

to the contrary, the survivors of a deceased annuitant of the Public Employees Retirement Association shall be entitled to survivors benefits which may have been selected by a member prior to July 1, 1957, pursuant to Laws 1955, Chapter 8, Section 10, if the annuitant had died on or before October 17, 1960; had been drawing retirement benefits on and after November 1, 1959; and who could have retired at any time on or after September 1, 1955.

Approved April 20, 1961.

CHAPTER 742—S. F. No. 1041

[Not Coded]

An act relating to the village of Centerville; authorizing the sale of certain commodities in on and off sale liquor establishments.

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

Section 1. Centerville, village of; liquor establishments. The governing body of the village of Centerville in Anoka county may permit the sale of food, cigars, cigarettes, all forms of tobacco, nonintoxicating malt beverages and soft drinks in any exclusive liquor store having an "on sale" or "off sale" liquor license.

Sec. 2. This act shall be effective upon its approval by a majority of the members of the governing body of the village of Centerville, and upon compliance with Laws 1959, Chapter 368.

Approved April 20, 1961.

CHAPTER 743—S. F. No. 1135

[Coded]

An act relating to members of the police and fire fund of the public employees retirement association; amending Laws 1959, Chapter 650, Section 32, Subdivision 1; Section 34, Subdivision 2; and Section 36, Subdivision 5; repealing Laws 1959, Chapter 650, Section 32, Subdivision 2.

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

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

Section 1. Laws 1959, Chapter 650, Section 32, Subdivision 1, is amended to read:

Sec. 32. ~~[353.64]~~ **Membership.** Subdivision 1. Any *employee serving on a full-time basis as a police officer or fire fighter employed on or after July 1, 1959, 1961, shall have the option to become a member of the public employees police and fire fund. by executing an application furnished by the board and by otherwise complying with the provisions of section 31 to 36. The application shall be made no later than July 1, 1960. Any employee serving on less than a full-time basis as a police officer or fire fighter, as determined by the rules prescribed by the board of trustees, shall become a member of the public employees police and fire fund only after a resolution is adopted by the governing body of the political subdivision employing such person declaring that the position such person holds is either that of a police officer or fire fighter.* Any police officer or fire fighter who by virtue of his employment is required to contribute to any other pension, relief or retirement fund established for the benefit of officers and employees of a governmental subdivision shall not be a member of this fund.

Subd. 2. Before a governing body may declare a position to be that of a police officer, the duties of the person so employed shall, as a minimum, include services as an officer of a designated police department or sheriff's office or person in charge of a designated police department or sheriff's office who is engaged in the hazards of protecting the safety and property of others and who has the power to arrest by warrant.

Subd. 3. Before a governing body may declare a position to be that of a fire fighter, the duties of the person so employed shall, as a minimum, include services as an employee of a designated fire company or person in charge of a designated fire company or companies who is engaged in the hazards of fire fighting.

Subd. 4. A copy of the resolution of the governing body declaring a position to be that of police officer or fire fighter shall be filed with the board of trustees and shall be irrevocable.

Subd. 5. Any person employed on less than a full-time basis as a police officer or fire fighter who is a member of the public employees police and fire fund on June 30, 1961,

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shall remain a member of the fund unless before July 1, 1962, the governing body of the political subdivision employing such person adopts and files a resolution with the board of trustees declaring the position such person holds is not that of a police officer or fire fighter employed on a full-time basis and that the governing body desires that he not be a member of the public employees police and fire fund. If such a resolution is filed, the employee, if otherwise qualified, shall become a general member of the public employees retirement association.

Sec. 2. Laws 1959; Chapter 650, Section 34, Subdivision 2 is amended to read:

Subd. 2. The retirement annuity hereunder payable at age 58 or thereafter shall be computed in accordance with the applicable provisions of the formula stated in subdivision 3 hereof, on the basis of the member's average salary for the period of his allowable service *while performing the duties of a police officer or fire fighter. If the member has earned allowable service while performing services other than those of a police officer or fire fighter, the annuity representing such service shall be computed in accordance with sections 353.29 and 353.30.* Such retirement annuity is known as the "normal retirement annuity".

(a) For years prior to July 1, 1957, "average salary" for the purpose of determining a member's retirement annuity means the amount equivalent to the average of his highest salary upon which deductions were based for any five consecutive years prior to that date limited to \$4,800 per year;

(b) For each year subsequent to June 30, 1957, "average salary" of a member for the purpose of determining his retirement annuity means his salary not exceeding in any one year \$4,800 and for which he had made contribution to the retirement fund by payroll deduction;

(c) Average salary in no case shall exceed \$4,800 per year.

Sec. 3. Laws 1959, Chapter 650, Section 36, Subdivision 5, is amended to read:

Subd. 5. The survivors annuity of section 353.31, subdivision 2, shall be paid in behalf of members of the police and fire fund under the following terms and conditions: Upon the death of a member before retirement who has had at least 20 years of allowable service, his surviving spouse shall

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be paid a deferred annuity in an amount equal to 75 percent of the member's normal annuity provided in section 25 34 not to exceed \$150 per month. If at the time of death the member was under 58 years of age, his normal annuity shall be reduced one-half of one percent for each month that he was under age 58. This annuity shall be paid when the surviving spouse reaches the age of 62 and shall terminate upon remarriage. The surviving spouse has the option, if qualified, to receive the annuity provided in this subdivision or the benefit provided in section 353.31, subdivision 1, but not both.

Sec. 4. *Laws 1959, Chapter 650, Section 32, Subdivision 2, is repealed.*

Sec. 5. *This act takes effect July 1, 1961.*

Approved April 20, 1961.

CHAPTER 744—S. F. No. 1155

An act relating to the manner of paying employee and employer contributions under the public employees retirement association; amending Minnesota Statutes 353.27, Subdivision 4; 353.28 as amended.

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

Section 1. Minnesota Statutes 1957, Section 353.27, Subdivision 4 is amended to read:

Subd. 4. The head of each department of the various governmental subdivisions is hereby directed to cause employee contributions to be deducted at least once each month from the salary of each member and to issue or approve one voucher payable to the state treasurer for the aggregate amount so deducted from such salaries and to cause the same to be remitted within 15 days thereafter to the secretary of the board of trustees together with a statement showing the amount of each of such deductions, the amount of salaries from which such deductions have been made and the names of the public employees on whose accounts the same have been made. Such statement may be furnished in the form of a carbon or duplicate copy of departmental payroll abstracts and if not submitted in such form, the head of each department is hereby required to furnish the secretary of the board of trustees with a carbon or duplicate copy of his depart-

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