

licensee or of a revocation of a license, he shall note the same upon the record of such license.

Approved May 19, 1977.

CHAPTER 140—S.F.No.737

An act relating to local government; providing leaves of absence for certain governmental officers and employees elected to city or county office; amending Minnesota Statutes 1976, Section 3.088, Subdivisions 1, 2, 3 and 5.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Section 3.088, Subdivision 1, is amended to read:

3.088 COUNTY AND CITY ELECTED OFFICERS; LEGISLATIVE LEAVE OF ABSENCE. Subdivision 1. **LEAVE OF ABSENCE WITHOUT PAY.** Subject to the conditions ~~herein~~ prescribed by this section, any appointed officer or employee of any political subdivision, municipal corporation, or school district of the state or institution of learning maintained by the state who ~~engages in service~~ serves as a state legislator during a session or is elected to any full time city or county office in Minnesota shall be entitled to a leave of absence from his public office or employment without pay during any part or all of the service, with right of reinstatement as ~~hereinafter~~ provided in this section.

Sec. 2. Minnesota Statutes 1976, Section 3.088, Subdivision 2, is amended to read:

Subd. 2. **REINSTATEMENT.** Except as otherwise ~~hereinafter~~ provided in this section, upon the completion of the last legislative day in each calendar year, or in the case of an elected city or county official, on the completion of the final day of the term to which he was elected, the officer or employee shall be reinstated in the public position which he held at the time of entry into the legislature or at the time of taking office as a city or county officer, or shall be placed in a public position of like seniority, status, and pay if it is available at the same salary which he would have received if he had not taken the leave, upon the following conditions: (1) that the position has not been abolished or that the term thereof, if limited, has not expired; (2) that he makes written application for reinstatement to the appointing authority within 30 days after the last legislative day in a calendar year or, in the case of an elected city or county official, within 30 days after the expiration of the term to which he was elected and; (3) that the request for reinstatement is made not later than 10 years after the granting of the leave. Upon reinstatement the officer or employee shall have the same rights with respect to accrued and future seniority status, efficiency rating, vacation, insurance benefits, sick leave, and other benefits as if he had been actually employed during the time of the leave. ~~Provided, however, that~~ No public employer shall be required to compensate a reinstated employee or officer for any time spent by that employee or officer away from his or her work for the employer and on the business of the state legislature at any time during the period between the first and

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last legislative day in each calendar year or on the business of any other elected city or county office. No officer or employee reinstated shall be removed or discharged within one year thereafter except for cause, after notice and hearing; but this shall not operate to extend a term of service limited by law.

Sec. 3. Minnesota Statutes 1976, Section 3.088, Subdivision 3, is amended to read:

Subd. 3. **OFFICERS AND EMPLOYEES TO PRESERVE PENSION AND RETIREMENT RIGHTS.** Any public officer or employee receiving leave of absence under this section or who is elected as a state constitutional officer and having rights in any state, municipal, or other public pension, retirement, or relief system shall retain all the rights accrued up to the time of taking leave. The time spent by the employee as a member of the legislature or as an elected city or county official or who is elected as a state constitutional officer shall be calculated in the same manner as if he had spent that time in the service of his public employer for the purpose of determining vesting of his rights in the employer's pension, retirement or relief system. Under no circumstances shall two governmental units pay the employee's share of pension contributions for that period on which he is on leave of absence to serve in the legislature or as an elected city or county official.

Sec. 4. Minnesota Statutes 1976, Section 3.088, Subdivision 5, is amended to read:

Subd. 5. **SUPPLEMENTARY.** The rights and privileges granted by this section shall not apply when the ~~legislative~~ elected office is constitutionally or legally incompatible with the public office or employment or when the ~~legislator~~ elected person chooses to take leave as provided by other law.

Approved May 19, 1977.

CHAPTER 141—S.F.No.769

[Not Coded]

An act relating to the town of White and the city of Aurora; providing for their separation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **AURORA AND TOWN OF WHITE; SEPARATION.** Notwithstanding Minnesota Statutes 1976, Section 365.44, or any other law to the contrary, the city of Aurora, county of St. Louis, shall be separated for all purposes from the town of White, county of St. Louis.

Sec. 2. This act is effective upon its approval by a majority of those eligible voters of the town of White and the city of Aurora who vote on the act which shall be submitted to them at the 1978 general election in the following manner:

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