

permanent or temporary, as it may require, and shall determine their qualifications, duties, and compensation. It shall have authority to prescribe the powers and duties of its officers and employees.

Upon request of the board for the purpose of carrying out any of its functions, the supervising officer of any state agency, or any state institution of learning, shall, in so far as it may be possible under available appropriations, and having due regard to the needs of the agency to which the request is directed, assign or detail to the state board from the staff or personnel of the agency or institution of learning, and make such special reports, surveys or studies as the state board may request.

Subd. 3. The board shall designate its chairman, and may annually from time to time change such designation.

A majority of the board shall constitute a quorum, and the concurrence of a majority in any matter within their duties shall be required for a determination.

The members of the state board shall receive \$25 per day for each day while engaged in the discharge of their official duties, and shall be reimbursed for all expenses including traveling expenses necessarily incurred.

In connection with their duties as members of the board, the board shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted.

The commissioner of administration shall provide and make available within the department of conservation suitable and adequate office facilities and space for the board. The public examiner shall annually audit the books of the board.

Sec. 2. **Appropriation.** There is hereby appropriated from the general revenue fund out of funds not otherwise appropriated the sum of \$7,500 to carry out the purposes of this act.

Approved April 25, 1955.

CHAPTER 665—S. F. No. 965

[Coded]

An act to provide for the coverage of certain officers and employees of the state and local governments under the old age and survivors insurance provisions of Title II of the Fed-

eral Social Security Act, as amended, and appropriating moneys therefor.

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

Section 1. Declaration of policy. In order to extend to employees of the state and its political subdivisions and to the dependents and survivors of such employees, the basic protection accorded to others by the old-age and survivors insurance system embodied in the Social Security Act, it is hereby declared to be the policy of the legislature, subject to the limitations of this act, that such steps be taken as to provide such protection to employees of the state and its political subdivisions on as broad a basis as is authorized by the legislature in the future and is permitted under the Social Security Act. It is also the policy of the legislature that the protection afforded employees in positions covered by a retirement system on the date an agreement under this act is made applicable to service performed in such positions, or receiving periodic benefits under such retirement system at such time, will not be impaired as a result of making the agreement so applicable or as a result of legislative enactment in anticipation thereof when combined with the benefits accorded such employee by the Social Security Act. To this end the agreement referred to in section 3 hereof shall not be made applicable to any service performed in any position covered by a retirement system unless a referendum is first held by secret ballot in which a majority of "eligible employees", as defined in section 218 (d) (3), of the Social Security Act vote in favor thereof. Nothing in any provision of this act shall authorize the extension of the insurance system established by this act to service in any policeman's or fireman's position or in any position covered by a retirement system applicable exclusively to positions in one or more law-enforcement or fire fighting units, agencies or departments.

Sec. 2. [269.01] Definitions. Subdivision 1. For the purposes of this act the terms defined in this section have the meanings ascribed to them herein.

Subd. 2. The term "wages" means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that such term shall not include that part of such remuneration which, even if it were for "employment" within the meaning of the Federal Insurance Contributions Act, would not constitute "wages" within the meaning of that act.

Subd. 3. The term "employment" means any service performed by an employee in the employ of the state, or any political subdivision thereof, for such employer, except (1)

service which in the absence of an agreement entered into under this act would constitute "employment" as defined in the Social Security Act; or (2) service which under the Social Security Act may not be included in an agreement between the state and the Secretary of Health, Education, and Welfare entered into under this act. Service which under the Social Security Act may be included in an agreement only upon certification by the Governor in accordance with section 218 (d) (3) of that act shall be included in the term "employment" if and when the Governor issues, with respect to such service, a certificate to the Secretary of Health, Education, and Welfare.

Subd. 4. The term "employee" includes an officer of a state or political subdivision thereof.

Subd. 5. The term "state agency" means the Commissioner of Administration.

Subd. 6. The term "Secretary of Health, Education, and Welfare" includes any individual to whom the Secretary of Health, Education, and Welfare has delegated any functions under the Social Security Act with respect to coverage under such act of employees of states and their political subdivisions.

Subd. 7. The term "political subdivision" includes an instrumentality of a state, of one or more of its political subdivisions, or of a state and one or more of its political subdivisions, but only if such instrumentality is a juristic entity which is legally separate and distinct from the state or subdivision and only if its employees are not by virtue of their relation to such juristic entity employees of the state or subdivision.

Subd. 8. The term "Social Security Act" means the Act of Congress approved August 14, 1935, chapter 531, 49 Stat. 620, officially cited as the "Social Security Act," as such act has been and may from time to time be amended (including regulations and requirements issued pursuant thereto).

Subd. 9. The term "Federal Insurance Contributions Act" means sub-chapters A and B of chapter 21 of the Federal Internal Revenue Code of 1954, as such Code has been and may from time to time be amended; and the term "employee tax" means the tax imposed by section 3101 of such Code of 1954.

Sec. 3. [269.02] **Agreements.** Subdivision 1. The state agency, with the approval of the Governor, is hereby authorized to enter into an agreement on behalf of the state with the Secretary of Health, Education, and Welfare, consistent with the terms and provisions of this act, for the purpose of extending the benefits of the Federal old-age and survivors insurance system to employees of the state or any

political subdivision thereof with respect to services specified in such agreement which constitute "employment" as defined in section 2 of this act, whenever so specifically authorized by the statutory provisions of this state pertaining to any coverage group of such employees to which the agreement may become applicable under the Social Security Act. Pursuant to such specific authorization the agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration, and other appropriate provisions as the state agency and the Secretary of Health, Education, and Welfare shall agree upon, but, except as may be otherwise required by or under the Social Security Act as to the services to be covered, such agreement shall provide in effect that

(1) Benefits will be provided for employees whose services are covered by the agreement (and their dependents and survivors) on the same basis as though such services constituted employment within the meaning of Title II of the Social Security Act;

(2) The state will pay to the Secretary of the Treasury, at such time or times as may be prescribed under the Social Security Act, contributions with respect to wages (as defined in section 2 of this act), equal to the sum of taxes which would be imposed by the Federal Insurance Contributions Act if the services covered by the agreement constituted employment within the meaning of that act;

(3) Such agreement shall be effective with respect to services in employment covered by the agreement performed after a date specified therein but in no event may it be effective with respect to any such services performed prior to the first day of the calendar year in which such agreement is entered into or in which the modification of the agreement making it applicable to such services, is entered into except that an agreement or modification entered into prior to January 1, 1958, may be effective with respect to services performed after December 31, 1954, or after a later date specified in such agreement or modification;

(4) All services which constitute employment as defined in section 2 and are performed in the employ of the state or any of its political subdivisions by employees thereof, may be covered by such agreement whenever so specifically authorized by the statutory provisions of this state pertaining to any coverage group of such employees to which the agreement may become applicable under the Social Security Act.

Subd. 2. Any instrumentality jointly created by this

state and any other state or states is hereby authorized, upon the granting of like authority by such other state or states, (1) to enter into an agreement with the Secretary of Health, Education, and Welfare whereby the benefits of the Federal old-age and survivors insurance system shall be extended to employees of such instrumentality, (2) to require its employees to pay (and for that purpose to deduct from their wages) contributions equal to the amounts which they would be required to pay under section 4, subdivision 1, of this act if they were covered by an agreement made pursuant to subdivision 1 of this section, and (3) to make payments to the Secretary of the Treasury in accordance with such agreement, including payments from its own funds, and otherwise to comply with such agreements. Such agreements shall, to the extent practicable, be consistent with the terms and provisions of subdivision 1 of this section and other provisions of this act.

Sec. 4. [269.03] Employees, contributions. Subdivision 1. Every employee of the state, or any of its political subdivisions, whose services are covered by the agreement entered into under section 3 shall be required to pay for the period of such coverage, into the contribution fund established by section 5, contributions, with respect to wages (as defined in section 2 of this act), equal to the amount of the employees tax which would be imposed by the Federal Insurance Contributions Act if such services constituted employment within the meaning of that act. Such liability shall arise in consideration of the employee's retention in the service of the state, or any of its political subdivisions, or his entry upon such service, after the enactment of this act.

Subd. 2. The contribution imposed by this section shall be collected by deducting the amount of the contribution from wages as and when paid, but failure to make such deduction shall not relieve the employee from liability for such contribution.

Subd. 3. If more or less than the correct amount of the contribution imposed by this section is paid or deducted with respect to any remuneration, proper adjustments, or refund if adjustment is impracticable, shall be made, without interest, in such manner and at such times as the state agency shall prescribe.

Sec. 5. [269.04] Contribution fund. Subdivision 1. There is hereby established a special fund to be known as the contribution fund. Such fund shall consist of and there shall be deposited in such fund: (1) all contributions, interest, and penalties collected; (2) all moneys appropriated thereto; (3) any property or securities and earnings thereof acquired

through the use of moneys belonging to the fund; (4) interest earned upon any moneys in the fund; and (5) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund and all other moneys received for the fund from any other source. All moneys in the fund shall be mingled and undivided. Subject to the provisions of this act, the state agency is vested with full power, authority and jurisdiction over the fund, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof and are consistent with the provisions of this act.

Subd. 2. The contribution fund shall be established and held separate and apart from any other funds or moneys of the state and shall be used and administered exclusively for the purpose of this act. Withdrawals from such fund shall be made for, and solely for (A) payment of amounts required to be paid to the Secretary of the Treasury pursuant to an agreement entered into under section 3; (B) payment of refunds provided for in section 4, subdivision 3, of this act; and (C) refunds or overpayments, not otherwise adjustable, made by the state or any political subdivision or instrumentality thereof, and (D) for investment as provided in subdivision 4 hereof.

Subd. 3. From the contribution fund the custodian of the fund shall pay to the Secretary of the Treasury such amounts and at such time or times as may be directed by the state agency in accordance with any agreement entered into under section 3 and the Social Security Act, which amounts are hereby appropriated from the contribution fund for the purpose of making such payments.

Subd. 4. The state agency shall, from time to time, certify to the state board of investment for investment such portions of the contribution fund as in its judgment may not be required for such immediate use. The state board of investment shall thereupon invest the sum so certified in such securities as are duly authorized legal investments for savings banks and trust companies, and shall sell any such securities upon request of the state agency.

Subd. 5. The Treasurer of the State shall be ex-officio treasurer and custodian of the contribution fund and shall administer such fund in accordance with the provisions of this act and the directions of the state agency and shall pay all warrants drawn upon it in accordance with the provisions of this section and with such regulations as the state agency may prescribe pursuant thereto.

Sec. 6. [269.05] **Rules.** The state agency shall make and publish such rules and regulations, not inconsistent with the provisions of this act, as it finds necessary or appropriate to the efficient administration of the functions with which it is charged under this act.

Sec. 7. [269.06] **Revolving fund.** A revolving fund is hereby created to be known as the state agency revolving fund for the purpose of paying the costs of the administration of the state agency and to be used by it solely for that purpose. There shall be paid into such fund all amounts received in reimbursement of the state agency's costs of administration in carrying out the provisions of this act, and such reimbursements are hereby appropriated to said revolving fund.

Approved April 22, 1955.

CHAPTER 666—S. F. No. 1066

An act relating to fees to be charged and collected by court commissioners; amending Minnesota Statutes 1953, Section 357.28.

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

Section 1. Minnesota Statutes 1953, Section 357.28, is amended to read:

357.28 **Court commissioner.** The fees to be charged and collected by a court commissioner shall be as follows, and no other or greater fees shall be charged:

- (1) For examining any petition, complaint, affidavit, or any paper wherein an order is required, \$2.50;
- (2) For making and entering an order on the same, \$1;
- (3) For examining an alleged insane or inebriate person for commitment, \$10;
- (4) For hearing and deciding on the return of a writ of habeas corpus, \$10 for each day necessarily occupied;
- (5) For examination of judgment debtors in proceedings supplementary to execution and for all disclosures in garnishment proceedings, in writing, 25 cents per folio;
- (6) For all other services rendered by him, the same fees as are allowed by law to other officers for similar services.