

students enrolled in school in Sisseton, South Dakota and Sisseton, South Dakota elementary students enrolled in school in Browns Valley; making this authorization applicable to the 2001-2002 school year and later.

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

Section 1. BROWNS VALLEY SCHOOL CALENDAR START DATE EXCEPTION.

Notwithstanding Minnesota Statutes, section 120A.40, paragraph (a), independent school district No. 801, Browns Valley, may begin the school year as early as August 27 to accommodate Browns Valley high school students enrolled in school in Sisseton, South Dakota, and Sisseton, South Dakota, elementary students enrolled in school in Browns Valley.

EFFECTIVE DATE. This section is effective the day following final enactment and, notwithstanding Minnesota Statutes, section 120A.40, paragraph (a), or other law to the contrary, applies to the 2001-2002 school year and later.

Presented to the governor March 11, 2002

Signed by the governor March 13, 2002, 4:56 p.m.

CHAPTER 231—H.F.No. 2695

An act relating to retirement; correcting Minneapolis firefighters relief association provisions; amending certain administrative procedures; amending Minnesota Statutes 2001 Supplement, sections 423C.01, subdivisions 17, 25; 423C.03, subdivisions 4, 6; 423C.04, subdivisions 1, 4; 423C.05, subdivisions 5, 6, 7, 9.

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

Section 1. Minnesota Statutes 2001 Supplement, section 423C.01, subdivision 17, is amended to read:

Subd. 17. **EXCESS INVESTMENT INCOME.** "Excess investment income" means the amount, if any, by which the average time-weighted total rate of return earned by the special fund in the most recent prior five fiscal years has exceeded the actual average percentage increase in the current monthly salary of a first grade firefighter in the most recent prior five fiscal year years plus two percent. The excess investment income must be expressed as a dollar amount and may not exceed one percent of the total assets of the special fund, except when the actuarial value of assets of the special fund, according to the most recent annual actuarial valuation prepared in accordance with sections 356.215 and 356.216, is greater than 102 percent of its actuarial accrued liabilities, in which case the amount must not exceed 1.5 percent of the assets of the special fund.

Sec. 2. Minnesota Statutes 2001 Supplement, section 423C.01, subdivision 25, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 25. **SURVIVING SPOUSE MEMBER.** "Surviving spouse member" means a person who was:

(1) legally married to, and residing with, an active, deferred, or retired member both during the time the member was regularly entered on the payroll and serving on active duty in the fire department and at the time of the member's death;

(2) not in a common law marriage; and

(3) (2) in the event the person was married to a retired or deferred member, married to that retired or deferred member for at least two years one year prior to the member's discharge from the fire department.

Sec. 3. Minnesota Statutes 2001 Supplement, section 423C.03, subdivision 4, is amended to read:

Subd. 4. **BOND FOR EXECUTIVE SECRETARY AND TREASURER.** (a) The executive secretary and the treasurer must furnish to the relief association a corporate bond for the faithful performance of the duties of that office in an amount as the board of trustees from time to time may determine, subject to the minimum amount specified in section 69.051, subdivision 2.

(b) The relief association must pay the premiums on these bonds from the general special fund of the relief association.

Sec. 4. Minnesota Statutes 2001 Supplement, section 423C.03, subdivision 6, is amended to read:

Subd. 6. **ADDITIONAL BOARD POWERS.** (a) In addition to the powers granted the board by this chapter, chapter 317A, other applicable state and federal law, and its articles and bylaws, the board shall authorize and create a board of examiners.

(b) The board of examiners shall investigate and report on all applications for disability pensions and make recommendations as to the amount to be paid to each applicant; investigate and report on all disability pensioners and make recommendations as to the amount of pension to be paid to them, from year to year; and investigate and report on all applications for service pensions and claims for relief. This board shall consist of a competent physician selected by the association and at least three members of the board of the relief association on active duty with the fire department.

Sec. 5. Minnesota Statutes 2001 Supplement, section 423C.04, subdivision 1, is amended to read:

Subdivision 1. **DUTIES.** The association shall create, maintain, and administer the funds and accounts in this section. The association shall have full and permanent charge and the responsibility for the proper management and control of all funds that may come into its possession under this section. The sources of revenue and authorized disbursements of each fund and account are governed by this section.

Sec. 6. Minnesota Statutes 2001 Supplement, section 423C.04, subdivision 4, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 4. **HEALTH INSURANCE ACCOUNTS.** Notwithstanding any law to the contrary, special fund contributions of active members of the association with at least 25 years of service made after the 25th year of service must be deposited in a separate account and used to pay health care costs of the individual member upon retirement. The board shall adopt rules regarding the frequency and amounts of distributions from these accounts. A member with an account established pursuant to this section is entitled, upon retirement or disability, to receive periodic distributions from the account, in the amount and with the frequency specified by the retiring member consistent with the board's rules.

Sec. 7. Minnesota Statutes 2001 Supplement, section 423C.05, subdivision 5, is amended to read:

Subd. 5. **SERVICE-RELATED PERMANENT DISABILITY PENSION.** An active member who becomes permanently disabled as the result of a service-related disease or injury shall, upon application and approval of the board, be entitled to a pension of ~~42~~ 41 units or in the amount determined under subdivision 8. The application for service-related permanent disability shall include a certificate from a qualified medical professional setting forth the permanent nature of the disability or disease and that it was service related. ~~The board shall utilize the board of examiners established pursuant to section 423C.03, subdivision 6, to investigate and make recommendations on an application for a pension pursuant to this subdivision.~~

Sec. 8. Minnesota Statutes 2001 Supplement, section 423C.05, subdivision 6, is amended to read:

Subd. 6. **NON-SERVICE-RELATED PERMANENT DISABILITY PENSION.** An active member who, by sickness or accident, becomes permanently disabled ~~from performing and unable to perform firefighter duties for the fire department due to non-service-related disease or injury~~ shall be entitled to a permanent disability pension. ~~No allowance for disability shall be made unless notice of the disability and an application for benefits is made by or on behalf of the disabled member within 90 days after the beginning of the disability. This application shall include a certificate from a qualified medical professional setting forth the cause, nature, and extent of the disability. The board shall utilize the board of examiners established pursuant to section 423C.03, subdivision 6, to investigate and report on an application for benefits pursuant to this section and make recommendations as to eligibility and the benefit amount to be paid.~~ A member entitled to a disability pension under this subdivision shall receive benefits in the amount and manner determined by the board, not to exceed 41 units.

Sec. 9. Minnesota Statutes 2001 Supplement, section 423C.05, subdivision 7, is amended to read:

Subd. 7. **SURVIVING SPOUSE AND DEPENDENT PENSIONS.** Notwithstanding any other law to the contrary, when a service pensioner, disability pensioner, deferred pensioner, or active member of the association dies, recipient beneficiaries are entitled to a pension or pensions, as follows:

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(1) to a surviving spouse, a pension of 22 units per month;

(2) a surviving spouse of a deceased service pensioner, disability pensioner, or deferred pensioner who is otherwise not qualified for a pension may receive a benefit if the surviving spouse was legally married to the decedent for a period of two years and was residing with the decedent at the time of death. The surviving spouse benefit provided in this clause is the same as that provided to those who meet the definition of surviving spouse under section 423C.01, subdivision 25, except that if the surviving spouse is younger than the decedent, the surviving spouse benefit must be actuarially equivalent to a surviving spouse benefit that would have been paid to the member's spouse had the member been married to a person of the same or greater age than the member's age prior to retirement. A benefit paid in this circumstance may be less than 17 units notwithstanding the minimum set out in this clause subdivision;

(3) to each dependent, if the dependent's other parent is living, a pension not to exceed eight units per month. Dependents between the ages of 18 and 22 may continue to receive a pension upon board determination that the dependent complies with the requirements of section 423C.01, subdivision 11, and applicable association bylaws, except that if the dependent marries before the age of 22 years the pension shall cease as of the date of the marriage. The board shall make the final determination with respect to eligibility for benefits and compliance with section 423C.01, subdivision 11;

(4) each dependent of a deceased member after the death of the dependent's other parent, or in the event the other parent predeceases the member, is entitled to receive a pension in the amount the board deems necessary to properly support each dependent until the dependent reaches the age of not less than 16 and not more than 18 years. Dependents between the ages of 18 and 22 may be entitled to continue receiving a pension upon board determination that the dependent complies with the requirements of section 423C.01, subdivision 11, and applicable association bylaws, except that if the dependent marries before the age of 22 years the pension shall cease as of the date of the marriage. The board shall make the final determination with respect to eligibility for benefits and compliance; and

(5) the total pension payable to a surviving spouse and all dependents of a deceased member shall in no event exceed ~~41~~ 42 units per month.

Sec. 10. Minnesota Statutes 2001 Supplement, section 423C.05, subdivision 9, is amended to read:

Subd. 9. **ALTERNATIVE SERVICE PENSION FOR UNMARRIED MEMBER.** A retired member submitting an application for a service pension who is was not legally married on September 1, 1997, and remains remained unmarried on the effective date of Laws 2001, First Special Session chapter 10, article 15 October 25, 2001, may, if the member had obtained 25 years of service credit on or before October 25, 2001, select a service pension of 42.3 units in lieu of a service pension under subdivision 2.

Sec. 11. **INTENT.**

Laws 2001, First Special Session chapter 10, article 15, other than section 5, subdivision 9, of that article, was intended to recodify the prior local laws applicable

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to the Minneapolis firefighters relief association as they then existed. The provisions in sections 1, 2, 7, 9, and 10 are intended to clarify eligibility for various benefits and to correct provisions of Laws 2001, First Special Session chapter 10, article 15. If any provision of this act or Laws 2001, First Special Session chapter 10, article 15, other than section 5, subdivision 9, of that article, result in a member receiving a benefit that the member would not have otherwise been entitled to receive prior to the effective date of Laws 2001, First Special Session chapter 10, article 15, the secretary of the Minneapolis firefighters relief association shall notify the executive director of the legislative commission on pensions and retirement and the mayor of the city of Minneapolis.

Sec. 12. EFFECTIVE DATE.

The provisions of sections 1, 2, 7, 9, and 10 are effective retroactive to October 25, 2001. The provisions of sections 3 to 6 and 8 are effective the day following final enactment.

Presented to the governor March 11, 2002

Signed by the governor March 13, 2002, 4:56 p.m.

CHAPTER 232—H.F.No. 58

An act relating to alcoholic beverages; prescribing standards for identification of beer kegs; requiring retailers of beer to maintain records of sale of beer kegs and to record the identification number of each beer keg sold; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 340A.

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

Section 1. [340A.513] SALE OF BEER KEGS.

Subdivision 1. DEFINITIONS. For purposes of this section:

(a) "Beer keg" means any brewery-sealed, single container that contains not less than seven gallons of malt liquor.

(b) "Off-sale retailer" means a holder of a license under this chapter to sell alcoholic beverages at off-sale or a municipal liquor store.

Subd. 2. STANDARDS. No off-sale retailer shall sell beer kegs unless that retailer affixes an identification label or tag to each beer keg. An identification label or tag shall consist of paper, plastic, metal, or another durable material that is not easily damaged or destroyed. Identification labels used may contain a nonpermanent adhesive material in order to apply the label directly to an outside surface of a beer keg at the time of sale. Identification tags shall be attached to beer kegs at the time of sale with nylon ties or cording, wire ties or other metal attachment devices, or another durable means of tying or attachment of the tag to the beer keg. The identification information

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