

tion and laws of this state except as herein provided, and except that any railroad company may issue free passes to its employes while occupying office or position other than judicial under a municipality or public school district, or while acting under appointment as a notary public in this state, and except that any railway company may issue free passes to any member of the state legislature or *Board of Regents of the University of Minnesota* who is and has been an employe of such railway company for a continuous period of five years prior to his election to such office; provided, however, that such free transportation shall not be used by any such member of the legislature during the period of any legislative session nor for any travel for which mileage is collected from the state.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 11, 1929.

CHAPTER 163—H. F. No. 127

An act to amend Sections 2939 and 2940, General Statutes 1923, relating to composition of the Board of Trustees of the Teachers' Insurance and Retirement Fund.

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

Section 1. Composition of board of trustees having management of the funds, organization and investments—Annual meeting.—That Sections 2939 and 2940, General Statutes 1923, be and the same are hereby amended so as to read as follows:

"2939. (a) The management of the fund shall be vested in a board of five (5) trustees, which shall be known as the 'Board of Trustees of the Teachers' Insurance and Retirement Fund.' Said board shall be composed of the following persons: The state superintendent of education, the state auditor, the *commissioner of insurance* and two (2) members of the fund association, who shall be elected by the members of the fund association at the time and place of the annual meeting of the Minnesota Educational Association, and shall serve for the term of two years, beginning on the first Monday of January next succeeding their election, except in the case of the first elective members, who shall assume office immediately after their election and serve one for one year and one for two years from the first Monday of January next succeeding their

election and until their successors are elected. Vacancies in the elective membership of the board shall be filled by appointment by said board of trustees, the appointee to serve until the next meeting of the fund association, when the members of said fund association shall elect a trustee or trustees to serve for the unexpired term or terms. No person shall be appointed by the board of trustees or elected by the members of the fund association as a member of the board of trustees who is not a member of the fund association at the time of the appointment or election.

(b) In the interval between the passage of this act and the time when the first elective members of the board of trustees shall assume office, as hereinbefore provided, the superintendent of education, the state auditor and the *commissioner of insurance* shall constitute a temporary board of trustees of the Teachers' Insurance and Retirement Fund and shall be empowered to perform the duties of said board.

(c) Said board of trustees shall have power to frame by-laws for its own government, not inconsistent with the laws of the state, and to modify them at pleasure; to elect one of its own members as president of the board and to provide and enforce all rules and regulations necessary to carry into effect the provisions of this act; to elect a secretary, who shall serve during the pleasure of the board, and to fix the salary and prescribe the duties of the office of secretary; to authorize the issuance of warrants by the state auditor on the state treasurer for the payment out of said fund of all annuities or benefits payable under the provisions of this act, of the salary of the secretary, and other necessary expenses.

(d) All applications for annuities or benefits under this act must be made to said board. In passing upon said applications, said board may summon witnesses and, in the case of applications founded on disability, may require any applicant to submit to a medical examination at his or her own expense, and, in the case of all applicants, may conduct any reasonable investigation to determine the justice of any claim submitted. It may sue or be sued in the name of the board of trustees of the Teachers' Insurance and Retirement Fund, and, in all actions brought by or against it, said board shall be represented by the attorney general. Said board shall constitute a part of the state government, but in any action brought against it by any person claiming to be a beneficiary of said Teachers' Insurance and Retirement Fund it shall not claim immunity from suit.

(e) It shall be the duty of said board to invest as much of the funds in its hands as shall not be needed for current purposes. Such investments shall be made in the same class of securities as those

in which the school funds of the state are required to be invested, and all securities taken upon such investments shall be deposited with the state treasurer; but in case of necessity such securities may be sold in order to raise money for current purposes. No such sale shall be made except by the unanimous vote of said board, such vote to be entered upon the records of its proceedings. All interest obtained from such investments shall be placed in the general fund, to be used for current purposes. A suitable office in the capitol, with suitable furniture and necessary office supplies, shall be provided by the proper state officer for the use of said board of trustees."

"2940. Annual meetings on second Saturday in September and compensation of members of board.—The board of trustees shall meet annually at the office of the secretary, in the State Capitol, on the second Saturday in September at an hour to be fixed by the board. Special meetings may be held at any time on the call of the president of said board or by any three members thereof. The state auditor, state superintendent of education and *commissioner of insurance* shall serve as members of said board without additional compensation, but the elective members of said board shall be entitled to compensation at the rate of five dollars per day and necessary expenses, while attending all meetings of said board, to be paid out of the insurance and retirement fund."

Approved April 11, 1929.

CHAPTER 164—H. F. No. 129

An act to amend Section 3862, General Statutes 1923, relating to the composition of the Board of Civil Service Examiners.

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

Section 1. **Civil service—Board of Examiners.**—That Section 3862, General Statutes 1923, be and the same is hereby amended to read as follows:

"3862. To carry out the provisions of the preceding section of this act, a board of examiners is hereby created consisting of the state dairy and food commissioner, the dean of the agricultural college and the *Chief Oil Inspector*. In case of death or inability to act as one of three persons herein designated, the governor of the state shall appoint some person temporarily to act in his place. The state dairy and food commissioner shall be secretary of such board and shall keep all the records which shall contain all the proceed-