

use the procedure set forth in said Chapter 52, so far as applicable, in acquiring any land necessary for other projects of a similar character in which the United States shall provide the funds for necessary improvements.

Approved April 1, 1935.

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CHAPTER 106—H. F. No. 147.

*An act amending Laws 1931, Chapter 307, Sections 2, 11 and 24, as amended by Laws 1933, Chapter 374, Section 1, relating to the public employes retirement association.*

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

**Section 1. Public Employees Retirement Association established.**—Laws 1931, Chapter 307, Section 2, as amended by Laws 1933, Chapter 374, Section 1, is hereby amended so as to read as follows:

“Section 2. There is hereby established a public employes’ retirement association, the membership of which shall consist only of public employes and employees 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 prior to January 1, 1933 present public employes who apply for membership therein after January 1, 1932 shall pay a membership fee of Ten (\$10.00) Dollars, but no present public employe shall be eligible to apply for membership in the retirement association after July 1, 1935. In addition to such membership fee, every present public 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 wherein the governing body thereof has duly accepted the provisions of this act subsequent to January 1, 1933 and prior to May 1, 1935, present public employes who apply for membership in the retirement association after January 1, 1934 shall pay a membership fee of Ten (\$10.00) Dollars, but no such present public employe shall be eligible to apply for membership in the retire-

ment association after July 1, 1935. In addition to such membership fee every such present *public* 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 *public* 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. *In all governmental subdivisions wherein the governing body thereof has duly accepted the provisions of this act subsequent to May 1, 1935, present public employes may apply for membership in said association at any time within a period of two years from the first day of the first calendar month next succeeding the date of the acceptance of the terms of this act by the governing body of the governmental subdivision concerned. Any such present public employe who shall apply for membership in said association shall be required to pay a membership fee of Ten Dollars. In addition thereto, any such present public employe shall pay into the retirement fund a sum equal to all accrued deductions which would have been made had such present public employe become a member of said association on the first day of the first calendar month next succeeding the date of the acceptance of the terms of this act by the governing body of the governmental sub-division concerned, together with interest thereon at the rate of five per cent per annum.*

"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 sub-division 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 sub-division 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 subdivision 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."

**Sec. 2. Retirement.**—Laws 1931, Chapter 307, Section 11, as amended by Laws 1933, Chapter 374, Section 1, is hereby amended so as to read as follows:

"Section 11. 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 *annual* salary received while such member was in the public service *as a member of said association* 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 subdivision 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. *Membership in said association for any present public employe shall commence upon the date of the acceptance of the application for membership by the retirement board and, in no event, shall said retirement board grant to any member any pro rata annuity, as hereinafter provided for in Section 16 of this act, until and unless four full years of membership in said association shall have elapsed, nor shall said retirement board grant any pro rata annuity based on a greater number of years of contributions to the retirement fund than stands to the credit of such member on the books of said association, or any full retirement annuity, as hereinafter provided, until and unless five full years of membership have so elapsed."*

**Sec. 3. Application of act.**—Laws 1931, Chapter 307, Section 24, as amended by Laws 1933, Chapter 374, Section 1, is hereby amended so as to read as follows:

"Section 24. 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 *heretofore operating under and affected by the provisions of this act prior to January 1, 1933 shall be computed from the first day of July, 1931, and in all governmental*

*subdivisions wherein the governing body thereof has duly accepted the provisions of this act subsequent to January 1, 1933 and prior to May 1, 1935, shall be computed from the first day of July, 1933. Salary deductions for present public employes in all governmental subdivisions wherein the governing body thereof has duly accepted the terms and provisions of this act subsequent to May 1, 1935 and who shall thereafter become members of the retirement association shall be computed from the first day of the first calendar month next succeeding the date of the acceptance of the terms of this act by the governing body of the governmental subdivision concerned."*

Approved April 5, 1935.

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CHAPTER 107—H. F. No. 155.

*An act relating to the detachment of lands from a school district and attaching the same to adjoining district upon petition of freeholder or school board.*

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

**Section 1. Detachment of land from school district.**—In any county in this state having a population of not less than 26,500 nor more than 28,000 inhabitants, and an assessed valuation for taxation purposes of not less than 9 million nor more than 14 million dollars, and having not less than 27, nor more than 29 full and fractional congressional townships, any freeholder of a tract of land and residing thereon which is more than three miles distant by the nearest travelled road from the schoolhouse in said district, and which tract of land is separated in whole or in part from the remainder of the district by a lake or other natural barrier, or the school board of the district in which said land is situated, may petition the board of county commissioners requesting that said land be detached from the school district in which the same is situated and attached to the contiguous district. Such petition shall set forth the name and kind of district involved, a description of the land in question, the name of the owner thereof, and the reason for such request.

**Sec. 2. Petition—hearing.**—The board of county commissioners upon receipt of such petition shall give notice of hearing thereon as in other cases, and upon proof of the allegations contained in such petition shall make an order