

EXTRA SESSION

CHAPTER 67—H. F. No. 209

[Coded in Part]

An act relating to the state employees retirement association; amending Minnesota Statutes 1957, Section 352.01, Subdivision 2, as amended; Section 352.01, as amended, by adding subdivisions thereto; Section 352.04, Subdivisions 3, 5, and 6, and by adding a new subdivision thereto; Section 352.05; Section 352.103, Subdivision 2; Section 352.113, as amended; Section 352.115, Subdivision 5, as amended; Section 352.116, Subdivision 3; Section 352.117, Subdivision 1, as amended; Section 352.22, Subdivision 1; Section 352.22, as amended by adding a new subdivision thereto; Section 352.26, as amended; 352.28, as amended by adding a new subdivision thereto; Section 352.31; Section 352.62, Subdivision 2; Section 352.64; Section 352.67, as amended; repealing Extra Session Laws 1959, Chapter 6, Section 19; repealing Minnesota Statutes 1957, Section 352.62, Subdivision 3, as amended by Extra Session Laws 1959, Chapter 6, Section 16.

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

Section 1. Minnesota Statutes 1957, Section 352.01, Subdivision 2, as amended by Extra Session Laws 1959, Chapter 6, Section 1, is amended to read:

Subd. 2. **State employee.** (1) "State employee" means any employee or officer in the classified and unclassified service of the state except any employee designated by the civil service board as a labor service employee who is paid on an hourly basis. The term also includes the special classes of persons listed in paragraph 2 of this subdivision but excludes the special classes of persons listed in paragraph 3.

(2) The following persons are included in the meaning of state employee:

- (a) Employees of the Minnesota Historical Society.
- (b) Employees of the State Horticultural Society.
- (c) Employees of the Disabled American Veterans Department of Minnesota, Veterans of Foreign Wars, Department of Minnesota, the Minnesota Crop Improvement Association.
- (d) Employees of the adjutant general who are paid

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from federal funds and who are not eligible to benefits from any federal civilian retirement fund.

(e) Employees of the state colleges employed under the college activities program and currently contributing members of the association who are temporarily employed by the legislature during a legislative session or any currently contributing member employed for any special service as defined in item (h) of paragraph (3).

(f) Employees of the armory building commission.

(g) Employees of Minnesota-Wisconsin-Minneapolis-St. Paul Survival Plan Project.

(h) Permanent employees of the legislature and persons employed or designated by the legislature or by a legislative committee or commission or other competent authority to make or conduct a special inquiry, investigation, examination or installation: *including permanent employees of the legislative research committee.*

(i) Trainees who are employed on a full time established training program performing the duties of the classified position for which they will be eligible to receive immediate appointment at the completion of the training period.

(j) Employees of the deputy registrar of motor vehicles in the city of Minneapolis.

(3) The following persons are excluded from the meaning of state employee:

(a) Elective state officers;

(b) Students employed by the University of Minnesota and the state colleges unless approved for membership by the board of regents of the state college board, as the case may be;

(c) Employees who are eligible to membership in the state teachers retirement fund except employees of the department of education who have elected or may elect to become members of the state employees retirement association instead of the teachers retirement fund;

(d) Employees of the University of Minnesota who are excluded from membership by action of the board of regents;

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(e) Officers and enlisted men in the national guard and the naval militia except such as are assigned to permanent peacetime duty;

(f) Election officers;

(g) 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;

(h) Officers and employees of the senate and house of representatives who are temporarily employed ~~for a period of less than four months except permanent employees of the legislative research committee who may become members upon notifying the secretary in writing within six months from the date of their respective employment of their election to become a member; and those employees of the legislative research committee who are intermittently employed when needed;~~

(i) 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 industrial commission;

(j) Patient and inmate help in state charitable, penal and correctional institutions including the Minnesota Soldiers Home;

(k) Persons employed for professional services where such service is incidental to regular professional duties and whose compensation is paid on a per diem basis;

(l) Employees of the Sibley House Association;

(m) Employees of the Grand Army of the Republic and employees of the ladies of the G.A.R.;

(n) Operators and drivers employed pursuant to Laws 1941, Chapter 478;

(o) 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 secretary, secretary-treasurer, and treasurer of such boards if their compensation is \$500 or less per year;

(p) State highway patrolmen;

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(q) Temporary employees of the Minnesota state fair employed ~~during the state fair~~ *on or after August 1 for a period not to extend beyond September 30 of the same year;*

(r) Emergency employees in the classified service whose status shall be noted by symbol on all payroll abstracts;

(s) State game wardens;

(t) All temporary employees in the classified service, and all seasonal help in the unclassified service employed by either the motor vehicle division or the department of taxation, income tax division, to perform clerical duties;

(u) Trainees paid under budget classification number 41, and other trainee employees, except those listed in paragraph 2 (i) of this subdivision;

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

(w) *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;*

(x) *Temporary employees of the adjutant general employed in classified and unclassified service for opening, operating, or closing Camp Ripley for field training activities;*

(y) *Chaplains and nuns who have taken a vow of poverty as members of a religious order.*

Sec. 2. Minnesota Statutes 1957, Section 352.01, as amended by Extra Session Laws 1959, Chapter 6, Section 3, by adding subdivisions thereto, is amended to read:

[Subd. 16.] Year of allowable service. "Year of allowable service" means any 12 calendar months not necessarily consecutive in which a member received compensation from the state or was eligible to credit for service. It also means 12 months credit each year for employees in the state colleges and state institutions who are paid on a yearly basis and who may or may not receive compensation in every calendar month in the year.

[Subd. 17.] Total and permanent disability. "Total and permanent disability" means ~~a disability which results from some impairment of mind or body that substantially~~

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precludes a person from performing with reasonable regularity the substantial and material parts of any gainful work or occupation that he would be competent to perform were it not for that impairment, and whose impairment is founded upon conditions which render it reasonably certain that it will continue indefinitely the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to be of long-continued and indefinite duration.

Sec. 3. Minnesota Statutes 1957, Section 352.04, Subdivision 3, is amended to read:

Subd. 3. The employer contribution to the fund shall be (1) an amount equal to the total amount deducted from the salary of each member *salaries of members on each payroll abstract* plus (2) an additional one sixth of the amount of such deductions percent of the salary of each member not exceeding \$4,800 in any calendar year. *This* The employer contribution shall be made in the manner provided in subdivisions 5 and 6.

Sec. 4. Minnesota Statutes 1957, Section 352.04, Subdivision 5, is amended to read:

Subd. 5. The head of each department or agency shall cause employer contributions to be made to the fund on each payroll abstract at the time each member is paid his salary in an amount equal to the total amount deducted from the salary of each member *salaries of members* plus an additional one sixth of the amount of such deductions percent of the salary of each member not exceeding \$4,800 in any calendar year. These contributions shall be charged as administrative costs. Each department shall pay these amounts from such accounts and funds from which each department or agency receives its revenue, including appropriations from the general revenue fund and from any other fund, now or hereafter existing, for the payment of salaries and in the same proportion as it pays therefrom the amounts of such salaries. The moneys necessary to provide for the administrative cost as herein provided are hereby appropriated out of such revenue sources to each department and agency in such sums as are required to make the payments herein directed. If there are insufficient moneys in any such accounts or fund or source of revenue to make the payments to the state employees retirement fund required by this section to be made by such department or agency, there is hereby appropriated to such depart-

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ment or agency from any moneys in the state treasury not otherwise appropriated, such moneys as are required to meet such deficiencies. The amount of such appropriation made by these provisions shall be certified by the commissioner of administration to the state auditor at such times as the state auditor shall require.

Sec. 5. Minnesota Statutes 1957, Section 352.04, Subdivision 6, is amended to read:

Subd. 6. For those of their employees who are members of the state employees retirement association, the State Horticultural Society, the Disabled American Veterans, Department of Minnesota, Veterans of Foreign Wars, Department of Minnesota, the Minnesota Crop Improvement Association, the Minnesota Historical Society, the armory building commission, and the Minnesota-Wisconsin-Minneapolis-St. Paul Survival Plan Project, respectively, shall also pay into the retirement fund a sum equal to the total amount deducted for the retirement fund from the salaries paid to their employees including salaries paid from an appropriation from the general revenue fund, as herein authorized, plus an additional one percent ~~sixth~~ *sixth* of the amount of such deductions for employees paying six percent contributions and two thirds of the amount of such deductions for employees paying three percent contributions ~~salary~~ of each member not exceeding ~~\$4,800~~ *\$4,800* in any calendar year.

Sec. 6. Minnesota Statutes 1957, Section 352.04, is amended by adding a new subdivision to read:

Subd. 9. [Subd. 10.] If a member makes a lump sum payment to the fund, the employer shall contribute a like amount to the fund upon certification of said amount by the secretary of the association to the employer.

Sec. 7. Minnesota Statutes 1957, Section 352.05, is amended to read:

352.05. State treasurer to be treasurer of association. The state treasurer shall be ex-officio treasurer of the retirement funds of the association and his general bond to the state shall cover all liability for his actions as treasurer of these funds. All moneys of the association received by him shall be set aside in the state treasury to the credit of the proper fund. He shall deliver to the secretary of the retirement ~~men~~ *board of trustees* each month copies of all payroll abstracts of the state together with the state auditor's warrants

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covering the deductions made on these payroll abstracts for the retirement fund; whereupon the secretary shall cause to be made, in duplicate, a list of the auditor's warrants and these warrants shall then be deposited with the state treasurer to be credited to the retirement fund. He shall pay out of this fund only on warrants issued by the state auditor, upon abstracts signed by the secretary of the retirement board of trustees, or by the ~~assistant secretary of the board finance officer designated by the secretary~~ during the disability or the absence of the secretary from the city of St. Paul, Minnesota. Abstracts for investments may be signed by the secretary of the state board of investment.

Sec. 8. Minnesota Statutes 1957, Section 352.103, Subdivision 2, is amended to read:

Subd. 2. Should any former member who has received an annuity or retirement allowance again be entitled to receive salary or wages from the state his annuity or retirement allowance shall cease during the period of employment if employment is for a longer period than authorized ten-day emergency appointments but no payroll deductions for the benefit of the retirement fund shall be made from the earnings of such annuitant. *If such employee is granted a sick leave without pay, the annuity or retirement allowance shall be resumed during the period of the sick leave and there shall be no change in the amount of such annuity or retirement allowance.* Upon the termination of his employment the annuity or retirement allowance shall be resumed and there shall be no change in the amount of such annuity or retirement allowance because of such employment.

Sec. 9. Minnesota Statutes 1957, Section 352.113, as amended by Extra Session Laws 1959, Chapter 6, Section 13, is amended to read:

352.113 Permanent disability benefits. Subdivision 1. **Age and service requirements.** ~~Where~~ Any member who is less than 65 years of age who becomes totally and permanently disabled after ten years of allowable service; he shall be entitled to a disability benefit in an amount provided in subdivision 2 ~~3~~. *If such disabled person's state service has terminated at any time, at least five of the required ten years of allowable service must have been rendered after last becoming a member. If a disabled person receives disability benefits under the provisions of the federal social security act, his benefits computed under subdivision 2 of*

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this section shall be reduced by the amount of disability benefits paid under the federal act.

Subd. 2. Applications. The benefit shall begin to accrue 90 days following the commencement of disability or 30 days after the application is filed whichever is greater. If annual or sick leave is paid for more than the said 90 or 30-day period, whichever applies, the benefit shall accrue from the date salary ceased.

Subd. 3. Computation of benefits. This disability benefit is an amount equal to the annuity based on his age when disabled in the manner provided in section 352.116, subdivision 1, plus a supplementary monthly benefit computed in accordance with the following table:

Age when Disabled	Supplementary benefit
Under 56	\$50
56	45
57	40
58	35
59	30
60	25
61	20
62	15
63	10
64	5

Subd. 3 4. Determination by the board. *The board shall have the member examined by at least two licensed physicians selected by the board. These physicians shall make written reports to the board concerning the member's disability including medical opinions as to whether or not the member is permanently and totally disabled within the meaning of Minnesota Statutes 1957, Section 352.01, as amended by Extra Session Laws 1959, Chapter 6, Section 3, paragraph 2, and acts amendatory thereto. A member shall be considered totally and permanently disabled after the board has received written certification by at least two licensed physicians selected by the board, that the member is totally and likely to be permanently disabled for further performance of*

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the duties of any assigned position in the service of the employer, and *The board shall also obtain written certification from the employer stating whether or not the member was separated from service because of a disability which would prevent further service to the employer and as a consequence the member is not entitled to compensation from the employer.* If upon the consideration of the ~~report~~ reports of such ~~the~~ physicians and such other evidence ~~as shall have been presented to it by the member or others interested therein,~~ the board finds the member to be totally and permanently disabled, it shall grant him a disability benefit upon written certification from his employer that the member has been separated from the service of the employer because of total disability of such nature as to reasonably prevent further service for the employer, and as a consequence is not entitled to compensation from the employer. The fact that an employee is placed on leave of absence without compensation because of disability shall not bar him from receiving a disability benefit. Any person receiving a disability benefit shall not be required to undergo a medical examination after reaching the age of 65. The disability benefit shall cease with the last payment received by the annuitant during his lifetime unless he leaves a spouse surviving him in which event the surviving spouse shall be entitled to the disability benefit for the calendar month in which the annuitant died.

Subd. 4 5. **Benefits paid under other laws.** The disability benefit shall be reduced by any amounts received or receivable by a member from the employer under applicable workmen's laws. *If a disabled person receives disability benefits under the provisions of the federal social security act, his benefits computed under this section shall be reduced by the amount of disability benefits paid under the federal act.*

Subd. 5 6. **Regular physical examinations.** At least once each year during the first five years following the allowance of a disability benefit to any member, and at least once in every three-year period thereafter, the board shall require any person disabled to undergo a medical examination to be made at the place of residence of such person, or at any place mutually agreed upon, by a physician or physicians engaged by the board. If any examination indicated that he is no longer ~~physically or mentally incapacitated for service~~ *permanently and totally disabled*, or that he is engaged or is able to engage in a gainful occupation, payments of the dis-

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ability benefit by the fund shall be discontinued. *The payments shall discontinue* as soon as he is reinstated to the payroll following sick leave, but in no case shall payment be made for more than 60 days after physicians engaged by the board find that such person is no longer ~~incapacitated for service permanently and totally disabled.~~

Subd. 6 7. Partial re-employment. Should the disabled person resume a gainful occupation and his earnings are less than his salary at the date of disability or the salary currently paid for similar positions, the board shall continue the disability benefit in an amount which when added to such earnings does not exceed his salary at the date of disability or the salary currently paid for similar positions, whichever is lower, provided the disability benefit in such case does not exceed the disability benefit originally allowed.

Subd. 7 8. Refusal of examination. Should ~~only any~~ such disabled person refuse to submit to a medical examination as herein provided, payments by the fund shall be discontinued and all rights of the member in any disability benefit shall be revoked by the board.

Subd. 8 9. Return to state service. Any person receiving a disability benefit who is restored to active state service shall have deductions taken for the retirement fund and upon subsequent retirement have his retirement annuity based upon all allowable service including that upon which the disability benefits were based. No person shall be entitled to receive disability benefits and a retirement annuity at the same time.

Subd. 10. Retirement status at age 65. *The disability benefit paid to a person hereunder shall terminate when he reaches age 65 if he is still totally and permanently disabled. At that time he shall be deemed to be on retirement status and shall be paid a straight life retirement annuity as provided in section 352.115 or a straight life retirement annuity equal to the disability benefit paid to him before he reached age 65, whichever amount is greater. If his disability benefit was computed pursuant to section 352.67, at age 65 he shall be deemed to be on retirement status.*

Sec. 10. Minnesota Statutes 1957, Section 352.115, Subdivision 5, as amended by Extra Session Laws 1959, Chapter 6, Section 20, is amended to read:

Subd. 5. Accrual of annuity. Each member shall fix

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in his application for an annuity a date for retirement. This application, however, shall not be made prior to the time the member is eligible to retire by reason of both age and service requirements. An annuity shall begin to accrue 30 days after the application is filed with the retirement board but in no event prior to the day following the last day for which the applicant is paid salary or prior to the termination of state service. The retirement benefits shall cease with the last payment received by a retired employee during his lifetime unless the retired employee elected a reversionary annuity or an optional annuity provided in section 352.116, subdivision 3. The reversionary annuity and joint and last survivor annuity shall cease with the last payment received by the surviving spouse or beneficiary in his or her lifetime. If a retired employee had not selected an optional annuity and leaves a spouse surviving him, such spouse shall be entitled only to the annuity payment for the calendar month in which the retired employee died. *If an optional annuity is payable after the death of the retired employee, the survivor under the optional annuity shall be entitled to the annuity payment for the calendar month in which the retired employee died.*

Sec. 11. Minnesota Statutes 1957, Section 352.116, Subdivision 3, is amended to read:

Subd. 3. **Optional retirement annuities.** The retirement board shall establish *an optional annuity annuities* of retirement which shall take the form of ~~an annuity payable for a period certain and for life thereafter; or as a joint and survivor annuity.~~ *The retirement board may also in its discretion establish an optional annuity which shall take the form of an annuity payable for a period certain and for life thereafter.* Such optional forms shall be actuarially equivalent to the normal forms provided in sections 352.115 and 352.116. In establishing these optional forms the board shall obtain the written recommendation of approved actuary and these recommendations shall be a part of the permanent records of the board.

Sec. 12. Minnesota Statutes 1957, Section 352.117, Subdivision 1, as amended by Extra Session Laws 1959, Chapter 6, Section 12, is amended to read:

352.117 Survivors and death benefits. Subdivision 1. **Surviving dependent spouse and dependent children.** Upon the death of a member before retirement *or upon the death of a former member who was disabled and receiving disability benefits pursuant to section 352.113 at the time of his*

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death who has had at least 18 months of credited allowable service, his surviving dependent spouse and dependent children under the age of 18 shall receive the monthly benefit provided below.

- (a) Surviving dependent spouse . . . *30 percent of the member's monthly average salary, not to exceed \$65 per month*
- (b) Each dependent child *20 percent of the member's monthly average salary, not to exceed \$45 per month*

In addition to the amounts provided in (a) and (b) hereof, *10 percent of the member's monthly average salary, not to exceed \$20 per month* shall be paid to be divided equally among the dependent children. Payments for the benefit of any dependent child under the age of 18 years shall be made to the surviving parent, or if there be none, to the legal guardian of such child. The maximum monthly benefit shall not exceed ~~\$200~~ *\$250* for any one family. The surviving dependent spouse benefit shall terminate upon his or her remarriage, and the dependent children's benefit shall be reduced pro tanto when any child is no longer dependent.

Any survivor of a member whose average salary was less than \$75 per month shall not be entitled to the benefits provided in this subdivision. If the survivor benefits provided in this subdivision exceed in total the monthly average salary of the deceased member, these benefits shall be reduced to an amount equal to the deceased member's monthly average salary.

This subdivision does not apply to members who are liable for the payment of the social security tax based upon the salary or wages from which deductions are required for the retirement fund.

Sec. 13. Minnesota Statutes 1957, Section 352.22, Subdivision 1, is amended to read:

352.22 Refundments or deferred annuities. Subdivision 1. Any member who ceases to be a state employee by reason of termination of state service, *or who ceases to be a member by reason of his change in position covered by some other public retirement system of this state or any govern-*

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mental subdivision of this state, shall be entitled to a refundment provided in subdivision 2 or a deferred retirement annuity as provided in subdivision 3. Application for a refundment may be made no sooner than 90 days after the termination of state service if the applicant has not again become a state employee required to be a member of the state employees retirement association.

Sec. 14. Minnesota Statutes 1957, Section 352.22, as amended by Extra Session Laws 1959, Chapter 6, Sections 14 and 15, is amended by adding a new subdivision to read:

Subd. 6. The board of trustees shall pay to employees of the St. Paul-Minneapolis survival plan project who were unable to obtain retroactive coverage under social security from January 1, 1957, the sum of \$70.50 which represents the difference between the amount transferred and the maximum that would have been transferred had retroactive coverage been possible.

Sec. 15. Minnesota Statutes 1957, Section 352.26, as amended by Extra Session Laws 1959, Chapter 6, Section 24, is amended to read:

352.26 Finality of board's decision; teachers retirement fund, eligibility. Subdivision 1. The final power to determine the status of any individual in the employ of the state for the purposes of this chapter is vested in the retirement board and its decision is final.

Subd. 2. Any individual who has made contributions to the retirement fund for a period of five years and who thereafter continuing in state service becomes eligible to membership in the state teachers retirement fund shall have the option of continuing as a member of the state employees retirement association if he so desires but in the event he exercises such option he shall not be entitled to membership in the teachers retirement fund. ~~This option shall also extend to any member of the state employees retirement association who has been required to become a member of the state teachers retirement fund subsequent to December 30, 1957.~~

Subd. 3. Any person who has made contributions to the retirement fund for a period of one year and who, after June 30, 1957, was required to become a member of the teachers retirement association while continuing in state service shall have the option of continuing as a member of the state employees retirement association. If he exercises this option, he shall not be entitled to membership in the teachers retirement association after the option is exercised. Any con-

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tributions made by such a person to and accepted by the state employees retirement association before the effective date of this act shall entitle such person to the allowable service reflected by these contributions and shall constitute membership service in the state employees retirement association if the option is so exercised. In such event, upon application, the teachers retirement association shall refund the accumulated deduction.

Sec. 16. Minnesota Statutes 1957, Section 352.28, is amended by adding a new subdivision to read:

Subd. 7. Any person whose state service terminated after January 1, 1957, and before July 1, 1957, who returned to state service after December 31, 1957, and before January 1, 1959, and who would have been entitled to a deferred annuity at age 65 had he not returned to state service, shall when he attains age 65, be entitled to an annuity under the law in effect at time of retirement, in an amount which shall not be less than the deferred annuity to which he would have been entitled had he not returned to state service.

Sec. 17. Minnesota Statutes 1957, Section 352.31, is amended to read:

352.31 Salary for part of calendar month. Any salary paid for a fractional part of any ~~calendar month pay period~~ is deemed compensation for the entire ~~calendar month pay period~~ unless state service has terminated.

Sec. 18. Minnesota Statutes 1957, Section 352.62, Subdivision 2, is amended to read:

Subd. 2. The employer contribution to the fund shall be (1) an amount equal to the total amount deducted from the salary of each member plus an additional percentage of the salary of each member not exceeding \$4,800 in any calendar year as provided in subdivision 3 salaries of members on each payroll abstract plus (2) an additional two thirds of the amount of such deductions.

Sec. 19. Minnesota Statutes 1957, Section 352.64, is amended to read:

352.64 Optional retirement annuities. The retirement board shall establish *an optional annuities annuity* at retirement which shall take the form of ~~an annuity payable for a period certain and for life thereafter; or as a joint and survivor annuity.~~ *The retirement board may also in its discretion establish an optional annuity which shall take the form of an*

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annuity payable for a period certain and for life thereafter. Such optional forms shall be actuarially equivalent to the normal forms provided in section 352.63 based at age 65. In establishing these optional forms the board shall obtain the written recommendation of approved actuary and these recommendations shall be a part of the permanent records of the board.

Sec. 20. Minnesota Statutes 1957, Section 352.67, as amended by Extra Session Laws 1959, Chapter 6, Section 32, is amended to read:

352.67 Disability benefits coordinated with social security. The disability benefit shall be computed in the manner provided in section 352.63; ~~and in addition, the member shall be paid \$50 per month until he becomes eligible to receive either the primary benefit or the disability benefit under the federal social security act. Upon becoming eligible to receive a benefit under the federal social security act, the \$50 a month payment terminates.~~ The total disability benefit paid including the \$50 monthly, as aforesaid, from the retirement fund shall be limited to 50 percent of the salary upon which it is based. The disability benefit shall be the "normal" annuity without reduction for each month the member is under age 65 at the time of retirement. The optional annuities provided for in section 352.64 and the provision in section 352.113, ~~subdivision 1,~~ that "benefits computed under subdivision 2 of this act shall be reduced by the amount of disability benefits paid under the federal act" do not apply to this section. ~~Provided, however, that the provisions of this section shall be operative only through June 30, 1961, but Members whose total and permanent disability shall have been established prior to July 1, 1961, shall continue to receive the disability benefits provided herein by the law then in effect so long as the total and permanent disability continues.~~

Sec. 21. **[352.651] Refundments to persons committed.** *Any member or former member, who is committed to a state hospital and has accumulated deductions to his credit at the time of commitment in an amount less than \$300 and is not entitled to any annuity or benefit under Minnesota Statutes, Chapter 352, may receive a refundment. A state hospital means, for the purpose of this section, any hospital under the administration and management of the commissioner of public welfare for the care of the mentally ill, senile or inebriate persons. The application for such refundment shall be made by the superintendent of the state hospital in*

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behalf of the former member. The refundment shall be paid to the superintendent for the care and custody of such former member in accordance with the powers and authority of the superintendent provided in section 246.15. The refundments provided in this section shall only be paid to the superintendent if a guardian has not been appointed for the former member.

Sec. 22. [352.72] Membership in various associations; entitlement to annuity. *Subdivision 1. Any person who has been a member of the state employees retirement association or the public employees retirement association or the teachers retirement association shall be entitled when qualified to an annuity from each fund if his total allowable service in all three funds or in any two of these funds totals ten or more years, provided no portion of the allowable service upon which the retirement annuity from one fund is based is again used in the computation for benefits from another fund and provided further that he has not taken a refundment from any one of these three funds since his membership in that association last terminated. The annuity from each fund shall be determined by the appropriate provisions of the law except that the requirement that an annuitant must have at least ten years' membership service or ten years of allowable service in the respective association shall not apply for the purposes of this section provided the combined service in two or more of these funds equals ten or more years.*

Subd. 2. The deferred annuity shall be computed in the manner provided in Minnesota Statutes 1957, Section 352.22, Subdivision 3, and acts amendatory thereof, on the basis of allowable service prior to termination of state service.

Subd. 3. No deferred annuity shall be paid from the state employees retirement fund during the time the former member is working and accruing service credit as a member of either the public employees retirement association or the teachers retirement association.

Subd. 4. Any person who has received a refundment from the state employees retirement fund prior to July 1, 1961, and who is a member of either the public employees retirement association or the state teachers retirement association may repay such refundment with interest to the state employees retirement fund. If a refundment is repaid to the fund and more than one refundment has been received from the fund, all refundments must be repaid. Such repayment shall be made as provided in Minnesota Statutes 1957,

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Section 352.23, and acts amendatory thereof, and under such terms and conditions consistent therewith as may be agreed upon with the board of trustees.

Sec. 23. *Extra Session Laws 1959, Chapter 6, Section 19, and Minnesota Statutes 1957, Section 352.62, Subdivision 3, as amended by Extra Session Laws 1959, Chapter 6, Section 16, are repealed.*

Sec. 24. *This act is effective July 1, 1961.*

Approved June 5, 1961.

EXTRA SESSION

CHAPTER 68—H. F. No. 245

[Not Coded]

An act relating to improvements and special assessments in the town of Burnside, Goodhue county, Minnesota.

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

Section 1. Burnside, town of (Goodhue county) improvements authorized. The town board of Burnside Township, Goodhue county, Minnesota, shall have power to make the following improvements:

To acquire, open, and widen any street, and to improve the same by constructing, reconstructing, and maintaining blacktopping, pavement, gutters, curbs, and vehicle parking strips of any material, or by grading, graveling, oiling, or otherwise improving the same. When any portion of the cost of an improvement described in section 1 hereof is defrayed by special assessments, the procedure prescribed in this act shall be followed.

Sec. 2. Preliminary plans and hearings. Before the town board of said township awards any contract for an improvement authorized in this act or orders it made by day labor, it shall hold a public hearing on the proposed improvement following two publications in a legal newspaper that has general circulation in said township, said notice stating the time and place of the hearing, the general nature of the improvement, the estimated cost, and the area proposed to be assessed. The two publications shall be a week apart and the

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