

Notice must be given at least ten days prior to the hearing. He shall be entitled to be represented by legal counsel and to appeal to the district court of the proper county on the questions of law and fact.

Approved March 2, 1953.

CHAPTER 77—H. F. No. 749

An act relating to wild animals and to the taking, possession, and transportation thereof for scientific, educational or exhibition purposes; amending Minnesota Statutes 1949, Section 98.48, Subdivision 3.

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

Section 1. Minnesota Statutes 1949, Section 98.48, Subdivision 3, is amended to read:

Subd. 3. The commissioner may issue special permits, without fee, to take, possess and transport wild animals *in such manner and under such conditions as he may prescribe* for scientific, educational or exhibition purposes, or for use as pets, provided no wild or native deer may be taken or possessed for propagation, exhibition or pet purposes, except those now lawfully possessed for such purposes. All animals possessed under authority of this provision, as well as deer now contained on game farms, private and public parks and zoos, and their progeny, or possessed as pets, may be disposed of only as prescribed by the commissioner.

Approved March 2, 1953.

CHAPTER 78—H. F. No. 4

[Coded, in part]

An act relating to public employees retirement: adding new provisions relating thereto, and amending Minnesota Statutes 1949, Section 353.12, 353.20, Section 353.01, Subdivision 13, Section 353.02, Subdivisions 5 and 6, Section 353.09, Subdivisions 1, 2 and 3, Section 353.11, Subdivisions 1, 3, 4, 5 and 7, and by adding thereto two new subdivisions, and repealing section 353.01, Subdivision 12.

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

Section 1. Minnesota Statutes 1949, Section 353.01, Subdivision 13, as amended by Laws 1951, Chapter 22, Section

8, is amended so as to read :

Subd. 13. Year of contribution. *"Year of contribution" means any 12 calendar months of public service during or for which a member makes payment into the retirement fund through salary deductions or assessments, or through payments made under section 353.11, subdivision 2 or 3.*

Sec. 2. Minnesota Statutes 1949, Section 353.02, Subdivision 5, as amended by Laws 1951, Chapter 22, Section 13, is amended so as to read :

Subd. 5. Commencement of membership. The provisions of Laws 1931, Chapter 307, Section 2; Laws 1933, Chapter 374, Section 1; Laws 1937, Chapter 466, Section 2; Laws 1941, Chapter 285, Section 2; and Laws 1947, Chapter 18, Section 2, shall be paramount and controlling with respect to the terms and conditions governing admission of public employees to membership prior to July 1, 1951.

Sec. 3. Minnesota Statutes 1949, Section 353.02, Subdivision 6, as amended by Laws 1951, Chapter 22, Section 14, is amended so as to read :

Subd. 6. No membership fee. No membership fee shall be required of any *public employee who shall become a member* after July 1, 1951. Interest required in connection with back payments is not a penalty.

Sec. 4. Minnesota Statutes 1949, Section 353.09, Subdivision 1, as amended by Laws 1951, Chapter 22, Section 19, is amended so as to read :

353.09 Subdivision 1. When any member ceases to be a public employee for any reason other than death or retirement, he shall be paid, on demand, after such notice, as the retirement board may by general rule prescribe, the full amount of the accumulated deductions standing to the credit of his individual account, or in lieu thereof, he may, if eligible, elect to proceed under one of the following subdivisions hereof.

Sec. 5. Minnesota Statutes 1949, Section 353.09, Subdivision 2, as amended by Laws 1951, Chapter 22, Section 20, is amended so as to read :

Subd. 2. Any person who was a member prior to March 10, 1945, and who has been in the public service for not less than 10 years and who has been a contributing member for not less than four years immediately prior thereto, *and any member who has to his credit not less than 10 years of contributions* may, upon application in writing to the retirement board within 60 days from the termination of his employment *in public service*, become a non-employee member. *No applica-*

tion for non-employee membership shall be approved by the retirement board except upon condition that such non-employee member shall pay into the retirement fund a monthly assessment equal to one and one-half times the average monthly salary deductions or assessments paid in lieu thereof, or both, contributed by him during the 10-year period of his contributory membership immediately preceding termination of public service, *provided that if such period exceeds 10 years, the monthly assessment shall be computed in like manner upon the 10-year period immediately preceding termination of public service.* On and after July 1, 1943, an amount equivalent to one-half of one per cent of the average salary upon which the monthly assessment of each non-employee member is computed shall be deducted from each monthly assessment of such non-employee member and credited to the retirement fund and in no event shall be refunded to such non-employee member, his heirs, or to his beneficiary. The remaining portion of such monthly assessment shall be credited to the accumulated deductions of each such non-employee member. *The assessment shall be due and payable on the first day of each month. If not paid within 60 days from the due date, such non-employee membership shall cease. Provided that upon application in writing to the retirement board within six months from such due date, the retirement board may reinstate such person as a contributing non-employee member upon the payment by him of all delinquent assessments with accrued interest thereon at the rate of 5% per annum. Termination of non-employee membership without withdrawal of accumulated deductions shall not impair the right to a deferred annuity.*

Sec. 6. Minnesota Statutes 1949, Section 353.09, Subdivision 3, as amended by Laws 1951, Chapter 22, Section 21, is amended so as to read:

Subd. 3. *Any member who has to his credit five or more years of contributions upon termination of his public service may leave his accumulated deductions in the retirement fund and receive a deferred annuity at the time when he would have been eligible to receive a retirement annuity if he had remained a public employee based upon the average annual salary over the period of his years of contributions already credited at the time of such termination of public service, provided that if such period exceeds 10 years of contributions it shall be based on the 10 years of contributions immediately preceding such termination.* Such deferred annuity shall be in an amount bearing the same ratio to the full retirement annuity that the number of years of contributions credited at the time of his termination of public service bears to the number of years of contributions required had he continued as a public employee until

eligible to receive a full retirement annuity. *The provisions of section 353.11, subdivision 5, shall determine the amount of the full retirement annuity on which any deferred annuity shall be computed. The provisions of this subdivision shall apply to a non-employee member who leaves his accumulated deductions in the retirement fund.*

Sec. 7. Minnesota Statutes 1949, Section 353.11, Subdivision 1, as amended by Laws 1951, Chapter 22, Section 23, is amended so as to read:

353.11 Retirement. Subdivision 1. Except as in this chapter otherwise provided, when any member, except a non-employee member, meets the minimum requirements shown in the following table with respect to: Attained age (Column A); Years of public service (Column B); and Years of contributions (Column C); he shall receive a full retirement annuity for the remainder of his life equal to 50 per cent of the average annual salary upon which deductions or assessments for the retirement fund have been based during the 10-year period immediately preceding retirement, or \$2,400 per annum, whichever is the smaller amount:

A Required Attained Age	B Minimum Required Years of Service	C <i>Minimum</i> Required Years of Contributions
60	35	25
61	32	24
62	29	23
63	26	22
64	23	21
65	20	20

The full retirement annuity of any non-employee member who meets the minimum requirements shown in the foregoing table shall equal 50 per cent of the average annual salary upon which assessments paid as such non-employee member have been based and years of public service shall include time as a non-employee member. Fractional parts of a year of public service shall not enter into the computation of any annuity for which provision is made by this chapter.

Sec. 8. Minnesota Statutes 1949, Section 353.11, Subdivision 3, as amended by Laws 1951, Chapter 22, Section 23, is amended so as to read:

Subd. 3. Any member may secure credit for one or more years of contributions covering prior years of public service, *except for any period during which, by virtue of his employment, he contributed to and retained credit therefor in any*

other pension, relief or retirement fund, established for the benefit of officers and employees of the state or a governmental subdivision, provided he shall pay into the retirement fund a sum equal to all accrued deductions from his salary which would have been made had such public employee been a member during the period for which credit is desired, together with interest thereon at the rate of five per cent per annum, compounded annually.

Sec. 9. Minnesota Statutes 1949, Section 353.11, Subdivision 4, as amended by Laws 1951, Chapter 22, Section 23, is amended so as to read:

Subd. 4. *Any member who has to his credit five or more years of contributions, and who has become 65 years of age, shall be eligible for retirement even though he does not meet the minimum requirements indicated in Columns B and C in the table appearing in subdivision 1 of this section. Such member, upon retirement, shall receive a pro rata annuity for the remainder of his life in an amount equal to the product of two and one-half per cent of his average annual salary upon which deductions for the retirement fund over the period of his service have been based, or \$120, whichever is the smaller amount, multiplied by the number of his years of contributions.*

Sec. 10. Minnesota Statutes 1949, Section 353.11, Subdivision 5, as amended by Laws 1951, Chapter 22, Section 23, is amended so as to read:

Subd. 5. When any member, irrespective of the date of his affiliation with the retirement association, attains eligibility for a full retirement annuity in all respects without payment into the retirement fund of any additional amount authorized in either subdivision 2 or subdivision 3 and (1) such member continues contributions to the retirement fund either as a public employee or a non-employee member, such member, upon retirement, shall be entitled to receive his normal full retirement annuity but there shall be added thereto an amount equal to an increase of five per cent thereof for each additional year such member has made such contributions to the retirement fund; or (2) such member has to his credit on the books of the association one or more years of contributions in excess of the minimum number of years of contributions required for his then attained age, as indicated by Columns A and C in the table appearing in subdivision 1, such member upon retirement, shall be entitled to receive his normal full retirement annuity but there shall be added thereto an amount equal to one per cent thereof for each additional year such member has contributed to the retirement fund in excess of the minimum requirements applicable to his case as determined by the table appearing in subdivision 1. The benefits under (1) and (2)

shall not be paid concurrently and if both benefits herein provided for shall become available to a member, he shall elect which benefit he desires to receive.

Sec. 11. Minnesota Statutes 1949, Section 353.11, Subdivision 7, as amended by Laws 1951, Chapter 22, Section 23, is amended so as to read:

Subd. 7. *During any period of (a) authorized leave of absence without pay, (b) absence by reason of military service, or (c) a lay-off of not more than 12 consecutive months, a member may contribute to the retirement fund by assessments in lieu of salary deductions and such period shall be counted in computing the time spent in public service to establish eligibility for retirement benefits. If contributions are made during any such period, they shall, if necessary, be included in determining the average annual salary upon which deductions or assessments have been based. The assessment shall be the same as the last preceding monthly salary deduction in the case of a member on monthly salary and in all other cases shall be computed on the basis of the average monthly compensation of the member for the 12-month period immediately preceding such leave or lay-off. Upon return to public service as a public employee, any member, within one year, may elect to contribute assessments not previously paid, through the method of additional salary deductions without interest provided arrangements therefor are made with the secretary and the department head concerned; or by direct payments without interest under arrangements made with the secretary. The total amount of such assessments shall be paid in equal monthly installments by deductions or direct payments made within two years from the date of the return of the member from absence from public service under clause (a), (b) or (c) hereof.*

Sec. 12. Minnesota Statutes 1949, Section 353.11, is amended by adding a new subdivision thereto to read as follows:

Subd. 11. All annuities granted under the provisions of this chapter prior to July 1, 1951 shall each be increased on and after July 1, 1953 in the amount of \$10 per month.

Sec. 13. Minnesota Statutes 1949, Section 353.11, is amended by adding a new subdivision thereto to read as follows:

Subd. 12. Any monthly payments to which any person may be entitled under this chapter may be reduced in amount upon application of the person entitled thereto to the retirement board, provided that such person shall first relinquish in writing all claim to that part of the full monthly payment which is the difference between the monthly payment which

he would be otherwise entitled to receive and the reduced monthly payment which he will receive. Upon application of the person who is entitled to such monthly payment to the retirement board, it may be increased to not more than the amount to which such person was originally entitled to receive monthly but such person shall not be entitled to receive or have any claim for any money which was not paid to him by reason of said reduction in such monthly payments.

Sec. 14. Minnesota Statutes 1949, Section 353.12, as amended by Laws 1951, Chapter 22, Section 24, is amended so as to read:

353.12 *Subdivision 1.* When any member 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 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 353.11, exclusive 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 representative of the estate of such member, upon establishment of a valid claim therefor. If no valid claim is established therefor, the accumulated deductions shall remain with and become the property of the retirement association.

Subd. 2. If a member, or former member dies without having designated a beneficiary, or if the beneficiary should die before making application for refundment of the sum to the credit of such deceased member, or former member, and the amount of the refundment is \$500 or less, the retirement board may 90 days after the date of death of the member, or former member, in the absence of probate proceedings, make refundment to the surviving spouse of the deceased member, or former member, or, if none, to the next of kin under the laws of descent of the State of Minnesota and such payment shall be a bar to recovery by any other person or persons. Any retirement allowance or annuity which shall have accrued at the time of death of an annuitant may be paid in like manner. Such beneficiary, legal representative or next of kin shall also be paid on demand the full amount of the additional penalty, if any, paid into the retirement fund by the deceased member in accordance with the provisions of Laws 1937, Chapter 466, Section 2; Laws 1947, Chapter 18, Section 2, and any rules made by the retirement board pursuant to said laws.

Sec. 15. Minnesota Statutes 1949, Section 353.20, as amended by Laws 1951, Chapter 22, Section 27, is amended so as to read:

353.20 Application. *The public employees of any governmental subdivision which was not affected prior to July 1, 1951 by the provisions of this chapter, shall become members provided the duly constituted officials of such governmental subdivision shall adopt a resolution authorizing, empowering and directing that salary deductions be made for public employees as provided by section 353.04, and thereupon such governmental subdivision shall be subject to all applicable provisions of this chapter. One certified copy of such resolution shall be filed with the proper officials of the governmental subdivision, who are empowered to pay or to authorize the payment of salaries of public employees, and one certified copy shall be transmitted to the secretary of the retirement board. Such coverage shall become effective from the first day of the first calendar month next succeeding the date of the acceptance of the terms of this chapter by the governing body of the governmental subdivision concerned, and salary deductions for said public employees shall commence upon such date. The dates from which salary deductions shall be computed and fixed shall be determined by the provisions of Laws 1931, Chapter 307, Section 24; Laws 1933, Chapter 374, Section 1; Laws 1935, Chapter 106, Section 3; Laws 1941, Chapter 285, Section 10; Laws 1947, Chapter 18, Section 7; and Laws 1951, Chapter 22, Section 27.*

Sec. 16. [353.21] Annuitants; extent of benefits. *Any person designated as the sole beneficiary by any member who is an annuitant or who was eligible at the time of his death to become an annuitant shall be entitled to receive monthly until his remarriage or death a survivor's benefit provided that such sole beneficiary (1) is the surviving spouse or parent of the member, (2) has become 60 years of age, (3) if a surviving spouse, has not remarried, (4) was domiciled with such member at the time of such death, if a surviving spouse, (5) is not receiving any other benefit provided for by this chapter, (6) has made no claim for accumulated deductions under section 353.12, and (7) has filed application for a survivor's benefit. Such beneficiary's benefit for each month shall be equal to one-half of the monthly annuity payment to which the deceased member was entitled, but in no event shall exceed \$100.*

Sec. 17. This act shall take effect July 1, 1953.

Sec. 18. Minnesota Statutes 1949, Section 353.01, Sub-

division 12, as amended by Laws 1951, Chapter 22, Section 7, is hereby repealed.

Approved March 4, 1953.

CHAPTER 79—H. F. No. 73

[Coded]

An act prohibiting the changing of serial numbers of farm implements and machinery, radios, television sets, and other electrical devices, and providing a penalty for violation thereof; amending Laws 1951, Chapter 95, Sections 1, 2.

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

Section 1. Laws 1951, Chapter 95, Section 1, is amended to read:

Section 1. [620.273] **Serial numbers, alterations.**

Subdivision 1. Prohibition. No person, firm, association, or corporation shall destroy, remove, alter, cover, or deface the manufacturer's serial number from any tractor, grain binder, corn binder, forage blower, grain drill, corn planter, combine, thresher, corn picker, corn sheller, forage harvester, hay baler, power mower or any other item of heavy farm machinery having such numbers; or any radio, television set or other electrical devices having serial numbers; nor sell, offer for sale, lease or otherwise dispose of any such item on which the serial numbers have been destroyed, removed, altered, covered, or defaced.

Sec. 2. Laws 1951, Chapter 95, Section 2, is amended to read:

Sec. 2. **Sub. 2. Application.** The provisions of this act shall not apply to the machinery of any bona fide farmer who has had such machinery in his possession for a period of six months and has used the same in the operation of his farm enterprise, nor to any second hand machinery, radio, television set, or other electrical devices now in the possession of an established dealer at the time of the passage of this act.

Approved March 4, 1953.

CHAPTER 80—H. F. No. 89

An act relating to firemen's relief associations in cities of the first class; amending Minnesota Statutes 1949, Sections 69.44 and 69.45 as amended and repealing Section 5, Laws 1951, Chapter 557.