

Thereafter the cause shall proceed to judgment in the district court as if it had there been commenced, and the costs shall abide the event.

Sec. 3. This act is effective the day after final enactment and applies to all actions commencing on or after that date.

Approved May 17, 1979.

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**CHAPTER 96—S.F.No.1392**

*An act relating to local government; providing for fire protection services in various local units in Cass and Morrison counties.*

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

Section 1. The city of Pillager and the towns of Fairview, Home Brook, May, Rail Prairie, Rosing and Sylvan may organize a nonprofit corporation under Minnesota Statutes, Chapter 317, to provide fire protection services. The corporation shall have the status of a joint board under Minnesota Statutes, Section 471.59, and may only act subject to the conditions of that section. This act is effective January 1, 1978.

Approved May 17, 1979.

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**CHAPTER 97—H.F.No.148**

*An act relating to the city of New Hope; firefighters' pension, disability and survival benefits; amending Laws 1971, Chapter 114, Sections 2, Subdivision 5; 3, Subdivisions 2, 3 and 4; 4; 5, Subdivisions 1 and 2; 6, Subdivision 2; and 7, Subdivisions 1 and 2.*

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

Section 1. Laws 1971, Chapter 114, Section 2, Subdivision 5, is amended to read:

Subd. 5. ~~“Widow”~~ “Surviving spouse” as used herein shall mean 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 member's death and who in case the deceased member was placed on the pension ~~role~~ roll was legally married to such member at least ~~three~~ years ~~one year~~ before ~~his~~ the member's retirement from the fire department.

Sec. 2. Laws 1971, Chapter 114, Section 3, Subdivision 2, is amended to read:

Subd. 2. The bylaws of the association shall provide for the payment of a pension to a retired member with 20 or more years of active service as a ~~fireman~~ firefighter in the ~~Changes~~ or additions ~~indicated~~ by underline ~~deletions~~ by strikeout

an amount of \$120 not to exceed \$240 per month plus an additional amount of not to exceed \$12 per month for each full year of service in excess of 20 years to a maximum of \$360 per month, payable at such time as the member retires and reaches the age of 50 years or more for the remainder of his natural life in conformity with the bylaws of the association.

Sec. 3. Laws 1971, Chapter 114, Section 3, Subdivision 3, is amended to read:

Subd. 3. The bylaws of the association shall provide for the payment of a pension to the widow surviving spouse of a deceased member, retired member, disabled member or to the widow surviving spouse of a person entitled to a pension under section 5, subdivision 1, or section 7 of this act in ~~the a~~ minimum amount of \$30 not to exceed \$60 per month when the deceased served for ten years or less as a volunteer ~~fireman~~ firefighter, which pension may increase in the amount of \$3 not to exceed \$6 per month for each full year of service beyond ten years to a maximum of ~~\$60~~ \$180 per month. The ~~widow's~~ pension shall be paid to the widow surviving spouse for ~~her~~ natural life, provided that if ~~she~~ remarries upon remarriage such pension shall cease and terminate as of the date of ~~her~~ remarriage.

Sec. 4. Laws 1971, Chapter 114, Section 3, Subdivision 4, is amended to read:

Subd. 4. The bylaws of the association shall provide for the payment of a children's pension to the surviving children of a deceased member, retired member, disabled member or to the children of a person entitled to a pension under section 5, subdivision 1, or section 7 of this act in the minimum amount of \$15 not to exceed \$30 per month when the deceased served for ten years or less as a volunteer ~~fireman~~ firefighter, which pension ~~shall may~~ increase ~~\$1.50 a~~ maximum of \$3 per month for each full year of active service beyond ten years to a maximum of ~~\$30~~ \$90 per month. The foregoing children's pension in the amount as determined above shall be paid to each surviving child. The maximum amount of the children's pension shall be the monthly pension per child as determined above multiplied by the number of surviving children or by six, whichever is less. In the event there are more than six surviving children entitled to receive the children's pension as set forth above, the monthly payment shall be multiplied by six in order to determine the total children's benefit for all surviving children and shall thereupon be distributed equally among the surviving children. A children's pension shall be paid to each surviving child until such child reaches the age of 18 or dies, whichever occurs sooner. Thereupon that child's pension shall cease and terminate.

Sec. 5. Laws 1971, Chapter 114, Section 4, is amended to read:

Sec. 4. The bylaws of the association shall provide for a lump sum death benefit upon the death of any member, retired member, disabled member or person entitled to a pension under section 5, subdivision 1, or section 7 of this act in the amount of \$1,000 together with an additional sum of \$100 for each year of service which the deceased performed as a volunteer ~~fireman~~ firefighter up to a maximum benefit of ~~\$3,000~~ \$4,000 in order to assist the family of the deceased in defraying the funeral expenses.

Sec. 6. Laws 1971, Chapter 114, Section 5, Subdivision 1, is amended to read:

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Sec. 5. Subdivision 1. The bylaws of the association shall provide for the payment of a pension to a person who performed ten or more years of active service with the volunteer fire department in the an amount of ~~\$6~~ not exceeding \$12 per month for each year of service when such person's active service has been terminated by virtue of the elimination of his position as a volunteer ~~fireman~~ firefighter. Such pension shall be paid at such time as the person's service is terminated or he reaches the age of 50, whichever occurs later and shall thereafter be paid for ~~the duration of his natural~~ life.

Sec. 7. Laws 1971, Chapter 114, Section 5, Subdivision 2, is amended to read:

Subd. 2. The bylaws of the association shall provide that a person who has performed service in the volunteer fire department for ten or more years but less than 20 years and resigns as a volunteer ~~fireman~~ firefighter shall, in lieu of any other benefits under this act or the bylaws passed pursuant to this act, receive a lump sum service benefit which may be paid five years after his resignation or at age 50, provided that in no event shall the lump sum service benefit exceed the amount of ~~\$300~~ \$600 per year of service. In the event of the death of such person prior to the payment of such benefit, the benefit shall be paid to the executor, administrator or personal representative of the deceased.

Sec. 8. Laws 1971, Chapter 114, Section 6, Subdivision 2, is amended to read:

Subd. 2. The bylaws of the association shall provide for the payment of permanent disability to disabled members. A member shall be "permanently disabled" within the meaning of this section only if in the opinion of a physician acceptable to the association and as provided in the bylaws of the association such disability totally and permanently incapacitates the member from active duty in the volunteer fire department. Except as provided in subdivision 3, only disabled members who have served ten full years or more of active duty with the volunteer fire department shall be entitled to permanent disability compensation. The permanent disability compensation shall be in the an amount of ~~\$6~~ not exceeding \$12 per month for each year of service and shall be paid commencing at such time as the disabled member reaches the age of 50 upon certification of permanent disability.

Sec. 9. Laws 1971, Chapter 114, Section 7, Subdivision 1, is amended to read:

Sec. 7. Subdivision 1. The bylaws of the association may provide that if the village city shall convert the volunteer fire department in whole or in part to a full-time paid fire department and if any volunteer should become a full-time ~~fireman~~ firefighter of that fire department, he shall be entitled to receive a pension in the an amount of ~~\$6~~ not exceeding \$12 per month for each year of service as a volunteer ~~fireman~~ firefighter which shall be payable upon his retirement as a ~~fireman~~ firefighter of that department or at age 50, whichever occurs later, and shall be paid for ~~the duration of his natural~~ life.

Sec. 10. Laws 1971, Chapter 114, Section 7, Subdivision 2, is amended to read:

Subd. 2. The chief of the volunteer fire department of the village city of New Hope who is serving in such position as of January 1, 1971, shall in lieu of any other benefits

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hereunder, receive payments in ~~the an~~ amount of \$60 ~~not to exceed~~ \$120 per month which shall be paid as he reaches the age of 50 and retires from the service of the municipality and thereafter ~~during the remainder of his natural~~ for life.

Sec. 11. This act is effective upon approval by the New Hope city council and upon compliance with Minnesota Statutes, Section 645.021. Benefits authorized by this act may be paid retroactively to January 1, 1979.

Approved May 17, 1979.

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#### CHAPTER 98—H.F.No.713

*An act relating to banks and banking; providing for publication of certain bank reports; amending Minnesota Statutes 1978, Section 48.48, Subdivision 1.*

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

Section 1. Minnesota Statutes 1978, Section 48.48, Subdivision 1. is amended to read:

48.48 **REPORTS TO COMMISSIONER.** Subdivision 1. At least three times in each year, and at any other time when so requested by the commissioner, every bank shall, within fifteen days of the date of notice, make and transmit to him, in such form as he shall prescribe, a report, verified by its president or vice-president and by its cashier, and attested by at least two of its directors, stating in detail, under appropriate heads, as required by the commissioner, its assets and liabilities at the close of business on the day specified in the request. This statement shall be published once at the expense of the bank in a newspaper of servng the municipality or town in which the bank is located. The newspaper shall be published in the county of its location, and in which the bank is located or in an adjoining county. Proof thereof of publication shall be filed immediately with the commissioner immediately after publication of the report. A bank located in a municipality, the corporate limits of which extend into two or more counties, may publish its report in a newspaper of either of the counties. For the purposes of this subdivision a newspaper serves a municipality or town if it meets the qualifications of section 331.02, subdivision 1, clause (4).

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

Approved May 17, 1979.

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#### CHAPTER 99—H.F.No.715

*An act relating to interstate motor vehicle carriers; eliminating certain registration requirements for certain interstate carriers; amending Minnesota Statutes 1978, Section*

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