

the ~~director~~ archivist showing where any records or reproductions thereof of them have been stored, and also identifying such as any that have been ordered destroyed, sold for salvage or disposed of by gift or otherwise.

Sec. 11. Minnesota Statutes 1980, Section 138.21, is amended to read:

138.21 STORAGE SPACE DESIGNATED BY PANEL.

~~When the records disposition panel shall have ordered the storage of any public records, or of any such reproductions thereof, the same shall be stored in the space designated by the director~~ The Minnesota historical society may direct the storage of government records, including photographic or other reproductions which are state archives.

Sec. 12. [138.225] PROHIBITION AGAINST UNAUTHORIZED DISPOSAL OF RECORDS; PENALTY.

Government records shall not be destroyed except by the authority of the records disposition panel. A person who intentionally and unlawfully removes, mutilates, destroys, conceals, alters, defaces or obliterates a record filed or deposited in a public office or with a public officer by authority of law or in state archives, or a public officer or employee who knowingly permits any other person to do any of the foregoing acts, is guilty of a misdemeanor.

Sec. 13. [138.226] REPLEVIN AUTHORITY.

The attorney general may replevin public records which have been unlawfully transferred or removed in violation of sections 15.17, subdivisions 2 and 3; 138.163; 138.17; and 138.21. The records shall be returned to the office of origin, or, in the case of state archives, to the society.

Sec. 14. REPEALER.

Minnesota Statutes 1980, Sections 16.66 and 138.18 are repealed.

Sec. 15. EFFECTIVE DATE.

Sections 1 to 14 are effective July 1, 1982.

Approved March 22, 1982

CHAPTER 574 — H.F.No. 1697

An act relating to retirement; validating a certain post retirement adjustment granted by the Virginia firefighters relief association; authorizing increases in benefits payable by the Eveleth police and fire trust fund; Virginia police relief association; defining certain terms; providing for the governance of separate and distinct general and special funds; providing benefit improvements for certain participants and benefit recipients; validating adoption of third class city police law; validating past payments; clarifying the authority to approve alternative benefit increases; repealing Laws 1935, Chapters 92 and 259; Laws 1937, Chapter 197; and Laws 1949, Chapter 235.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

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

Section 1. VALIDATION OF POST RETIREMENT ADJUSTMENT; RATIFICATION OF PAYMENTS.

Notwithstanding the failure of the city of Virginia to comply fully with the filing requirements of Minnesota Statutes 1980, Section 423A.01, Subdivision 4, the post retirement adjustment authorized by that subdivision shall be applicable to the Virginia relief association. All payments made pursuant to that subdivision are hereby validated.

Sec. 2. EVELETH POLICE AND FIREFIGHTERS; BENEFIT INCREASE.

Notwithstanding any general or special law to the contrary, in addition to any other benefits payable, retirement benefits payable to retired police officers and firefighters and the surviving spouses thereof by the Eveleth police and fire trust fund may be increased by \$35 per month. Increases may be made retroactive to January 1, 1982.

Sec. 3. VIRGINIA POLICE RELIEF ASSOCIATION; DEFINITIONS.

Subdivision 1. TERMS DEFINED. Notwithstanding Minnesota Statutes, Sections 423.37 to 423.392, the following definitions apply to the Virginia police relief association.

Subd. 2. ADMINISTRATOR. "Administrator" means the person who is elected by the participants to manage the affairs of the special fund, who serves as an ex officio trustee of the special fund, and who performs the duties of the secretary and the treasurer for the purposes of Minnesota Statutes, Sections 423.37 to 423.392.

Subd. 3. BOARD OF DIRECTORS. "Board of directors" means the members elected to manage the property, affairs and business of the general fund of the association.

Subd. 4. BOARD OF TRUSTEES. "Board of trustees" means the participants elected by participants of the association to manage the property, affairs and business of the special fund of the association.

Subd. 5. CHILD OR CHILDREN. "Child or children" means the issue of a member born of lawful wedlock or legally adopted by the member during the member's lifetime.

Subd. 6. INTEGRATION OF BENEFITS. "Integration of benefits" means the reduction or offset to the amount of disability pension paid, following the exhaustion of sick leave, by benefits received under the workers' compensation law or received under any disability program provided by the city of Virginia.

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Subd. 7. MEMBER. "Member" means any person employed as a police officer by the city of Virginia.

Subd. 8. PARTICIPANT. "Participant" means a member who was employed on or before June 15, 1980, and who does not contribute to the public employees police and fire fund.

Subd. 9. PREVAILING PAY. "Prevailing pay" means the monthly basic salary and the maximum holiday pay, multiplied by the maximum percentage of longevity. Monthly basic salary, maximum holiday pay, and the percentage of longevity are determined in accordance with the unit employment contract of the police department in effect from time to time.

Subd. 10. SURVIVING SPOUSE. "Surviving spouse" means the legal spouse of a member at any time prior to termination as a police officer due to retirement or disability, and who was the legal spouse of the member at the time of the member's death.

Sec. 4. GOVERNANCE OF SEPARATE GENERAL AND SPECIAL FUNDS OF VIRGINIA POLICE RELIEF ASSOCIATION.

The members of the Virginia police relief association are authorized to maintain a separate general fund to be governed by a board of directors for the benefit of all members and a separate special fund to be governed by a board of trustees and administered by an administrator for the benefit of participants and their survivors.

Sec. 5. VIRGINIA POLICE; BENEFIT CHANGES FOR PARTICIPANTS.

If the bylaws so authorize, the following changes shall be effective:

(a) The service pension payable to persons who retired from the police department on or before January 12, 1966, shall be supplemented by \$50 per month.

(b) For any participant who terminated employment after 20 or more years of service, the amount of the monthly service pension payable after the participant has attained the age of at least 50 years shall be equal to one-half of the prevailing pay of a police officer of the rank and position held by the participant for a period of at least six months prior to termination of service, or to the rank and position most analogous thereto, payable by the police department in each month during which the retired participant receives a service pension.

(c) The amount of a monthly disability pension shall be equal to one-half of the prevailing pay of a police officer of the rank and position held by the participant for a period of at least six months prior to his or her disability or the rank and position most analogous thereto, payable by the police department in

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each month during the period of the participant's disability, subject to any integration of benefits.

(d) The benefit paid to the surviving spouse of a participant who died on or before January 11, 1967, shall be increased by \$25 per month, until the surviving spouse's death or remarriage.

(e) The benefit paid to a surviving child shall be increased to \$50 per child per month, subject to any limitation placed on the total amount of survivor's benefits.

Sec. 6. VIRGINIA POLICE; VALIDATION OF ADOPTION OF PENSION PROVISIONS; VALIDATION OF PAST PAYMENTS.

Notwithstanding the failure of the Virginia police relief association to comply fully with the requirements of Laws 1947, Chapter 625, the election of the Virginia police relief association to come under the provisions of Minnesota Statutes, Sections 423.37 to 423.392, is hereby validated. Any payments made pursuant to the provisions of sections 423.37 to 423.392 are hereby validated.

Sec. 7. [423A.05] CLARIFICATION OF INTERPRETATION ON AUTHORITY TO APPROVE ALTERNATIVE BENEFIT INCREASE.

No provision of Minnesota Statutes, Section 645.021, or Laws 1980, Chapter 607, Article XV, Sections 7 or 25, shall be construed as authorizing any municipality which approved an alternative benefit increase for a local police or salaried firefighters relief association located in the municipality and which complied with Minnesota Statutes, Section 645.021, Subdivision 3, to amend, modify, or revoke that approval or substitute a different alternative benefit increase for the alternative benefit increase which was previously approved.

Sec. 8. VIRGINIA POLICE; REPEALER.

Laws 1935, Chapters 92 and 259; Laws 1937, Chapter 197; and Laws 1949, Chapter 235, are repealed.

Sec. 9. EFFECTIVE DATE.

The provisions of sections 1, 6, 7 and 8 are effective the day following final enactment. The provisions of section 2 are effective upon approval by the city council of Eveleth and upon compliance with Minnesota Statutes, Section 645.021. The provisions of sections 3, 4 and 5 are effective upon approval by the city council of Virginia and upon compliance with Minnesota Statutes, Section 645.021.

Approved March 22, 1982

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