

amended, and which shall at any time prior to the time this act shall take effect conform to the requirements herein provided for, shall not affect the qualification or validity of such newspaper as a medium of official and legal publication, and such newspaper shall be deemed to be a legal newspaper, provided that suspension of publication for a period of not more than three months within said year, resulting from the destruction of its office by the elements of unforeseen accident to the equipment thereof shall not affect the qualification of such newspaper after it shall have resumed; nor shall the consolidation of one newspaper with another published in the same county, nor any change in the name or ownership thereof, disqualify it or invalidate any publication continuously made therein before and after the change; *Provided further that any newspaper which shall have been published daily or weekly, regularly and without suspension of publication, fifteen years or more immediately prior to the date this act goes into effect, in one city or village, and having a regular office and editorial rooms, shall be deemed to be a legal newspaper, notwithstanding that it is not printed at the place from which it purports to be issued, and notwithstanding that it is not equipped with skilled workmen and the necessary material for preparing and printing the same, or that it is not printed in the English language, providing it shall conform to all the other requirements of said Section 10935, Mason's General Statutes of Minnesota, 1927; Provided further that all legal notices shall be printed in the English language.*

Neither the change of the day of publication nor the change of office or place of publication from one place to another within the same county shall deprive it of standing as a legal newspaper, and it shall be deemed to be a legal newspaper notwithstanding such change of the day of publication or change of office and place of publication within the same county."

Approved April 21, 1933.

CHAPTER 374—S. F. No. 1167

An act relating to the public employes retirement association, amending Sections 1, 2, 4, 7, 8, 9, 10, 11, 14, 15, 16, 19 and 24 of Chapter 307, Laws of 1931 and repealing Sections 12, 13 and 17 thereof.

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

Section 1. **Definitions.**—That the sections and subdivisions of Chapter 307, Laws 1931, as hereinafter specified, be and the same hereby are amended so as to read as follows:

“Section 1: That the following words and phrases as used in this act, unless a different meaning is plainly required by the context, shall have the following meaning:

“1. ‘Public Employe’ shall mean any person holding a position, either by election, appointment or contract in and for any of the several counties, cities, villages or school districts which are now or hereafter may be affected by the provisions of this act, whose salary is paid, in whole or in part, through taxation, or by fees, assessments or revenue from any one or more of the governmental subdivisions hereinbefore enumerated, irrespective of whether or not such person is directly employed by the authority of, or is under the control and supervision of the governing body of any such county, city, village or school district. The term ‘public employe’ shall also mean any person appointed as a district court reporter in this state; but shall not be construed to include any person, who, by virtue of his employment in the public service is required to contribute any portion of his salary to any other retirement fund or pension system established by or pursuant to the laws of this state and in force and operation at the time of the passage of this act, and neither shall the term ‘public employe’ be deemed to include temporary employes.”

“2. ‘Head of Department’ shall mean the head of any department, institution, office or branch of service of any governmental subdivision which directly pays salaries out of its revenues or is empowered to authorize the payment of such salaries.”

“5. ‘Governmental subdivision’ shall mean a county, or a city, or a village, or a school district, as the case may be.”

“6. ‘City’ shall be deemed to mean and include any incorporated city of this state, whether operating under a home rule charter or otherwise.”

“7. ‘Village’ shall be deemed to mean and include any incorporated village of this state now or hereafter having a population of more than 5,000 inhabitants.”

“8. ‘School District’ shall be deemed to mean and include any independent school territory of this state, which is now or hereafter may be wholly or partly within the limits of any such city, or any such village, and shall also mean any unorganized school district governed by any county board of education.”

"9. 'Salary' shall mean the periodical compensation of any public employe and shall also be deemed to mean 'wages,' and, in case of officers elected to a fee office, shall be deemed to include the term 'fees.'"

"10. 'Present public employe' shall mean any public employe receiving salary from any county, city, village or school district on the date of the acceptance of the terms of this act by the governing body of the governmental sub-division by or for which he is employed or from whose funds his salary is paid."

"11. 'New public employe' shall mean any public employe who enters the public service in any county, city, village or school district subsequent to the date of the acceptance of the terms of this act by the governing body of the governmental subdivision by or for which he is employed, or from whose funds his salary is paid."

"Section 2. **Public employees retirement association established.**—There is hereby established a public employes' retirement association, the membership of which shall consist only of public employes and employes of said association. Membership in said association shall be optional on the part of the present public employes, but all new public employes except elective public officers shall become members of said association by acceptance of public employment. In all governmental sub-divisions, heretofore operating under and affected by the provisions of this act present employes who apply for membership in the retirement association prior to January 1, 1932, shall pay a membership fee of One (\$1.00) Dollar and present employes who apply for membership therein after January 1, 1932 shall pay a membership fee of Ten (\$10.00) Dollars, but no present employe shall be eligible to apply for membership in the retirement association after July 1, 1933. In addition to such membership fee, every present employe who becomes a member of the retirement association shall pay in a sum equal to all accrued deductions from his or her salary which would have been made had such employe become a member of the retirement association July 1, 1931, with interest thereon at the rate of five per cent (5%) per annum compounded annually. In all governmental sub-divisions not heretofore operating under nor affected by the provisions of this act present employes who apply for membership in the retirement association prior to January 1, 1934 shall pay a membership fee of One (\$1.00) Dollar and present employes who apply for membership therein after January 1, 1934, shall pay a membership fee of Ten (\$10.00) Dollars, but no such present employe shall be eligible to apply for membership in the retirement association after July 1, 1935. In addition to such membership fee every such present employe who becomes a member of the retire-

ment association shall pay in a sum equal to all accrued deductions from his or her salary which would have been made had such employe become a member of the retirement association July 1, 1933, with interest thereon at the rate of five per cent (5%) per annum compounded annually."

"An elected public officer, eligible for membership in said association, may exercise his option to become a member thereof, but such option, once exercised, may not be withdrawn during the incumbency of such officer in the office to which he was elected or re-elected. If holding office at the time of the acceptance of the terms of this act by the governing body of the governmental subdivision concerned, the terms and conditions of membership pertaining to a present public employe shall govern the admission of such elected public officer to membership in said association. Any person elected to a public office in any governmental subdivision affected by the provisions of this act, subsequent to the date of the acceptance of the terms of this act by the governing body of the governmental sub-division concerned, may apply for membership in said association at any time within a period of two (2) years from the date he first became eligible for membership in said association. Any such public officer, who applies for membership within a period of six (6) months from and after the date he first assumed the office to which he was elected shall be required to pay a membership fee of One (\$1.00) Dollar, and such elected public officer who applies for membership in said association after six (6) months have elapsed from the date he first assumed the office to which he was elected shall be required to pay a membership fee of Ten (\$10.00) Dollars. In addition thereto, any such elected public officer shall pay into the retirement fund a sum equal to all accrued deductions which would have been made had such elected public officer become a member of said association on the first (1st) day of the first (1st) calendar month next succeeding the date he first assumed the office to which he was elected, together with interest thereon at the rate of five per cent (5%) per annum."

"Except as in this act otherwise provided, membership in said association may not be terminated by resignation, or in any manner other than by death, or by leaving the employ of the governmental sub-division concerned. On or after the passage of this act, no employe of any governmental sub-division to which this act may now or hereafter apply shall be required to become a member of any retirement fund or relief association, or to contribute to any fund established for such purpose, except the retirement fund established pursuant to the provisions of this act."

"Section 4. Retirement fund.—Every member of the retire-

ment association shall pay into the retirement fund three and one-half per cent ($3\frac{1}{2}\%$) of his salary as a public employe as and when paid. Such payment shall be made by deduction thereof from such salary, provided, however, that under such regulations as the retirement board may by general rule prescribe, any member may, at his option, continue to make contributions to the retirement fund on the basis of his last regular salary, in case said salary is diminished or reduced for any cause and thereby become entitled to the same annuity as though there had been no diminution or reduction in such salary. The head of each department is hereby directed to cause such deductions to be made at least once each month from the salary of each member of the retirement association and to issue or approve one voucher payable to the state treasurer for the aggregate amount so deducted from such salaries and to cause the same to be remitted within fifteen (15) days thereafter to the secretary of the retirement board together with a statement showing the amount of each of such deductions, the amount of salaries from which such deductions have been made and the names of the employes on whose accounts the same have been made. All remittances so received by the secretary of the retirement board shall be promptly deposited with the state treasurer. Deductions from the salaries of district court reporters shall be made by the several county auditors of the state. Each county auditor of the state shall make such deduction from the amount of each warrant issued by him in payment of the salary of a district court reporter and shall on or before the fifteenth (15th) day of each month issue a warrant to the order of the state treasurer for the aggregate amount of all such deductions made by him during the preceding month and shall transmit the same to the secretary of the retirement board with a statement showing the amount of each of such deductions and the names of the district court reporters on whose account the same have been made, provided that the deductions from the salary of a district court reporter in a judicial district consisting of two or more counties shall be made by the auditor of the county in which the bond and official oath of such district court reporter are filed from the portion of his salary paid by such county. All salary deductions shall be credited to a fund to be known as the retirement fund and all interest and other income of said association shall be credited to said fund. The retirement fund shall be disbursed only for the purposes herein provided. The expenses of said association and the annuities herein provided upon retirement shall be paid only from said fund."

"Section 7. Heads of departments to make monthly statements.—Within ninety (90) days after the acceptance of the terms of this act by the governing body of any governmental subdivision, the heads of departments affected shall submit to the re-

retirement board a statement showing the name, age, sex, title, compensation, and length of service *in his department* of every public employe in his department as defined in Section I of this act, and on the first (1st) day of each calendar month thereafter shall furnish the retirement board a like statement of all new officers or employes who have entered the public service *as public employes in his department*, and at the same time shall notify the board of all removals, withdrawals and changes in salaries of any members of the retirement association which have occurred during the preceding month, and shall furnish to said board a like statement of all new officers or employes who have entered the service as public employes."

"Section 8. **Attorney General to be legal advisor.**—The attorney general shall be the legal advisor of the retirement board. *Said board may sue, or be sued, in the name of the Public Employes Retirement Board of the Public Employes Retirement Association, and, in all actions brought by it, or against it, said board shall be represented by the attorney general.*"

"Section 9. **Payments upon retirement.**—Whenever any member of said association shall cease to be a public employe for any reason other than death or retirement, he shall be paid, on demand, the full amount of the accumulated deductions standing to the credit of his or her individual account, provided that any such member who has been in the public service for no less than *four* years may, in lieu thereof, upon application in writing to the retirement board within sixty (60) days from the termination of his or her employment, be permitted to retain membership in the retirement association and to enjoy all the rights and privileges thereof upon such terms and conditions as to his employment and the payment of assessments in lieu of salary deductions as the retirement board may by general rule prescribe. Any member of the retirement association who has maintained his or her membership after leaving the public service by the payment of such assessments may terminate such membership by notice in writing to the retirement board, whereupon he or she shall be paid on demand, the full amount of the accumulated deductions standing to the credit of his or her individual account."

"Section 10. **Forfeited rights shall be restored.**—Whenever a public employe, who has so withdrawn his accumulated deductions shall re-enter the public service within five (5) years after such withdrawal, the annuity rights forfeited by such employe at the time of such withdrawal shall be restored upon repayment by such employe to the retirement fund of the full amount so withdrawn, *with interest thereon at the rate of five per cent (5%) per annum, com-*

pounded annually from the date of withdrawal and in addition thereto an amount equal to the sum that he would have contributed to said fund had he elected to retain membership in said association, together with interest on the same computed at the rate of five per cent (5%) per annum, compounded annually. Unless such public employe shall make the payments as herein provided, with interest thereon at the rate of five per cent (5%) per annum compounded annually from the date he shall have so re-entered the public service, he shall be required, before any retirement is granted to him, to make or to have made contributions to the retirement fund for a period of years equivalent to that originally required of him for the purpose of qualifying for a retirement annuity at the time he first became a member of said association."

"Section 11. Retirement.—Except as in this act otherwise provided, whenever any member of the retirement association has been a public employe for a period of twenty (20) years and has attained the age of sixty-five (65) years, or when any such employe has been a public employe for a period of thirty-five (35) years, he shall be eligible for retirement, but such retirement shall not be compulsory, provided that in computing such terms of service, the time during which any member of the association shall have maintained his membership by the payment of assessments after leaving the service as a public employe, in lieu of deductions, shall be included. Such retirement shall be made upon application of the member or of someone acting in his or her behalf, or in the case of any employe in active service upon the application of the head of the department in which such member is employed. Except as in this act otherwise provided upon such retirement such member shall receive an annuity for the remainder of his or her life equal to fifty (50) per centum of the average annual salary received for the entire period of his or her membership in said association, provided, that in computing the average annual salary of members who have contributed by assessments, in lieu of salary deductions or otherwise, the average salary received while such member was in the public service shall, for the purpose of construing this section, be considered the salary of such member for that period of his membership in said association during which he made contributions to the retirement fund by assessments, in lieu of salary deductions or otherwise, and provided, further, that in computing the period of past service, employment by or for any of the governmental subdivisions as defined and enumerated by this act shall be counted, irrespective of whether or not the governing body of such governmental sub-division has qualified its public employes for membership in said association, and provided further, that no such retirement annuity shall, in any event, exceed the sum of One Thousand Eight Hundred (\$1,800.00) Dollars per annum."

“Section 14. Heirs or legal representatives to receive benefit of funds.—Whenever any member of said association shall die without having received an annuity, or without having received in *annuity payments* an amount equal to the total amount of the accumulated deductions from his or her salary, and such additional accumulated deductions, if any, as may have been paid into the retirement fund under and pursuant to the provisions of Section 16 of this act, exclusive, however, of any payments representing accrued interest, the full amount of such total accumulated deductions and additional accumulated deductions, if any, less such annuity payments, if any, as have been paid to such member, shall be paid in one lump sum to the beneficiary or beneficiaries designated by such member, or, if none, to the legal representatives of such member, upon establishment of a valid claim therefor. Provided, however, if no valid claim is established therefor, the said accumulated deductions shall remain with and become the property of said retirement association.”

“Section 15. Annuities payable monthly.—All annuities granted under the provisions of this act shall be paid in equal monthly installments, *commencing one (1) month from the time of retirement and continuing only during the lifetime of the annuitant*, and shall not be increased, decreased or revoked, except as provided in this act.”

“Section 16. Retirement to begin July 1, 1935.—No retirement annuity shall be granted under the provisions of this act until July 1, 1935, nor shall any member of the retirement association be entitled to receive a retirement annuity. *Until he shall have contributed to the retirement fund either by salary deductions or otherwise for a period of four (4) full years. Provided, however, that if any member who is eligible for retirement has contributed to the retirement fund for a period of less than twenty (20) years, he shall be entitled to receive a pro rata retirement annuity for the remainder of his life in an amount bearing the same ratio to the full retirement annuity that the period of his salary deductions, or assessments in lieu thereof, bears to twenty (20) years, but fractional parts of a year shall not enter into the computation of such pro rata retirement annuity. Provided, further, then whenever any member shall have become eligible to receive a pro rata retirement annuity, as hereinbefore provided, and shall have contributed to the retirement fund for a period of five (5) full years, such member may, if he shall so elect at any time before making application for such pro rata retirement annuity, make application for a full retirement annuity, or for a pro rata retirement annuity based on a greater number of years of contribution to the retirement fund than then stands to his credit on the books of said association, and in*

either case, the same shall be granted to him upon compliance with the following terms and conditions, to-wit:

(a) In case such member shall make application for a full retirement annuity, the retirement board, before granting said application, shall do the following things, to-wit:

1. Determine the number of full years of contributions required of such member to make a total of twenty (20) full years of contribution by him to the retirement fund.

2. Determine the average annual amount of the accumulated deductions of such member for the period of his membership in said association.

3. Determine the amount of the additional accumulated deductions to be required of such member by multiplying the number of years as determined by the method prescribed in sub-paragraph one (1) hereof by the average annual amount of his accumulated deductions, as determined in the manner prescribed by sub-paragraph two (2) hereof.

4. Require that such member shall pay into the retirement fund, before such full retirement annuity shall be granted, the total amount of his additional accumulated deductions, as determined by the method prescribed by sub-paragraph three (3) hereof, and, in addition thereto, a further amount representing an accrued interest payment, to be determined as follows:

In case of fifteen (15) years of additional contributions required, an amount equal to forty-eight (48%) of the total accumulated deductions required for such period, and in case of fourteen (14) years of additional contributions required, or less, an amount to be determined in like manner, based on percentages of the total accumulated deductions required in each instance, as hereinafter set forth, to-wit: Fourteen (14) years, fifty (50%) per cent; thirteen (13) years, fifty-two (52%) per cent; twelve (12) years, fifty-four (54%) per cent; eleven (11) years, fifty-six (56%) per cent; ten (10) years, fifty-eight (58%) per cent; nine (9) years, sixty (60%) per cent; eight (8) years, sixty-two (62%) per cent; seven (7) years, sixty-four (64%) per cent; six (6) years, sixty-six (66%) per cent; five (5) years, sixty-eight (68%) per cent; four (4) years, seventy (70%) per cent; three (3) years, seventy-two (72%) per cent; two (2) years, seventy-four (74%) per cent; one (1) year, seventy-six (76%) per cent. Provided, that after the total amounts required of such member have been determined, as hereinbefore set forth, credit thereon shall be allowed such member for the amount contributed by him to the retirement fund through

salary deductions, or otherwise, during the fractional part of any year not included in the computation for a full retirement annuity.

(b) In case such member shall make application for a pro rata retirement annuity based on a greater number of full years of contribution than then stands to his credit on the books of said association, the retirement board, in the manner hereinbefore provided, shall determine the amount of the additional accumulated deductions required under such application and shall require that such applicant shall pay into the retirement fund before such greater pro rata retirement annuity is granted, all additional accumulated deductions required, and, in addition thereto, such further and additional amounts representing accrued interest payments as may be determined in the manner hereinafter set forth, to-wit:

In case of one (1) additional year's credit, an amount equal to that percentage of the total accumulated deductions required for one (1) year as may be determined by multiplying the number of full years such member has contributed to the retirement fund by four (4%) per cent. In case of two (2) additional years' credit, an amount equal to that percentage of the additional accumulated deductions required as in the case of one (1) additional years' credit, and, in addition thereto, a further amount equal to two (2%) per cent of the total accumulated deductions required. In like manner for three (3) additional years credit, or more, an amount equal to that percentage required as in the case of one (1) additional years' credit, and, in addition thereto, a further amount computed on the following percentages of the total accumulated deductions required in each instance as hereinafter set forth, to-wit: Three (3) additional years' credit, four (4%) per cent; four (4) additional years' credit, six (6%) per cent; five (5) additional years' credit, eight (8%) per cent; six (6) additional years' credit, ten (10%) per cent; seven (7) additional years' credit, twelve (12%) per cent; eight (8) additional years' credit, fourteen (14%) per cent; nine (9) additional years' credit, sixteen (16%) per cent; ten (10) additional years' credit, eighteen (18%) per cent; eleven (11) additional years' credit, twenty (20%) per cent; twelve (12) additional years' credit, twenty-two (22%) per cent; thirteen (13) additional years' credit, twenty-four (24%) per cent; fourteen (14) additional years' credit, twenty-six (26%) per cent; fifteen (15) additional years' credit, twenty-eight (28%) per cent. Provided that after such total amount required of such member has been determined, as hereinbefore set forth, credit thereon shall be allowed such member for any amount contributed by him to the retirement fund through salary deductions, or otherwise, during the fractional part of any year not included in the computation for such greater pro rata retirement annuity. Provided further that until July 1, 1935, nothing done

under the terms of this act shall create or give any contract rights to any person, except the right to receive back upon withdrawal from the association, through separation from the public service any salary deductions made or assessments paid hereunder. If total of annuities shall during any year become greater in amount than the annual contributions, the retirement board shall proportionately reduce the amount of annuities.

“Section 19. Insurance laws do not apply.—None of the laws of this state regulating insurance or insurance companies shall apply to the retirement association or any of its funds. *The books and accounts of said association and said retirement fund shall be examined and audited annually by the public examiner of the state and a full and detailed report thereof made to the retirement board, without expense to said retirement fund.*”

“Section 24. Application of act.—The provisions of this act shall not apply to any county, city, village or school district, or the employes thereof, until and unless *the governing body of any such county, city, village or school district, shall have duly approved by a majority vote and by a resolution in writing of salary deductions for public employes, as contemplated by Section 4 of this act, and shall have filed a duly certified copy of such resolution of approval with the proper officials of the county, city, village or school district, whose duty it is to pay or authorize the payment of salaries, and one (1) such certified copy with the secretary of the retirement board. Salary deductions for present public employes in all governmental subdivisions not heretofore affected by the provisions hereof, who shall become members of the retirement association after the passage of this act shall be computed from the first (1st) day of July, 1933.*”

Sec. 2. That Sections 12, 13 and 17 of Chapter 307, Laws 1931, be and the same hereby are repealed.

Approved April 21, 1933.

CHAPTER 375—H. F. No. 1203

An act to amend Mason's Minnesota Statutes of 1927, Sections 6394-8(a) and 6394-31 relating to the board of timber commissioners and rate of extension and penalty interest.

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