

dollars of insurance so valued; ~~€~~ The commissioner may, in lieu of a valuation of the policies of any foreign life insurance company admitted, or applying for admission, to do business in this state, accept a certificate of valuation from ~~such the~~ company's own actuary or from the commissioner of insurance of the state or territory in which ~~such the~~ company ~~shall be~~ is domiciled };

(f) For receiving and filing certificates of policies by the company's actuary, or by the commissioner of insurance of any other state or territory, \$50;

(g) For issuing a non-resident agent's license, ~~\$40~~ \$25;

(h) For taking an examination for one line of insurance, ~~\$40~~ \$15 and an additional ~~\$40~~ \$15 for each examination for an additional line of insurance or for re-examination in any one line;

(i) For each new agent's license requested or for the requested renewal of an existing agent's license, ~~the a domestic~~ insurer shall remit ~~\$3~~ \$5 and all other insurers shall ~~remit \$3~~; and for each amendment requested on the license, ~~the a domestic~~ insurer shall remit ~~\$4~~ \$3 and all other insurers shall ~~remit \$1~~.

(4) All fees received by the commissioner pursuant to the provisions of this section shall be paid by him into the state treasury.

Sec. 3. This act is effective July 1, 1978.

Approved March 9, 1978.

CHAPTER 471-H.F.No.1860

An act relating to public employees retirement association; providing for adjusted accrual dates for payment of annuities, survivor benefits and disability benefits, and clarifying membership requirements for elected officials; amending Minnesota Statutes 1976, Sections 353.29, Subdivision 7; 353.32, Subdivision 1a; 353.33, Subdivision 2; 353.657, Subdivision 2a; and Minnesota Statutes, 1977 Supplement, Sections 353.01, Subdivision 2b; 353.29, Subdivision 8; and 353.31, Subdivision 8.

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

Section 1. Minnesota Statutes, 1977 Supplement, Section 353.01, Subdivision 2b, is amended to read:

Subd. 2b. **EXCLUDED EMPLOYEES.** The following persons are excluded from the meaning of "public employee":

(a) Persons employed for professional services where such service is incidental to regular professional duties.

Changes or additions indicated by underline deletions by ~~strikeout~~

(b) Election officers.

(c) Independent contractors and their employees.

(d) Patient and inmate help in governmental subdivision charitable, penal and correctional institutions.

(e) Members of boards, commissions, bands and others who serve the governmental subdivision intermittently.

(f) Employees who hold positions of an essentially temporary or seasonal character, provided such employment does not continue for a period in excess of 120 working days in any calendar year. Immediately following the expiration of such 120 working days if such employees continue in public service and earn in excess of \$250 in any one calendar month, the department heads must then report all such employees for membership and must cause employee contributions to be made on behalf of such employees in accordance with section 353.27, subdivision 4, and they shall remain members until termination of public service.

(g) Part time employees who receive monthly compensation not exceeding \$250, and part time employees and elected officials whose annual compensation is stipulated in advance to be not more than \$3,000 per year, except that members shall continue their membership until termination of public service.

(h) Persons who first occupy an elected office after ~~February 1, 1969~~ March 1, 1978, the compensation for which does not exceed ~~\$150~~ \$250 per month.

(i) Emergency employees who are employed by reason of work caused by fire, flood, storm or similar disaster.

(j) Employees who by virtue of their employment are required to contribute to any other pension, relief or retirement fund established for the benefit of officers and employees of a governmental subdivision, except as an act of the legislature has specifically enabled participation by employees of a designated governmental subdivision in a plan supplemental to the public employees retirement association; provided that this clause shall not prevent a person who belongs to the public employees retirement association from also belonging to or contributing to a volunteer firemen's relief association that does not determine its benefits or contributions on the basis of the salary or compensation of the fireman.

(k) Police matrons employed in a police department of any city who are transferred to the jurisdiction of a joint city and county detention and corrections authority.

(l) Chaplains and nuns who have taken a vow of poverty as members of a religious order.

(m) Full time students who are enrolled and are regularly attending classes at an accredited school, college or university; provided, no full time public employees shall be

Changes or additions indicated by underline deletions by ~~strikeout~~

exempt under this paragraph and any such employees presently exempt hereunder shall become members as of July 1, 1976.

(n) Resident physicians, medical interns and pharmacist interns who are serving in public hospitals.

(o) Appointed or elected officers, paid entirely on a fee basis, and who were not members on June 30, 1971.

(p) Nothing in Laws 1973, Chapter 753 shall be interpreted to impair or revoke any option exercised under Laws 1963, Chapter 793.

Sec. 2. Minnesota Statutes 1976, Section 353.29, Subdivision 7, is amended to read:

Subd. 7. **ANNUITIES; ACCRUAL.** Except as to elected public officials, all retirement annuities granted under the provisions of this chapter shall commence with the first day of the first calendar month next succeeding the date of termination of public service and shall be paid in equal monthly installments ~~commencing one month thereafter~~, but no payment shall be made for accrue beyond the end of the month, or any portion thereof; in which entitlement to such annuity has terminated; ~~however, if an annuitant dies leaving a surviving spouse who is or will become eligible for monthly survivor benefits; such spouse shall be entitled to the payment of such annuity through the date of annuitant's death. If the annuitant dies prior to negotiating the check for the month in which death occurs, payment will be made to the surviving spouse or if none to the designated beneficiary or if none to the estate.~~ Any annuity granted to an elective public official shall accrue on the day following expiration of his public office or right thereto, and his annuity for that month shall be prorated accordingly. No annuity, once granted, shall be increased, decreased, or revoked except as provided in this chapter. No annuity payment shall be made retroactive for more than three months prior to that month in which application therefor shall be filed with the association.

Sec. 3. Minnesota Statutes, 1977 Supplement, Section 353.29, Subdivision 8, is amended to read:

Subd. 8. **ANNUITIES; PAYMENT; EVIDENCE OF RECEIPT.** Payment of any annuity or benefit for a given month shall be mailed by the association to the annuitant, recipient of a disability benefit, or survivor, during the first week of ~~the next ensuing month that month~~. Evidence of receipt of every warrant issued by the association in payment of an annuity or benefit shall be submitted by the payee thereof to the association quarterly, together with a written declaration that the annuitant or recipient of a disability benefit has or has not returned to public service; that the surviving dependent spouse has or has not remarried; and shall be furnished on forms provided by the executive director thereof, before the association shall pay to the annuitant, disability recipient, or survivor for the next ensuing month, the annuity or benefit to which he otherwise may be entitled.

Sec. 4. Minnesota Statutes, 1977 Supplement, Section 353.31, Subdivision 8, is amended to read:

Changes or additions indicated by underline deletions by ~~strikeout~~

Subd. 8. **ACCRUAL OF BENEFITS.** All benefits under this section and survivor benefits otherwise provided in this chapter when payable to persons qualifying therefor shall accrue on the first day following the death of a "basic member" or the first day of the month following the death of an annuitant, whichever is applicable or disablitant. No payment may be made retroactively for more than 12 months prior to that month in which the application is filed, and no benefit shall accrue beyond the end of the month in which entitlement to such benefits has terminated.

Sec. 5. Minnesota Statutes 1976, Section 353.32, Subdivision 1a, is amended to read:

Subd. 1a. **SURVIVING SPOUSE OPTIONAL ANNUITY.** If a member who has attained the age of at least 58 years and has credit for not less than 20 years allowable service dies before public service has terminated, or if an employee who has filed a valid application for an annuity or disability benefit prior to termination of public service dies before the annuity or benefit has become payable, notwithstanding any designation of beneficiary to the contrary, the surviving spouse may elect to receive, in lieu of a refund with interest provided in subdivision 1, or survivor benefits otherwise payable pursuant to section 353.31, an annuity equal to the 50 percent joint and survivor annuity which the member could have qualified for on the date of death, computed as provided in sections 353.29, subdivisions 2 and 3; and 353.30, subdivisions 1, 1a, and 1b. ~~The annuity shall cease with the last payment received by the surviving spouse in his or her lifetime. No payment shall accrue beyond the end of the month in which entitlement to such annuity has terminated.~~ An amount equal to the excess, if any, of the accumulated contributions which were credited to the account of the deceased employee over and above the total of the annuities paid and payable to the surviving spouse shall be paid to the deceased member's last designated beneficiary or, if none, to the legal representative of the estate of such deceased member. Any member may request in writing that this subdivision not apply and that payment be made only to the designated beneficiary, as otherwise provided by this chapter.

Sec. 6. Minnesota Statutes 1976, Section 353.33, Subdivision 2, is amended to read:

Subd. 2. **APPLICATIONS; ACCRUAL OF BENEFITS.** Every claim or demand for a total and permanent disability benefit shall be initiated by written application in the manner and form prescribed by the board of trustees, filed in the office of the retirement association, showing compliance with the statutory conditions qualifying the applicant for such total and permanent disability benefit. A member or former member who became totally and permanently disabled during his period of membership may file his application for total and permanent disability benefits within three years next following termination of public service, but not thereafter. This benefit shall begin to accrue 90 days following the commencement of disability or 90 days preceding the filing of the application, whichever is later. If annual or sick leave is paid for more than the said 90 day period, the benefit shall accrue from the date salary ceased. No payment shall accrue beyond the end of the month in which entitlement has terminated. If the disablitant dies prior to negotiating the check for the month in which death occurs, payment will be made to the surviving spouse or if none to the designated beneficiary or if none to the estate.

Changes or additions indicated by underline deletions by ~~strikeout~~

Sec. 7. Minnesota Statutes 1976, Section 353.657, Subdivision 2a, is amended to read:

Subd. 2a. **SURVIVING SPOUSE OPTIONAL ANNUITY.** If a member who has attained the age of at least 55 years and has credit for not less than 20 years allowable service dies before public service has terminated, or if an employee who has filed a valid application for an annuity or disability benefit prior to termination of public service dies before the annuity or benefit has become payable, notwithstanding any designation of beneficiary to the contrary, the surviving spouse may elect to receive, in lieu of a refund with interest provided in section 353.32, subdivision 1, or survivor benefits otherwise payable pursuant to subdivisions 1 and 2, an annuity equal to the 50 percent joint and survivor annuity which the member could have qualified for on the date of death, computed as provided in sections 353.651, subdivisions 2 and 3, and 353.30, subdivision 3. The annuity shall cease with the last payment received by the surviving spouse in his or her lifetime. No payment shall accrue beyond the end of the month in which entitlement to such annuity has terminated. An amount equal to the excess, if any, of the accumulated contributions which were credited to the account of the deceased employee over and above the total of the annuities paid and payable to the surviving spouse shall be paid to the deceased member's last designated beneficiary or, if none, to the legal representative of the estate of such deceased member. Any member may request in writing that this subdivision not apply and that payment be made only to the designated beneficiary, as otherwise provided by this chapter.

Sec. 8. This act shall be effective December 1, 1977.

Approved March 9, 1978.

CHAPTER 472-H.F.No.1879

An act relating to the trunk highway system; discontinuing and removing certain routes therefrom; adding a new route in substitution of an existing route.

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

Section 1. Subdivision 1. The following trunk highway routes described in Minnesota Statutes 1976, Section 161.115 are discontinued and removed from the trunk highway system:

Routes numbered 127, 153, 285, and 312.

Subd. 2. In compiling the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall delete the descriptions after each of the route numbers enumerated in subdivision 1 and substitute the words "Discontinued and removed".

Sec. 2. Subdivision 1. There is added to the trunk highway system a new route described as follows:

Changes or additions indicated by underline deletions by ~~strikeout~~