

retained in said Rain Protection Fund for the payment of future losses.

**Sec. 3. Fair Associations may withdraw.**—Any county society or association may withdraw from said agreement at any time, except during the holding of its annual fair or exhibition and the thirty days immediately preceding, but upon such withdrawal such society or association shall forfeit all right to any moneys theretofore paid into said Rain Protection Fund and all right to further participate therein.

**Sec. 4. Treasurer to furnish bond.**—Upon such agreement being signed by twenty-five or more county societies or associations, the treasurer of said Minnesota Federation of County Fairs shall forthwith furnish a bond, with corporate surety, in such sum as the board of directors shall fix, payable to said Federation, for the use and benefits of each and all county societies or associations entitled to share in the distribution of said Rain Protection Fund, conditioned for the safe-keeping of said fund and the prompt payment thereof to the societies or associations entitled thereto, which bond shall be subject to the approval of said board of directors.

**Sec. 5. Premium on bond to be paid from rain association funds.**—The premium upon the bond required by the preceding section shall be payable from said Rain Protection Fund. The said board of directors are also authorized to audit and allow claims for expenses incurred in carrying out the provisions thereof, and direct the payment thereof from said Rain Protection Fund. Such expenses shall be deducted before the payment of loss claims.

**Sec. 6. Not to be deemed insurance.**—The exercise of the privileges and powers herein granted shall not be deemed "insurance," as defined by Chapter 19, General Statutes 1923, and shall not be subject to the provisions of said chapter.

Approved April 23, 1925.

---

#### CHAPTER 335—H. F. No. 553.

(Sec. 1630, Note, G. S. 1923.)

*An act to amend Sections 1, 4, 5, 7, 8, 9, 10, 11 and 23 of Chapter 522, General Laws 1919, relating to retirement boards and for the payment of retirement allowances to employes of cities of the State of Minnesota having over 50,000 inhabitants, not governed under a home rule charter, providing the funds therefor and defining the procedure for the administration thereof; adding a new section to said chapter providing that the provisions hereof shall apply to each city of the State of Minnesota containing more than 50,000 inhabitants; including each city of the first class now or hereafter having and operating under a home rule charter adapted under and pur-*

*suant to Section 36, Article IV, of the State Constitution, and to each such city which has heretofore ratified or which may hereafter ratify the pension system therein provided.*

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

**Section 1. Laws amended.**—That Sections 1, 4, 5, 7, 8, 9, 10, 11 and 23, Chapter 522, General Laws 1919, be and the same are hereby amended so as to read as follows:

"Sec. 1. Each city of the State of Minnesota now or hereafter having over 50,000 inhabitants, in addition to other powers by it possessed, is hereby authorized and empowered to adopt a plan and to pay retirement allowances to retired employees thereof as hereinafter specified."

**Sec. 4. Effective when.**—Any person who shall have been employed by a city to which this act applies, and who shall have fulfilled the conditions herein specified, shall be entitled to receive a retirement allowance therefrom, as set forth in the provisions of this act; provided, however, that the provisions of the act shall not apply to an employee in the exempt class, except on application of said employee, and with the consent of the retirement board, and provided further that no retirement allowance shall be paid any retired employee of such city prior to the expiration of the calendar year next succeeding the date this act becomes effective therein.

"The minimum age for retirement on a service allowance, except as otherwise provided, shall be established by the retirement board, may be greater for men than for women, may differ for different classes or grades of employment, but shall not be less than 60 years for men and 58 years for women, nor greater than 65 years for men and 63 years for women. *The ages so established shall not be subject to revision prior to the expiration of a five-year period from the establishment thereof, and shall apply to all persons who retire during the continuance thereof.*

"Subject to the limitations stated in this act, any employee not in the exempt class who shall have attained the established age for retirement shall be entitled to retire, and any such employee who shall remain in the service of the city for five years thereafter, shall be retired, and receive a service allowance as specified in this act; provided, that if in not less than 90 days before the arrival of an employee at the age of compulsory retirement, the head of the department, branch or independent board of the municipality in which he or she is employed, certifies to the retirement board that by reason of his or her efficiency and his or her willingness to remain in the service of the municipality the continuance of such an employee therein would be advantageous to the public service, such employee may be retained for a term not exceeding two years upon certification by the retirement board, and at the end of the two years he or

she may, by similar certification, be continued for one additional term not to exceed three years."

"Sec. 5. **Application.**—Employees of the city shall be divided into a contributing class, a non-contributing class and an exempt class.

"The contributing class shall consist of all employees not included in either of the other two classes, and shall be sub-divided into present incumbents, employees in the service of the city at the date this act becomes effective therein, who elect to become contributors to and prospective beneficiaries of the fund created by this act, and future entrants, employees who enter the service of the city subsequent to the date this act becomes effective therein.

"The non-contributing class shall consist of all employees, including common laborers, whose individual salaries, pay or compensations do not exceed \$750.00 per annum.

"The exempt class shall consist of:

(a) Employees who are members of, or who are eligible to become members of, an organization or association on behalf of which a tax is levied against the city for the purpose of paying retirement allowances to disabled or superannuated employees.

(b) Persons filling elective positions.

(c) Persons serving without pay.

(d) Persons serving on executive boards.

(e) Pupil nurses, internes and staff physicians employed at the city hospitals.

(f) Employees in the service of the city at the time this act is adopted, who, after its adoption, have not given written notice of a desire to accept the provisions of this act.

(g) Persons not citizens of the United States.

"Sec. 7:

(a) The service allowance for a present incumbent in the contributing class shall consist of an "annuity," a "pension" and a "supplementary allowance" as herein defined.

"(b) The service allowance for a future entrant in the contributing class shall consist of an "annuity" and a "pension" as herein defined.

"(c) The annuity shall be the actuarial equivalent of the net accumulated contributions of the retiring employee, calculated at his or her age at the date of retirement.

"(d) The pension shall be the actuarial equivalent of the accumulated amount of annual installments of \$60.00 throughout the period of service of the retiring employee, not to exceed 25 years, accumulated to the date of retirement at 4 per cent compound interest.

"(e) *The supplementary allowance shall be the actuarial equivalent of the difference between:*

"(1) *The net accumulated amount at the time of retirement of*

*the contributions which such employe would have been required to make during the period for which credit is claimed, had the provisions of this act been in force throughout such period, and*

*"(2) The net accumulated amount of the contributions made and to be made by the retiring employe for all periods of service for the city subsequent to the adoption of this act therein, not exceeding 30 years.*

*"(f) In the event of the death of an employe in the contributing class while still in the service of the city, there shall be paid to the heirs thereof the net amount to the credit of said employe at the time of his or her death, provided that said employe shall have fulfilled all conditions as to age, service and participation requisite for retirement on a service pension. In the absence of heirs of such employe that portion of the amount to the credit of said employe on which the pension is to be based as defined in paragraph (d) hereof and that portion on which the supplementary allowance, if any, is to be based as defined in paragraph (e) hereof shall be cancelled and the city shall be liable for only the balance of such credits.*

*"(g) Except as otherwise provided in this act, the service of each "present incumbent" shall be calculated from the date in service from which said employe elects to claim credit and the amount of service of each future entrant shall be calculated from the date of original appointment. Said service shall include periods of service at different times and service for one or more departments, branches or independent boards of the municipality. It is further provided that in computing length of service of contributing employes for the purpose of this act, periods of separations from the service shall not be included.*

*"(h) Retirement allowances as herein provided shall be paid in monthly installments and checks shall be issued and mailed to the last known address of each beneficiary on the first Wednesday of the month succeeding the month in which his or her allowance is authorized; provided, however, that where a beneficiary is laboring under legal disabilities said monthly installments in such cases may be paid to the duly appointed guardian.*

*"Sec. 8. Upon the application of the head of the department in which a contributing employe is employed, or upon the application of said contributing employe or of one acting in his behalf, the retirement board shall retire said contributor for disability; provided the medical board, after a medical examination of said contributor made at the place of residence of said contributor or at a place mutually agreed upon, shall certify to the retirement board that said contributor is physically or mentally incapacitated for the performance of further service to the city and that said contributor ought to be retired.*

*"(a) Disability of an employe resulting from injury received in*

the performance of the duties of the city service shall be defined as accident disability. Disability incurred as a result of injury not connected with the performance of such service shall be defined as ordinary disability. In order to be entitled to a retirement allowance for ordinary disability an employe shall have rendered ten or more years of service to the city.

"The ordinary disability allowance shall be the actuarial equivalent *at the age when an employe retires on such disability allowance* of the net amount to which the contributions already made by the employe and the credits allowed or contributions already made by the city on his or her behalf would accumulate if allowed to remain at 4 per cent compound interest until the earliest permissible date for retirement on a service allowance.

"The accident disability allowance shall equal the actuarial equivalent *at the age when an employe retires on such disability allowance* of the net amount which would be accumulated to the credit of the employe if his or her annual contributions at the time of disability and the annual credits or contributions of the city were continued to the earliest permissible date for retirement on a service allowance, interest for such period being calculated at 4 per cent compound interest.

*Payment of any disability allowance shall continue throughout the full period of the disability but shall terminate with the removal of the disability or the death of the beneficiary, provided that whenever a disability beneficiary shall have attained the minimum age for retirement on a service allowance said disability allowance shall be discontinued only upon the death of such disability beneficiary.*

"Any employe eligible to an accident disability allowance who is also entitled to an allowance under a workmen's compensation act *shall be entitled to receive during the period of such compensation only that portion of the retirement allowance provided by this act by which such retirement allowance exceeds said workmen's compensation.*

"At the close of each fiscal year a charge shall be entered against the account of each contributing employe, which shall be one-half the premium or yearly cost of the risk on behalf of disability retirement.

"(b) Once each year the retirement board may require any disability beneficiary while still under the established age for retirement to undergo medical examination by a physician or physicians designated by the retirement board, said examination to be made at the place of residence of said beneficiary or other place mutually agreed upon. Should the medical board report and certify to the retirement board that such disability beneficiary is no longer physically or mentally incapacitated for the performance of duty, his or her allowance shall be discontinued and the head of the department in

which said beneficiary was employed at the time of his retirement shall, upon notification by the retirement board of such report of the medical board, re-employ said beneficiary at a rate of salary not less than the amount of his or her retirement allowance, but after the expiration of five years subsequent to the retirement of such beneficiary his restoration to duty, notwithstanding the recommendation of the medical board, shall be optional with the head of the department.

"(c) Should any disability beneficiary while under the established age for retirement refuse to submit to at least one medical examination in any year by a physician or physicians designated by the medical board, his or her allowance shall be discontinued until the withdrawal of such refusal, and should such refusal continue for one year, all his or her rights in and to any retirement or disability allowance constituted by this act shall be forfeited.

"(d) Upon application of any beneficiary under the established age for retirement drawing a pension or a retirement allowance under the provisions of this act, approved by the retirement board, said beneficiary may be restored to active service by the head of the department in which said beneficiary was employed at the time of his retirement. Upon the restoration of a beneficiary to active service his or her retirement allowance shall cease.

"(e) The medical board shall consist of the city physician, a physician to be selected by the retirement board, and a physician to be selected by the employee."

"Sec. 9. At the time of his or her retirement any *employee who is eligible to receive a service allowance* may elect to receive his or her benefits in a retirement allowance payable throughout life or may on retirement elect to receive the actuarial equivalent at that time of his or her annuity, pension or retirement allowance in a lesser annuity, or a lesser pension, or a lesser retirement allowance, payable throughout life, with the provisions that:

"Optional 1. If said beneficiary dies before receiving in payments the present value of his or her annuity, pension or retirement allowance, as it was at the time of his or her retirement, the balance shall be paid to his or her legal representatives or to such person, having an insurable interest in his or her life, as said beneficiary shall nominate by written designation duly acknowledged and filed with the retirement board at the time of retirement, or

"Option II. Upon the death of the beneficiary, his or her annuity, pension, or retirement allowance, shall be continued throughout the life of and paid to such person, having an insurable interest in his or her life, as said beneficiary shall nominate by written designation duly acknowledged and filed with the retirement board at the time of retirement, or

"Option III. Upon death of the beneficiary one-half of his or

her annuity, pension, or retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his or her life, as said beneficiary shall nominate by written designation duly acknowledged and filed with the retirement board at the time of retirement, or

"Option IV. Other benefit or benefits shall be paid the beneficiary or such other person or persons as said beneficiary shall nominate, provided such other benefit or benefits shall be certified by the executive secretary of the retirement board to be of equivalent actuarial value and shall be approved by the retirement board."

"Sec. 10. (a) In case of an employe to whom this act applies who shall become absolutely separated from the service without being entitled to a retirement allowance the total net accumulated amount of deductions from his or her salary, pay or compensation, made for the purpose of accumulating a fund from which to pay retirement allowances, shall be returned to such employe with accrued interest.

"(b) Upon the death of a contributor before retirement there shall be paid to his or her estate or to such person as he or she shall have nominated, the net accumulated salary deductions standing to his or her credit.

"(c) Upon reinstatement of a former employe to the service, credit for such past service or for any part thereof shall be granted only upon repayment of the amount of the separation refund, with interest, from the time of separation; provided this provision shall not apply to service rendered prior to the date that this act becomes effective."

"Sec. 11. (a) Beginning on the first day of the year next succeeding that in which this act becomes effective in any city, and thereafter throughout the period of employment, there shall be deducted and withheld from the basic salary, pay or compensation of each *employe in the contributing class* the following percentage of salary, pay or compensation:

"Employes who enter the service at 20 years of age or younger, 3 per cent of salary, pay or compensation; employes who enter the service at 45 years of age or older, 8 per cent of salary, pay or compensation; employes who enter the service after the age of 20 and prior to age 45, a percentage of salary, pay or compensation, which shall be equal to 3 per cent, plus as many times  $\frac{2}{10}$  of 1 per cent as the age of the employe exceeds 20 at the time service begins.

"Every employe to whom this act applies who shall continue in the service after the passage of this act, as well as every person to whom this act applies who may hereafter be appointed to a position or place, shall be deemed to consent and agree to the deductions made and provided for herein, and payment with such deductions,

for service, shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all services rendered by such person during the period covered by such payment; except his or her claim to the benefits to which he or she may be entitled under the provisions of this act.

"(b) In the event that any such employe be retired before he or she has paid into the retirement fund *the full amount for which said employe is liable under the term of this act*, the installments of the retirement allowance to which such employe would otherwise have been entitled shall be applied to the payment of such sums as are due and payable to the retirement fund, and such employe shall not receive any money as a retirement allowance under the provisions of this act until all sums due from said employe have been paid in full.

"(c) No employe shall be required to contribute to the retirement fund for a period in excess of 30 years; all contributions made thereafter to said fund shall be voluntary.

"(d) Subject to such terms and conditions and to such rules and regulations as the retirement board may adopt, any contributor, from time to time may:

"(1) Increase or decrease his or her rate of contribution to the retirement fund, but in *no* event shall the contribution be less than the minimum contribution specified in the provisions of this act.

"(2) Withdraw from his or her individual account in the retirement fund the amount in excess of the minimum accumulation resulting from the deductions specified in the provisions of this act.

"(3) Withdraw, after having become eligible for service retirement, such part of his or her net accumulated contributions as shall be in excess of the amount necessary to procure the minimum annuity to which he or she would be entitled at the expiration of 30 years of service."

"Sec. 2. **Effective, when.**—That Section 23, Chapter 522, General Laws 1919, be and the same is hereby amended so as to read as follows:

"Sec. 23. No such pension system shall be effective until it shall have been *adopted* by three-fifths of the votes of the electors of the city cast at a general or special election.

Sec. 3. **Application.**—That there be added after Section 23 a new section to be known as Section 24 of said Chapter 522, General Laws 1919, to read as follows:

Sec. 24. *This act shall apply to each city of the State of Minnesota containing more than 50,000 inhabitants, including each city of the first class now or hereafter having and operating under a Home Rule Charter adopted under and pursuant to Section 36, Article IV, of the State Constitution, and to each such city in which the people,*



*pursuant to Section 23 hereof, have heretofore adopted or may hereafter adopt and put into operation such pension system.*

Approved April 24, 1925.

---

CHAPTER 336—H. F. No. 478.

*An act providing for the manner of constructing crossings, and for the construction and maintenance of certain signs at the crossings of railroads, streets and public highways, and regulating the use of such crossings by the public, and for the establishment, vacation and re-location of such crossings and prescribing penalties.*

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

**Section 1. Definition.**—When the term "grade crossing" is used in this act it shall mean the intersection of a public highway and of the track or tracks of any railroad, however operated, on the same plane or level, except street railways within city or village limits. When the term "commission" is used in this act it shall mean the Railroad and Warehouse Commission of the State of Minnesota.

**Sec. 2. Commission to provide for uniform signs.**—The commission is hereby authorized and required to adopt and prescribe uniform warning signs for use at grade crossings in this state which will furnish adequate warning of the existence and nature of such grade crossings and to make regulations as to the place of installation. There shall be at least three distinct types of such warning signs, to-wit: a home crossing sign, for use in the immediate vicinity of the crossing, an approach crossing sign, to indicate the approach to a grade crossing, and a stop sign, which shall have the word "stop" plainly appearing thereon, to indicate the necessity to persons on the highway approaching the crossing, whether in vehicles or otherwise, to come to a stop before proceeding over the grade crossing, according to the provisions of this act.

**Sec. 3. Railroad to erect signs.**—At each grade crossing in this state hereafter established and at each grade crossing where and when the existing crossing signs are replaced the railway company operating the railroad thereat shall erect and maintain on the highway on each side of the railroad track or tracks and within a distance of 75 feet from the nearest rail, one or more of such uniform home crossing signs.

**Sec. 4. Railroad to provide additional warning signs.**—At each grade crossing where, because of the conditions surrounding the same, the reasonable protection to life and property makes it necessary for additional warning signs to be placed on the highway at a greater distance from the crossing than the home signs, such approach warning signs shall be installed. The commission is hereby