

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

**Section 1. Commissioner of Conservation may shorten season for taking of game fish.**—When the Commissioner of Conservation, after investigation by the Director, finds that game fish inhabiting any of the waters of this state require additional protection to that now given by law, he may, by an order giving thirty days public notice, shorten the season for the taking of game fish in such prescribed waters by angling through the ice, provided, however, the authority hereby granted may not be exercised so as to prohibit angling during the winter months on more than fifty per cent of the waters of any county at any given time.

**Sec. 2. Order shall have the force of law.**—Any order issued by the Commissioner pursuant to this section shall have the force of law and the penalties prescribed for the violations of the laws relating to game and fish shall follow and be applicable to violations of any such order.

Approved February 20, 1943.

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CHAPTER 62—S. F. No. 194

(AMENDING SECTIONS 422.04 AND 422.01 MINNESOTA STATUTES 1941.)

*An act relating to the payment of retirement allowances to employees of cities of the first class; amending Mason's Supplement 1940, Sections 1442-14 and 1442-17.*

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

**Section 1. Law amended.**—Mason's Minnesota Supplement 1940, Section 1442-14, is hereby amended to read as follows:

“1442-14. **When effective.**—Any person who shall have been employed by the city to which this act applies, and who shall have fulfilled the conditions herein specified, shall be entitled to receive retirement allowance therefrom, as set forth in the provisions of this act; provided, that no retirement allowance shall be paid any retired *employee* of such city prior to the expiration of the calendar year next succeeding the date this act becomes effective therein.

Any conditional present incumbent shall be entitled to participate in the benefits provided by this act upon submitting to the retirement board a written notice of desire to accept the provisions of the act and of such evidence of the right to so participate as

the board may require; provided that any such *employee* who is less than 30 years of age at the date this provision becomes effective therein shall submit such notice before reaching that age, and any such *employee* who shall have passed the age of 30 at that date shall make written application for participation in the benefits of the retirement fund within 90 days after such date. *Before receiving said retirement allowance, such conditional present incumbent shall contribute to the fund herein provided for an amount which shall be equal to the amount of the contributions to said fund which said conditional present incumbent would have made had he been a contributor to said fund since January 1, 1922, in accordance with the method of contribution herein provided for, plus four per cent compound interest.* All such applications not filed within the time specified herein shall be denied by the retirement board.

The minimum age for retirement on a service allowance, except as otherwise provided, shall be established by the retirement board, may be greater for men than for women, may differ for different classes or grades of employment, but shall not be less than 60 years for men and 58 years for women, nor greater than 65 years. The ages so established by the board shall not be subject to revision prior to the expiration of a five year period from the establishment thereof, and shall apply to all persons who retire during the continuance thereof.

Subject to the limitations stated in this act, any *employee* in the contributing class who shall have attained the established age for retirement shall be entitled to retire, and any such *employee* who shall remain in the service thereafter, shall be retired upon reaching the age of 65 and receive a service allowance as specified in this act; provided, that *the compulsory retirement age of 65 shall not apply to employees of the Municipal Building Commission.*

Any employee who retired prior to the passage of this amendment, and the designated beneficiaries of any such employee, shall be entitled to a retirement allowance to be calculated, determined and payable in accordance with the provisions of Mason's Minnesota Statutes of 1927, Sections 1442-11 to 1442-34, inclusive, as amended. Any payment heretofore made and retirements heretofore approved, which would have been valid had this act been in force at the time of making the same, are validated to the same extent as if the same had been made subsequent to the passage of this amendment."

Sec. 2. **Law amended.**—Mason's Supplement 1940, Section 1442-17, is hereby amended to read as follows:

“1442-17. (a) **Definitions—service allowance for present incumbent.**—The service allowance for a present incumbent in the contributing class shall consist of an “annuity”, a “pension” and a “supplementary allowance” as herein defined.

(b) **Service allowance for future entrant.**—The service allowance for a future entrant in the contributing class shall consist of an “annuity” and a “pension” as herein defined.

(c) **Annuity for future entrant.**—The annuity shall be the actuarial equivalent of the net accumulated contributions of the retiring *employee*, calculated at his or her age at the date of retirement.

(d) **Pension of future entrant.**—The pension shall be the actuarial equivalent of the accumulated amount of such annual installments as may be now or hereafter fixed and designated by law throughout the period of service of the retiring *employee*, not to exceed 25 years, accumulated to the date of retirement at four per cent compound interest.

(e) **Supplementary allowance for persons in contributing class.**—The supplementary allowance shall be the actuarial equivalent of the difference between:

(1) The net accumulated amount at the time of retirement of the contributions which such *employee* would have been required to make during the period for which credit is claimed, had the provisions of this act been in force throughout such period, and

(2) The net accumulated amount of the contributions made and to be made by the retiring *employee* for all periods of service for the city subsequent to the adoption of this act therein, not exceeding 30 years.

(f) **Minimum retirement allowance.**—All contributing members who, at the time of retirement, *shall have fulfilled the conditions necessary to enable them to retire*, shall be entitled to a combined minimum pension and supplementary allowance as defined in Mason's Supplement 1940, Sections 1442-13 and 1442-17, of \$2.00 per month for each year of service, which pension and supplementary allowance shall be in addition to the annuity as defined in the pension act.

*The pension and supplementary allowance provided for herein shall be the actuarial equivalent of the accumulated annual installments and supplementary allowance credits now designated by law to be now defined as normal earned credits, plus such extra credit to be furnished by the city as will produce such minimum pension and supplementary allowance of \$2.00 per month for each year of service. Said sum of \$2.00 shall be computed under the*

single life plan, as defined in said pension act, and subject to the same option selections as set forth in said act.

*The extra credit herein provided for shall be used only for the purpose of producing such minimum pension and supplementary allowance and shall not in any other way inure to the benefit of the contributing member or his beneficiaries.*

*The pension, supplementary allowance and annuity provided for herein shall be first paid from the contributing member's own contributions and normal earned credits, plus interest, until such credits are exhausted, and from and after such time shall be paid from the extra credit provided for herein.*

(g) **Death benefit.**—In the event of the death of an *employee* in the contributing class while still in the service of the city, there shall be paid to the heirs thereof the net amount to the credit of said *employee* at the time of his or her death, provided that said *employee* shall have fulfilled all conditions as to age, service and participation requisite for retirement on a service pension. In the absence of heirs of such *employee* that portion of the amount to the credit of said *employee* on which the pension is to be based as defined in paragraph (d) hereof and that portion on which the supplementary allowance, if any, is to be based as defined in paragraph (e) hereof shall be cancelled and the city shall be liable for only the balance of such credits.

(h) **Service.**—Except as otherwise provided in this act, the service of each "present incumbent" shall be calculated from the date in service from which said *employee* elects to claim credit and the amount of service of each future entrant shall be calculated from the date of original appointment. Said service shall include periods of service at different times and service for one or more departments, branches or independent boards of the municipality. It is further provided that in computing length of service of contributing *employees* for the purpose of this act, periods of separations from the service shall not be included.

(i) **Payment of retirement allowances.**—Retirement allowances as herein provided shall be paid in monthly installments and checks shall be issued and mailed to the last known address of each beneficiary on the first business day of the month succeeding the month in which his or her allowance is authorized; provided, however, that where a beneficiary is laboring under legal disabilities said monthly installments in such cases may be paid to the duly appointed guardian."

Sec. 3. **Effective January 1, 1943.**—This act shall take effect and be in force from and after January 1, 1943.

Approved February 20, 1943.