municipality with respect to the special fund of the relief association for the following calendar year in accordance with the requirements of this subdivision.

(1) The overall funding balance of the special fund of the relief association for the current calendar year shall be determined in the following manner:

(1) During the month of July, 1971; (a) The total present accrued liability of the special fund of the relief association for all active and deferred members of the relief association as of December 31 of the current year shall be calculated by the officers of the

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fund and it shall be the sum of the individual accrued liabilities for years of service of all active members through December 31, 1971. Fractional service years shall be calculated pursuant to the nearest full year of service subdivisions 2 and 2a, if applicable.

(2) During the month of July 1, 1971, (b) The total present assets of the special fund: of the relief association projected to December 31, 1971, of the current year, including receipts by and disbursements from the special fund anticipated to occur on or before December 31 shall be calculated. This projection shall include anticipated receivables to the fund and anticipated disbursements from the fund to the end of the year. In following years, the current assets of the fund shall be determined in the same manner, projected to December 31 of that year.

(3) (c) The amount by which the essential fund calculations of the total present assets of the special fund of the relief association calculated pursuant to clause (b) shall be subtracted from the amount of the total accrued liability as determined by paragraph 1 of the special fund of the relief association calculated pursuant to clause (a). If the amount of total present assets exceeds or the amount of the total accrued liability, then the special fund shall be considered to have a surplus over full funding. If the amount of the total present assets is less than the assets as determined by paragraph 2, amount of the total accrued liability, then the special fund shall be considered to have a deficit or surplus of from full funding. If the amount of total present assets is equal to the amount of the total accrued liability, then the special fund, as the case may shall be considered to be fully funded.

(4) Prior to August 1, 1971, and prior to each August 1 thereafter, the officers of the fund shall determine the projected accrued liability of the fund for the following calendar year in the same manner as the accrued liability of the present calendar year was determined, both calculated as of December 31.

(5) (2) The total financial requirements of the special fund of the relief association for the following calendar year shall be the net amount of increase determined in the accrued liability of the following year over the present year with the following adjustments manner:

(a) From The total net increase shall be deducted the anticipated amount of any state aid to be received during the accrued liability of the special fund of the relief association for all active and deferred members of the relief association as of December 31 of the calendar year next following the current calendar year, shall be calculated pursuant to this chapter subdivisions 2 and 2a, if applicable.

(b) From The total increase or decrease in the total accrued liability of the special fund of the relief association for the following calendar year over the total accrued liability of the special fund of the relief association for the current year shall be deducted an assumed five percent interest on the projected assets of the fund calculated as of the end of the present calendar year, determined in the manner prescribed in paragraph 2.

(c) ~~For~~ If the special fund of the relief association is fully funded, the financial requirement of the special fund for the following calendar year shall be either the positive

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or the negative figure which represents the total increase or the decrease in the total accrued liability of the special fund respectively as calculated pursuant to subclause (b).

(d) If the special fund of the relief association has a deficit from full funding, the financial requirements of the special fund for the following calendar year shall be added the financial requirements of the special fund calculated as though the special fund were fully funded pursuant to subclause (c) plus an amount equal to one-tenth of the amount of the deficit; if any, from full funding of the special fund as determined on the original computation of accrued liability and assets pursuant to this section for the calendar year 1971. Such until that deficit is fully retired, and plus an amount equal to one-tenth shall be added each year until the assets of the special fund are equal to the accrued liability as annually determined of the increase in the deficit from full funding of the special fund resulting from an increase in the amount of the service pension accruing subsequent to December 31, 1971 until each increase in the deficit is fully retired.

(d) At any time that (e) If the special fund of the relief association has a surplus where present assets exceed the present accrued liability over full funding, the financial requirements of the special fund for the ensuing following calendar year shall be the amount that the accrued liability for said year, after the adjustments described in this paragraph have been made, exceeds the assets financial requirements of the special fund calculated as though the special fund were fully funded pursuant to subclause (c) reduced by an amount equal to one-tenth of the amount of the surplus over full funding of the special fund.

(3) The minimum obligation of the municipality with respect to the special fund of the relief association shall be the financial requirements of the special fund of the relief association reduced by the amount of any fire state aid payable pursuant to sections 69.011 to 69.051 anticipated to be received by the municipality for transmittal to the special fund of the relief association during the following calendar year, an amount of interest on the assets of the special fund projected to the end of the current calendar year calculated at the rate of five percent per annum, and the amount of any anticipated contributions to the special fund by the members of the relief association during the following calendar year.

Sec. 6. Minnesota Statutes 1978, Section 69.772, Subdivision 4, is amended to read:

Subd. 4. CERTIFICATION OF FINANCIAL REQUIREMENTS AND MINIMUM MUNICIPAL OBLIGATION; LEVY. The officers of the relief association shall certify the financial requirements of the special fund of the relief association and the minimum obligation of the municipality with respect to the special fund of the relief association as determined in pursuant to subdivision 3 shall be certified to the governing body of the municipality by on or before August 1 of each year. The municipality shall provide for at least the minimum obligation of the municipality with respect to the special fund of the relief association by tax levy or otherwise the financial requirements so certified, or more from any other source of public revenue. The tax levy herein provided municipality may be levy taxes for the payment of the minimum municipal obligation without any limitation as to rate or amount and irrespective of any limitations imposed by other provisions of law upon the rate or amount of taxation until the balance of the

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special fund or any fund of the relief association has attained a specified level. In addition to , any statutes or charter limits governing taxes levied pursuant to this section shall not cause the amount or rate of any other taxes levied in that year or to be levied in a subsequent year by the municipality which are subject to a limitation as to rate or amount to be reduced. If the municipality does not include the full amount of the minimum municipal obligations in its levy for any year, the officers of the relief association shall certify that amount to the county auditor, who shall spread a levy in the amount of the minimum municipal obligation.

Sec. 7. Minnesota Statutes 1978, Section 69.772, Subdivision 5, is amended to read:

Subd. 5. **CREDITING OF INVESTMENT INCOME; EFFECT OF EXCESS INTEREST.** Interest All investment income earned upon invested on the assets of the special fund of the relief association shall be credited to the special fund; but such revenue . Investment income earned or anticipated to be earned in a calendar year in excess of the assumed rate specified in subdivision 3, clause (3) shall not enter into be included in the calculations except as provided in subdivision 3; paragraph (5) (b) of the financial requirements of the special fund of the relief association or the minimum obligation of the municipality with respect to the special fund of the relief association for that calendar year.

Sec. 8. Minnesota Statutes 1978, Section 69.772, Subdivision 6, is amended to read:

Subd. 6. **REQUIREMENT FOR MUNICIPAL RATIFICATION FOR PLAN AMENDMENTS.** Bylaw or The adoption of or any amendment to the articles of incorporation changes after January 1, 1970; affecting or bylaws of a relief association which increases or otherwise affects the retirement coverage provided by or the service pensions or retirement benefits paid payable from the special fund of any relief association to which this section applies shall not be effective or remain effective until it is ratified by the local governing body of the municipality in which the relief association is located. Any increase in deficit resulting from a bylaw change after the original determination of the fund's deficit, shall be amortized over the same period and with the same manner as provided for in subdivision 3; paragraph (5) (e). The officers of a relief association shall not seek municipal ratification prior to preparing and certifying an estimate of the expected increase in the accrued liability and annual accruing liability of the relief association attributable to the amendment.

Sec. 9. Minnesota Statutes 1978, Section 69.773, is amended to read:

69.773 RELIEF ASSOCIATIONS PAYING MONTHLY SERVICE PENSIONS.
 Subdivision 1. **APPLICATION.** The following subdivisions of This section shall apply to those any firefighter's relief associations that provide association specified in section 69.771, subdivision 1, which pays or allows for or allow a choice an option of a monthly service pension to a retiring firefighter when at least the minimum requirements for entitlement to a service pension specified in accordance with and governed by section 69.06 12, or other general or any applicable special laws legislation and the articles of incorporation or bylaws of the relief association have been met. Each such firefighters' relief association to which this section applies shall determine and provide for the

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actuarial condition and funding costs of the special fund of the relief association in accordance with subdivisions 2 and 3, the financial requirements of the special fund of the relief association in accordance with subdivision 4 and the manner described minimum obligation of the municipality with respect to the special fund of the relief association in accordance with subdivision 5.

Subd. 2. **DETERMINATION OF ACTUARIAL CONDITION AND FUNDING COSTS.** Each relief association ~~governed by to which~~ this section applies shall ~~have~~ procure an actuarial survey ~~made of its special fund valuation~~ showing the condition of the special fund of the relief association as of December 31, 1978 and at least as of December 31 every four years thereafter. ~~This survey, and future surveys~~ The valuation shall be prepared in accordance with the provisions of section 356.216, except that the figure for normal cost shall be expressed as a level dollar amount, and the amortization period of contribution shall be the level dollar amount calculated to amortize any existing or new deficit created by benefit changes shall be 20 years from inception, or less current unfunded accrued liability by at least the date of full funding specified in subdivision 4, clause (b). ~~Such survey, and~~ Each succeeding survey, valuation shall be filed with the governing body of the municipality in which the relief association is organized, located and with the insurance commissioner's office state auditor, not later than June 1 of the following year. ~~However,~~ Any relief association presently which is operating under a special laws that provide for law which requires that actuarial surveys valuations be procured at least every four years and be prepared in accordance with applicable actuarial standards set forth in statute; said associations may continue to have surveys actuarial valuations made according to the time schedule therein, except as modified by set forth in the special legislation subject to the provisions of subdivision 3. The relief association shall also procure a quadrennial experience study pursuant to section 356.216 to accompany the survey, and shall procure a quadrennial experience study actuarial valuation every four years thereafter.

Subd. 3. **VALUATION REQUIREMENT UPON BENEFIT CHANGE.** The officers of the relief association shall thereafter obtain an actuarial survey at least every four years or prior to the not seek municipal ratification of a benefit change by the local governing body, whichever is sooner any amendments to the articles of incorporation or bylaws which increase or otherwise affect the retirement coverage provided by or the service pensions or retirement benefits payable from any relief association pursuant to subdivision 6 prior to obtaining either an updated actuarial valuation including the proposed amendment or an estimate of the expected actuarial impact of the proposed amendment prepared by the actuary of the relief association.

Subd. 4. **FINANCIAL REQUIREMENTS OF THE SPECIAL FUND.** Prior to August 1 of each year, the officers of the relief association shall determine the financial requirements of the special fund of the relief association in accordance with the requirements of this subdivision. The financial requirements of the relief association shall be determined by the officers of the association prior to September 1, 1971, and prior to each August 1 thereafter based on the most recent actuarial valuation prepared in accordance with sections 356.215, subdivision 4, and 356.216. If the relief association has an unfunded accrued liability as reported in the following manner most recent actuarial valuation, the financial requirements shall be determined by adding the figures calculated

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pursuant to clauses (a) and (b). If the relief association does not have an unfunded accrued liability as reported in the most recent actuarial valuation, the financial requirements shall be an amount equal to the figure calculated pursuant to clause (a):

(a) The normal level cost as determined by actuarial survey, required to adequately finance currently accruing liabilities, shall be requirement for the following year, expressed as a dollar amount, shall be the figure for the normal level cost of the relief association as reported in the actuarial valuation.

(b) ~~To this normal cost shall be added an~~ The amortization payment sufficient contribution requirement to amortize the deficit determined as of December 31, 1970, or newly created deficit within a 20 year period from inception; retire the current unfunded accrued liability by the established date for full funding shall be the figure for the amortization contribution as reported in the actuarial valuation. If there has not been a change in any or all of the actuarial assumptions used for calculating the accrued liability of the special fund, a change in the bylaws of the relief association governing the service pensions, retirement benefits or both payable from the special fund or a change in the actuarial cost method used to value all or a portion of the special fund which change or changes, which by themselves without inclusion of any other items of increase or decrease, produce a net increase in the unfunded accrued liability of the special fund since December 31, 1970, the established date for full funding shall be December 31, 1990. If there has been a change in the actuarial assumptions used for calculating the accrued liability of the special fund, a change in the bylaws of the relief association governing the service pensions, retirement benefits or both payable from the special fund or a change in the actuarial cost method used to value all or a portion of the special fund which change or changes, which by themselves without inclusion of any other items of increase or decrease, produce a net increase in the unfunded accrued liability of the special fund since December 31, 1970 but prior to January 1, 1979, the established date for full funding shall be December 31, 1998, and if there has been a change since December 31, 1978, the established date for full funding shall be determined using the following procedure:

(i) The unfunded accrued liability of the special fund shall be determined in accordance with the provisions governing service pensions, retirement benefits and actuarial assumptions in effect prior to an applicable change;

(ii) The level annual dollar contribution needed to amortize this unfunded accrued liability amount by the date for full funding in effect prior to the change shall be calculated using the interest assumption specified in section 356.215, subdivision 4, clause (4) in effect prior to any applicable change;

(iii) The unfunded accrued liability of the special fund shall be determined in accordance with any new provisions governing service pensions, retirement benefits and actuarial assumptions and the remaining provisions governing service pensions, retirement benefits and actuarial assumptions in effect prior to an applicable change;

(iv) The level annual dollar contribution needed to amortize the difference between the unfunded accrued liability amount calculated pursuant to subclause (i) and the

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unfunded accrued liability amount calculated pursuant to subclause (iii) over a period of 20 years from December 31 of the year in which the change is effective shall be calculated using the interest assumption specified in section 356.215, subdivision 4, clause (4) in effect subsequent to any applicable change;

(v) The annual amortization contribution calculated pursuant to subclause (iv) shall be added to the annual amortization contribution calculated pursuant to subclause (ii);

(vi) The period in which the unfunded accrued liability amount determined in subclause (iii) will be amortized by the total annual amortization contribution computed pursuant to subclause (v) shall be calculated using the interest assumption specified in section 356.215, subdivision 4, clause (4) in effect subsequent to any applicable change, rounded to the nearest integral number of years, but which shall not exceed a period of 20 years from the end of the year in which the determination of the date for full funding using this procedure is made and which shall not be less than the period of years beginning in the year in which the determination of the date for full funding using this procedure is made and ending by the date for full funding in effect prior to the change.

(vii) The period determined pursuant to subclause (vi) shall be added to the date as of which the actuarial valuation was prepared and the date obtained shall be the new date for full funding.

Subd. 5. MINIMUM MUNICIPAL OBLIGATION. The financial requirements as determined by subdivision 4 officers of the relief association shall be certified to the governing body determine the minimum obligation of the municipality prior to September 1, 1974, and with respect to the special fund of the relief association for the following calendar year prior to each August 1 thereafter of each year in accordance with the requirements of this subdivision. The minimum obligation of the municipality with respect to the special fund shall be an amount equal to the financial requirement so requirements of the special fund of the relief association determined less one year's payments to subdivision 4, reduced by the estimated amount of any fire state aid expected from the state payable pursuant to this chapter sections 69.011 to 69.051 anticipated to be received by the municipality for transmittal to the special fund of the relief association during the following year and the amount of any anticipated contributions to the special fund by the members of the relief association during the following calendar year. The officers of the relief association shall certify the financial requirements of the special fund of the relief association and the minimum obligation of the municipality with respect to the special fund of the relief association as determined pursuant to subdivision 4 and this subdivision to the governing body of the municipality by August 1 of each year. The municipality shall provide for at least the minimum obligation so determined, or more, of the municipality with respect to the special fund of the relief association by tax levy or otherwise from any other source of public revenue. The tax municipality may levy herein provided may be in addition to taxes for the payment of the minimum municipal obligation without any statutes limitation as to rate or charter limits governing amount and irrespective of any limitations imposed by other provisions of law or charter upon the rate or amount of taxation until the balance of the special fund or any fund of the relief association has attained a specified level. In addition, any taxes levied pursuant to this section shall not cause the amount or rate of any other taxes levied in that year or to be

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levied in a subsequent year by the municipality which are subject to a limitation as to rate or amount to be reduced. If the municipality does not include the full amount of the minimum municipal obligation in its levy for any year, the officers of the relief association shall certify that amount to the county auditor, who shall spread a levy in the amount of the minimum municipal obligation.

Subd. 6. **REQUIREMENT FOR MUNICIPAL RATIFICATION FOR PLAN AMENDMENTS.** ~~Bylaw or The adoption of or any amendment to the articles of incorporation amendments after January 1, 1970, affecting or bylaws of a relief association which increases or otherwise affects the retirement coverage provided by or the service pensions or retirement benefits paid payable from the special fund of any relief association to which this section applies shall not become or remain be effective until the changes are~~ it is ratified by the governing body of the municipality in which the relief association is located.

Sec. 10. Minnesota Statutes 1978, Section 69.774, is amended to read:

69.774 **NONPROFIT FIREFIGHTING CORPORATIONS.** Subdivision 1. **AUTHORIZED INCLUSION IN FIRE STATE AID PROGRAM; COVERED NONPROFIT CORPORATIONS.** ~~The~~ This section shall apply to any independent nonprofit firefighting corporations corporation incorporated or organized pursuant to Laws 1964, Chapter 360, as amended, providing chapter 317 which operates exclusively for firefighting purposes, which is composed of volunteer firefighters, which has a duly established separate subsidiary incorporated firefighters' relief association which provides retirement coverage for or pays a service pensions from a pension fund of the corporation to a retired firefighter or a retirement benefit to a surviving dependent of either an active or a retired firefighter, and which operates subject to the service pension minimum requirements for entitlement to and maximums for a service pension contained in accordance with section 69.69 12, or any a special law; or a firefighter's relief association subsidiary to a nonprofit firefighting corporation and paying pension benefits; modifying those requirements or maximums. Notwithstanding any law to the contrary, a municipality contracting with an independent nonprofit firefighting corporation shall not be certified included for in the distribution of fire state aid to the appropriate county auditor by the insurance commissioner, except as provided by of insurance only if the independent nonprofit firefighting corporation complies with the provisions of this section.

Subd. 2. **DETERMINATION OF ACTUARIAL CONDITION AND FUNDING COSTS.** ~~The Each independent nonprofit firefighting corporations described in subdivision 1 corporation to which this section applies shall qualify for state aid by determine the actuarial condition and the funding costs of the subsidiary relief association using the following procedure:~~

(a) ~~The An independent nonprofit firefighting corporation or subsidiary relief association which has a subsidiary relief association which pays a monthly benefit service pension shall obtain procure an actuarial survey valuation of the pension special fund of the subsidiary relief association at the same times and in the same manner as described specified in section 69.773, subdivisions 1, 2 and 3, and an independent nonprofit~~

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firefighting corporation which has a subsidiary relief association which pays a lump sum service pension shall determine the accrued liability of the special fund of the relief association in accordance with section 69.772, subdivision 2.

(b) The financial requirements of the special fund of the subsidiary relief association which pays a monthly benefit service pension shall be determined in the same manner as described specified in section 69.773, subdivision 4, and the financial requirements of the special fund of the subsidiary relief association shall be determined in the same manner as specified in section 69.772, subdivision 3.

(c) The minimum obligation of the independent nonprofit firefighting corporation on behalf of the special fund of the subsidiary relief association shall annually from its income appropriate funds to the pension fund, at least equal to the financial requirements as be determined by paragraph b, less the estimated state aid and any member contributions in the same manner as specified in section 69.773, subdivision 5.

(d) The insurance commissioner shall certify the independent nonprofit firefighting corporation or relief association for state aid if the requirements of this subdivision are complied with shall appropriate annually from the income of the corporation an amount at least equal to the minimum obligation of the independent nonprofit firefighting corporation on behalf of the special fund of the subsidiary relief association.

Subd. 3. **AUTHORIZED PENSION DISBURSEMENTS.** If a Authorized disbursements of assets of the special fund of the subsidiary relief association of the nonprofit firefighting corporation described in subdivision 1 received state aid, shall be governed by the provisions of section 424.31 15 concerning disbursements of special fund assets shall govern.

Sec. 11. **[424A.01] MEMBERSHIP IN A VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION.** Subdivision 1. MINORS. It is unlawful for any municipality or independent nonprofit firefighting corporation to employ a minor as a volunteer firefighter or to permit a minor to serve in any capacity performing any firefighting duties with a volunteer fire department.

Subd. 2. **STATUS OF SUBSTITUTE OR PROBATIONARY VOLUNTEER FIREFIGHTERS.** No person who is serving as a substitute or a probationary volunteer firefighter shall be deemed to be a firefighter for purposes of chapter 69 or sections 11 to 19 nor shall be authorized to be a member of any volunteer firefighters' relief association governed by chapter 69 or sections 11 to 19.

Subd. 3. **STATUS OF NONMEMBER VOLUNTEER FIREFIGHTERS.** No person who is serving as a firefighter in a municipal fire department or an independent nonprofit firefighting corporation but who is not a member of the applicable firefighters' relief association shall be entitled to any service pension, retirement benefits or pension or retirement benefit coverage from the relief association.

Subd. 4. **EXCLUSION OF PERSONS CONSTITUTING AN UNWARRANTED HEALTH RISK.** The board of trustees of every volunteer firefighters' relief association

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governed by chapter 69 or sections 11 to 19 shall have the right to exclude from membership in the relief association all applicants who, due to some medically determinable physical or mental impairment or condition, would constitute for the relief association a predictable and unwarranted risk of the commencement of a retirement benefit at any age earlier than the minimum age specified for receipt of a service pension. Notwithstanding any provision of section 363.02, subdivision 5, it shall be a good and valid defense to a complaint or action brought under chapter 363 that the board of trustees of the relief association made a good faith determination that the applicant suffers from an impairment or condition constituting a predictable and unwarranted risk for the relief association if the determination was made following consideration of the report of the physician completing a physical examination of the applicant completed at the expense of the relief association and of the person's medical history.

Sec. 12. [424A.02] VOLUNTEER FIREFIGHTERS; SERVICE PENSIONS.
Subdivision 1. AUTHORIZATION. Any volunteer firefighters' relief association or volunteer firefighters' division or account of a partially salaried and partially volunteer firefighters' relief association organized and incorporated under chapter 317 and any laws of the state and directly associated with a fire department established by municipal ordinance or any separate incorporated volunteer firefighters' relief association subsidiary to and providing service pension and retirement benefit coverage for members of an independent nonprofit firefighting corporation organized under the provisions of chapter 317 and operating exclusively for fire fighting purposes, whether or not the nonprofit firefighting corporation qualifies for fire state aid pursuant to chapter 69, when its articles of incorporation or bylaws so provide, may pay out of the assets of the special fund of the volunteer firefighters' relief association or volunteer firefighters' account, a service pension to each of its members who separates from active service with the fire department or the independent nonprofit firefighting corporation, who reaches the age of 50 years and who completes at least ten years of active service as an active member of the municipal fire department to which the relief association is associated or of the independent nonprofit firefighting corporation to which the relief association is subsidiary, and who completes at least ten years of active membership with the volunteer firefighters' relief association or volunteer firefighters' account prior to separation from active service and who complies with any additional conditions as to age, service and membership which are prescribed by the bylaws of the relief association. In the case of a member who has completed at least ten years of active service as an active member of the municipal fire department to which the relief association is associated or of the independent nonprofit firefighting corporation to which the relief association is subsidiary on the date that the volunteer firefighters' relief association is established and incorporated, the requirement that the member complete at least ten years of active membership with the volunteer firefighters' relief association or volunteer firefighters' account prior to separation from active service may be waived by the board of trustees of the relief association if the member completes at least ten years of inactive membership with the volunteer firefighters' relief association or volunteer firefighters' account prior to the payment of the service pension. During the period of inactive membership, the member shall not be entitled to receive any disability benefit coverage, shall not be entitled to receive any additional service credit towards computation of a service pension, and shall be deemed to have the status of a person entitled to a deferred service pension pursuant to subdivision 7.

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Subd. 2. NONFORFEITABLE PORTION OF SERVICE PENSION. Any volunteer firefighters' relief association or volunteer firefighters' account to which this section applies, when its articles of incorporation or bylaws so provide and when a retiring member meets the minimum age and service requirements set forth in subdivision 1 but has not completed 20 years of service may pay a portion of the service pension amount earned to date as specified in the bylaws, but not to exceed the percentage applicable for each full year of service completed as follows:

<u>Completed Years of Service</u>	<u>Nonforfeitable Portion of Annual or Prorata Service Pension Amount</u>
<u>10</u>	<u>60 percent</u>
<u>11</u>	<u>64 percent</u>
<u>12</u>	<u>68 percent</u>
<u>13</u>	<u>72 percent</u>
<u>14</u>	<u>76 percent</u>
<u>15</u>	<u>80 percent</u>
<u>16</u>	<u>84 percent</u>
<u>17</u>	<u>88 percent</u>
<u>18</u>	<u>92 percent</u>
<u>19</u>	<u>96 percent</u>
<u>20 and thereafter</u>	<u>100 percent</u>

Subd. 3. FLEXIBLE SERVICE PENSION MAXIMUMS. On or before August 1 of each year as part of the certification of the financial requirements and minimum municipal obligation made pursuant to section 69.772, subdivision 4, or 69.773, subdivision 5, the secretary or some other official of the relief association designated in the bylaws of each volunteer firefighters' relief association or volunteer firefighters' account, other than a relief association or account which in its bylaws provides solely for the payment of a defined contribution service pension as authorized pursuant to subdivision 4, shall calculate and certify to the governing body of the applicable qualified municipality the average amount of available financing per active covered firefighter for the most recent three year period. The amount of available financing shall include any amounts of fire state aid received or receivable by the relief association or account, any amounts of municipal contributions to the relief association or account raised from levies on real estate or from other available revenue sources exclusive of fire state aid, and one-tenth of the amount of assets in excess of the accrued liabilities of the relief association or account calculated pursuant to sections 69.772, subdivision 2; 69.773, subdivisions 2 and 4; or 69.774, subdivision 2, if any. The maximum service pension which the relief association may provide for in its bylaws for payment to a member retiring after the calculation date when the minimum age and service requirements specified in subdivision 1 are met shall be determined using the applicable following table.

For a relief association or account where the governing bylaws provide for a monthly service pension to a retiring member, if the average amount of available financing per active covered firefighter does not exceed the minimum average amount specified below, then the maximum monthly service pension amount per month for each year of service credited which may be provided for in the bylaws shall be the greater of the service pension amount provided for in the bylaws on the date of calculation or the

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maximum service pension figure corresponding to the average amount of available financing per active covered firefighter:

<u>Minimum Average Amount of Available Financing per Firefighter</u>	<u>Maximum Service Pension Amount Payable per Month for Each Year of Service</u>
<u>\$...</u>	<u>\$.25</u>
<u>38</u>	<u>.50</u>
<u>74</u>	<u>1.00</u>
<u>112</u>	<u>1.50</u>
<u>149</u>	<u>2.00</u>
<u>196</u>	<u>2.50</u>
<u>223</u>	<u>3.00</u>
<u>261</u>	<u>3.50</u>
<u>298</u>	<u>4.00</u>
<u>335</u>	<u>4.50</u>
<u>372</u>	<u>5.00</u>
<u>410</u>	<u>6.00</u>
<u>447</u>	<u>7.00</u>
<u>484</u>	<u>8.00</u>
<u>521</u>	<u>9.00</u>
<u>558</u>	<u>10.00</u>
<u>595</u>	<u>11.00</u>
<u>633</u>	<u>12.00</u>
<u>670</u>	<u>13.00</u>
<u>707</u>	<u>14.00</u>
<u>744</u>	<u>15.00</u>

For a relief association or account in which the governing bylaws provide for a lump sum service pension to a retiring member, if the average amount of available financing per active covered firefighter does not exceed the minimum average amount specified below, then the maximum lump sum service pension amount for each year of service credited which may be provided for in the bylaws shall be the greater of the service pension amount provided for in the bylaws on the date of the calculation or the maximum service pension figure corresponding to the average amount of available financing per active covered firefighter:

<u>Minimum Average Amount of Available Financing per Firefighter</u>	<u>Maximum Lump Sum Service Pension Amount Payable for Each Year of Service</u>
<u>\$..</u>	<u>\$10</u>
<u>10</u>	<u>20</u>
<u>14</u>	<u>30</u>
<u>20</u>	<u>40</u>
<u>24</u>	<u>50</u>
<u>28</u>	<u>60</u>
<u>38</u>	<u>80</u>
<u>48</u>	<u>100</u>
<u>58</u>	<u>120</u>
<u>68</u>	<u>140</u>

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<u>76</u>	<u>160</u>
<u>86</u>	<u>180</u>
<u>96</u>	<u>200</u>
<u>116</u>	<u>240</u>
<u>134</u>	<u>280</u>
<u>154</u>	<u>320</u>
<u>172</u>	<u>360</u>
<u>192</u>	<u>400</u>
<u>212</u>	<u>440</u>
<u>230</u>	<u>480</u>
<u>250</u>	<u>520</u>
<u>268</u>	<u>560</u>
<u>288</u>	<u>600</u>
<u>308</u>	<u>640</u>
<u>326</u>	<u>680</u>
<u>346</u>	<u>720</u>
<u>364</u>	<u>760</u>
<u>384</u>	<u>800</u>
<u>432</u>	<u>900</u>
<u>480</u>	<u>1000</u>
<u>528</u>	<u>1100</u>
<u>576</u>	<u>1200</u>
<u>624</u>	<u>1300</u>
<u>672</u>	<u>1400</u>
<u>720</u>	<u>1500</u>
<u>768</u>	<u>1600</u>
<u>816</u>	<u>1700</u>
<u>864</u>	<u>1800</u>
<u>912</u>	<u>1900</u>
<u>960</u>	<u>2000</u>

For a relief association or account in which the governing bylaws provide for a monthly benefit service pension as an alternative form of service pension payment to a lump sum service pension at the option of the retiring member, the maximum service pension amount shall be determined using the applicable table contained in this subdivision.

Subd. 4. DEFINED CONTRIBUTION LUMP SUM SERVICE PENSIONS. If the bylaws governing the volunteer firefighters' relief association or volunteer firefighters' account of a firefighters' relief association so provide exclusively, the relief association or account may pay a defined contribution lump sum service pension in lieu of any defined benefit service pension governed by subdivision 2. An individual account for each firefighter who is a member of the relief association shall be established. To each individual member account shall be credited a right to an equal share of any amounts of fire state aid received by the relief association or account, any amounts of municipal contributions to the relief association or account raised from levies on real estate or from other available revenue sources exclusive of fire state aid, and any amounts equal to the share of the assets of the special fund to the credit of any former member who terminated

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active service with the fire department of the municipality to which the relief association is associated or the independent nonprofit firefighting corporation to which the relief association is a subsidiary prior to meeting the minimum service requirement provided for in subdivision 1 and has not returned to active service with the fire department or independent nonprofit firefighting corporation for a period no shorter than five years or to the credit of any retired member who retired prior to obtaining a full nonforfeitable interest in the amounts credited to the individual member account pursuant to subdivision 2 and any applicable provision of the bylaws of the relief association. In addition, any interest or investment income earned on the assets of the special fund shall be credited in proportion to the share of the assets of the special fund to the credit of each individual member account. At the time of retirement pursuant to subdivision 1 and any applicable provision of the bylaws of the relief association, a retiring member shall be entitled to that portion of the assets of the special fund to the credit of the member in the individual member account which is nonforfeitable pursuant to subdivision 2 and any applicable provision of the bylaws of the relief association based on the number of years of service to the credit of the retiring member.

Subd. 5. SERVICE CREDIT MAXIMUM. No relief association or account to which sections 11 to 19 apply and where the governing bylaws provide for a monthly service pension to a retiring member shall credit any member with service in excess of 30 years; provided, however, that for any member of a relief association or account who, as of the effective date of this act, has received credit for service in excess of 30 years, the limitation on the crediting of further service credit provided for in this subdivision shall apply to any additional years of service occurring after the effective date of this act.

Subd. 6. PAYMENT OF SERVICE PENSIONS; NONASSIGNABILITY. The method of calculating service pensions shall be applied uniformly, except as otherwise provided in this section. No service pension shall be paid to any person while the person remains an active member of the respective municipal fire department or nonprofit firefighting corporation and no person who is receiving a service pension shall be entitled to receive any other benefits from the special fund of the relief association or account. No service pension or retirement benefits paid or payable from the special fund of a relief association or account to any person receiving or entitled to receive a service pension or other benefits shall be subject to garnishment, judgment, execution or other legal process and no person entitled to a service pension or other retirement benefits from the special fund of a relief association or account shall have the right to assign any service pension or retirement benefit payments, nor shall the association have the authority to recognize any assignment or pay over any sum which has been assigned.

Subd. 7. DEFERRED SERVICE PENSIONS. A member of a relief association or account to which this section applies who has completed the lesser of the minimum period of active service with the municipal fire department or independent nonprofit firefighting corporation specified in the bylaws or 20 years of active service with the municipal fire department to which the relief association or account is directly associated with or the independent nonprofit firefighting corporation of which the relief association is a subsidiary, who has completed at least ten years of active membership in the relief association or account and who separates from active service and membership prior to reaching the age of 50 years or the minimum age for retirement and commencement of a

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service pension specified in the bylaws governing the relief association or account if that age is greater than the age of 50 years shall be entitled to a deferred service pension to commence upon the former member reaching the age of 50 years or the minimum age specified in the bylaws governing the relief association or account if that age is greater than the age of 50 years and upon the former member making a valid written application. Any relief association or account which provides a lump sum service pension may, when its governing bylaws so provide, pay interest on the deferred lump sum service pension during the period of deferral. If provided for, interest shall be paid at the rate actually earned by the relief association or account, but not to exceed the interest rate specified in section 356.215, subdivision 4, clause (4), and shall be compounded annually based on calendar year balances. The deferred service pension shall be governed by and shall be calculated pursuant to any general statute, special law, relief association articles of incorporation or relief association bylaw provisions applicable as of the date on which the member separated from active service with the fire department or the nonprofit firefighting corporation and active membership in the relief association or account.

Subd. 8. LUMP SUM SERVICE PENSIONS; INSTALLMENT PAYMENTS.

Any relief association or account, if the governing bylaws so provide, may, at the option of the retiring member and in lieu of a single payment of a lump sum service pension, pay a lump sum service pension in installments.

The election of installment payments shall be irrevocable and shall be made by the retiring member in writing and filed with the secretary of the relief association no later than 30 days prior to the commencement of payment of the service pension. The amount of the installment payments shall be determined so that the present value of the aggregate installment payments computed at an interest rate of five percent, compounded annually, is equal to the amount of the single lump sum payment which would have been made had the installment payments option not been elected. The payment of each installment shall include interest at the rate of five percent, compounded annually on the reserve supporting the remaining installment payments as of the date on which the previous installment payment was paid computed from the date on which the previous installment payment was paid to the date of payment for the current installment payment.

Subd. 9. LIMITATION ON RETIREMENT BENEFITS OTHER THAN SERVICE PENSION. Any relief association or account to which this section applies, if the governing bylaws so provide, may provide retirement coverage for and may pay any one or any combination death, disability, funeral and survivorship benefits which would constitute an authorized disbursement as specified in section 15 subject to the following limitations:

(1) With respect to a relief association or account where the governing bylaws provide for a lump sum service pension to a retiring member, no retirement benefit may be paid to any former member or paid to any person on behalf of any former member subsequent to the former member terminating active service with the municipal fire department to which the relief association or account is directly associated or the independent nonprofit firefighting corporation of which the relief association is a subsidiary, whichever is applicable, and active membership in the relief association or account, and commencing receipt of a service pension as authorized pursuant to this

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section; and

(2) With respect to any relief association or account, no retirement benefit paid or payable to any member, to any former member or to any person on behalf of any member or former member may exceed in amount the total service pension calculated using the service pension amount specified in the governing bylaws and the years of service credited to the member or former member as of the date the member or former member became entitled to the retirement benefit or the date the member or former member died entitling a survivor to a retirement benefit on behalf of the member or former member, calculated without regard to whether the member or former member attained the minimum amount of service credit specified in the governing bylaws or not and without regard to the percentage amounts specified in subdivision 2.

Subd. 10. LOCAL APPROVAL OF BYLAW AMENDMENTS; FILING REQUIREMENTS. Each relief association or account to which this section applies shall file a complete current copy of its governing bylaws with the commissioner of insurance on or before July 1, 1980 and shall immediately file a revised copy of its governing bylaws with the commissioner of insurance upon the approval of any amendment to its governing bylaws granted by the governing body of the municipality in which the fire department to which the relief association or account is directly associated or by the governing bodies of all municipalities with which the independent nonprofit firefighting corporation of which the relief association is a subsidiary has contracted whichever is applicable. Failure of the relief association to file a copy of the bylaws or any bylaw amendments with the commissioner of insurance shall disqualify the municipality from the distribution of any future fire state aid until this filing requirement has been completed. No bylaw amendment which would affect the amount of, the manner of payment of, or the conditions for qualification for service pensions or other retirement benefits or disbursements other than administrative expenses authorized pursuant to section 69.80 payable from the special fund of the relief association or account shall be effective until it has been ratified by the governing body of the municipality in which the fire department to which the relief association or account is directly associated or by the governing bodies of all municipalities with which the independent nonprofit firefighting corporation of which the relief association is a subsidiary or has contracted, whichever is applicable.

Sec. 13. [424A.03] UNIFORMITY OF VOLUNTEER FIREFIGHTER SERVICE PENSION AND RETIREMENT BENEFITS. Subdivision 1. LIMITATION ON NONUNIFORMITY OF PENSIONS. No partially salaried and partially volunteer firefighters' relief association shall provide service pensions to volunteer firefighter members which differ in nature or amount if the difference is based on compensation paid for firefighting services rendered by any firefighter member nor base the service pensions and retirement benefits it provides upon any rate or amount of compensation which is paid for firefighting services.

Subd. 2. PENALTIES FOR VIOLATIONS. Any municipality which has a fire department to which a relief association which violates the provisions of subdivision 1 is directly associated or which contracts with an independent nonprofit firefighting corporation of which a relief association which violates the provisions of subdivision 1 is a subsidiary shall not be included in the apportionment of fire state aid by the

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commissioner of insurance to the applicable county auditor pursuant to section 69.021, subdivision 6, and shall not be included in the apportionment of fire state aid by the county auditor to the various municipalities pursuant to section 69.021, subdivision 7.

Subd. 3. EXCEPTION TO APPLICATION OF LIMITATION AND PENALTY.

The limitation provided for in subdivision 1 shall not apply to any relief association which prior to January 1, 1957, had established a definite service pension formula for members of the partially salaried and partially volunteer firefighters' relief association who are regularly employed firefighters.

Sec. 14. [424A.04] VOLUNTEER RELIEF ASSOCIATIONS; BOARD OF TRUSTEES. Every volunteer firefighters' relief association shall be managed by a board of trustees consisting of nine members. Six trustees shall be elected from the membership of the relief association and three trustees shall be drawn from the officials of the municipality which has a fire department to which the relief association is directly associated or the municipality which contracts or the municipalities which contract with the independent nonprofit firefighting corporation of which the relief association is a subsidiary. The ex officio trustees, if the relief association is directly associated with the fire department of a municipality, shall be the mayor, the clerk or clerk-treasurer, and the chief of the municipal fire department. The ex officio trustees, if the relief association is a subsidiary of an independent nonprofit firefighting relief corporation, shall be three elected officials of the contracting municipality designated by the governing body of the municipality if only one municipality contracts with the independent nonprofit firefighting corporation, two elected officials of the largest municipality in population and one elected official of the next largest municipality in population designated by the governing bodies of the applicable municipalities if two municipalities contract with the independent nonprofit firefighting corporation, or one elected official of each of the three largest municipalities in population designated by the governing bodies of the applicable municipalities if three or more municipalities contract with the independent nonprofit firefighting corporation. An ex officio trustee shall have all of the rights and duties accorded to any other trustee except the right to be an officer of the board of trustees. A board shall have at least three officers, which shall be a president, a secretary and a treasurer. These officers shall be elected from among the elected trustees by either the full board of trustees or by the membership, as specified in the bylaws, and in no event shall any trustee hold more than one officer position at any one time. The terms of the elected trustees and of the officers of the board shall be specified in the bylaws of the relief association but shall not exceed three years. If the term of the elected trustees exceeds one year, the election of the various trustees elected from the membership shall initially and shall thereafter continue to be staggered on as equal a basis as is practicable.

It shall be the duty of the board of trustees to faithfully administer any provisions of statute or special law applicable to the relief association without prejudice and consistent with the expressed intent of the legislature. The members of the board shall act as trustees with a fiduciary obligation to the state of Minnesota which authorized the creation of the relief association, the taxpayers who aid in its financing and the firefighters who are its beneficiaries.

Sec. 15. [424A.05] RELIEF ASSOCIATION SPECIAL FUND. Subdivision 1.

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ESTABLISHMENT OF SPECIAL FUND. Every volunteer firefighters' relief association shall establish a special fund within the relief association.

Subd. 2. SPECIAL FUND ASSETS AND REVENUES. The special fund shall be credited with all fire state aid moneys received pursuant to sections 69.011 to 69.051, all taxes levied by or other revenues received from the municipality pursuant to sections 69.771 to 69.776 or any applicable special law requiring municipal support for the relief association, any moneys or property donated, given, granted or devised by any person which is specified for use for the support of the special fund of the relief association and any interest earned upon the assets of the special fund. The treasurer of the relief association shall be the custodian of the assets of the special fund and shall be the recipient on behalf of the special fund of all revenues payable to the special fund. The treasurer shall maintain adequate records documenting any transaction involving the assets or the revenues of the special fund. These records and the bylaws of the relief association shall be public and shall be open for inspection by any member of the relief association, any officer or employee of the state or the municipality or any member of the public, at reasonable times and places.

Subd. 3. AUTHORIZED DISBURSEMENTS FROM THE SPECIAL FUND. Disbursements from the special fund shall not be made for any purpose other than one of the following:

(1) For the payment of service pensions to retired members of the relief association if authorized and paid pursuant to law and the bylaws governing the relief association;

(2) For the payment of temporary or permanent disability retirement benefits to disabled members of the relief association if authorized and paid pursuant to law and specified in amount in the bylaws governing the relief association;

(3) For the payment of survivor retirement benefits to surviving spouses and surviving children of deceased members of the relief association if authorized by and paid pursuant to law and specified in amount in the bylaws governing the relief association;

(4) For the payment of any funeral benefits to the surviving spouse, or if no surviving spouse, the estate, of the deceased member of the relief association if authorized by law and specified in amount in the bylaws governing the relief association;

(5) For the payment of the fees, dues and assessments to the Minnesota state fire department association and to the state volunteer firefighters' benefit association in order to entitle relief association members to membership in and the benefits of these state associations; and

(6) For the payment of administrative expenses of the relief association as authorized pursuant to section 69.80.

Subd. 4. INVESTMENTS OF ASSETS OF THE SPECIAL FUND. The assets of the special fund shall be invested only in securities authorized by section 69.775.

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Subd. 5. DEFINITION OF SURVIVING SPOUSE. For purposes of this section, section 12, and the governing bylaws of any relief association to which sections 11 to 19 apply, the term "surviving spouse" means any person who was the dependent spouse of a deceased active member or retired former member living with the member at the time of the death of the active member or retired former member for at least one year prior to the date on which the member terminated active service and membership.

Sec. 16. [424A.06] RELIEF ASSOCIATION GENERAL FUND. Subdivision 1. ESTABLISHMENT OF GENERAL FUND. Any volunteer firefighters' relief association may establish and maintain a general fund within the relief association.

Subd. 2. GENERAL FUND ASSETS AND REVENUES. To the general fund, if established, shall be credited all moneys received from dues, fines, initiation fees, entertainment revenues and any moneys or property donated, given, granted or devised by any person, for unspecified uses. The treasurer of the relief association shall be the custodian of the assets of the general fund and shall be the recipient on behalf of the general fund of all revenues payable to the general fund. The treasurer shall maintain adequate records documentary and transaction involving the assets or the revenues of the general fund. These records shall be open for inspection by any member of the relief association at reasonable times and places.

Subd. 3. AUTHORIZED DISBURSEMENTS FROM THE GENERAL FUND. Disbursements from the general fund may be made for any purpose authorized by either the articles of incorporation or bylaws of the relief association.

Subd. 4. INVESTMENT OF ASSETS OF THE GENERAL FUND. The assets of the general fund may be invested in any securities authorized by the bylaws of the relief association.

Sec. 17. [424A.07] NONPROFIT FIREFIGHTING CORPORATIONS; ESTABLISHMENT OF RELIEF ASSOCIATIONS. Prior to paying any service pensions or retirement benefits pursuant to section 12 or becoming entitled to receive any amounts of fire state aid upon transmittal from a contracting municipality pursuant to section 69.031, subdivision 5, a nonprofit firefighting corporation shall establish a relief association governed by sections 11 to 19.

Sec. 18. [424A.08] MUNICIPALITY WITHOUT RELIEF ASSOCIATION; AUTHORIZED DISBURSEMENTS. Any qualified municipality which is entitled to receive fire state aid but which has no volunteer firefighters' relief association directly associated with its municipal fire department and does not contract with an independent nonprofit firefighting corporation which has a subsidiary volunteer firefighters' relief association, shall deposit the fire state aid in a special account in the municipal treasury. Disbursement from the special account shall not be made for any purpose except:

(1) Payment of the fees, dues and assessments to the Minnesota state fire department association and to the state volunteer firefighters' benefit association in order to entitle its firefighters to membership in and the benefits of these state associations;

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(2) Payment of the cost of purchasing and maintaining needed equipment for the fire department; and

(3) Payment of the cost for construction, acquisition, repair and maintenance of buildings or other premises to house the fire department.

Sec. 19. [424A.09] APPLICATION TO CERTAIN RELIEF ASSOCIATIONS. Sections 11 to 19 shall supersede any special law applicable to any municipal volunteer firefighters' relief association or independent nonprofit firefighting corporation specifically authorizing the relief association or nonprofit firefighting corporation to exceed the service pension limitations contained in Minnesota Statutes 1978, Sections 69.06 and 69.691. Any relief association which amended its bylaws to provide for a full pro rata service pension amount at the specified retirement age with 15 years service credit or 75 percent of the pro rata service pension amount at the specified retirement age with ten years of service pursuant to Minnesota Statutes 1978, Section 69.06 may continue to provide the specified service pension amounts at the applicable years of credited service to any member who has credit for at least ten or 15 years, whichever is the applicable minimum service period specified in the bylaws governing the relief association, on or before December 31, 1979 notwithstanding section 12.

Sec. 20. [6.72] STATE AUDITOR; REPORT TO THE LEGISLATURE ON VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATIONS. Subdivision 1. REPORTING REQUIREMENTS. Commencing November 15, 1981 and every two years thereafter, the state auditor shall report to the legislature on the general financial condition of the various volunteer firefighters' relief associations in the state as of December 31 of the year preceding the filing of the report. Two copies of the report shall be filed with the executive secretary of the legislative commission on pensions and retirement and ten copies of the report shall be filed with the director of the legislative reference library.

Subd. 2. CONTENTS OF REPORT. The report shall include the aggregate totals for all volunteer firefighters' relief associations directly associated with the municipal fire departments and all volunteer firefighters' relief associations subsidiary to independent nonprofit firefighting corporations, the aggregate totals by the various benefit types and the individual results for each volunteer firefighters' relief association listed by various benefit types specified in subdivision 3. The following items shall be reported in each instance:

- (1) amount of accrued liability,
- (2) amount of assets,
- (3) amount of surplus or unfunded accrued liability,
- (4) funding ratio,
- (5) amount of annual accruing liability or normal cost,

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(6) amount of annual required contribution to amortize the unfunded accrued liability,

(7) amount of total required contribution,

(8) amount of fire state aid,

(9) amount of any municipal contributions,

(10) amount of administrative expenses,

(11) amount of service pension disbursements,

(12) amount of other retirement benefit disbursements,

(13) number of active members,

(14) number of retired members,

(15) number of deferred members,

(16) amount of fidelity bond of secretary and treasurer,

(17) amount of service pension,

(18) minimum retirement age required for commencement of a service pension,

(19) minimum years of active service credit required for commencement of service pension,

(20) minimum years of active membership credit required for commencement of service pension,

(21) type and amount of other retirement benefits.

Subd. 3. BENEFIT CATEGORIES. For purposes of compiling the report required by this section, the various benefit types shall be as follows:

(1) volunteer firefighters' relief associations paying a lump sum service pension of:

(a) less than \$50 per year of service,

(b) \$50 or more, but less than \$100 per year of service,

(c) \$100 or more, but less than \$200 per year of service,

(d) \$200 or more, but less than \$300 per year of service.

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(e) \$300 or more per year of service;

(2) volunteer firefighters' relief associations paying a monthly benefit service pension of:

(a) less than \$2 per month per year of service,

(b) \$2 or more per month per year of service;

(3) volunteer firefighters' relief associations paying a defined contribution service pension;

(4) volunteer firefighters' relief associations paying no service pension.

Sec. 21. Laws 1963, Chapter 429, Section 1, is amended to read:

Section 1. **CALEDONIA, FIRE DEPARTMENT RELIEF ASSOCIATION PENSIONS.** The fire department relief association of the ~~village~~ city of Caledonia may pay out of its special fund in a lump sum a service pension ~~in an amount not exceeding \$20 per year for each and every year of active service; or~~ as may be provided by its bylaws, subject to the maximum contained in section 12, to each of its members who has heretofore retired, who has reached or shall hereafter reach the age of 50 years and who has heretofore done active duty for 15 years or more as a member of the volunteer fire department in the municipality where the association exists.

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

Sec. 22. Laws 1967, Chapter 575, Section 1, Subdivision 1, is amended to read:

Section 1. **FAIRMONT, CITY OF; FIREFIGHTERS' RELIEF.** Subdivision 1. The ~~firemen's~~ firefighters' relief association of the city of Fairmont may pay a volunteer ~~fireman~~ firefighter who qualifies under the terms of ~~Minnesota Statutes, Section 69.06, a~~ service pension ~~in excess of the amounts authorized by said section 69.06, and is disabled as defined in the bylaws of the association~~ a disability ~~benefits~~ benefit as authorized by ~~Minnesota Statutes, Section 424.34~~ section 15, subdivision 3, in ~~amounts of an amount equal to~~ \$130 per month.

Sec. 23. Laws 1967, Chapter 575, Section 2, is amended to read:

Sec. 2. The said relief association may provide a pension to the ~~widow~~ surviving spouse of a volunteer ~~fireman~~ firefighter who qualifies under the terms of ~~Minnesota~~

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~~Statutes, Section 424.31 section 15, subdivision 3, of \$65 per month; provided that if she the surviving spouse remarry, such pension shall cease and terminate as of the date of her remarriage.~~

In event there are dependent surviving children the relief association may provide for a pension of \$25 per month for each unmarried child up to the time each child reaches the age of 22; provided, the total pension hereunder for the widow surviving spouse and children of the deceased member shall not exceed \$130 per month. Such pension paid on account of surviving children shall be payable to the surviving widow spouse of the volunteer fireman firefighter.

Sec. 24. Laws 1967, Chapter 829, Section 1, is amended to read:

Section 1. **HOPKINS, CITY OF; FIREFIGHTERS' RELIEF ASSOCIATION.** Notwithstanding the any provisions of ~~Minnesota Statutes, Chapter 69 sections 11 to 19 to the contrary,~~ in the city of Hopkins, service pensions paid to members of the Hopkins volunteer fire department shall be calculated and paid in an amount not exceeding the sum derived by dividing the total amount of fire department relief association funds then available in the relief association by the total number of months of regular membership by all of the then members of the fire department relief association, and thereafter multiplying such product by the number of months of regular membership of the retiring fireman firefighter.

Sec. 25. Laws 1969, Chapter 526, Section 2a, as added by Laws 1974, Chapter 208, Section 1, is amended to read:

Sec. 2a. **FALCON HEIGHTS, VILLAGE OF; FIREFIGHTERS' RELIEF.** ~~The~~ bylaws of the fire department relief association of the village of Falcon Heights may provide for payment of a lump sum service pension to any person who has performed active duty for 20 years or more as a volunteer fireman of the fire department of the village of Falcon Heights and who has reached the age of 50 years. For all service prior to January 1, 1974, the amount of the pension shall not exceed \$400 for each full year of service. For all service after January 1, 1974, the amount of the pension shall not exceed \$600 for each full year of service, the exact amount of the pension to be set by village ordinance. Any increase resulting in a benefit in excess of \$400 for each full year of service shall apply only to service after the effective date of such an ordinance providing for an increase and no ordinance shall be considered by the village council unless the request is supported by an actuarial survey showing the fiscal effects of the proposed increase; provided, however, that no person may perform active duty as a volunteer fireman in excess of 20 years unless his service is approved jointly by a majority of the members of the village council and a majority of the members of the association; and in no event shall any person perform service as a volunteer fireman firefighter who has reached the age of 65.

Sec. 26. Laws 1969, Chapter 664, Section 1, is amended to read:

Section 1. **DASSEL, VILLAGE OF; FIREFIGHTERS' RELIEF; SERVICE PENSIONS.** Notwithstanding ~~Minnesota Statutes, Section 69.06~~ any provisions of ~~Changes or additions indicated by underline deletions by strikeout~~

sections 11 to 19 to the contrary, the firemen's firefighters' relief association of the village city of Dassel may pay a service pension to each of its retiring members who has done or hereafter does active duty for ten years or more, but less than 20 years, as a member of the fire department of the village city and who is otherwise eligible to receive a service pension under the laws applicable to that relief association and the bylaws thereof. The amount of the pension payable hereunder is the following percentage of the pension payable to a member with 20 years of service: (a) 20 percent for a member with 10 or more, but less than 15, years of service; (b) 50 percent for a member with 15 years of service; (c) 55 percent for a member with 16 years of service; (d) 60 percent for a member with 17 years of service; (e) 65 percent for a member with 18 years of service; and (f) 70 percent for a member with 19 years of service.

Sec. 27. Laws 1971, Chapter 114, Section 10, is amended to read:

Sec. 10. NEW HOPE VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION; AUTHORIZED DISBURSEMENTS. 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 and in accordance with Minnesota Statutes, Sections 424.30 and 424.31 section 15. The funds of the association shall be invested in securities which are permitted by law pursuant to Minnesota Statutes, Section 69.775 as investments for funds of the Minnesota state retirement system and funds of Minnesota firemen's firefighters' relief associations and may be invested with the Minnesota supplemental retirement fund.

Sec. 28. Laws 1971, Chapter 127, Section 1, is amended to read:

Section 1. WILLMAR, CITY OF; FIREFIGHTERS' SERVICE PENSIONS. Notwithstanding the provisions of Minnesota Statutes, Section 69.06; or any other law to the contrary; the fire department relief association of the city of Willmar may provide in its bylaws for a service pension in an amount not exceeding \$400 per year of service payable as a lump sum benefit to a retired fireman after 20 years service and age 50. The amount of benefit provided to a retiring fireman shall be determined by the bylaws of the relief association, and this amount shall be within the limits provided by this act. The amount of lump sum benefits so determined by the bylaws of the relief association shall not be effective until approved by the governing body of the city of Willmar.

In the event that a Willmar fire department relief association member becomes disabled, through sickness or accident, to the extent that his service as an active fireman firefighter must be terminated, then he shall be entitled, as of the day of disability, to the proportionate share of the service pension to which he would have been entitled had he retired on the date of such disability, without regard to the minimum requirements of age and service years.

Sec. 29. Laws 1971, Chapter 140, Section 7, is amended to read:

Sec. 7. GOLDEN VALLEY VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION. Moneys in the pension fund shall be disbursed only for purposes authorized in Minnesota Statutes, Sections 424.30 and 424.31 section 15, subdivision 3 and in the manner authorized by the articles of incorporation or bylaws of the Changes or additions indicated by underline deletions by strikeout

association. Before any moneys in the fund are invested in order to earn income or any change in the bylaws relative to the purpose or manner of disbursement is made, the association shall obtain the approval of the village council of Golden Valley. All moneys credited to the ~~firemen's~~ firefighters' pension fund which are not required for current expenses shall be invested in accordance with standards and limitations applicable to investments of the state employees retirement fund as established by statute.

Sec. 30. Laws 1971, Chapter 214, Section 1, as amended by Laws 1978, Chapter 599, Section 1, Subdivision 1, is amended to read:

Section 1. **WHITE BEAR LAKE, CITY OF; FIREFIGHTERS RELIEF ASSOCIATION.** Subdivision 1. The bylaws of the volunteer firefighters relief association of the city of White Bear Lake may be amended to authorize the payment to a member firefighter who ~~qualifies under the terms of Minnesota Statutes, Section 69.06,~~ of a ~~base service pension in excess of the amounts authorized by section 69.06,~~ or a disability benefit, either duty or nonduty incurred, as authorized by ~~Minnesota Statutes, Section 424.31, in amounts~~ section 15, subdivision 3, in an amount not to exceed \$150 per month.

Sec. 31. Laws 1971, Chapter 214, Section 2, is amended to read:

Sec. 2. **WHITE BEAR LAKE VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION; SURVIVOR BENEFITS.** The relief association may provide a pension to the ~~widow surviving spouse~~ surviving spouse of a volunteer ~~fireman firefighter who qualified under the terms of Minnesota Statutes, Section 424.31 as defined by section 15, subdivision 5,~~ not to exceed \$65 per month; provided that if ~~she~~ he ~~remarry the surviving spouse remarries,~~ such pension shall cease and terminate as of the date of ~~her~~ his remarriage.

In the event there are dependent surviving children, the relief association may provide for a pension not to exceed \$25 per month for each unmarried child up to the time each child reaches the age of 22; provided the total pension hereunder for the ~~widow surviving spouse~~ surviving spouse and children of the deceased member shall not exceed \$130 per month. Such pension paid on account of surviving children shall be payable to the surviving ~~widow spouse~~ surviving spouse of the volunteer ~~fireman~~ firefighter.

Sec. 32. Laws 1973; Chapter 304, Section 4, is amended to read:

Sec. 4. **COON RAPIDS VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION.** Moneys in the pension fund shall be disbursed only for purposes authorized in ~~Minnesota Statutes, Section 424.31 pursuant to section 15~~ and in the manner authorized by the articles of incorporation or bylaws of the association. Before any moneys in the fund are invested in order to earn income or any change in the bylaws relative to the purpose or manner of disbursement is made; the association shall obtain the approval of the city council of Coon Rapids. All moneys credited to the ~~firemen's~~ firefighters' pension fund which are not required for current expenses shall be invested in accordance with standards and limitations applicable to investments of the state employees retirement fund as ~~established~~ specified by Minnesota Statutes, Section ~~69.773~~ 69.775.

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Sec. 33. Laws 1973, Chapter 472, Section 1, as amended by Laws 1976, Chapter 272, Section 1, is amended to read:

Section 1. **WAYZATA, CITY OF; VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION.** ~~Notwithstanding any provision of Minnesota Statutes, Section 69.06 to the contrary, the Wayzata volunteer fire department relief association may pay to any fireman retiring after July 1, 1976 with 20 or more years service and having attained the age of 50, a lump sum benefit not in excess of \$750 per year of service. This An amount equal to the lump sum benefit service pension which would have been payable to the deceased member had the member retired on the date of death may be payable paid by the Wayzata volunteer fire department relief association to the widow surviving spouse or the surviving children of the member in the event that the member dies prior to receiving his lump sum benefit but after completing at least 20 years of service. Notwithstanding any contrary provision of section 15, subdivision 5, a "widow" surviving spouse for purposes of this act is defined as a spouse who became the legally married wife spouse of a member during or prior to the time the member served on active duty with the fire department and remained such continuously after the marriage until his the death of the member. The lump sum benefits provided for by this act the bylaws of the association may be paid to any member entitled thereto in addition to any other pension received from other public or private employment.~~

Sec. 34. Laws 1975, Chapter 237, Section 1, is amended to read:

Section 1. **BROOKLYN PARK VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION.** ~~In lieu of the service pension as provided in Minnesota Statutes, Section 424.17, The firemen's firefighters' relief association in the city of Brooklyn Park may provide a fireman who qualifies under the provisions of section 424.17 member with a service pension or a disability pension of not more than (1) a sum equal to \$7 per month per year of service, not to exceed \$175 per month, for life, in conformity with the bylaws of the association or (2) a lump sum payment of up to \$600 for each year of service, not to exceed a total of \$15,000, in conformity with the bylaws of the association.~~

Sec. 35. Laws 1975, Chapter 237, Section 2, is amended to read:

Sec. 2. Subdivision 1. ~~In lieu of the widow's pension provided in Minnesota Statutes, Section 424.24, The association may provide a pension survivor benefit to the widow surviving spouse of a volunteer fireman who qualifies under the terms of section 424.24 firefighter as defined by section 15, subdivision 5, such pension survivor benefit to be paid as the bylaws of the association provide for life, not to exceed \$60 per month, provided that if she the surviving spouse remarries, the pension shall cease as of the date of her remarriage.~~

Subd. 2. ~~In the event there are surviving children as provided in section 424.24, the association may provide for a pension for each child up to the time each child reaches the age of not less than 16 years nor more than 22 years if classified as a full time student, not to exceed \$30 per month, or as the bylaws of the association may provide.~~

Sec. 36. Laws 1976, Chapter 209, Section 1, is amended to read:

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Section 1. **ROCKFORD, CITY OF; FIREFIGHTERS' PENSIONS.** Notwithstanding ~~Minnesota Statutes, Section 69.06~~ any contrary provision of section 12, the ~~firemen's~~ firefighters' relief association of the city of Rockford may pay a proportionate service pension to each of its members who has done or hereafter does active duty for ten years or more, but less than 20 years, as a member of the fire department of the city and who is otherwise eligible to receive a service pension under the laws applicable to that relief association and the bylaws thereof. The amount of the pension payable hereunder shall be prorated in the ratio that the number of full years of service completed bears to 20 years.

Sec. 37. Laws 1977, Chapter 374, Section 41, is amended to read:

Sec. 41. **COLUMBIA HEIGHTS VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION.** Notwithstanding any contrary provision of section 14, 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. 38. Laws 1977, Chapter 374, Section 50, Subdivision 2, is amended to read:

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~~ service pensions after ten years service in good standing as authorized pursuant to section 12, subdivision 2, (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.

Sec. 39. Laws 1977, Chapter 374, Section 51, is amended to read:

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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 and any increase applicable to members of the volunteer division complies with this act. 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.

Sec. 40. Laws 1977, Chapter 374, Section 57, is amended to read:

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 424.39 and 424.34~~ section 15, 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:

- (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;

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(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. 41. Laws 1978, Chapter 685, Section 1, is amended to read:

Section 1. **PLYMOUTH VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION.** ~~Notwithstanding any provision of Minnesota Statutes, Section 69.06, Chapter 424, or any other law;~~ The bylaws of the Plymouth firefighter's relief association may be amended to provide for payment of a ~~service pension or~~ disability pension in an amount equal to \$8.50 per month per year of service, to a maximum of \$255 per month, to a firefighter ~~otherwise~~ qualified pursuant to ~~section 69.06 and~~ the bylaws of the association.

Sec. 42. Laws 1978, Chapter 685, Section 4, is amended to read:

Sec. 4. ~~Notwithstanding Minnesota Statutes, Section 424.31~~ any contrary provisions of section 12, the board of trustees shall consist of six general trustees elected from the membership, and the mayor, city manager, director of finance, and chief of the fire

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department who shall be ex-officio members of the board with the same rights, privileges and duties as the elected trustees.

Sec. 43. NEW ULM VOLUNTEER FIREFIGHTERS' RELIEF ASSOCIATION. Subdivision 1. Notwithstanding any provisions of section 12 to the contrary, the bylaws of the New Ulm volunteer firefighters' relief association may provide that whenever the amount of the service pension is increased for active members of the relief association, the amount of the service pension payable to each retired member receiving a service pension as of the effective date of the bylaw amendment may be increased by the same amount per year of service credit as the amount of the service pension for active members is increased.

Subd. 2. This section shall be effective upon the approval by the governing body of the city of New Ulm and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Sec. 44. REPEALER. Minnesota Statutes 1978, Sections 69.04; 69.055; 69.06; 69.22; 69.23; 69.24; 69.66; 69.67; 69.68; 69.691; 424.30; and 424.31; Laws 1959, Chapter 324; Laws 1965, Chapters 592, Section 1; and 598, Section 1; Laws 1967, Chapters 575, Section 1, Subdivision 2; 742, Section 1; 815, Sections 1 and 2, Subdivision 1; and 831; Laws 1969, Chapters 252, Section 1, Subdivisions 1 and 2; 526, Sections 1 and 2; 530; 644, Section 1; 714; 719, Section 1; 877; 1088, Section 2, Subdivision 1; and 1105, Sections 1, 2 and 3; Laws 1971, Chapters 2; 114, Section 3, Subdivision 2; 140, Section 1; 184, Section 1, Subdivisions 1 and 2; 200; and 233; Laws 1973, Chapters 30, Section 1, Subdivision 1; 33; 166; 170; 173; 175; 181; 182; 280; 283, Section 1; 288; 304, Section 1, Subdivision 2; 311; and 464; Laws 1974, Chapter 112; Laws 1975, Chapters 36; 43; 117; 118; 119; 124; 125; 178; 197; 229, Section 1; 306, Section 33, Subdivisions 1 and 2; and 367; Laws 1976, Chapters 71; 97; 100, Section 1, Subdivisions 1 and 3; 206; 208; 214; 267; 272, Section 2; and 288, Section 1; Laws 1977, Chapters 294; 295; and 374, Section 50, Subdivision 1; Laws 1978, Chapters 599, Section 1, Subdivisions 2 and 3; 606; 617, Section 1; 622; 631; 673; 683, Sections 1 and 2, Subdivision 1; 753, Section 2, Subdivisions 1 and 1a; and 754 are repealed.

Sec. 45. TEMPORARY PROVISION. The procedure for recognizing assets in excess of accrued liabilities specified in section 5, subdivision 3, clause (2), subclause (c), and the procedure for calculating a new amortization period specified in section 9, subdivision 4, clause (b) may be utilized by any fund covered by an applicable provision for calculations of the financial requirements of, and the minimum obligation of the municipality with respect to the special fund of, the relief association certified during calendar year 1979 and shall be utilized by any relief association covered by an applicable provision for calculations of the financial requirements of, and the minimum obligation of the municipality with respect to the special fund of, the relief association certified during the calendar year 1980.

To the extent that he deems it to be necessary or practical, the commissioner of insurance may specify and issue procedures, forms or mathematical tables for use in performing the calculations required pursuant to section 4 or section 12, subdivision 8.

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Nothing in this act shall be construed to reduce the amount of any benefits received by any person receiving on the effective date of this act a service pension or other retirement benefits paid by any volunteer firefighters' relief association or any independent nonprofit firefighting corporation retirement plan or subsidiary relief association.

Sec. 46. EFFECTIVE DATE. This act is effective July 1, 1979.

Approved May 25, 1979.

CHAPTER 202—S.F.No.1328

An act relating to labor; authorizing commissioner of labor and industry to seek restraining orders against certain violators of child labor laws; amending Minnesota Statutes 1978, Section 181A.08, by adding a subdivision.

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

Section 1. Minnesota Statutes 1978, Section 181A.08, is amended by adding a subdivision to read:

Subd. 3. The commissioner or his authorized representative may apply to any court of competent jurisdiction for an order restraining the violation of an order issued by the commissioner pursuant to subdivision 2, or for an order enjoining and restraining violations of chapter 181A or regulations adopted pursuant to section 181A.09.

Sec. 2. This act is effective on the day following final enactment.

Approved May 25, 1979.

CHAPTER 203—S.F.No.1351

An act relating to metropolitan government; providing for financing of metropolitan sports facilities; authorizing a revised site determination and establishing conditions for issuance of bonds; changing certain provisions relating to the powers and duties of the metropolitan council and sports facilities commission; providing for appointment of members of the metropolitan sports facilities commission; exempting events sponsored at the metropolitan sports center from the three percent admission tax; providing expedited court procedures; limiting use of the highway user tax distribution fund; authorizing local taxes; appropriating money; amending Minnesota Statutes 1978, Sections 473.553, Subdivisions 2 and 4; 473.556, Subdivisions 4, 6, and 7; 473.581, Subdivisions 2, 3, as amended, 4, as amended, and 5, as amended; 473.595, Subdivision 1, and by adding a subdivision; and Chapter 473, by adding sections.

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