

state prison, the state reformatory for men, the Minnesota correctional institution for women, ~~or~~ upon any farm or camp or other establishments belonging to the prison or reformatory, or upon the grounds of any other institution or facility under the control of the commissioner of corrections without the consent of the warden or superintendent thereof; nor shall any person communicate or in any way assist in establishing communication with any inmate of the state prison or reformatory or other institution or facility except as permitted by law or authorized by the warden or superintendent thereof. Whoever violates any of the provisions hereof shall be guilty of a misdemeanor.

Approved February 19, 1971.

CHAPTER 11—S.F.No.145

[Coded]

An act relating to police and firemen's relief associations; amending Minnesota Statutes 1969, Section 69.77, by adding a subdivision.

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

Section 1. Minnesota Statutes 1969, Section 69.77, is amended by adding a subdivision to read:

Subd. 2a. POLICE AND FIREMEN'S RELIEF ASSOCIATIONS; RATIFICATION OF BYLAWS AND ARTICLES. After January 1, 1971, all bylaws or articles of incorporation amendments affecting benefits paid for any police or fire association governed by this section, shall not be effective until ratified by the local governmental subdivision.

Approved February 19, 1971.

CHAPTER 12—S.F.No.299

[Coded in Part]

An act relating to the Minnesota state retirement system; amending Minnesota Statutes 1969, Sections 352.01, Subdivisions 2B

Changes or additions indicated by underline, deletions by strikeout.

and 11; 352.113, Subdivision 2; 352.115, Subdivision 8; 352.119, by adding a subdivision; 352.12, Subdivision 12; and 352.22, Subdivisions 3 and 8.

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

Section 1. Minnesota Statutes 1969, Section 352.01, Subdivision 2B, is amended to read:

Subd. 2B. **STATE RETIREMENT SYSTEM; REVISION; EXCLUDED EMPLOYEES.** The following persons are excluded from the meaning of state employee:

- (1) Elective state officers;
- (2) Students employed by the University of Minnesota, the state colleges, and state junior colleges unless approved for coverage by the board of regents, the state college board or the state junior college board, as the case may be;
- (3) Employees who are eligible to membership in the state teachers retirement association except employees of the department of education who have elected or may elect to be covered by the Minnesota state retirement system instead of the teachers retirement association;
- (4) Employees of the University of Minnesota who are excluded from coverage by action of the board of regents;
- (5) Officers and enlisted men in the national guard and the naval militia and such as are assigned to permanent peacetime duty who pursuant to federal law are or are required to be members of a federal retirement system;
- (6) Election officers;
- (7) Persons engaged in public work for the state but employed by contractors when the performance of such contract is authorized by the legislature or other competent authority;
- (8) Officers and employees of the senate and house of representatives who are temporarily employed and those employees of the legislative research committee who are intermittently employed when needed;
- (9) All courts and all employees thereof, referees, receivers, jurors, and notaries public, except employees of the supreme court and referees and adjusters employed by the department of labor and industry;
- (10) Patient and inmate help in state charitable, penal and correctional institutions including the Minnesota Veterans Home;

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

(12) Employees of the Sibley House Association;

(13) Employees of the Grand Army of the Republic and employees of the ladies of the G.A.R.;

(14) Operators and drivers employed pursuant to section 16.07, subdivision 4;

(15) Members of the tax court, the civil service board, and the members of any other state board or commission who serve the state intermittently and are paid on a per diem basis; the secretary, secretary-treasurer, and treasurer of such boards if their compensation is \$500 or less per year, or, if they are legally prohibited from serving more than two consecutive terms and their total service therefor is required by law to be less than ten years; and the board of managers of the state agricultural society and its treasurer unless he is also its full time secretary;

(16) State highway patrolmen;

(17) Temporary employees of the Minnesota state fair employed on or after July 1 for a period not to extend beyond October 15 of the same year; also persons employed at any time or times by the state fair administration for special events held on the fairgrounds;

(18) Emergency employees in the classified service except emergency employees who ~~without interruption of service within the same pay period~~ become provisional or probationary employees on other than a temporary basis, shall be deemed "state employees" retroactively to the date of their emergency appointment. ~~If the employee has multiple emergency appointments and he is separated from service by not more than ten days in each instance, he shall be deemed a state employee retroactively to the date of his first emergency appointment beginning of the pay period ;~~

(19) State police officers as defined in section 352A.01;

(20) All temporary employees in the classified service, and all seasonal help in the unclassified service employed by either the motor vehicle division or the department of taxation to perform clerical duties;

(21) Trainees paid under budget classification number 41, and other trainee employees, except those listed in subdivision 2A(10);

(22) Persons whose compensation is paid on a fee basis;

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(23) State employees who in any year have credit for 12 months service as teachers in the public schools of the state and as such teachers are members of the teachers retirement association or a retirement system in St. Paul, Minneapolis, or Duluth;

(24) Employees of the adjutant general employed on an unlimited intermittent basis in the classified and unclassified service for the support of army and air national guard training facilities;

(25) Chaplains and nuns who have taken a vow of poverty as members of a religious order;

(26) Labor service employees who are entitled to receive a pay differential because they are not entitled to annual or sick leave, or pay for holidays, or insurance coverage;

(27) Examination monitors employed by departments, agencies, commissions, and boards for the purpose of conducting examinations required by law;

(28) Members of appeal tribunals, exclusive of the chairman to which reference is made in section 268.10, subdivision 4;

(29) Persons appointed to serve as members of fact finding commissions, adjustment panels, arbitrators, or labor referees under the provisions of chapter 179;

(30) Temporary employees employed for limited periods of time under any state or federal program for the purpose of training or rehabilitation including needy persons employed thereunder for limited periods of time from areas of economic distress except skilled and supervisory personnel and persons having civil service status covered by the system; ~~and~~

(31) Full time students employed by the Minnesota Historical Society who are employed intermittently during part of the year and full time during the summer months; and

(32) Temporary employees, appointed for not more than six months, of the Metropolitan Council and of any of its statutory boards, the members of which board are appointed by the Metropolitan Council.

Sec. 2. Minnesota Statutes 1969, Section 352.01, Subdivision 11, is amended to read:

Subd. 11. **ALLOWABLE SERVICE.** "Allowable service" means:

(1) Any service rendered by an employee for which on or before July 1, 1957, he was entitled to allowable service credit on the records

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of the system by reason of employee contributions in the form of salary deductions, payments in lieu of salary deductions, or in any other manner authorized by Minnesota Statutes 1953, Chapter 352, as amended by Laws 1955, Chapter 239, or

(2) Any service rendered by an employee for which on or before July 1, 1961, he elected to obtain credit for service by making payments to the fund pursuant to Minnesota Statutes 1961, Section 352.24, or

(3) Any service rendered by an employee after July 1, 1957, for any pay period when he receives salary from which deductions are made, deposited and credited in the fund, including deductions made, deposited and credited as provided in section 352.041, or

(4) Any service rendered by an employee after July 1, 1957 for any pay period for which payments in lieu of salary deductions are made, deposited and credited in the fund, as provided in section 352.27 and Minnesota Statutes 1957, Section 352.021, Subdivision 4.

(For purposes of paragraphs (3) and (4) of this subdivision, any salary paid for a fractional part of any pay period is deemed the compensation for the entire pay period), or

(5) The period of absence from their duties by employees who by reason of injuries incurred in the performance thereof are temporarily disabled and for which disability the state is liable under the workmen's compensation law until the date authorized by the director for the commencement of payments of a total and permanent disability benefit from the retirement fund, or

(6) The unused portion of an employee's annual leave allowance for which he is paid salary on regular pay-period abstracts until his accumulated leave is exhausted; but, if payment of annual leave allowance is made as provided in section 351.12, the last day of the pay period in which is his last working day is the date credit for state service terminates, or

(7) Any employee who made payment in installments in order to obtain additional service credit but failed to make the final payment on or before July 1, 1962 shall be entitled to have credit for all service for which the payments he made will entitle him under the provisions of Minnesota Statutes 1961, Section 352.24. In determining "the service for which the payments he made will entitle him" service credit shall extend retroactively from the latest service for which he made payment, or

(8) Former state employees who hold numbered certificates of deferred annuity who again become state employees shall surrender such certificates and shall be entitled to full credit for the service covered by the surrendered certificates, or

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(9) Any service covered by refundment repaid as provided in section 352.23 ~~or but does not include service rendered as an employee of the adjutant general for which the person has credit with the federal civil service retirement system.~~

~~(10) No person who as an employee of the adjutant general is a member of any federal retirement system shall be entitled to any allowable service credit under this chapter.~~

Sec. 3. Minnesota Statutes 1969, Section 352.113, Subdivision 2, is amended to read:

Subd. 2. ACCRUAL OF BENEFITS. The benefit shall begin to accrue 90 days following the commencement of disability ~~or 30 days after the application is filed the day following the last day paid whichever is later.~~ If annual or sick leave is paid for more than the said 90 or 30 day period, whichever applies, the benefit shall accrue from the date salary ceased but in no event earlier than 60 days prior to the date the application is filed with the director .

Sec. 4. Minnesota Statutes 1969, Section 352.115, Subdivision 8, is amended to read:

Subd. 8. ACCRUAL OF ANNUITY. State employees shall make application for an annuity but such application shall not be made prior to the time the employee is eligible to retire by reason of both age and service requirements. If the director determines an applicant for annuity has fulfilled all the requirements of the law to entitle him to an annuity, he shall authorize payment thereof in accordance with the provisions of this chapter and payment shall be made pursuant to this authorization. An annuity shall begin to accrue ~~30 days after no earlier than 60 days prior to the date the application is filed with the director~~ except that if an optional annuity as provided in section 352.116, subdivision 3 is selected the annuity shall begin to accrue 30 days after the application is filed with the director but in no event ~~(1) prior to the day following the last day of the pay period in which is his last working day, or (2) the last day for which he is paid for sick leave, or (3) prior to the termination of state service.~~ The retirement annuity shall cease with the last payment which had accrued to the retired employee during his lifetime unless he elected an optional annuity provided in section 352.116, subdivision 3, and he had become entitled to payment thereof. The joint and last survivor annuity shall cease with the last payment received by the survivor in his or her lifetime. If a retired employee had not selected an optional annuity, or a survivor annuity is not payable under the option, and a spouse survives, such spouse shall be entitled only to the annuity for the calendar month in which the retired employee died. If an optional annuity is payable after the death of the retired employee, the survivor shall be entitled to the annuity for the calendar month in which the retired employee died. If

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an employee who has filed an application for annuity prior to the termination of his state service dies before an annuity becomes payable to him, refundment of his accumulated contributions shall be made as provided in section 352.12, subdivision 1.

Sec. 5. Minnesota Statutes 1969, Section 352.119, is amended by adding a subdivision to read:

Subd. 3. INCREASES MADE AUTOMATICALLY. Notwithstanding section 356.18, increases in benefit payments pursuant to this section will be made automatically unless the intended recipient files written notice with the Minnesota state retirement system requesting that the increase shall not be made.

Sec. 6. Minnesota Statutes 1969, Section 352.12, Subdivision 12, is amended to read:

Subd. 12. REFUNDMENT, FAILURE TO REQUEST. If the last designated beneficiary, surviving spouse, legal representative or next of kin, as determined by the director with the concurrence of the board, of a deceased employee, former employee, retired employee, or disabled employee fails to make claim for refundment as provided in this section (a) within five years from the date of death of the employee, former employee, a retired employee, or disabled employee, or (b) within five years after the last deduction was taken from the salary of a deceased employee or deceased former employee, the accumulated contributions to his credit at the time of death of such deceased employee, former employee, retired employee or disabled employee shall be credited to the retirement fund; however, if claim to refundment is made within ten years from after the transfer of accumulated contributions to the fund or within ten years after the date of death, whichever is later, and the amount transferred to the fund is over \$25, the sum shall be restored to the account of such deceased employee, former employee, retired employee, or disabled employee and refundment shall then be made to the person entitled thereto to the surviving spouse or, if none, to the legal representative of his estate irrespective of any designation of beneficiary made by the deceased employee, former employee, retired employee or disabled employee.

Sec. 7. Minnesota Statutes 1969, Section 352.22, Subdivision 3, is amended to read:

Subd. 3. DEFERRED ANNUITY. (1) Any employee with at least ten years of allowable service when such termination occurs may at his option leave his accumulated contributions in the fund and thereby be entitled to a deferred retirement annuity commencing at age 65. This annuity shall be computed in the manner provided by the law in effect at the time state service terminated, on the basis of allowable service prior to termination of service.

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(2) An employee on layoff who does not return to state service during the period his name is carried on a layoff list pursuant to civil service law or regulation shall have any deferred annuity to which he may become entitled computed under the law in effect on his last working day.

(3) The provisions of section 352.28, subdivision 1, and section 352.115, subdivisions 4 and 5 shall not apply to paragraphs (1) and (2) hereof.

~~(4) Such deferred annuity shall begin on the first day of the calendar month following the month in which the application is filed in the office of the system, but~~ No application for a deferred annuity shall be made prior to the time the former employee reaches the required age to entitle him to the payment of such annuity. Such deferred annuity shall begin to accrue no earlier than 60 days prior to the date the application is filed in the office of the system but in no event prior to the date the employee reaches the required age to entitle him to such annuity nor prior to the day following the termination of state service in a position not covered by the retirement system nor prior to the day following the termination of employment in a position which requires the employee to be a member of either the public employees retirement association or the teachers retirement association.

(5) Application for the accumulated contributions left on deposit with the fund may be made at any time after 60 days following the date of his termination of service.

~~(6) No person who as an employee of the adjutant general who is a member of any federal retirement system shall be entitled to a deferred annuity as provided herein based upon past or future service.~~

Sec. 8. Minnesota Statutes 1969, Section 352.22, Subdivision 8, is amended to read:

Subd. 8. **REFUNDMENT SPECIFICALLY LIMITED.** If a former employee covered by the system does not apply for refundment within five years after the last deduction was taken from his salary for the retirement fund, ~~and the total amount of his accumulated contributions is not over \$50, and he does not have sufficient service to qualify for a deferred annuity~~ such accumulated contributions shall be credited to and become a part of the retirement fund. In the event the former employee ~~should return~~ returns to state service and ~~become becomes~~ a state employee covered by the system, the amount so credited to the retirement fund, if more than \$1, shall be restored to his individual account. If the amount so credited to the fund is over \$25 and the former employee ~~should apply~~ applies for

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refundment or an annuity pursuant to the provisions of section 352.72, the amount shall be restored to the former employee's individual account and refundment made or annuity paid which ever applies.

Approved February 19, 1971.

CHAPTER 13—S.F.No.604

[Not Coded]

An act relating to public lands and buildings of the state of Minnesota; authorizing the acquisition and betterment of such lands and buildings and improvements thereto of a capital nature; appropriating moneys therefor from the Minnesota state building fund; and appropriating moneys to this fund from the general fund subject to reimbursement from the proceeds of bonds authorized at the present session.

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

Section 1. VETERANS HOME; RESIDENTIAL-RESTORATIVE FACILITY; APPROPRIATION. The sum of \$215,000, or so much thereof as may be necessary, is appropriated from the Minnesota state building fund to the commissioner of administration for the construction and equipment of a residential-restorative facility at the Minnesota veterans home, in addition to funds heretofore made available for the same purpose by other laws.

Sec. 2. AVAILABILITY AND CONTINUANCE; EXPENDITURE WITHOUT PERIODIC ALLOTMENT. This appropriation is made for construction and other permanent improvement, and is essential for the state building program to proceed on schedule, to assure the safety and security of the buildings, to permit their immediate occupancy, and shall therefore be available for immediate expenditure, and shall not lapse until the purposes for which the appropriation is made is accomplished or abandoned. The commissioner of administration may dispense with periodic allotment and shall prescribe such regulations as will insure proper application and encumbrance of funds.

Sec. 3. APPROPRIATION TO MINNESOTA STATE BUILDING FUND. For the purpose of providing the money appropriated by this act, the sum of \$215,000 is appropriated out of the general fund in the state treasury to the Minnesota state building fund, provided that the general fund may be reimbursed from the proceeds of any Minnesota state building bonds issued for the purpose herein set forth

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