

stroy any live tree, shrub, timber, evergreen, or ornamental plant of any kind, or who shall wilfully injure, remove, destroy, deface, or mutilate any guide-board, guide-post, furniture, fixture, improvement, monument, tablet, or other property of the state of any kind, or who shall wilfully violate, or fail to comply with, any rule or regulation of the commissioner adopted and promulgated in accordance with the provisions of Laws 1923, Chapter 430, shall be guilty of a misdemeanor.

Sec. 4. Minnesota Statutes 1967, Section 85.20, Subdivision 5, is amended to read:

Subd. 5. **Trespass in certain state parks.** Any person who shall wilfully cut, destroy, or mutilate, or cause to be wilfully cut, destroyed, or mutilated, any tree, shrub, timber, evergreen, or plants of any kind, in any *state park named in sections 85.09 to 85.12, state monument, state recreation area or state wayside enumerated in this chapter*, shall be guilty of a misdemeanor; and, upon conviction thereof by a court having competent jurisdiction, shall be punished by a fine of not less than \$10, and not more than \$100 for each offense, or be imprisoned in the county jail of the county in which the park is situated for not less than ten nor more than 90 days for each offense.

Sec. 5. Minnesota Statutes 1967, Section 85.21, is amended to read:

**85.21 State operation of state park, state monument, state recreation area and state wayside facilities; license not required.** The state, in its operation of state park, *state monument, state recreation area, and state wayside facilities*, shall not be required to obtain or pay for permits or licenses required by statute or by ordinance of governmental subdivisions of private operators in conducting or maintaining similar business or facilities.

Approved May 21, 1969.

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CHAPTER 526—H. F. No. 1322

[Not Coded]

*An act relating to the fire department relief association of the village of Falcon Heights; providing certain benefits for volunteer firemen and their survivors; authorizing tax levies; providing for administration of the relief association fund.*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Falcon Heights, village of; firemen's relief association.** Notwithstanding the provisions to the contrary of Minnesota Statutes, Sections 69.06, 424.30 and 424.31, the bylaws of the fire department relief association of the village of Falcon Heights may provide for payment of service pensions, disability, sickness, and injury benefits and death benefits only as authorized by this act.

Sec. 2. The bylaws of the fire department relief association of the village of Falcon Heights may provide for payment of a service pension to volunteer firemen who are members of the association, which service pension shall be paid in a lump sum not exceeding \$400 for each full year of service or a total of \$10,000, to a retiring member who qualifies for a service pension by reason of having reached the age of 50 years, and who has done active duty for 20 years or more as a volunteer fireman of the fire department of the village of Falcon Heights and, if applicable, the volunteer fire department of Rose township; provided, however, that no volunteer fireman may be entitled to a service pension if his active duty as a volunteer fireman in excess of 20 years has not been jointly approved by a majority of the members of the village council and a majority of the members of the association.

Sec. 3. The bylaws of the fire department relief association of the village of Falcon Heights may provide that a volunteer fireman who has performed service in the department for more than ten years, but less than 20 years, when he becomes physically disabled in the performance of his duties as a fireman so as to be permanently incapable of performing service in the department as determined by the board of trustees, may be paid a lump sum service pension when he reaches the age of 50 years. The amount of said service pension shall bear the same proportion to the amount of pension he would have received if he had served 20 years as his years of service bear to 20 years of service.

Sec. 4. The bylaws of the fire department relief association of the village of Falcon Heights may provide for the payment of temporary disability compensation to a member who becomes temporarily disabled on account of sickness or injury incurred in the performance of his duties as a fireman for the village. The amount and manner of such payment shall be as prescribed in the bylaws of the association.

Sec. 5. The bylaws of the fire department relief association of the village of Falcon Heights may provide for payment of a lump sum death benefit to the widow of a deceased member or dependent child in the event the wife predeceases the employee in an amount not

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more than the pension for which the member was eligible at the time of his death under section 2 of this act, provided that the member's estate shall not otherwise have become entitled to said pension by operation of law.

Sec. 6. The bylaws of the fire department relief association of the village of Falcon Heights may provide for payment of a death benefit in a lump sum of not more than \$2,000 to the widow of a deceased member who dies in the performance of his duties as a volunteer fireman for the village and who has not become eligible for a service pension under section 2 of this act.

Sec. 7. The bylaws of the fire department relief association of the village of Falcon Heights may provide for payment of a death benefit in a lump sum of not more than \$750 to the widow of a deceased member who has not died in the performance of his duties as a volunteer fireman for the village and who has not become eligible for a service pension under section 2 of this act.

Sec. 8. The payment and acceptance of a lump sum pension or death benefit shall constitute a waiver of any additional or future benefits which he might otherwise claim from the association. In lieu of such lump sum payment the bylaws of the fire department relief association of the village of Falcon Heights may provide that the person entitled to the payment may require that the association pay said amount in no more than five equal annual installments without interest.

Sec. 9. For the purposes of this act, the term "widow" shall mean a spouse who was the legal wife of the member volunteer fireman and remained such continuously after the marriage until death without at the time of death having pending an action for divorce or legal separation, and who was residing with him at the time of his death; no temporary absence for the purposes of business, health, or pleasure shall constitute a change of residence for the purposes of this act.

Sec. 10. The service pensions and death benefits authorized by this act 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. No payment of a lump sum pension made or to be made by the association to any member and no payment of a lump sum death benefit made or to be made to any widow of a member 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

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the authority to recognize any assignment or pay over any sum which has been assigned.

Sec. 11. Subdivision 1. The treasurer of the village of Falcon Heights and the secretary of the fire department relief association of the village of Falcon Heights maintaining and administering the firemen's relief fund, shall during the month of June of each year, prepare and certify an estimate of the necessary appropriation which will be sufficient to meet for the ensuing year the current normal cost determined by the entry age normal cost method based upon a three percent interest assumption, plus an additional amount sufficient to retire the present accumulated deficit within 40 years of the date on which this act becomes effective. Said estimate shall take into account the members' *expected contributions, if any, for the ensuing year, and state aid by distribution of the tax on premiums for fire insurance and related coverage estimated to be received during the ensuing year.* During the first year after the date on which this act becomes effective, and at least once every four years thereafter, the fire department relief association of the village of Falcon Heights shall obtain an actuarial survey and report to assist in the preparation of annual estimates required by this section, which survey and report shall be prepared in accordance with the provisions of Chapter 751, Laws of 1965, as amended, except as otherwise provided in this act.

The records of account shall be maintained under the direction of the treasurer of the village of Falcon Heights and the secretary of the *fire department relief association of the village of Falcon Heights.* The system of accounting employed shall be in accordance with generally accepted accounting principles, and shall employ applicable actuarial assumptions in a manner which will provide an actuarial measurement of the liabilities for accumulated relief association reserves needed for in-service members, the liabilities for rights which have become vested, and the overall financial solvency of the fund. Within 90 days following the end of each fiscal year the treasurer of the village of Falcon Heights shall submit a report to the village council which shall reflect the financial condition of the relief association fund.

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

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Sec. 12. The pensions and other benefits provided for herein shall be paid to all volunteers in addition to any other pension and benefits due them from other employment public or private.

Sec. 13. Moneys in the relief association fund shall be disbursed only for purposes and in the manner authorized by the articles of incorporation or bylaws of the association. Before any change in the bylaws relative to the purpose, amount or manner of disbursement is made, the association shall obtain the approval of a 4/5 majority of the members of the village council of the village of Falcon Heights. All moneys credited to the fire department relief association 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. 14. The bylaws of the association referred to in this act, and any amendments thereto, shall not be effective unless approved by a 4/5 majority of the members of the village council of the village of Falcon Heights.

Sec. 15. This act shall apply to each member of the fire department relief association of the village of Falcon Heights who has retired subsequent to July 1, 1968, or who may hereafter retire.

Sec. 16. This act is effective upon its approval by a majority of the members of the village council of the village of Falcon Heights and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 21, 1969.

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#### CHAPTER 527—H. F. No. 1325

*An act relating to the deposit of county funds; amending Minnesota Statutes 1967, Section 385.07.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1967, Section 385.07, is amended to read:

**385.07 Counties; deposit of funds; funds, where deposited or invested.** All county funds shall be deposited promptly and intact by the county treasurer in the name of the county in one or more banks designated by the county board, who, before designating such

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