

CHAPTER 557—H. F. No. 1341

An act relating to the salaries of the mayor and trustees of the council of any village; amending Minnesota Statutes 1957, Section 412.181, Subdivision 10.

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

Section 1. Minnesota Statutes 1957, Section 412.181, Subdivision 10, is amended to read:

Subd. 10. **Salaries of mayor and trustees.** The council of any village may by ordinance fix the salaries of the mayor and trustees, but no such ordinance shall become effective until it is first published and then approved by a majority of those voting on the proposition at a regular or special village election and then not before the first business day of January next following or such later date as is fixed in the ordinance. Salaries thus approved by the voters shall remain in effect until changed by similar action, except that the council may by resolution fix such salaries in a smaller amount for any year. Until thus changed by ordinance in any village, including village incorporated after February 25, 1953, the salary of the mayor and each trustee shall be that fixed under the law applying before such date to villages of the same population and assessed valuation, *provided that in no event shall the salaries be less than \$10 per month for each trustee and \$15 per month for the mayor.*

Notwithstanding the other requirements of this subdivision, the council of any village may by ordinance reduce the salaries of the mayor and trustees without submitting the question to the voters of the village.

Approved April 24, 1959.

CHAPTER 558—H. F. No. 1791

[Coded in Part]

An act relating to social security coverage of certain officers and employees of the state and its political subdivisions under the old age and survivors insurance provisions of Title II of the Federal Social Security Act, and acts amendatory thereof, and appropriating moneys therefor; amending Minnesota Statutes 1957, Sections 269.01, Subdivisions 1 and 3; 269.02, Subdivisions 1 and 2; 269.03, Subdivision 1; 269.04, Subdivisions 1, 2 and 5; 269.05; 269.06, and 269.07; and

amending Minnesota Statutes 1957, Chapter 269, by adding a new section.

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

Section 1. Minnesota Statutes 1957, Section 269.01, Subdivision 1, is amended to read:

Definitions. Subdivision 1. For the purposes of *chapter 269, as amended*, the terms defined in this section have the meanings ascribed to them herein.

Sec. 2. Minnesota Statutes 1957, Section 269.01, Subdivision 3, is amended to read:

Subd. 3. The term "employment" means any service performed by an employee in the employ of the state, or any political subdivision thereof, for such employer, except (1) service which in the absence of an agreement entered into under *chapter 269, as amended*, would constitute "employment" as defined in the Social Security Act; or (2) service which under the Social Security Act may not be included in an agreement between the state and the Secretary of Health, Education, and Welfare entered into under *chapter 269, as amended*. Service which under the Social Security Act may be included in an agreement only upon certification by the Governor in accordance with section 218(d)(3) of that act shall be included in the term "employment" if and when the Governor issues, with respect to such service, a certificate to the Secretary of Health, Education, and Welfare.

Sec. 3. Minnesota Statutes 1957, Section 269.02, Subdivision 1, is amended to read:

Agreements. Subdivision 1. The state agency, with the approval of the Governor, is hereby authorized to enter into an agreement on behalf of the state with the Secretary of Health, Education, and Welfare, consistent with the terms and provisions of *chapter 269, as amended*, for the purpose of extending the benefits of the Federal old age and survivors insurance system to employees of the state or any political subdivision thereof with respect to services specified in such agreement which constitute "employment," whenever so specifically authorized by the statutory provisions of this state pertaining to any coverage group of such employees to which the agreement may become applicable under the Social Security Act. Pursuant to such specific authorization the agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration, and other appro-

priate provisions as the state agency and the Secretary of Health, Education, and Welfare shall agree upon, but, except as may be otherwise required by or under the Social Security Act as to the services to be covered, such agreement shall provide in effect that

(1) Benefits will be provided for employees whose services are covered by the agreement (and their dependents and survivors) on the same basis as though such services constituted employment within the meaning of Title II of the Social Security Act;

(2) The state will pay to the Secretary of the Treasury, at such time or times as may be prescribed under the Social Security Act, contributions with respect to wages, equal to the sum of taxes which would be imposed by the Federal Insurance Contributions Act if the services covered by the agreement constituted employment within the meaning of that act;

(3) Such agreement shall be effective with respect to services in employment covered by the agreement performed after a date specified therein but in no event may it be effective with respect to any such services performed prior to the first day of the calendar year in which such agreement is entered into or in which the modification of the agreement making it applicable to such services, is entered into except that an agreement or modification entered into prior to January 1, 1960, may be effective with respect to services performed after December 31, 1955, or after a later date specified in such agreement or modification;

(4) All services which constitute employment and are performed in the employ of the state or any of its political subdivisions by employees thereof, may be covered by such agreement whenever so specifically authorized by the statutory provisions of this state pertaining to any coverage group of such employees to which the agreement may become applicable under the Social Security Act.

Sec. 4. Minnesota Statutes 1957, Section 269.02, Subdivision 2, is amended to read:

Subd. 2. Any instrumentality jointly created by this state and any other state or states is hereby authorized, upon the granting of like authority by such other state or states, (1) to enter into an agreement with the Secretary of Health, Education, and Welfare whereby the benefits of the Federal old age and survivors insurance system shall be extended to employees of such instrumentality, (2) to require its em-

ployees to pay (and for that purpose to deduct from their wages) contributions equal to the amounts which they would be required to pay under section 269.03, subdivision 1, if they were covered by an agreement made pursuant to subdivision 1, and (3) to make payments to the Secretary of the Treasury in accordance with such agreement, including payments from its own funds, and otherwise to comply with such agreements. Such agreements shall, to the extent practicable, be consistent with the terms and provisions of subdivision 1 and other provisions of *chapter 269, as amended.*

Sec. 5. Minnesota Statutes 1957, Section 269.03, Subdivision 1, is amended to read :

Employees, contributions. Subdivision 1. Every employee of the state, or any of its political subdivisions, whose services are covered by the agreement entered into under section 269.02 shall be required to pay for the period of such coverage, into the contribution fund established by section 269.04, contributions, with respect to wages, equal to the amount of the employees tax which would be imposed by the Federal Insurance Contributions Act if such services constituted employment within the meaning of that act. Such liability shall arise in consideration of the employee's retention in the service of the state, or any of its political subdivisions, or his entry upon such service, after the enactment of *chapter 269, as amended.*

Sec. 6. Minnesota Statutes 1957, Section 269.04, Subdivision 1, is amended to read :

Contribution fund. Subdivision 1. There is hereby established a special fund to be known as the contribution fund. Such fund shall consist of and there shall be deposited in such fund: (1) all contributions, interest, and penalties collected; (2) all moneys appropriated thereto; (3) any property or securities and earnings thereof acquired through the use of moneys belonging to the fund; (4) interest earned upon any moneys in the fund; and (5) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund and all other moneys received for the fund from any other source. All moneys in the fund shall be mingled and undivided. Subject to the provisions of *chapter 269, as amended,* the state agency is vested with full power, authority and jurisdiction over the fund, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof and are consistent with the provisions of *chapter 269, as amended.*

Sec. 7. Minnesota Statutes 1957, Section 269.04, Subdivision 2, is amended to read:

Subd. 2. The contribution fund shall be established and held separate and apart from any other funds or moneys of the state and shall be used and administered exclusively for the purpose of *chapter 269, as amended*. Withdrawals from such fund shall be made for, and solely for (A) payment of amounts required to be paid to the secretary of the treasury pursuant to an agreement entered into under section 269.02; (B) payment of refunds provided for in section 269.03, subdivision 3, (C) refunds or overpayments, not otherwise adjustable, made by the state or any political subdivision or instrumentality thereof, and (D) for investment as provided in subdivision 4.

Sec. 8. Minnesota Statutes 1957, Section 269.04, Subdivision 5, is amended to read:

Subd. 5. The treasurer of the state shall be ex-officio treasurer and custodian of the contribution fund and shall administer such fund in accordance with the provisions of *chapter 269, as amended*, and the directions of the state agency and shall pay all warrants drawn upon it in accordance with the provisions of this section and with such regulations as the state agency may prescribe pursuant thereto.

Sec. 9. Minnesota Statutes 1957, Section 269.05, is amended to read:

269.05 Rules and regulations. The state agency shall make and publish such rules and regulations, not inconsistent with the provisions of *chapter 269, as amended*, as it finds necessary or appropriate to the efficient administration of the functions with which it is charged under *chapter 269, as amended*.

Sec. 10. Minnesota Statutes 1957, Section 269.06, is amended to read:

269.06 Revolving fund. A revolving fund is hereby created to be known as the state agency revolving fund for the purpose of paying the costs of the administration of the state agency and to be used by it solely for that purpose. There shall be paid into such fund all amounts received in reimbursement of the state agency's costs of administration in carrying out the provisions of *chapter 269, as amended*, and such reimbursements are hereby appropriated to said revolving fund.

Sec. 11. Minnesota Statutes 1957, Section 269.07, is amended to read.

269.07 **Declaration of policy.** In order to extend to employees of the state and its political subdivisions and to the dependents and survivors of such employees, the basic protection accorded to others by the old age and survivors insurance system embodied in the Social Security Act, it is hereby declared to be the policy of the legislature, subject to the limitations of *chapter 269, as amended*, that such steps be taken as to provide such protection to employees of the state and its political subdivisions on as broad a basis as is authorized by the legislature in the future and is permitted under the Social Security Act. It is also the policy of the legislature that the protection afforded employees in positions covered by a retirement system on the date an agreement under *chapter 269, as amended*, is made applicable to service performed in such positions, or receiving periodic benefits under such retirement system at such time, will not be impaired as a result of making the agreement so applicable or as a result of legislative enactment in anticipation thereof when combined with the benefits accorded such employee by the Social Security Act. To this end the agreement referred to in section 269.02 shall not be made applicable to any service performed in any position covered by a retirement system unless a referendum is first held by secret ballot in which a majority of "eligible employees," as defined in section 218 (d) (3) of the Social Security Act vote in favor thereof, *or unless a retirement system is divided in two divisions or parts, one of which is composed of positions of members of such system who desire coverage under section 218 (d) (3) of the Social Security Act, in accordance with subsections (6) and (7) thereof.* Nothing in any provision of *chapter 269, as amended*, shall authorize the extension of the insurance system established by *chapter 269, as amended*, to service in any policeman's or fireman's position or in any position covered by a retirement system applicable exclusively to positions in one or more law enforcement or fire fighting units, agencies or departments. *Nothing in this section shall authorize the Public Employees Retirement Association to be divided.*

Sec. 12. Minnesota Statutes 1957, Chapter 269, is amended by adding a new section to read:

[269.08] **Application of Social Security Act.** *The provisions of the Social Security Act, and all acts amendatory thereof, shall govern relative to employees of the state and political subdivisions subject to Minnesota Statutes 1957,*

chapter 269, as amended, anything in said chapter to the contrary notwithstanding.

Approved April 24, 1959.

CHAPTER 559—H. F. No. 1549

[Coded]

An act authorizing county planning and zoning activities; establishing a board of adjustment; authorizing the enactment of official controls; and providing penalties for violation thereof.

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

Section 1. [394.21] **Authority to carry on county planning and zoning activities.** Subdivision 1. For the purpose of promoting the health, safety, morals, and general welfare of the community any county in the state having less than 300,000 population according to the 1950 federal census is authorized to carry on county planning and zoning activities.

Subd. 2. Sections 1 to 17 shall not become operative in any county until the board of county commissioners shall have passed a resolution declaring its intent to proceed under the provisions of these sections.

Sec. 2. [394.22] **Definitions.** Subdivision 1. The words or terms as used in sections 1 to 17 have the meanings given them in these sections unless a different meaning is clearly indicated by the context.

Subd. 2. "Board" means the board of county commissioners.

Subd. 3. "Governing body" means a town board of supervisors, the council of a municipality, or board of county commissioners.

Subd. 4. "Municipality" means a city, village, or borough however organized and any town having the powers of villages pursuant to law.

Subd. 5. "Planning agency" unless otherwise indicated means a planning commission or department however created or the office of a planning or zoning director or inspector or the office of any official designated as such planning or zoning