

employee of any such owner, licensee, or operator, is not liable for damages for any defamatory statement published or uttered in or as a part of a visual or sound radio broadcast, by any one other than such owner, licensee, or operator, or agent or employee thereof, if such owner, licensee, operator, or such agent or employee, shows that he has exercised due care to prevent the publication or utterance of the statement in that broadcast.

Sec. 2. Pending actions not affected. The provisions of this act shall not affect any action or proceeding now pending or which shall be commenced within six months after the passage thereof, in any of the courts of the state.

Approved April 23, 1953.

CHAPTER 681—H. F. No. 1640

An act relating to retirement allowances of cities of the first class; amending Minnesota Statutes 1949, Section 422.05.

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

Section 1. Minnesota Statutes 1949, Section 422.05, is amended to read:

422.05 Classification of employees. 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 subdivided into present incumbents, employees in the service of the city at the date sections 422.01 to 422.23, becomes effective therein, who elect to become contributors to and prospective beneficiaries of the fund created by sections 422.01 to 422.23, and future entrants, employees who enter the service of the city subsequent to the date sections 422.01 to 422.23 becomes [become] effective therein.

Any employee in the service of any public corporation now or hereafter created in and for any two or more contiguous cities, the funds of which public corporation are in whole or in part raised by taxation on the property in such cities, may become a member of the contributing class by giving a written notice to the retirement board of his acceptance of and his desire to avail himself of the provisions of sections 422.01 to 422.23, within six months from the date of the passage of Laws 1945, Chapter 181, or of his employment, whichever is the later date.

The non-contributing class shall consist of all employees, including common laborers, whose individual pay or compensations do not exceed \$750 per annum; provided, that when the compensation of an employee who is paid on a monthly basis equals or exceeds \$62.50 per month on a 12-month basis, such employee shall be classified as a contributor and shall from and after such time contribute to the fund and assume all the obligations imposed upon and be entitled to all the benefits conferred upon members of the contributing class, as herein and in sections 422.01 to 422.23, specifically set forth.

From and after the end of the calendar year in which the average annual compensation of an employee who is paid on a day basis equals or exceeds \$750 per calendar year during his period of service with the city, such employee from and after such date shall be classified as a contributor and shall assume all the obligations imposed upon and be entitled to all the benefits conferred upon members of the contributing class, as in sections 422.01 to 422.23 specifically set forth.

Any employee in the non-contributing class may, upon written application filed with the retirement board prior to attaining the age of 50 years, elect to become a member of the contributing class, and shall then assume all the obligations imposed upon and be entitled to all the benefits conferred upon members of the contributing class, as in sections 422.01 to 422.29 specifically set forth. Any employee in the non-contributing class who has attained the age of 50 years at the time of the passage of sections 422.01 to 422.23 shall have one year from and after such passage to make the election. Such election, when made, shall be final and irrevocable.

The exempt class shall consist of:

(1) Employees who are 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;

(2) Persons filling elective positions. Provided that any elective officer holding an elective position, as those terms are defined herein, shall be entitled to retire upon the completion of 20 years of service, as hereinafter provided, on a service allowance. All retirement allowances shall be computed and determined as provided herein, except that in determining the number of years of service, credit shall be given for time served as an elective officer or employee or a combination of both, as in this act defined. Before receiving this retirement allowance any officer or any employee who claims credit for service as an elective officer shall contribute to the fund herein provided for an amount which shall be equal to the

amount of contributions to the fund which the elective officer of [or] employee would have made had he been a contributor to the fund since January 1, 1922, or date of election or employment whichever is later, in accordance with the method of contribution herein provided for, plus four percent compound interest;

- (3) Persons serving without pay;
- (4) Persons serving on executive boards;
- (5) Pupil nurses, internes and staff physicians employed at the city hospitals;
- (6) Employees in the service of the city at the time sections 422.01 to 422.23 are adopted, who, after such adoption, have not given written notice of a desire to accept the provisions of sections 422.01 to 422.23;
- (7) Persons not citizens of the United States;
- (8) Employees of a public corporation now or hereafter created in and for two or more contiguous cities of the first class, who do not within six months from the date of the passage of Laws 1945, Chapter 181, or the date when they enter the service of said corporation, whichever is later, give written notice to the retirement board of their acceptance of and desire to avail themselves of the provisions of sections 422.01 to 422.23. *Any such employee who failed to give notice to the retirement board within the six months herein required may by written application to the retirement board made within 60 days after the passage of this act become a contributing member of the retirement fund.*

Any employee who makes an application as herein provided shall receive credit for service in such public corporation only upon contribution to the retirement fund of the amount which would have been contributed to such fund at the required percentage rate, plus four percent compound interest, had such application been made within the time prescribed by Chapter 181, Laws of 1945, and only upon approval of the governing board or commission of such public corporation.

Approved April 23, 1953.

CHAPTER 682—H. F. No. 1653

An act relating to school districts, providing a tax levy for purchase of school sites and erection and equipment of