

*shall call the first meeting of the advisory board. At this first meeting the board shall elect from their members a chairman, vice chairman, and secretary who shall each serve for one year and until their successors are elected and qualified. The advisory board shall meet at the call of the chairman, but not less than once a year. The commissioner or his duly appointed representative shall attend meetings called by the chairman. A meeting may be called upon written request of a majority of all of the members of the board, to be held at a time convenient to both the board and the commissioner. The commissioner or his duly appointed representative shall attend meetings called by written request of the members. The commissioner shall make available to the board such information as it may request regarding the policies and programs of the department.*

Sec. 2. *This act is effective July 1, 1967.*

Approved June 2, 1967.

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### EXTRA SESSION

#### CHAPTER 37—S. F. No. 38

*An act relating to the public employees retirement association; amending Minnesota Statutes 1965, Sections 353.01, Subdivision 2; 353.33, Subdivisions 2 and 11; 353.68, Subdivision 6.*

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

Section 1. Minnesota Statutes 1965, Section 353.01, Subdivision 2, is amended to read:

Subd. 2. **Public employees retirement association; benefits; 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.

**Changes or additions indicated by italics, deletions by strikeout.**

(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;

(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) 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;

(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;

**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**

(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;

(k) persons who make application to be exempted from membership in the public employees retirement association, due to 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 *and full time students who are enrolled and are regularly attending classes at an accredited school, college or university.*

Sec. 2. Minnesota Statutes 1965, 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 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. This benefit shall begin to accrue 90 days following the commencement of disability or 30 days after the application is filed whichever is later. If annual or sick leave is paid for more than the said 90 or 30-day~~

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*period, whichever applies, the benefit shall accrue from the date salary ceased.*

Sec. 3. Minnesota Statutes 1965, Section 353.33, Subdivision 11, is amended to read:

Subd. 11. **Retirement status at age 65.** No person shall be entitled to receive disability benefits and a public retirement annuity at the same time. The disability benefits paid to a person hereunder shall terminate when he reaches age 65, if he is still totally and permanently disabled. At that time he shall be deemed to be on retirement status and may at his option be paid either a straight life retirement annuity as provided in section 353.29 or straight life retirement annuity equal to the disability benefit paid to him before he reached age 65, whichever amount is greater. He may instead of taking the straight life annuity provided herein, however, select an optional retirement annuity as provided in section 353.30, subdivision 3. *In no event after he has attained age 65, shall his surviving spouse or dependent child or children be entitled to the benefits provided in section 353.31.*

Sec. 4. Minnesota Statutes 1965, Section 353.68, Subdivision 6, is amended to read:

Subd. 6. **Retirement status at age 58; benefits limited.** No person shall be entitled to receive total and permanent disability benefits and a retirement annuity at the same time. The disability benefits paid to a person under this section shall terminate when he reaches age 58, if he is still totally and permanently disabled. At that time he shall be deemed to be on retirement status and may at his option be paid either (a) an annuity in an amount computed under section 353.66, or (b) an annuity equal to the disability benefit paid to him before he reached age 58, whichever is greater. *In no event after he has attained age 58, shall his surviving spouse or dependent child or children be entitled to the benefits provided in section 353.31.*

Approved June 1, 1967.

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## EXTRA SESSION

### CHAPTER 38—S. F. No. 41

*An act relating to judicial pensions; amending Minnesota Statutes 1965, Sections 490.12, Subdivision 5, and by adding subdivisions; 490.025, Subdivision 2, and 490.102, Subdivision 2.*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**