

Sec. 18. Sections 7 through 18 of this act are effective July 2, 1969.

Approved May 24, 1969.

CHAPTER 694—S. F. No. 1227

[Not Coded]

An act relating to the city of Rochester and the firemen's relief association and special fund; amending Laws 1959, Chapter 131, Sections 1; 10, Subdivisions 1 and 3; 11; 16; Subdivisions 1 and 2; and 25; and by adding a section; repealing Laws 1959, Chapter 131, Section 10, Subdivision 2, and Section 20.

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

Section 1. Laws 1959, Chapter 131, Section 1, is amended to read:

Section 1. Rochester, city of; firemen's relief; definitions.
Subdivision 1. For the purposes of this act the following terms set forth in this section shall have the following meanings ascribed to them.

(a) *Subd. 2.* "Fire department" means the fire department of the city of Rochester, Minnesota.

(b) *Subd. 3.* "Relief association" or "association" means the Rochester fire department relief association.

(c) *Subd. 4.* "Fireman" used alone means every person who is duly appointed and regularly entered upon the payroll of the fire department of the city of Rochester and who is on active duty with that department. The term does not include temporary or emergency employees.

(d) *Subd. 5.* "Member" used alone means every fireman who has been admitted to membership in the relief association as hereinafter provided.

(e) *Subd. 6.* "Unit" means a fractional part 1/75 of the lowest current maximum monthly base salary paid to any fireman as such salary is established from time to time by the common council; except that for persons who first became a fireman after June 30, 1969 and

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their dependents, a "unit" means 1/75 of the sum of (a) the maximum monthly salary being paid any fireman at the time the pensions or benefits being determined first become payable, and (b) one half of the difference between said salary and the current maximum monthly salary paid to any fireman as established from time to time by the common council. A "unit" shall be not more than one seventy-fifth and not less than one ninetieth of such monthly salary as established from time to time in accordance with the provisions of this act.

(f) Subd. 7. "Disability" means a physical or mental, or combination physical and mental, incapacity which renders a member unable to perform the duties of his position in the fire department.

(g) Subd. 8. "Pensioner" means a member of the relief association who has qualified and is receiving a pension.

(h) Subd. 9. "Deferred pensioner" means (a) a member of the relief association who has completed not less than 20 years of service in the fire department of the city of Rochester, who retires before reaching the age of 50 years, and who is entitled upon request to receive a pension when he attains the age of 50 years, or (b) a member of the relief association who first became a fireman after June 30, 1969, who has completed not less than 20 years of service in the fire department of the city of Rochester, who retires before reaching the age of 55 years, and who is entitled upon request to a pension when he attains the age of 55 years.

Sec. 2. Laws 1959, Chapter 131, Section 10, Subdivision 1, is amended to read:

Sec. 10. Tax levy. Subdivision 1. ~~Except as provided in subdivision 2 in addition to all other taxes it may levy the common council of the city of Rochester shall levy a tax of one mill at the time and in the manner it levies other taxes and the proceeds of this tax shall be paid to the relief association. At the time and in the manner it levies other taxes, the common council of the city of Rochester shall annually levy a tax to be paid into the relief association's special fund in an amount which, together with member contributions and other income available to the special fund, will be sufficient to meet current normal costs determined by the entry age normal cost method based upon a three percent interest assumption, plus an additional amount sufficient to retire the accumulated deficit by the year 2072. To avoid an excessive increase in the amount of the levy during the first three years after passage of this act, the tax levy shall be two mills in 1969, three mills in 1970, four mills in 1971, and such amount each year thereafter as may be required by this section. The tax levy of the city in 1972 and thereafter shall not be less than an amount equal to one~~

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and one half times the total amount of the member salary deductions for the preceding year. The relief association shall have actuarial surveys made of the special fund in accordance with the provisions of Minnesota Statutes, Sections 69.71 to 69.76, except that the survey shall determine the annual rate of support required to retire the deficit by the year 2072.

Sec. 3. Laws 1959, Chapter 131, Section 10, Subdivision 3, is amended to read:

Subd. 3. The tax required to be levied as herein provided shall be separate and distinct from all other taxes levied and shall not be included in the calculation of any limitations *on the power to tax imposed by the charter of on the city of Rochester on the power to tax.*

Sec. 4. Laws 1959, Chapter 131, Section 11, is amended to read:

Sec. 11. **Salary deductions.** ~~During all times that the relief association is in existence~~ The city shall regularly deduct from the salary of each member of the association an amount *which up to and including June 30, 1969, shall be equal to two percent of the lowest base current maximum monthly salary paid to any fireman and which after June 30, 1969, shall be equal to six percent of the current maximum monthly salary paid to any fireman.* ~~In the event the actual balance of cash and investments in the special fund ever becomes less than \$75,000 the city shall regularly deduct from the salary of each member of the association an amount equal to four percent of the lowest base salary paid to any fireman and shall continue to deduct such amount until the actual balance of cash and investments in the special fund again reaches \$75,000 or more. In no event shall any such deduction be less than two percent or more than four percent of such lowest base salary.~~ All salary deductions shall be remitted *paid* by the city to the treasurer ~~of into the relief association association's special fund~~ not less than quarterly.

Sec. 5. Laws 1959, Chapter 131, Section 16, Subdivision 1, is amended to read:

Sec. 16. **Pensions; limitations.** Subdivision 1. The relief association shall grant pensions to its members payable from the special fund in monthly installments in the following manner and for the following purposes:

(a) Any member of the age of 50 years or more who *became a fireman before July 1, 1969, and who performs duty as a member*

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of the fire department of the city for 20 years or more upon his written application after retiring from such duty shall be paid monthly during his lifetime a pension equal to 35 units and an additional unit for each year of such service in excess of 20 years but not to exceed 42 units;

(b) Any member of the age of 55 years or more who became a fireman after June 30, 1969, and who performs duty as a member of the fire department of the city for 20 years or more upon his written application after retiring from such duty shall be paid monthly during his lifetime a pension equal to 35 units and an additional unit for each year of such service in excess of 20 years but not to exceed 42 units;

~~(b)~~ *(c) Any member who became a fireman before July 1, 1969, who performs duty as a member of the fire department of the city for 20 years or more who retires from such duty before he attains the age of 50 years upon his written application after reaching the age of 50 years shall be paid monthly during his lifetime a pension equal to 35 units and an additional unit for each year of such service in excess of 20 years but not to exceed 40 units; and*

(d) Any member who became a fireman after June 30, 1969, who performs duty as a member of the fire department of the city for 20 years or more and who retires from such duty before he attains the age of 55 years upon his written application after reaching the age of 55 years shall be paid monthly during his lifetime a pension equal to 35 units and an additional unit for each year of such service in excess of 20 years but not to exceed 40 units; and

~~(e)~~ *(e) Any member not eligible for a service pension who while a member of the fire department of the city becomes diseased or sustains an injury which permanently unfits him for the performance of department duties shall be paid monthly during his lifetime a disability pension equal to 36 units while so disabled. No member shall be awarded, granted, or paid a disability pension under the provisions of this clause except upon the certificate of two or more physicians or surgeons chosen by the board of trustees. This certificate shall set forth the cause, nature, and extent of the disability, disease, or injury of the member. No member shall be awarded, granted, or paid a disability pension pursuant to this clause unless the certificate states the disability, disease, or injury. Each such certificate shall be filed with the secretary of the association.*

Sec. 6. Laws 1959, Chapter 131, Section 16, Subdivision 2, is amended to read:

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Subd. 2. In the case of an applicant for a pension pursuant to clauses (a) ~~and~~, (b), (c), (d), and (e) of subdivision 1 above who, following admission to membership in the association, has served in the military forces of the United States in any war or national defense emergency subsequent to January 1, 1940, and thereafter returned honorably discharged from such service and resumed membership in the association, the period that the applicant spends in such military service shall be counted in computing the period of service required for benefits under this section. During such period of military service or defense emergency service any such person is not considered a member of the association and is not entitled to any service pension, disability benefits, or deferred pension as provided in clauses (a) ~~and~~, (b), (c), (d), and (e) of subdivision 1 above unless previously earned. If the member does not return to employment in the fire department of the city of Rochester within one year from the time peace is declared or within one year from the termination of the period of emergency, whichever is later, the provisions of this subdivision shall not apply.

Sec. 7. Laws 1959, Chapter 131, Section 25, is amended to read:

Sec. 25. **Investment of special fund.** ~~The board of trustees of the Rochester fire department relief association shall from time to time invest pension funds available for that purpose and they may buy bonds issued by the city of Rochester at the market value thereof, or bonds issued by the board of education of the city of Rochester at the market value thereof, or buy bonds of the state of Minnesota, or United States bonds; notwithstanding the state of Minnesota or United States bonds may be above par value thereof at the time of the investment; they may deposit these funds in any bank in the city of Rochester, Minnesota. They may also make first mortgage loans to active members of the Rochester fire department. All loans made by this association must first be approved by the board of trustees and then approved by the common council of the city of Rochester. These loans cannot be made for a period exceeding 15 years and a fair rate of interest must be charged. The interest may be raised or lowered on new loans according to the trend of the times. Any interest change must be passed by a two-thirds vote of the members present at the regular or special meeting that the request to change the interest is made. Subdivision 1. The board of trustees of the Rochester firemen's relief association shall estimate from time to time the amount of pensions and expenses to be paid from the special fund and the amount of funds to be available for investment purposes. The board of trustees shall deposit the funds available for investment purposes~~

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with the state board of investment in the income share account of the Minnesota supplemental retirement fund.

Subd. 2. The board of trustees shall withdraw funds deposited with the state board of investment at such times and in such amounts as it may determine and as may be needed to pay such pensions and expenses as are payable from the special fund.

Subd. 3. The board of trustees shall maintain at all times accurate records to show the amount of funds currently deposited with the state board of investment and the accounts in which such deposits are credited.

Subd. 4. If for any reason the state board of investment is unable to accept a deposit from the special fund for investment purposes, the board of trustees shall select, subject to the approval of the common council, a trust company or other investment company authorized to accept funds of others for investment purposes. Such funds as may be determined by the board of trustees to be available for investment shall be deposited with such investment company for investment by the company in securities designated by Minnesota Statutes, Section 11.16, as legal securities for the investment of funds of the state employees retirement association. The investment of such funds shall be subject to all the restrictions contained in Minnesota Statutes, Section 11.16, except that, subject to the restrictions on the total amount of funds invested in corporate stock and corporate obligations, the percentage limitation on the investment in common and preferred stock in any year shall not apply except that not more than one percent of the assets of the fund or \$10,000, whichever is greater, may be invested in the stock of any one corporation. The investment company shall have the duty to advise the board of trustees relative to the investment and reinvestment of such funds and to the sale, conveyance, and exchange of any such securities. The investment company shall sell securities on request of the board of trustees when the board of trustees determines that funds are needed to pay pensions or expenses of the special fund.

Subd. 5. Any investment permitted under law when made but prohibited by this act shall be deemed valid until maturity or prior termination.

Sec. 8. Laws 1959, Chapter 131, is amended by adding a section to read:

Sec. 28. Changes in articles of incorporation or bylaws. *No change in the articles of incorporation or the bylaws of the firemen's relief association affecting the pensions or expenses pay-*

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able from the special fund shall become effective until approved by the common council.

Sec. 9. *Laws 1959, Chapter 131, Section 10, Subdivision 2, and Section 20, are repealed.*

Sec. 10. *No provision of this act shall be construed as reducing the amount or rate of contribution to the association by the municipality or a member of the association from such minimum contributions as are prescribed by the Police and Firemen's Relief Associations Guidelines Act of 1969. Notwithstanding the provisions of this or any other act, the association and the municipality and the officers of each are authorized to do all things required by the Guidelines Act as conditions for the contribution of public funds or the levy of taxes for the support of the association.*

Sec. 11. *This act shall take effect upon its approval by the governing body of the city of Rochester, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.*

Approved May 24, 1969.

CHAPTER 695—S. F. No. 1299

[Coded in Part]

An act relating to snowmobiles; amending Minnesota Statutes 1967, Sections 84.81, by adding subdivisions; 84.82, Subdivisions 1 and 3; 84.83; 84.86, Subdivision 1; 84.87, Subdivisions 1 and 3; 97.49, Subdivision 5; 171.01, Subdivision 3; 171.03; and Chapter 84, by adding sections.

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

Section 1. Minnesota Statutes 1967, Section 84.81, is amended by adding a subdivision to read:

Subd. 10. Snowmobiles. "Dealer" means a person, partnership, or corporation engaged in the business of selling snowmobiles at wholesale or retail.

Sec. 2. Minnesota Statutes 1967, Section 84.81, is amended by adding a subdivision to read:

Subd. 11. "Manufacturer" means a person, partnership, or corporation engaged in the business of manufacturing snowmobiles.

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