

130278

1941 Supplement

To

Mason's Minnesota Statutes

1927

1939 to 1941

(Supplementing Mason's 1940 Supplement)

Containing the text of the acts of the 1941 Session of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with Law Review Articles and digest of all common law decisions.

Edited by
the
Publisher's
Editorial Staff

*Minnesota State Law Library
St. Paul, Minnesota*

MASON PUBLISHING CO.

SAINT PAUL, MINNESOTA

1941

CHAPTER 5A

Salaries of Certain State Officers and Employees

252. Amount—Payment.

1. * * * * *

22. District Court Judges

The judges of the District court, six thousand dollars each from the state and fifteen hundred dollars additional, payable monthly from each county in their respective districts having a population of seventy-five thousand or more and three hundred dollars additional in each judicial district having an area of more than fifteen thousand square miles, payable monthly from the counties comprising such judicial district in such proportion as the assessed valuation of each county bears to the total assessed valuation of such

judicial district in the preceding year; provided, however, that whenever any district judge shall preside upon the trial or hearing of any cause outside of his resident judicial district, wherein the district judge receives a larger salary, he shall receive as additional compensation during the period of such trial or hearing the difference between his fixed compensation and the compensation of the district judge of the district where he has been so engaged, the same to be paid by the county wherein said trial or hearing was held upon certification of the senior resident district judge thereof. (As amended Act Apr. 10, 1941, c. 195, §1.)

CHAPTER 5B

Public Officers and Employees in General

STATE EMPLOYEES' RETIREMENT ASSOCIATION

254-1. Definitions.—Subdivision 1. Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases shall, for the purposes of this act, be given the meaning subjoined to them.

Subd. 2. "State Employee" shall mean any person holding a state office or regularly employed by the state in any capacity whatever and whose salary is paid either by warrant of the state auditor or from the fees or income of any department or agency of the state, excepting elective state officers, court commissioners, district judges, the members of the board of Tax Appeals, 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, and the president, deans, professors, and instructors in the state university and in the state teachers' colleges, and teachers in state institutions who are eligible to membership in the Teachers' Retirement Fund, but shall not include students who secure employment with the state or a state institution, incidental to and in furtherance of their education. Temporary employees as defined by the civil service act shall not be eligible to membership, but probationers thereunder and temporary employees in the unclassified service shall become members at the expiration of six months continuous employment, and deductions shall be made from the salaries of such employees beginning on the first day of the calendar month following the completion of six months continuous employment. Permanent seasonal employees in either the classified or unclassified service shall in no event be considered temporary employees.

Employees of the department of education who are eligible to membership in the Teachers' Retirement Fund shall have the option of electing whether to be a member of the State Employees Retirement Association or the Teachers' Retirement Fund.

Subd. 3. "Head of Department" shall mean the head of any department, institution, or branch of the state service which directly pay salaries out of its income or which prepares, approves and submits salary abstracts of its employees to the state auditor and state treasurer.

Subd. 4. "Accumulated Deductions" shall mean the total of the amounts deducted from the salary of a member, and the total amount of assessments paid by a member in lieu of such deductions prior to July 1, 1939, and credited to his individual account in the retirement fund, without interest.

Subd. 5. "The Retirement Fund" shall mean and include the aggregate of all accumulated deductions from the salaries of members of the retirement association, all assessments paid by such members in lieu of such deductions, prior to July 1, 1939, and all other moneys paid into the state treasury or received by the retirement board pursuant to the provisions of this act, together with all income and profits therefrom and interest thereon, including contributions on the part of the state and departments thereof.

Subd. 6. "Monthly Deductions from Salaries" shall mean the actual receipts received or credited to the fund from salary deductions in any calendar month.

Subd. 7. "Prior Service" shall mean the service of a member rendered before the first day of July, 1929, and shall include the service during the world war of officers, soldiers, sailors, marines, and army nurses who were "State Employees" at the time of enlisting or being drafted into the military service of the United States, and who returned directly to the service of the state upon returning from the world war.

Subd. 8. "Proportional Deferred Annuity" shall mean an annuity beginning at the time the member would have been eligible to receive an annuity for superannuation if his state service had not terminated, the amount of which is in the same proportion as the number of years service, for which the member is entitled to credit, is to the number of years service required had the member continued in the state service until eligible to receive a full superannuation annuity as provided by this act. (As amended Act Apr. 23, 1941, c. 391, §1.)

(a). An employee engaged in welfare work, receiving part of compensation from state and federal funds and part from county is not eligible for membership in state employees retirement association but is eligible as a county employee to membership in public employees retirement association. Op. Atty. Gen. (331B-1), Dec. 14, 1939.

Employee of department of education summer teacher training schools, six weeks each summer from 1900 to 1914, was entitled to credit as an employee. Op. Atty. Gen., (331a-7), Jan. 29, 1940.

Members of tri-state waters commission who serve intermittently and are paid on a per diem basis are not "state employees"; but persons who are regularly employed and whose salaries are paid by warrants of state auditor and who serve continuously are entitled to membership in retirement association. Op. Atty. Gen., (331a-7), Jan. 30, 1940.

Child welfare worker in county which has elected to come under Retirement Act, who receives her full compensation from the state, is not eligible under either the state employees retirement act or the municipal employees retirement act. Op. Atty. Gen., (331B-1), Aug. 27, 1940.