

of the federal government shall be made in accordance with the rules and regulations of the state board.

Approved May 26, 1965.

CHAPTER 880—H. F. No. 2244

[Coded in Part]

An act relating to the public employees retirement association; amending Minnesota Statutes 1961, Sections 353.01, Subdivision 2, as amended; 353.01, Subdivision 28; 353.27, Subdivision 4; 353.29, Subdivision 4; 353.31, by adding a new subdivision thereto; 353.33, Subdivision 2; 353.60, Subdivision 2, as amended; 353.66, by adding a new subdivision thereto; and 353.67.

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

Section 1. Minnesota Statutes 1961, Section 353.01, Subdivision 2, as amended by Laws 1963, Chapter 440, Section 1, and Laws 1963, Chapter 641, Section 3, is amended to read:

Subd. 2. **Public employees retirement association; public employee.** (1) "Public employee" means any person performing personal services as an elected or appointed officer or employee for a governmental subdivision or for an elected officer thereof, *including any probate judge, municipal judge or special municipal judge*, and whose salary is paid, in whole or in part, from revenue derived from taxation, or by fees, assessments, or from other sources. The term "public employee" also means any person serving as an elected member of the legislature of the state of Minnesota, the secretary of the senate and the chief clerk of the house of representatives, or any person appointed as a district court reporter in this state and any officer or employee of the public employees retirement association, or any employee of the League of Minnesota Municipalities.

(2) "Public employee" does not mean

(a) persons employed for professional services where such service is incidental to regular professional duties and whose compensation is paid on a per diem basis;

(b) election officers;

(c) persons who are independent contractors and their employees;

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(d) patient and inmate help in governmental subdivision charitable, penal and correctional institutions;

(e) members of boards, commissions, volunteer fire departments, bands and others who serve the governmental subdivision intermittently and are paid on a per diem, per meeting or per fire basis;

(f) ~~temporary, emergency and seasonal employees as defined by rules prescribed by the board of trustees; employees who hold positions of an essentially temporary or seasonal character, provided such employment does not continue for a period in excess of 90 working days in any calendar year, and in the event such employees receive compensation on a monthly salary basis, each calendar month for which they are so paid shall constitute 30 working days; however, immediately following the expiration of such 90 working days if such employees continue in public service and earn in excess of \$75 in any one calendar month, the department heads of the various governmental subdivisions must then report all such employees for membership pursuant to section 353.07 and must cause employee contributions to be made on behalf of such employees in accordance with section 353.27, subdivision 4;~~

(g) *part-time employees who receive monthly compensation not exceeding \$75, provided, however, that the term "part-time employee" shall not be construed to mean any probationary employees who will acquire rights of tenure upon the successful completion of the probationary period provided under a formal civil service or merit system;*

(h) *emergency employees who are employed by a governmental subdivision by reason of emergency work caused by fire, flood, storm or similar disaster;*

~~(g)~~ (i) public employees who by virtue of their employment are required to contribute to any other pension, relief or retirement fund established for the benefit of officers and employees of a governmental subdivision; provided that this paragraph shall not apply to members of local police or firemen's relief associations who pay dues but no other contributions thereto in amounts less than \$13 in any calendar year;

~~(h)~~ (j) police matrons employed in a police department of any city who are transferred to the jurisdiction of a joint city and county detention and corrections authority;

~~(i)~~ (k) persons who make application to be exempted from membership in the public employees retirement association, due to

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membership in any religious organization which has been organized five years or more as of January 1, 1963, and whose customs, rites or religious belief forbids their membership in any public retirement association, providing such persons file an application stating the applicable provisions of their religious organization, and waive all claims for retirement benefits in their fund; ;

. (1) *Students who are occasionally employed part time by a governmental subdivision in any capacity.*

Sec. 2. Minnesota Statutes 1961, Section 353.01, Subdivision 28, is amended to read:

Subd. 28. **Retirement.** "Retirement" means the withdrawal of a member from active public service who is paid a retirement annuity thereafter and commences with the date designated by the board of trustees when the retirement annuity shall first accrue to the former member after his withdrawal from active public service. This date shall determine any rights specified in this chapter which occur either before or after retirement, as the case may be; *but if there is not a complete and continuous separation from public service for 30 days following the filing of an application for retirement, no rights shall accrue thereunder and retirement shall not be accomplished thereby.*

Sec. 3. Minnesota Statutes 1961, Section 353.27, Subdivision 4, is amended to read:

Subd. 4. **Employers recording and reporting requirements.** The head of each department of the various governmental subdivisions is hereby directed to cause employee contributions to be deducted at least once each month from the salary of each member 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 15 days thereafter to the secretary of the board of trustees 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 public employees 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 is hereby required to furnish the secretary of the board of trustees with a carbon or duplicate copy of his departmental payroll abstract for the ~~first~~ *last* 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 so as to ascertain whether or not any omissions have been made by the sev-

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eral department heads in the reporting of any new public employees, as required by section 353.07. Upon notice from the secretary of omission of a *required deduction, or deductions*, from the salary of a ~~public employee member, the head of the department shall deduct the amount of the omitted salary deduction from the next salary of the public employee and forthwith remit it to the secretary.~~ *the head of the department shall deduct from the member's next salary payment and forthwith remit to the secretary the amount of the employee contribution delinquency, with cumulative interest thereon at the rate of six percent per annum payable from the date or dates each delinquent employee contribution was first payable, such interest to be contributed by the employer.* All remittances so received by the secretary of the board of trustees shall be promptly deposited with the state treasurer. 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.

Sec. 4. Minnesota Statutes 1961, Section 353.29, Subdivision 4, is amended to read:

Subd. 4. **Application for annuity.** *Application for retirement annuity may be made upon application of the by a member or of by someone authorized to act in his behalf.*

Sec. 5. Minnesota Statutes 1961, Section 353.31, is amended by adding a new subdivision to read:

Subd. 9. **Application for survivor benefits; spouse's annuity.** *Every claim or demand for a survivor benefit or spouse's annuity shall be initiated by written application in the manner and form prescribed by the board of trustees, filed in the office of the retirement association, showing compliance with the statutory conditions qualifying the applicant for such survivor benefit or spouse's annuity.*

Sec. 6. Minnesota Statutes 1961, Section 353.33, Subdivision 2, is amended to read:

Subd. 2. **Applications; accrual of benefits.** *Every claim or demand for a total and permanent disability benefit shall be initiated by written application in the manner and form prescribed by the board of trustees, filed in the office of the retirement association, showing compliance with the statutory conditions qualifying the applicant for such total and permanent disability benefit. A former member who has become totally and permanently disabled during*

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his period of membership may file his application for total and permanent disability benefits within one year next following termination of public service, but not thereafter; provided, however, that if he is otherwise qualified therefor, benefits shall not be paid retroactively for more than three months immediately preceding the month in which he files his application. If written application for disability benefit has not been filed with the board within 90 days from the commencement of disability, the disability benefit shall begin to accrue 30 days prior to the receipt of such application. If salary is being received for either annual or sick leave during the said 30-day period, payments shall accrue from the date salary ceases. This benefit shall begin to accrue upon the expiration of 90 days following the commencement of disability unless the member is receiving salary for either annual or sick leave for a period of more than 90 days in which event payment shall accrue from the date salary ceased.

Sec. 7. Minnesota Statutes 1961, Section 353.60, Subdivision 2, as amended by Laws 1963, Chapter 641, Section 33, is amended to read:

Subd. 2. Obligations of employers. The employer contribution and the additional employer contribution to amortize the unfunded actuarial accrued liability in the fund as provided in sections 353.36, ~~subdivisions 1 and 3~~, *subdivision 2*, and 353.27, subdivisions 3 and 5, due with respect to the services of any public employee who as a member was or is employed by an appointed or elected officer of a governmental subdivision deriving revenue from fees or assessments, shall be paid by the governmental subdivision. This subdivision shall have both retroactive and prospective application as to all such members; and every employing governmental subdivision is deemed liable, retroactively and prospectively, for all employer and additional employer contributions for every such member in its employ. Delinquencies under this section shall be governed in all respects by section 353.28.

Sec. 8. Minnesota Statutes 1961, Section 353.66, is amended by adding a new subdivision to read:

Subd. 4. Optional annuities. *The board of trustees shall establish optional annuities at retirement which shall take the form of an annuity payable for a period certain and for life thereafter; or as a joint and survivor annuity. Such optional forms shall be actuarially equivalent to the forms provided in subdivision 3. In establishing such optional forms the board shall obtain the written recommendation of an approved actuary and these recommendations shall be a part of the permanent records of the board.*

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Sec. 9. Minnesota Statutes 1961, Section 353.67, is amended to read:

353.67 Application for annuity. *Application for retirement annuity may be made upon application of the by a member or of by someone authorized to act in his behalf.*

Approved May 26, 1965.

CHAPTER 881—H. F. No. 2245

An act relating to the compensation of members of the Legislature; and amending Minnesota Statutes 1961, Section 3.10.

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

Section 1. Minnesota Statutes 1961, Section 3.10, is amended to read:

3.10 Legislature; members; compensation, mileage. The compensation of each member of the House of Representatives of the legislature shall be ~~\$4,800~~ *\$9,600* for the entire term to which he is elected, which shall be due on the first day of the regular legislative session of the term and payable as follows:

~~\$200~~ *\$400* on the fifteenth day of January and on the first day of each month, February to December, inclusive, during the term for which he was elected.

The compensation of each senator of the Legislature shall be ~~\$9,600~~ *\$19,200* for the term to which he is elected, of which ~~\$4,800~~ *\$9,600* shall be due on the first day of each regular legislative session of the term and payable as follows:

~~\$200~~ *\$400* on the fifteenth day of January and on the first day of each month February to December, inclusive, during the term for which he was elected.

~~In the event of extra legislative sessions, each member of the legislature shall receive additional compensation at the rate of \$25 for each day while engaged in extra session, payable every ten days during such session and on the last day thereof.~~

Each member shall receive mileage for one trip at the rate of 15 cents for each mile necessarily traveled in going to and returning from the place of meeting to his place of residence.

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