

Bullheads .....	50	50
Dates—May 15th and Feb. 15th		
Carp, dogfish, redhorse, sheepshead, suckers, eelpout, garfish, perch, whitefish, tullibeas, buffalofish .....		No limit
Dates—May 15th and Feb. 15th		

Dates—May 15th and Feb. 15th provided, however, that rough fish may be taken by angling with a single line at such times between February 15 and May 15 each year in such waters and under such conditions as the commissioner may prescribe. The foregoing provisions as to two lines shall not relate to artificial plug baits or plugs with multiple hooks.

Approved April 25, 1955.

---

CHAPTER 814—S. F. No. 1636

[Coded]

*An act relating to easements over tax forfeited lands for taconite purposes under Minnesota Statutes 1953, Section 117.47.*

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

Section 1. [117.471] **Easements over tax forfeited lands, approval.** Any easements over tax forfeited lands granted by the county board of any county under Minnesota Statutes 1953, Section 117.47, shall be subject to the condition that it be approved by the Commissioner of Conservation.

Approved April 25, 1955.

---

CHAPTER 815—H. F. No. 8

[Coded in Part]

*An act relating to public employees retirement; amending Minnesota Statutes 1953, Sections 353.10, 353.15, 353.21; Section 353.02, Subdivisions 2, 4; Section 353.11, Subdivisions 4, 8, 9; Section 353.12, Subdivision 2; Section 353.01, Subdivision 2; repealing Minnesota Statutes 1953, Section 353.20.*

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

Section 1. Minnesota Statutes 1953, Section 353.02, Subdivision 2, is amended to read:

Subd. 2. **Eligibility to membership.** After *June 30, 1955*, every public employee not already affiliated with the association *becomes* a member by acceptance of public employment or continuance in public service, except any public employee who has been elected or appointed to an elective office *or* 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

Sec. 2. Minnesota Statutes 1953, Section 353.02, Subdivision 4, is amended to read:

Subd. 4. **Employees of all governmental subdivisions.** *The public employees of any governmental subdivision which was not heretofore affected by the provisions of this chapter shall become members after June 30, 1955; and salary deductions for public employees commence upon July 1, 1955. The dates from which salary deductions are to be computed and fixed are determined by Laws 1931, Chapter 307, Section 24; Laws 1933, Chapter 374, Section 1; Laws 1935, Chapter 106, Section 3; Laws 1941, Chapter 285, Section 10; Laws 1947, Chapter 18, Section 7; Laws 1951, Chapter 22, Section 27; and Laws 1953, Chapter 78, Section 15.*

Sec. 3. Minnesota Statutes 1953, Section 353.10, is amended to read:

**353.10 Forfeited rights, restoration.** When a public employee *withdraws* his accumulated deductions *and reenters* the public service *thereafter*, the annuity rights forfeited by *him* at the time of withdrawal shall be restored upon repayment by *him* to the retirement fund of the full amount withdrawn, with interest thereon at the rate of five percent per annum, compounded annually from the date of withdrawal. Unless *he makes* these payments, with interest thereon at the rate of five percent per annum, compounded annually from the date *the association has paid to him the accumulated deductions so withdrawn*, before any retirement is granted to him, *he shall* make contributions to the retirement fund for a period of years equivalent to that required of him for the purpose of qualifying for a retirement annuity at the time he first became a member of the association.

Sec. 4. Minnesota Statutes 1953, Section 353.11, Subdivision 4, is amended to read:

Subd. 4. Any member who has to his credit five or more years of contributions, *upon becoming* 65 years of age, is eligible for retirement even though he does not meet the

minimum requirements indicated in Columns B and C in the table appearing in subdivision 1. Upon retirement *he receives* a pro rata annuity for the remainder of his life in an amount equal to the product of two and one half percent of his average annual salary upon which deductions for the retirement fund over the period of his service have been based, or \$120, whichever is the smaller amount, multiplied by the number of his years of contributions. *If this period exceeds ten years of contributions the pro rata annuity shall be based upon the contributions made during the ten years immediately preceding retirement.*

Sec. 5. Minnesota Statutes 1953, Section 353.11, Subdivision 8, is amended to read:

Subd. 8. After July 1, 1949, each governmental subdivision *shall* pay into *the* retirement fund upon the certification of the retirement board an amount equal to one half of the salary deductions of all members of this association then or thereafter carried on the payrolls of *the* governmental subdivision and assessments paid by members during periods of authorized leave from *their* employment with *the* governmental subdivision. *These payments are to be made out of moneys collected from taxes or other revenue of the governmental subdivision. Not later than September 30 of each year beginning with 1950 the total amount due from each governmental subdivision is to be determined by the retirement board and certified by the secretary or an authorized officer of the board to each governmental subdivision affected by this section. This certification covers a period of 12 months ending on June 30 immediately preceding. A duplicate copy of the certification is forwarded to the county auditor. If the governmental subdivision fails to include the amount so certified in its levy for the year in which the certification is required to be made, the county auditor levies in that year upon all taxable property within the governmental subdivision a tax in the amount so certified, which is to be added to the levy of the governmental subdivision. This tax is levied, collected, and apportioned in the manner other taxes are levied, collected, and apportioned. The proceeds of any taxes levied under this subdivision are remitted directly to the association. The association deposits these proceeds in the retirement fund to the credit of the governmental subdivision. When payments are to be made by a governmental subdivision from revenues other than revenues derived from taxes, the governmental subdivision notifies the county auditor of that fact and the county auditor thereupon reduces the levy accordingly. For the express purposes of this section, the payment of all such*

contributory share of retirement cost is hereby made an obligation of the governmental subdivision concerned in the proportion and to the extent provided, but no such certification shall be made to any governmental subdivision if any surplus exists in the retirement fund, such surplus to be deemed to consist of excess of assets over accumulated deductions and other current liabilities. Assessments paid by non-employee members who were former public employees of *the* governmental subdivision *are to* be excluded from the amount certified. In the event any governmental subdivision *fails or neglects* to pay into the retirement fund in full the amount properly certified by the board, through failure to collect the full amount, *the* deficiency *is to* be added to the next subsequent levy made by *the* governmental subdivision but no interest *accrues on the* delinquent payment. If the retirement of any member of *the* retirement association *is* not voluntary, the governmental subdivision from which *the* member is so retired *assumes* the liability to pay one half of the costs of all annuities granted *him* by the retirement board pursuant to this chapter. *The* governmental subdivision *is* hereby authorized, empowered, and directed to pay such share of annuities collected from taxes or other revenues. The total amount of *this* contributory share of *these* annuities shall be determined by the retirement board *prior to September 30 each year* and certified to *the* governmental subdivision for the 12 months ending June 30 immediately preceding. The amount so certified *is to* be included in the next budget of *the* governmental subdivision subsequent to the certification by the retirement board and *is to* be levied, collected, and apportioned in the manner other taxes are levied, collected, and apportioned: For the express purposes of this section, the payment of all *these* annuities are hereby made obligations of the governmental subdivision concerned in the proportion and to the extent provided. If the taxes authorized to be levied under this section cause the total amount of taxes levied to exceed any limitation upon the power of a county, city, village, borough, town, or school district to levy taxes, the governmental subdivision concerned may levy taxes in excess of *the* limitation in such amount as *is* necessary to meet its obligations under this section. The expenditures authorized to be made under this chapter by any municipality *are* not included in computing the cost of government as defined in any home rule charter of any municipality affected by this chapter. The governing body of any governmental subdivision affected by this chapter may make contributions to the retirement fund of *the* retirement association from moneys derived from revenues other than general taxes. The use of *these* contributions by the retirement association *may be limited to certain*

specific purposes and *these limitations are binding upon the retirement association. The retirement board may refuse to accept any conditional contribution.*

*For the purposes of this subdivision only, the State of Minnesota is considered as a governmental subdivision and assumes a liability in an amount equal to one-half of the salary deductions of legislative officers who may hereafter become members for any year for which a certification may be made pursuant to the provisions of this subdivision. The certification in such case shall be made to the state auditor who shall include the same as an item in the budget of his office for presentation to the legislature for appropriate action at the next succeeding biennial session.*

Sec. 6. Minnesota Statutes 1953, Section 353.11, Subdivision 9, is amended to read:

Subd. 9. A person otherwise eligible for retirement benefits under this chapter *may not receive or be paid an annuity if he is receiving any compensation for services performed as a public employee, a judicial officer, or as an appointed officer or employee of the state, or any agency, board or commission thereof or any other retirement benefit or pension authorized by law for public employees or state employees, if contributions therefor had been required from that person and if any period of public service required for benefits under this chapter was a requisite in establishing eligibility for this other retirement benefit or pension. The monthly annuity payment is suspended during ineligibility of any person by reason of this subdivision. Payment for a full month is suspended for any portion of a month in which this ineligibility exists. Upon proper showing by an annuitant that this ineligibility no longer exists the retirement board shall order that the monthly annuity payments be resumed. Public service performed by any annuitant subsequent to his application for a retirement annuity under this act does not increase or decrease any benefit when payments thereof are resumed. The annuitant is not required to make any further contributions to the retirement fund by reason of this subsequent public service. Provided, however, that the foregoing shall not apply to any benefits authorized by federal law to which any public employee and public official may be entitled.*

Sec. 7. Minnesota Statutes 1953, Section 353.11, is amended by adding a subdivision thereto:

[Subd. 13] *There is to be paid to such annuitant on demand at the time of retirement the full amount of any additional penalty paid in to the retirement fund by him in ac-*

*cordance with Laws 1937, Chapter 466, Section 2; Laws 1947, Chapter 18, Section 2, or any rules made by the retirement board pursuant thereto, without interest thereon.*

Sec. 8. Minnesota Statutes 1953, Section 353.12, Subdivision 2, is amended to read:

Subd. 2. If a member or a former member dies without having designated a beneficiary, or if a beneficiary *dies* before making application for refundment of the sum to the credit of *the* deceased member or former member, and the amount of the refundment is \$500 or less, the retirement board may, 90 days after the date of death of the member or former member, in the absence of probate proceedings, make refundment to the surviving spouse of the deceased member or former member, or, if none, to the next of kin under the laws of descent of the State of Minnesota and such payment shall be a bar to recovery by any other person. Any retirement allowance or annuity which *has* accrued at the time of death of an annuitant may be paid in like manner. A beneficiary, legal representative, or next of kin shall be paid on demand the full amount of *any* additional penalty paid into the retirement fund by the deceased member in accordance with the provisions of Laws 1937, Chapter 466, Section 2; Laws 1947, Chapter 18, Section 2, or any rules made by the retirement board pursuant to *these* laws, *without interest thereon unless the additional penalty was previously refunded under section 353.11, subdivision -13.*

Sec. 9. Minnesota Statutes 1953, Section 353.15, is amended to read:

**353.15 Annuities exempt from process.** *No money, annuity, or benefit provided for in this chapter is assignable or subject to execution, levy, attachment, garnishment, or legal process, or to any state income tax or state inheritance tax.*

Sec. 10. Minnesota Statutes 1953, Section 353.21, is amended to read:

**353.21 Survivors' benefits.** *Subdivision 1. Any person designated as the sole beneficiary by any member who dies after June 30, 1955, and who at the time of his death had to his credit five or more years of contributions to the fund is entitled to receive monthly until his remarriage or death a survivor's benefit provided that the sole beneficiary (1) is the surviving spouse or parent of the member, (2) has become 60 years of age, (3) if a surviving spouse, has not remarried, (4) was domiciled with the member at the time of his death,*

if a surviving spouse; (5) is not receiving any other benefit provided for by this chapter, (6) has made no claim for accumulated deductions under section 353.12, and (7) has filed application for a survivor's benefit subsequent to the date on which the deceased member, if not already an annuitant or fully eligible at the time of his death to have become an annuitant, would have become fully eligible for an annuity had he lived. The survivor's benefit of any eligible beneficiary of a deceased member who was not eligible to receive full retirement annuity is based upon the amount of any pro rata annuity to which the deceased member would have been entitled, and is computed on the contributions remaining in the retirement fund to the credit of the member at the time of his death in the same manner as for a deferred annuity payment as provided by section 353.09, subdivision 3. The beneficiary's benefit for each month is equal to one half of the monthly annuity payment to which the deceased member was entitled at the time of his death, or to which he would have been entitled upon attaining retirement age. In no event may any survivor's benefit for each month exceed \$100.

*Subd. 2.* The provisions of section 353.17 do not apply to refundable deductions of a deceased member if his sole beneficiary who at the time of his death is ineligible to receive any of the benefits provided by subdivision 1 but who expects to attain eligibility therefor, shall notify the retirement board of his intention to apply for such benefits when he attains eligibility therefor, and makes application therefor within 120 days from the date on which he attains eligibility.

*Subd. 3.* When a beneficiary dies without having received in survivor's benefit payment an amount equal to the refundable accumulated deductions of the deceased member, the full amount of refundable accumulated deductions, less the full amount of any survivor's benefit payments which have been paid to the beneficiary, are paid in a lump sum to the legal representative of the estate of the beneficiary. If the amount of the refundment is not over \$500, and there are no probate proceedings, the retirement board may make refundment to the next of kin under the laws of descent. This payment is a bar to recovery by any other person. This refundment may not be made until the expiration of 90 days from the date of beneficiary's death.

*Subd 4.* Payments accrue on the first day of each month, commencing with the month subsequent to the month in which the member died, and are due and payable before the sixteenth day of the month. No payment may be paid for the month in which entitlement to payments terminates.

Sec. 11. Minnesota Statutes [1953, Section] 353.01, Subdivision 2, is amended to read:

Subd. 2. **Public employee.** "Public employee" means any person performing personal services for a governmental subdivision as an officer or employee, whose salary is paid, in whole or in part, through taxation, or by fees, assessments, or other revenue accruing to such governmental subdivision. The term "public employee" shall also mean any person serving as an elected member of the legislature of the State of Minnesota, or any person appointed as a district court reporter in this state and any officer or employee of the public employees retirement association.

Sec. 12. **Repealer.** Minnesota Statutes 1953, Section 353.20, is hereby repealed.

Sec. 13. This act becomes effective July 1, 1955.

Approved April 25, 1955.

#### CHAPTER 816—H. F. No. 435

*An act relating to unemployment compensation; amending Minnesota Statutes 1953, Section 268.07, Subdivision 2.*

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

Section 1. Minnesota Statutes 1953, Section 268.07, Subdivision 2, is amended to read:

Subd. 2. **Maximums.** (1) An individual's maximum amount of benefits payable during his benefit year and weekly benefit amount shall be the amounts appearing in columns B and C respectively in the table in this subdivision on the line on which in Column A of such table there appear the total wage credits accruing in his base period for insured work.

A. Wage Credits in Base Period	B. Total Maximum Amount of Benefits Payable During a Benefit Year	C. Weekly Benefit Amount
Under \$520	None	None
\$ 520    \$ 549.99	\$216.00	\$12.00
550        649.99	234.00	13.00
650        749.99	266.00	14.00
750        849.99	285.00	15.00
850        949.99	320.00	16.00
950        1,049.99	340.00	17.00