

MINNESOTA STATUTES 1977 SUPPLEMENT

345.525 UNCLAIMED PROPERTY

or against the holder for or on account of any action taken by the state treasurer pursuant to chapter 345 with respect to the property. The state treasurer shall keep a record of all items destroyed under this section including the name and address of the owner of the property and the person who delivered the property to him, the date of delivery, a description of the property destroyed and the date of destruction.

[1977 c 137 s 12]

CHAPTER 346. ANIMALS; ESTRAYS, DOING DAMAGE, AT LARGE, AND CRUELTY

Sec.

346.216 Expenses of investigation.

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The expenses of the investigation authorized by section 346.215 including the fee of the doctor of veterinary medicine, the expenses of keeping or disposing of any animal taken into custody pursuant to such investigation and all other expenses reasonably incident to such investigation shall be paid by the county treasurer from the general fund of the county. If the person alleged to have violated section 346.21 is found guilty of the violation, the county shall have judgment against the guilty person for the amount of the expenses.

[1977 c 332 s 16]

CHAPTER 348. BOUNTIES, REWARDS

Sec.

348.071 Repealed.

348.071 [Repealed, 1977 c 310 s 18]

CHAPTER 351. RESIGNATIONS, VACANCIES, REMOVALS

Sec.

351.11 Fees of commissioners and witnesses;
how paid.

351.11 Fees of commissioners and witnesses; how paid.

The fees of the special commissioners provided for in this chapter shall be the same allowed by law to referees, and witnesses giving testimony for the prosecution before such commissioner shall be allowed the same fees as witnesses in the district court. In case of removal by the governor of state officers, such fees shall be paid by the state on the order of the governor. On presentation of the order to the commissioner of finance, he shall draw his warrant upon the state treasurer in favor of the person entitled to the same; but, when testimony is taken for or against a county officer, the fees of the commissioner and witnesses for the prosecution shall be paid by the county, upon allowance by the county board, in the same manner as other claims against the county. In such proceedings against a county officer, when testimony is taken by a shorthand reporter, his fees shall be the same as allowed district court reporters for like services, and the county board shall provide for its payment; but, if such services are performed by the commissioner, he shall be paid only reporter's fees. In such case the county board, in its discretion, may allow to counsel compensation not exceeding \$10 per day for the time actually engaged before the commissioner.

[1977 c 403 s 9]

CHAPTER 352. MINNESOTA STATE RETIREMENT SYSTEM

Sec.

352.01 Definitions.

352.029 Coverage for employees of labor organizations. [New]

Sec.

352.03 Board of directors, composition, executive director; duties, powers.

352.96 Deferred compensation.

352.01 Definitions.

[For text of subds 1 to 2A, see M.S.1976]

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MINNESOTA STATE RETIREMENT SYSTEM 352.01

Subd. 2B. **Excluded employees.** The following persons are excluded from the meaning of state employee:

- (1) Elective state officers;
- (2) Students employed by the University of Minnesota, the state universities, and community colleges unless approved for coverage by the board of regents, the state university board or the state board for community colleges, as the case may be;
- (3) Employees who are eligible to membership in the state teachers retirement association except employees of the department of education who have elected or may elect to be covered by the Minnesota state retirement system instead of the teachers retirement association;
- (4) Employees of the University of Minnesota who are excluded from coverage by action of the board of regents;
- (5) Officers and enlisted men in the national guard and the naval militia and such as are assigned to permanent peacetime duty who pursuant to federal law are or are required to be members of a federal retirement system;
- (6) Election officers;
- (7) Persons engaged in public work for the state but employed by contractors when the performance of such contract is authorized by the legislature or other competent authority;
- (8) Officers and employees of the senate and house of representatives or a legislative committee or commission who are temporarily employed;
- (9) All courts and all employees thereof, referees, receivers, jurors, and notaries public, except employees of the supreme court and referees and adjusters employed by the department of labor and industry;
- (10) Patient and inmate help in state charitable, penal and correctional institutions including the Minnesota veterans home;
- (11) Persons employed for professional services where such service is incidental to regular professional duties and whose compensation is paid on a per diem basis;
- (12) Employees of the Sibley House Association;
- (13) Employees of the Grand Army of the Republic and employees of the ladies of the G.A.R.;
- (14) Operators and drivers employed pursuant to section 16.07, subdivision 4;
- (15) Members of the tax court, the personnel board, and the members of any other state board or commission who serve the state intermittently and are paid on a per diem basis; the secretary, secretary-treasurer, and treasurer of such boards if their compensation is \$500 or less per year, or, if they are legally prohibited from serving more than two consecutive terms and their total service therefor is required by law to be less than ten years; and the board of managers of the state agricul-

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tural society and its treasurer unless he is also its full time secretary;

(16) State highway patrolmen;

(17) Temporary employees of the Minnesota state fair employed on or after July 1 for a period not to extend beyond October 15 of the same year; also persons employed at any time or times by the state fair administration for special events held on the fairgrounds;

(18) Emergency employees in the classified service except emergency employees who within the same pay period become provisional or probationary employees on other than a temporary basis, shall be deemed "state employees" retroactively to the beginning of the pay period;

(19) Persons described in section 352B.01, subdivision 2, clauses (b) and (c) formerly defined as state police officers;

(20) All temporary employees in the classified service, all temporary employees in the unclassified service appointed for a definite period of not more than six months and employed less than six months in any one year period and all seasonal help in the unclassified service employed by the department of revenue;

(21) Trainees paid under budget classification number 41, and other trainee employees, except those listed in subdivision 2A(10);

(22) Persons whose compensation is paid on a fee basis;

(23) State employees who in any year have credit for 12 months service as teachers in the public schools of the state and as such teachers are members of the teachers retirement association or a retirement system in St. Paul, Minneapolis, or Duluth;

(24) Employees of the adjutant general employed on an unlimited intermittent or temporary basis in the classified and unclassified service for the support of army and air national guard training facilities;

(25) Chaplains and nuns who have taken a vow of poverty as members of a religious order;

(26) Labor service employees employed as a laborer 1 on an hourly basis;

(27) Examination monitors employed by departments, agencies, commissions, and boards for the purpose of conducting examinations required by law;

(28) Members of appeal tribunals, exclusive of the chairman to which reference is made in section 268.10, subdivision 4;

(29) Persons appointed to serve as members of fact finding commissions, adjustment panels, arbitrators, or labor referees under the provisions of chapter 179;

(30) Temporary employees employed for limited periods of time under any state or federal program for the purpose of training or rehabilitation including persons employed thereunder for limited periods of time from areas of economic distress except skilled and supervisory personnel and persons having civil service status covered by the system;

(31) Full time students employed by the Minnesota historical society who are

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employed intermittently during part of the year and full time during the summer months;

(32) Temporary employees, appointed for not more than six months, of the Metropolitan council and of any of its statutory boards, the members of which board are appointed by the metropolitan council;

(33) Persons employed in positions designated by the department of personnel as student workers;

(34) Any person who is 65 years of age or older when appointed and who does not have allowable service credit for previous employment, unless such employee gives notice to the director within 60 days following his appointment that he desires coverage; and

(35) Tradesmen employed by the metropolitan waste control commission with trade union pension plan coverage pursuant to a collective bargaining agreement first employed after June 1, 1977.

[For text of subds 3 to 20, see M.S.1976]

Subd. 21. **Accrued annuities.** For the purposes of this chapter and chapters 3A, 352B, 352C and 490 "accrued annuity" means an annuity which had become payable to a retired employee in his lifetime. An annuity or benefit authorized as provided in this chapter and chapters 3A, 352B, 352C and 490 becomes payable on the first day of each calendar month for that calendar month and is to be paid on the first day of each calendar month beginning with benefits payable on and after December 1, 1977.

Notwithstanding any provision to the contrary in this chapter and chapters 3A, 352B, 352C and 490, benefit payment authorized as "payable for life" shall be payable for the entire month in which death occurs and the benefit payment for the month of death shall be payable to the surviving spouse or other beneficiary only if the annuitant dies before negotiating the check.

[For text of subds 22 and 23, see M.S.1976]

[1977 c 98 s 1; 1977 c 388 s 1]

352.029 Coverage for employees of labor organizations.

Subdivision 1. **Qualifications.** A former state employee who is an employee of a labor organization which is an exclusive bargaining agent representing state employees may elect pursuant to subdivision 2 to be covered by the state retirement system established by this chapter with respect to service with the labor organization unless specifically excluded under section 352.01, subdivision 2b.

Subd. 2. **Election.** A person described in subdivision 1 shall be covered by the state retirement system if written election to be covered is delivered to the executive director before July 1, 1977 or within 30 days of being employed by the labor organization, whichever is later.

Subd. 3. **Contributions.** The employee, employer and additional employer contributions required pursuant to section 352.04 shall be the obligation of the employee who elects coverage under this section; provided, however, that the employing labor organization may pay the employer and employer additional contributions. Contributions made by the employee shall be made by salary deduction. The employing labor organization shall remit all contributions to the state retirement system pursuant to section 352.04.

Subd. 4. **Purchase of prior service credit.** Any former state employee who elects membership pursuant to this section shall be allowed to make payment for

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service rendered prior to July 1, 1977 in a labor organization designated in subdivision 1; provided that the labor organization makes satisfactory certification of the prior service of the former state employee. Payment shall include all employee, employer and additional employer contributions at the rates in effect when the service was rendered plus interest at the rate of six percent per annum from the year of purchase to the date payment is made; provided, however, that the employing labor organization may pay the employer and employer additional contributions plus interest at the specified rate. Payment shall be made in one lump sum prior to July 1, 1982 or prior to retirement, whichever is earlier, and no allowable service with respect to such payment shall be credited to the employee's account until payment is received by the executive director.

Subd. 5. **Board membership excluded.** Persons who become members of the state retirement system pursuant to this section shall not be eligible for election to the board of trustees.

[1977 c 429 s 13]

352.03 Board of directors, composition, executive director; duties, powers.

Subdivision 1. **Membership of board; election; term.** The policy making function of the system is hereby vested in a board of eight members, who shall be known as the board of directors, hereinafter called the board. This board shall consist of three members appointed by the governor, one of whom shall be a constitutional officer or appointed state official and two public members knowledgeable in pension matters, four state employees who shall be elected by state employees covered by the system and one retired employee who shall be elected by retired employees at a time and in a manner to be fixed by the board. Two board members, whose terms of office shall begin on the first Monday in March next succeeding their election, shall be elected biennially. The term of the two board members whose terms expire in 1968 shall terminate on the first Monday in March, 1968, and the terms of the two board members whose terms expire in 1970 shall terminate on the first Monday in March, 1970. The elected retired board member shall serve a term commencing January 1, 1978 and terminating on the first Monday in March, 1980. Thereafter the members of the board so elected shall hold office for a term of four years, except the retired member whose term shall be two years, and until their successors are elected, and have qualified. A state employee on leave of absence shall not be eligible for election or re-election to membership on the board of directors; and the term of any board member who is on leave for more than six months shall automatically terminate upon the expiration of such period.

[For text of subd 1a, see M.S.1976]

Subd. 2. **Vacancy.** Any vacancy of a state employee or retired employee in the board caused by death, resignation, or removal of any member so elected shall be filled by the board for the unexpired portion of the term in which the vacancy occurs.

[For text of subd 4, see M.S.1976]

Subd. 4a. The board may consider, review and make recommendations regarding the financial and other needs of retired employees and may disseminate appropriate retirement information to the retired employee.

[For text of subds 5 to 16, see M.S.1976]

[1977 c 429 s 10-12]

352.96 Deferred compensation.

[For text of subd 1, see M.S.1976]

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HIGHWAY PATROLMEN, RETIREMENT 352B.01

Subd. 2. **Purchase of shares.** The amount of compensation so deferred may be used to purchase:

(a) shares in the Minnesota supplemental retirement fund established in section 11.18;

(b) saving accounts in federally insured financial institutions;

(c) life insurance contracts, fixed annuity and variable annuity contracts from companies which are subject to regulation by the insurance commissioner; or

(d) any combination of (a), (b) or (c) above, as specified by the participant.

The shares accounts or contracts so purchased shall stand in the name of the state of Minnesota or other employing unit, for the officer or employee whose deferred compensation purchased said shares, until distributed to said officer or employee in a manner agreed upon by the employee and the executive director of the Minnesota state retirement system, acting for the employer. Nothing in this subdivision shall be construed as to authorize an employer contribution, nor shall the state, the political subdivision, or other employing unit be responsible for any loss which may result from investment of the deferred compensation.

Subd. 3. **Executive director to administer section.** The provisions of this section shall be administered by the executive director of the Minnesota state retirement system pursuant to the provisions of subdivision 4. If the state board of investment so elects, it may solicit bids for options under subdivision 2, clauses (b) and (c). All contracts must be approved prior to execution by the state board of investment. All contracts shall provide that all options in subdivision 2 shall be presented in an unbiased manner, shall be presented in a manner so as to conform to applicable rules promulgated by the executive director, shall be reported on a periodic basis to all employees participating in the deferred compensation program, and shall not be the subject of unreasonable solicitation of state employees to participate in the program. The contract may not call for any person to jeopardize the tax-deferred status of moneys invested by state employees pursuant to this section. All costs or fees in relation to the options provided under subdivision 2, clause (c), shall be paid by the underwriting companies ultimately selected by the state board of investment.

Subd. 4. **Executive director to establish rules.** The executive director of the Minnesota state retirement system shall establish rules and procedures to carry out the provisions of this section including allocation of administrative costs against the assets accumulated under this section. Funds to pay such costs are hereby appropriated from the fund or account in which the assets accumulated under this section are placed. Rules adopted after July 1, 1977, relating to the options provided under subdivision 2, clauses (b) and (c), must be approved by the state board of investment. A state employee shall not be permitted to make payments under a plan until the plan or applicable component thereof has been approved as to its tax-deferred status by the internal revenue service.

[For text of subd 5, see M.S.1976]

[1977 c 300 s 1-3]

CHAPTER 352B. HIGHWAY PATROLMEN, RETIREMENT

Sec.
352B.01 Definitions.

Sec.
352B.08 Benefits.
352B.10 Disability benefits.

352B.01 Definitions.

[For text of subds 1 and 2, see M.S.1976]