

suant to this section.

Subd. 5. PENALTY. Any person violating rules adopted pursuant to this section shall be guilty of a petty misdemeanor. Any violation of this section shall be deemed a violation of chapter 169 for the purposes of sections 169.891 and 169.90, subdivision 1.

Sec. 2. EFFECTIVE DATE. This act is effective the day following its final enactment.

Approved April 13, 1976.

CHAPTER 279—H.F.No.2159

[Coded in Part]

An act relating to retirement; amending the Minneapolis municipal employees retirement act as applied to survivors benefits; permitting a credit union to act as trustee or custodian for individual retirement accounts; amending Minnesota Statutes 1974, Section 422A.23, Subdivisions 2 and 3; repealing Minnesota Statutes 1974, Section 422A.23, Subdivision 4.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Section 422A.23, Subdivision 2, is amended to read:

Subd. 2. RETIREMENT; MINNEAPOLIS EMPLOYEE RETIREMENT; SURVIVOR BENEFITS. Upon the death of a contributing member after having been in the city service not less than 18 months but before the effective date of retirement, the board shall in lieu of the settlement hereinbefore provided pay to the surviving dependent spouse and/or dependent children of the member under the age of 18, or under the age of 22 if a full time student at an accredited school, college or university, and single, the following monthly benefit:

(a) Surviving ~~widow or widower~~ spouse \$150 per month.

(b) Each dependent child ~~of the member~~ \$100 per month. 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 a total of \$450 for any one family.

~~(c) Persons receiving survivor benefits pursuant to the provisions of this subdivision at the time this act becomes effective shall thereafter receive the monthly benefits provided herein.~~

Sec. 2. Minnesota Statutes 1974, Section 422A.23, Subdivision 3,

Changes or additions indicated by underline deletions by ~~strikeout~~

is amended to read:

Subd. 3. The ~~widow-spouse~~ of a deceased member not legally separated or divorced, and who has not remarried, shall be entitled to the monthly benefit herein provided in any event for one year and each year thereafter unless such ~~widow-spouse~~ has an income in excess of \$2400 for a 12-month period commencing with the first day of the month following the month in which the employee died, in which case all income in excess of \$2400 for the previous 12-month period shall be ~~prorated-deducted on a monthly pro rata basis over the succeeding 12-month period and \$1 will be deducted-at the rate of \$1~~ for each \$2 earned ~~from the surviving spouse benefit herein provided-in excess of \$2,400~~. This process shall be continued for each succeeding 12-month period.

Sec. 3. [52.135] INDIVIDUAL RETIREMENT ACCOUNTS. A credit union, upon approval of the commissioner of banks of an application in the prescribed form filed with him together with a filing fee of \$100, may act as trustee or custodian within the contemplation of the federal self-employed individuals tax retirement act of 1962, as amended and may act as trustee or custodian within the contemplation of the federal employee retirement income security act of 1974, as amended, to establish an individual retirement account. The funds shall be invested only in savings, or time deposits, except that this restriction shall not prevent a credit union from accepting and retaining, as a deposit, property or investments derived from any qualified plan from which the applicant desires to transfer the property.

Funds held in the fiduciary capacity may be commingled for purposes of investment or for other purposes approved by the commissioner of banks, but individual records shall be maintained by the fiduciary for each participant and show in detail all transactions engaged in under authority of this section. In passing upon applications the commissioner shall take into consideration all pertinent facts that relate to a credit union's financial responsibility and may grant or refuse the application accordingly.

Sec. 4. Minnesota Statutes 1974, Section 422A.23, Subdivision 4, is repealed.

Sec. 5. Nothing in this act shall decrease or increase benefits paid as of the effective date of this act.

Approved April 13, 1976.

Changes or additions indicated by underline deletions by ~~strikeout~~