

status described in clause (d) shall be entitled to receive a benefit in an amount equal to the benefit provided by section 352.12, subdivision 2, notwithstanding the fact that the former active employee may not have attained one of the ages or have been credited with one of the lengths of service specified in that subdivision.

Any person entitled to receive an increase pursuant to section 10 of this act shall be entitled to receive the increase retroactively to January 1, 1978. The first payment of retirement allowances or annuities, disability benefits, survivorship annuities or survivorship benefits shall include the retroactive amounts.

Approved March 23, 1978.

CHAPTER 539-S.F.No.2078

An act relating to taxation; sales tax; changing definition of common carriers as retailers; amending Minnesota Statutes, 1977 Supplement, Section 297A.211, Subdivision 1.

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

Section 1. Minnesota Statutes, 1977 Supplement, Section 297A.211, Subdivision 1, is amended to read:

297A.211 COMMON CARRIERS AS RETAILERS. Subdivision 1. Every person, as defined in this chapter, who is engaged in interstate for-hire transportation of tangible personal property or passengers by motor vehicle may at their option, under rules and regulations prescribed by the commissioner, register as retailers and pay the taxes imposed by this chapter in accordance with this section. Persons referred to herein are: (1) persons possessing a certificate or permit authorizing for-hire transportation of property or passengers from the interstate commerce commission or the Minnesota public service commission; or (2) persons transporting commodities defined as "exempt" in for-hire transportation in interstate commerce; or (3) persons who, pursuant to contracts with persons described in clauses (1) or (2) above, transport tangible personal property in interstate commerce. Persons qualifying under clauses (2) and (3) must maintain on a current basis the same type of mileage records that are required by persons specified in clause (1) by the interstate commerce commission.

Sec. 2. EFFECTIVE DATE. This act is effective on the date following final enactment.

Approved March 23, 1978.

CHAPTER 540-S.F.No.2183

An act relating to the administration of justice; providing for compensation of assistant

Changes or additions indicated by underline deletions by strikeout

public defenders; amending Minnesota Statutes 1976, Section 611.24.

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

Section 1. Minnesota Statutes 1976, Section 611.24, is amended to read:

611.24 ORGANIZATION OF OFFICE; ASSISTANTS. Subject to the approval of the judicial council, the state public defender may employ or retain assistant state public defenders and such other employees personnel as may be necessary to discharge the function of the office. The commissioner of administration shall provide such office with suitable quarters outside the capitol building. An assistant public defender shall be a qualified attorney, licensed to practice law in this state, shall be in the unclassified service of the state if employed, and shall serve at the pleasure of the appointing authority at a salary or retainer fee not to exceed \$12,500 annually reasonable compensation for comparable services performed for other governmental agencies or departments. ~~A Retained or part-time employed assistant state public defender may be employed on a part time basis and when so employed;~~ defenders may engage in the general practice of law.

Approved March 23, 1978.

CHAPTER 541-S.F.No.2316

An act relating to political subdivisions; prohibiting employees of political subdivisions from engaging in certain political activities; precluding subdivisions from enforcing additional limitations; amending Minnesota Statutes 1976, Section 43.28.

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

Section 1. Minnesota Statutes 1976, Section 43.28, is amended to read:

43.28 POLITICAL ACTIVITIES PROHIBITED. Subdivision 1. RIGHTS AND OBLIGATIONS OF PUBLIC EMPLOYEES. No officer, agent, clerk, or employee of this state or any political subdivision thereof shall, directly or indirectly, during his hours of employment solicit or receive funds, or at any time use his authority or official influence to compel any officer or employee in the classified service to apply for membership in or become a member of any organization, or to pay or promise to pay any assessment, subscription, or contribution, or to take part in any political activity. Any person who violates any provision of this section shall be guilty of a misdemeanor, and shall be punished accordingly, and if any officer or employee in the classified service is found guilty of violating any provision of this section, he is automatically separated from the service. No political subdivision may impose or enforce any additional limitations on the political activities of its employees.

Subd. 2. LEAVES OF ABSENCE FOR STATE EMPLOYEES. Except as herein provided any officer or employee in the state classified service shall:

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