

This subdivision shall not apply to any county containing a city of the first class.

Approved April 6, 1955.

CHAPTER 360—S. F. No. 381

An act relating to education and providing for the payment of mileage to county superintendents of schools and their assistants and to superintendents of schools in certain school districts for the use of thier own conveyances in the performance of official duties; amending Minnesota Statutes 1953, Section 121.14.

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

Section 1. Minnesota Statutes 1953 Section 121.14, is amended to read:

121.14 Travel expenses, mileage. The county board of each county shall audit and, if found correct, allow duly itemized and verified claims of the county superintendent of schools for actual and necessary traveling expenses incurred by him or his assistants in the discharge of official duties. If the county superintendent of schools or *any* assistant uses his own conveyance in the performance of official duties, the county board shall allow him therefor not to exceed *seven and one-half cents for each mile necessarily traveled in his own conveyance in the performance of official duties.*

Approved April 6, 1955.

CHAPTER 361—S. F. No. 477

[Coded in Part]

An act relating to the state teachers retirement fund, amending Minnesota Statutes 1953, Sections 135.03, 135.05, Subdivisions 1 and 2, 135.06, 135.09, 135.11 and 135.13; and repealing Section 135.14.

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

Section 1. Minnesota Statutes 1953, Section 135.03, is amended to read:

135.03 Board of trustees. Subdivision 1. The management of the fund shall be vested in a board of five trustees

to be known as the board of trustees of the teachers retirement fund. It shall be composed of the following persons: the commissioner of education, the state auditor, the commissioner of insurance, and two members of the fund who shall be elected by the members of the fund at the time and place of their annual meeting. At the first election of the members of the fund, one trustee shall be elected to serve for one year and one for two years. Thereafter the terms of the elective members shall begin on the first Monday in January next succeeding their election. In the case of elective members, vacancies shall be filled by appointment by the remainder of the board, the appointee to serve until the members of the fund have elected a trustee to serve for the unexpired term caused by such vacancy. No member shall be appointed by the board, or elected by the members of the fund, as a trustee who is not a member of the fund in good standing at the time of such appointment or election.

Subd. 2. The board shall annually elect one of its members as president, shall elect a secretary, and fix his salary, who shall serve during the pleasure of the board and be the executive officer of the board, with such duties as the board shall prescribe. The board shall employ all other clerks and employees necessary to properly administer the fund. One-half of the cost and expense of administering the provisions of sections 135.01 to 135.15 shall be paid by the fund and the balance thereof by the state.

Subd 3. The state treasurer shall be ex officio treasurer of the fund and his general bond to the state shall cover any liabilities for his acts as treasurer of the fund. He shall receive all moneys payable to the fund and pay out the same only on warrants issued by the state auditor upon vouchers signed by the president and secretary of the board. The treasurer shall give receipts for all moneys received by him for the fund, keep a full, correct, and separate account of the financial transactions connected therewith, and make an annual report to the board at its annual meeting of the receipts and disbursements and other financial transactions connected with the fund.

Subd. 4. All members of the board shall serve without compensation but shall receive necessary expenses while attending all meetings of the board, to be paid out of the fund.

Subd. 5. The board shall meet regularly at its office at such times as it shall determine. Special meetings may be held at any time at the call of the president of the board or of any three members thereof.

Subd. 6. The fiscal year of the fund shall begin on the first day of July of each year and end on the 30th day of June of the following year.

Subd 7. A suitable office shall be provided by the state through the proper officer for the use of the board and its secretary.

Sec. 2. Minnesota Statutes 1953, Section 135.05, Subdivision 1, is amended to read:

135.05 Fund, members. Subdivision 1. Members of the fund shall include all teachers who render any teaching service after August 1, 1931, in any of the schools or institutions to which sections 135.01 to 135.15 apply, except:

(1) Those who at the time of rendering such service have not attained the age of 25 years; but any such teacher who renders any teaching service after September first after attaining that age shall automatically become a member, any such teacher who has not attained that age shall be admitted as a member upon written application to the board, and any member of the fund who rendered teaching service before attaining the age of 25 years and who has not received credit therefor may, upon written application, receive credit for such service and may pay into the fund *six* percent of the annual salary received during such service, *but not to exceed \$175 per year for service rendered prior to July 1, 1953, and not to exceed \$216 per year for service rendered commencing July 1, 1953,* with interest at four percent per annum from the time of the commencement of such service until July 1, 1947, and *without interest for service rendered thereafter;*

(2) Those who have rendered teaching service prior to August 1, 1931, in any of the schools or institutions to which sections 135.01 to 135.15 apply, but any such teacher shall be admitted as a member upon written application to the board made within two years after rendering the first teaching service subsequent to August 1, 1931.

Sec. 3. Minnesota Statutes 1953, Section 135.05, Subd. 2, is amended to read:

Subd. 2. Any teacher who has rendered teaching service since August 1, 1931, in schools or institutions to which sections 135.01 to 135.15 apply, and who had rendered teaching service in schools or institutions subject to Laws 1915, Chapter 199, and all acts amendatory thereof, prior to August 1, 1931, but who did not become a member of the fund within two years after resuming teaching service after August 1, 1931, as required by subdivision 1, shall have the right to be-

come a member of the fund if application for such membership is made to the board in writing within two years after rendering the first teaching service in any of the schools or institutions in which sections 135.01 to 135.15 apply subsequent to August 1, 1955. Teachers who so become members of the fund shall pay into the fund the amount of assessments provided for in section 135.06, and shall have the right to pay into such fund, and receive similar credit therefor at the time paid, an additional sum, either in cash or in installments, which payment or payments shall not be in excess of six percent of the teacher's average yearly salary, but not more than \$175 for any year, for the five years of service immediately preceding 1951, multiplied by the number of years of service *prior to said date* for which the teacher has been given credit, together with interest on the same at the rate of four percent per annum from the time of first rendering that previous service until July 1, 1947, and without interest for the period from July 1, 1947, until July 1, 1951; *and six percent of the teacher's salary thereafter, but not more than \$175 per year for the period from July 1, 1951 until July 1, 1953 and not more than \$216 per year for the period commencing July 1, 1953, all without interest.* All cash and installment payments herein provided for, and their due dates shall be the same as are applicable to teachers who were members of the fund on July 1, 1951. Those members shall have the rights provided for and be subject to the provisions of sections 135.06 and 135.10 (except as hereinafter provided), and section 135.11.

All teachers who *are* members of the fund shall have the right to pay into such fund and receive credit therefor at the time paid on additional sum, either in cash or installments, which payment or payments shall not be in excess of six percent of the teacher's average yearly salary, but not more than \$175 for any year, for the five years immediately preceding July 1, 1951, multiplied by the number of years of service prior to said date for which the teacher has been given credit, together with interest only for periods prior to July 1, 1947, at the rate of four percent per annum from the time of first rendering the previous service until July 1, 1947, *and without interest until July 1, 1951,* and a further additional sum equal to six percent of the teacher's salary for the period from July 1, 1951, to June 30, 1953, but not in excess of \$175 for any year, *and not more than \$216 per year for the period commencing July 1, 1953, all without interest,* which payment shall be less any amount to their credit in the fund on July 1, 1947, and less any amount paid into the fund on any teacher's account subsequent to July 1, 1947.

Sec. 4. Minnesota Statutes 1953, Section 135.06, Subd. 2, is amended to read:

Subd. 2. Teachers who ceased paying into the fund after teaching 35 years but who have continued to teach shall have the right to pay into the fund an additional sum either in cash or installments, which payment or payments shall not be in excess of six percent of their annual salary, but not more than \$175 for any year, for each year of teaching service beyond 35 years, but not beyond 40 years, together with interest thereon at the rate of four percent per annum from the time of rendering such additional teaching service until July 1, 1947, and six percent of the teachers' salary, but not more than \$175 per year for the period from July 1, 1947, until July 1, 1953, and not more than \$216 per year for the period commencing July 1, 1953, without interest.

Sec. 5. Minnesota Statutes 1953, Section 135.06, is amended by adding a new subdivision thereto numbered 7 to read:

[Subd. 7.] *Any teacher who is authorized to make payment into the fund for prior service may make such payment by deduction and withholding from salary upon submission to and approval by the board of a written request therefor. Upon approval thereof the board shall transmit the request to school district or institution for which the teacher is rendering teaching service. The provisions of subdivisions 3, 4, 5 and 6 of the within section relating to deduction and withholding from salary for payments into the fund on account of current teaching service shall apply to the deduction and withholding from salary for payment into the fund on account of prior teaching service.*

Sec. 6. Minnesota Statutes 1953, Section 135.09, Subdivision 1, is amended to read;

135.09 Teachers from other states. Subdivision 1. Teachers who have rendered teaching service in other states or in the public schools of this state to which sections 135.01 to 135.15 do not apply, or in the University of Minnesota, who prior thereto have been, or thereafter become members of the fund, may be given credit for such teaching service by the board, provided that no credit may be given for any part thereof rendered subsequent to June 30, 1953, for which they are entitled to receive benefits under any other retirement system; and, after having acquired credit for 15 years of teaching service in schools or institutions to which sections 135.01 to 135.15 apply, of which at least five years shall have been rendered subsequent to such other teaching service, such

teachers may then pay into the fund an amount equal to six percent of the average yearly salary, not exceeding \$175, received during the five years immediately before completion of the required Minnesota service or July 1, 1951, whichever is later, multiplied by the number of years of such teaching service for which credit is given, together with interest thereon at the rate of four percent per annum from the time of rendering such previous service until July 1, 1947. *The payments hereunder shall not exceed \$175 per year for any such service rendered prior to July 1, 1953, and \$216 per year for any such service rendered thereafter and shall be without interest for any such service rendered subsequent to June 30, 1947.*

Sec. 7. Minnesota Statutes 1953, Section 135.09, is amended by adding a new subdivision thereto numbered 3 to read:

[Subd. 3.] Teachers who while rendering teaching service in the schools to which sections 135.01 to 135.15 apply are given Sabbatical leave or who obtain a leave of absence for educational purposes in foreign countries under scholarships received from the Board of Foreign Scholarships or who render interchange teaching services in foreign countries pursuant to federal law, may receive credit for the period thereof by paying into the fund at the rate of six percent of the salary received by them during the year immediately preceding such leave or foreign teaching services. This shall also be applicable to any such period occurring prior to the enactment thereof, provided that the payments into the retirement fund for any year prior to July 1, 1953, shall not exceed \$175, and for any year subsequent thereto such payments shall not exceed \$216. Said payments shall be without interest.

Sec. 8. Minnesota Statutes 1953, Section 135.11, is amended to read:

135.11 Rights not assignable. *Subdivision 1.* The right of a teacher to avail herself of the benefits of sections 135.01 to 135.15 is a personal right only and shall not be assignable. All moneys to the credit of a teacher's account in the fund or any moneys payable to her from the fund shall belong to the State of Minnesota until actually paid to the teacher or her beneficiary pursuant to the provisions of Sections 135.01 to 135.15. Any assignment or attempted assignment of a teacher's interest in the fund, or of a beneficiary's interest therein, by a teacher or her beneficiary shall be null and void and the same shall be exempt from garnishment or levy under attachment or execution and from all taxation by the State of Min-

nesota. Any beneficiary designated by a teacher under the terms of sections 135.01 to 135.15 may be changed or revoked by the teacher at her pleasure, in such manner as the board may prescribe. In case a designated beneficiary dies before the teacher designating him dies, and a new beneficiary is not designated, the teacher's estate shall be the beneficiary.

Subd. 2. If a member of the fund dies without having designated a beneficiary, or if the beneficiary should die before payment of the sum to the credit of such deceased member, and the amount of the payment is \$500 or less, the board may 90 days after the date of death of the member in the absence of probate proceedings make payment to the surviving spouse of the deceased 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 payable under the provisions of sections 135.01 to 135.15 may be paid in like manner.

Sec. 9. Minnesota Statutes 1953, Section 135.13, is amended to read:

135.13 Certification, amount of state's obligation.
Subdivision 1. The board shall from time to time determine the amount of money necessary and presently needed to meet the state's obligations as provided in sections 135.01 to 135.15 and certify the amount so determined to the state auditor. In so certifying the board shall certify separately the amount required to make the payments provided for in section 135.10 on the account of teachers whose accredited teaching service was rendered for and in behalf of the state at large, together with the amount necessary to meet any operating cost for which the state is liable, and the amount required to make such payments on account of teachers whose accredited teaching service was rendered for and in behalf of the schools and institutions located outside of the cities of the first class. In case any teacher has rendered accredited teaching service in part for the state at large and in part for the schools and institutions located outside of the cities of the first class, the amount certified for payment on account of his teaching shall be prorated on the basis of the respective amounts contributed by such teacher to his teachers' savings while rendering such respective teaching service. The amount so certified shall be adjusted by the deficit or surplus of the preceding year.

Subd 2. The auditor is hereby directed to include in each annual state tax levy, the amounts so certified and not included in a previous levy, which amounts are hereby annually

levied against the taxable property of the state, as herein provided. In certifying the rate to the several county auditors, the state auditor shall certify, subject to the maximum levy hereinbefore prescribed, the amount required for *the payments on account of* required for the state's share of operating costs, against all the taxable property of the state, and shall certify the amount required for *payments on account of* teaching services rendered for the schools and institutions outside of cities of the first class against all of the taxable property located outside of the cities of the first class. The proceeds of the tax levies so made are hereby appropriated *to the fund for the purpose of making such payments.*

Sec. 10. **Repealer.** Minnesota Statutes 1953, Section 135.14, is hereby repealed.

Approved April 6, 1955.

CHAPTER 362—S. F. No. 656

An act relating to the selection of jurors in certain counties; amending Minnesota Statutes 1953, Section 593.14.

Section 1. Minnesota Statutes 1953, Section 593.14, is amended to read:

593.14 Jurors, selection in certain counties. *Subdivision 1.* In all counties having a population of more than 100,000, judges of the district court, or a majority thereof, of the district embracing such county or counties shall, annually, in the month of December of each year, at the courthouse in such county, select from the qualified electors of the county 125 persons properly qualified to serve as grand jurors, and 2,000 persons properly qualified to serve as petit jurors, and shall make out and certify separate lists thereof, and forthwith deliver such lists to the clerk of the district court of the county; and from these lists of persons to serve as grand jurors and as petit jurors shall, respectively, be drawn all grand jurors and petit jurors at any time required for the transaction of business in the district court of such county. If, in any year, such selection and lists shall not be made in the month of December, the same may be done at any time thereafter that any judge of that court may designate; and, if from any cause there shall be a deficiency of persons resident in such county and properly qualified in either of such lists, such judges, or a majority thereof, may, at any time designated by them, select from such qualified electors of such county other persons to cover the