

Sales made by the Liquor Control Commissioner, as hereinabove provided, shall be exempt from the state excise tax if stamps evidencing the payment of such excise tax have not been placed thereon prior to such seizure; provided, however, that before resale by such purchaser proper excise tax stamps shall be attached to all containers of such liquors."

Approved March 22, 1943.

CHAPTER 166—S. F. No. 470.

An act relating to the discharge from state institutions of epileptic inmates.

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

Section 1. Discharge of epileptic inmates from state institutions.—Whenever in the judgment of the superintendent of any state institution any epileptic inmate shall be recovered or his epilepsy shall be arrested and such inmate is not feeble-minded or psychotic and is not charged with or convicted of some criminal offense, the superintendent may recommend the discharge of such inmate, and upon approval by the Director of Public Institutions such inmate shall be discharged.

Sec. 2. Effective July 1, 1943.—This act shall take effect July 1st, 1943.

Approved March 22, 1943.

CHAPTER 167—S. F. No. 579.

(AMENDING SECTIONS 353.04; 353.09; 353.11 AND 353.14 MINNESOTA STATUTES 1941.)

An act relating to the public employes retirement association and to amend Mason's Supplement 1940, Sections 254-26, 254-31, 254-33 and 254-38, as amended by Laws 1941, Chapter 285, Sections 3, 5 and 8.

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

Section 1. Law amended.—Mason's Supplement 1940, Section 254-26, as amended by Laws 1941, Chapter 285, Section 3, is hereby amended so as to read as follows:

“Retirement fund.—Every member of the retirement association shall pay into the retirement fund three and one-half per cent (3½%) of his salary as a public employe as and when paid, which shall be credited to the accumulated deductions of such member, and from and after July 1, 1943, every member shall pay into the retirement fund an additional one-half of one per cent (½%) of his salary as a public employe as and when paid, such additional one-half of one per cent (½%) shall be credited to the accumulated deductions of such member until the date upon which he, as an employe member, shall become eligible for non-employe membership in the association, but thereafter such additional payments so paid, from and after July 1, 1943, and subsequent additional payments shall be irretrievable by such member, or in the case of his death shall be irretrievable by the beneficiary or beneficiaries designated by such member, or, if none, by the legal representative of such member, and non-refundable by the association. Such additional one-half of one per cent (½%) so paid by all employe members who have attained eligibility for non-employe membership on or before July 1, 1943, and by all non-employe members shall, on and after July 1, 1943, be irretrievable by such members or in the case of death shall be irretrievable by the beneficiary or beneficiaries designated by such members, or, if none, by the legal representative of such members, and non-refundable by the association. Such payments 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. Such statement may be furnished in the form of a carbon or duplicate copy of departmental payroll abstracts and if not submitted in such form, the head of each department of any governmental subdivision affected by the provisions of this act is hereby required to furnish the secretary of the retirement board a carbon or duplicate copy of his departmental payroll abstract for the first (1st) pay period during

the months of January and July, respectively, in each year and it shall be the duty of said secretary to check the copies of all such payroll abstracts against the membership records of said association so as to ascertain whether or not any omissions have been made by the several department heads in the reporting of any new public employes, as required by the 1940 Supplement of Mason's Minnesota Statutes of 1927, Section 254-29. 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 the 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. *On and after July 1, 1943, every non-employe member of the association shall be required to pay into the retirement fund an additional amount equal to a one-half of one per cent (1/2%) salary deduction, or one-seventh (1/7) of the amount of his monthly assessment in lieu of such salary deduction, and such additional amounts so paid shall be irretrievable by such member, or in the case of his death shall be irretrievable by the beneficiary or beneficiaries designated by such member, or, if none, by the legal representative of such member, and non-refundable by the association."*

Sec. 2. **Law amended.**—Mason's Supplement 1940, Section 254-31 is hereby amended so as to read as follows:

"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, after thirty (30) days' notice, the full amount of the accumulated de-

ductions standing to the credit of his or her individual account. Provided that any such member who has been in the public service for not less than *ten (10) years and who has been a contributing member for not less than four (4) years* immediately prior thereto, may, in lieu thereof, upon application in writing to the retirement board within sixty (60) days from the termination of his or her employment, *become a non-employe member* 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, after *thirty (30) days'* notice, the full amount of the accumulated deductions standing to the credit of his or her individual account."

Sec. 3. **Law amended.**—Mason's Supplement 1940, Section 254-33, as amended by Laws 1941, Chapter 285, Section 5, is hereby amended so as to read as follows:

"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 *and shall have attained the age of sixty (60) years*, he shall be eligible for retirement, 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. Provided, however, that no person shall be entitled to receive a retirement annuity unless he has either attained the age of sixty-five (65) years and has been a public employe for a period of twenty (20) years, or has attained the age of sixty (60) years and has been a public employe for a period of at least thirty-five (35) years. 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 re-

ceived 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 the 1940 Supplement to Mason's Minnesota Statutes of 1927, Section 254-38, until and unless four (4) 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 then stand to the credit of such member on the books of said association, or any full retirement annuity, as hereinafter provided, until and unless five (5) full years of membership have so elapsed. No taxes shall be levied or raised for the aid of said retirement association or the membership thereof by any governmental subdivision of this state affected by the provisions of this act, unless the governing body of any such governmental subdivision, or any agency, board or commission thereof, shall by enactment of any ordinance, resolution, rule or regulation, cause the retirement of any public employe, as herein defined, solely by reason of having attained any fixed age. In the event that any such governmental subdivision shall adopt, by appropriate local legislation, compulsory retirement ages for public employes, as herein defined, then such governmental subdivision shall also assume the liability to pay one-half of the cost of all annuities thereafter granted by the retirement board pursuant to the provisions of this act to any public employe affected by such compulsory retirement requirements. The total amount of such contributory share of such annuities shall before September 30th of each year be duly determined by the said retirement board and certified to any such governmental subdivision for the period of the previous twelve months ending June 30th immediately preceding. Said amount so certified by said retirement board shall be included in the next budget of any such governmental subdivision subsequent to the certification by said retirement board and

shall be levied, collected and apportioned in the same manner as other taxes are levied, collected and apportioned, and for the express purposes of this section, the payment of all such annuities are hereby made obligations of the governmental subdivisions concerned in the proportion and to the extent provided. Any levy authorized under this section shall be in addition to and exclusive of all levies authorized for other purposes.

Sec. 4. **Law amended.**—Mason's Supplement 1940, Section 254-38, as amended by Laws 1941, Chapter 285, Section 8, is hereby amended so as to read as follows:

“**Date of retirement.**—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, and unless he shall have been a member of said association for a like period. Provided, however, that if any member who is eligible for retirement and who has attained to the age of sixty-five (65) years 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, that whenever any such 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, and shall have been a member of said association for a like period, 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 contributions to the retirement fund than then stand 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 contributions 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 subparagraph one (1) hereof by the average annual amount of his accumulated deductions, as determined in the manner prescribed by subparagraph (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 methods 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 the case of fifteen (15) years of additional contributions required, an amount equal to forty-eight (48%) per cent 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 contributions than then stand 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 year’s 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 year’s credit, and, in addition thereto, the further amount computed on the following percentage 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, 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.

“As hereinbefore provided, the minimum requirements for a retirement annuity for any applicant who has attained to the age of sixty-five (65) years, shall be twenty (20) years of contributions to the retirement fund or its equivalent, with an amount

representing accrued interest earnings, as hereinbefore set forth. In the case of any member who becomes eligible for retirement at any age earlier than sixty-five (65) years, *but not earlier than sixty (60) years*, the said minimum requirements as to years of contributions before any full retirement annuity or any pro rata retirement annuity based on a greater number of years of contributions than then stand to his credit on the books of said association shall be granted, shall be twenty (20) years increased by one (1) year for each year that the said applicant is under the age of sixty-five (65) years, in accordance with the following schedule, to-wit: Age sixty-four (64), twenty-one (21) years; age sixty-three (63), twenty-two (22) years; age sixty-two (62), twenty-three (23) years; age sixty-one (61), twenty-four (24) years; age sixty (60), twenty-five (25) years, provided, however, that in the case of any member who shall have reached the age of sixty (60) years on May 1, 1937, and who, prior to June 1, 1936, shall have left the public service and maintained membership by payment of assessments, the minimum requirements for a full retirement annuity shall be twenty (20) years, regardless of the attained age at the time of any such retirement. No full retirement annuity or any pro rata retirement annuity based on a greater number of years of contributions than the number of years he shall have been a member of said association shall be granted to any member of said association who has not attained to the age of sixty (60) years,

“The retirement board shall by general rule adopt regulations and schedules of rates of payments required of applicants who shall become eligible for retirement at ages earlier than sixty-five (65) *but not earlier than sixty (60) years*, which regulations shall provide for the granting of pro rata retirement annuities in amounts bearing the same ratio to a full retirement annuity as the period in full years of salary deductions, or assessments received in lieu thereof, or its equivalent with an additional amount representing accrued interest earnings, shall bear to the number of years expressed in the above schedule of minimum requirements as to years of contributions for a full retirement annuity at any given age of the applicant. Provided, however, that the retirement board shall not grant any full retirement annuity or any pro rata retirement annuity based on a greater number of years of contributions to the retirement fund than then stand to the credit of the applicant until such member shall have been a member of said association for a period of five (5) full years. The total amount available from the retirement fund for distribution in annuity payments during any one month shall in no event exceed the total amount received from salary deductions and assessments in lieu thereof during the preceding month and should the total of annuities previously granted and then in force exceed

such amount, it shall be the duty of the retirement board to restrict the total amount available for distribution in annuities for any such month accordingly and all annuities payable shall be proportionately reduced. The balance of any annuities not paid in full by reason of such restriction shall be paid proportionately during the first and subsequent months when such salary deductions and assessments exceed the total of all outstanding annuities then payable.”

Approved March 22, 1943.

CHAPTER 168—H. F. No. 258.

An act authorizing, legalizing and validating certain expenditures of towns, boroughs, villages, cities and counties under certain conditions.

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

Section 1. Expenditures of certain towns, boroughs, villages, cities and counties legalized and validated.—Any expenditure or appropriation by towns, boroughs, villages, cities or counties made or authorized since December 7, 1941, and prior to the cessation of hostilities in the so-called “second world war” as declared by the proper federal authority, for the purpose of paying rent, clerical assistance or other expenses in connection with the operation of selective service boards, rationing boards, civilian defense or similar activities made necessary by and connected with such “second world war” are hereby declared to be legal and valid as against the objection that no legal authority exists therefor.

Sec. 2. Municipalities may expend monies during second world war—limitations.—Any such municipality may until the cessation of hostilities of said “second world war” make any necessary expenditures such as those referred to in Section 1 hereof, provided the said expenditures do not exceed an amount equivalent to two-tenths of a mill levy on the taxable property in said municipality for any one taxable year.

Approved March 22, 1943.

CHAPTER 169—H. F. No. 452.

An act relating to the establishment of fire departments in cities of the fourth class operating under a home rule charter,