

CHAPTER 896—H. F. No. 1088

[Coded]

An act relating to members of the legislature of the state; providing for retirement allowances to such members and for survivor benefits to their widows and dependent children; appropriating moneys therefor.

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

Section 1. **[3A.01] Legislature; retirement; definitions.**
 Subdivision 1. **Purposes.** The terms defined in this section for the purposes of this act shall be given the meanings ascribed to them.

Subd. 2. **Dependent child.** “Dependent child” means any natural or adopted child of a deceased member of the legislature under the age of 18, unmarried and actually dependent for more than one-half of his support upon such member of the legislature prior to the member of the legislature’s death. It also includes any child of the member of the legislature conceived during his lifetime and born after his death.

Subd. 3. **Member of the legislature.** “Member of the legislature” means a member of the house of representatives or the senate of the state of Minnesota who has subscribed to the oath of office.

Subd. 4. **Retirement.** “Retirement” means ceasing to be a member of the legislature for any reason, including, but not limited to, expiration of the term for which a member of the legislature was elected, or death of such member.

Subd. 5. **Widow.** “Widow” means the surviving wife of a member of the legislature.

Sec. 2. **[3A.02] Retirement allowance.** Subdivision 1. **Qualifications.** Any member of the legislature:

(1) Who has served at least ten years as such member of the legislature, which service need not be continuous, but must have been after January 1, 1965 except as hereinafter provided; and

(2) Who attains the age of 65 years; and

(3) Who has retired as a member of the legislature; and

(4) Who has made all contributions provided for in this act, or who has made payments in lieu of all contributions provided for in this act as provided for in subdivision 2; shall be entitled upon written application to the state auditor to receive a retirement allow-

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ance of \$100 per month beginning with the first day of the month following receipt of such application and for the remainder of his life, provided he is not serving as a member of the legislature.

In addition to the amount provided above, the retired member who meets the qualifications of paragraphs (1), (2), (3) and (4) of this subdivision shall receive \$4 per month for every year of service over 10 years, but in no event shall the allowance exceed \$200 per month.

Subd. 2. Payment for past service. Any member of the legislature who is a member on the effective date of this act may, notwithstanding the provisions of section 2, subdivision 1, clause (1), receive credit for service rendered as a member of the legislature prior to the effective date of this act and the pension based thereon provided that he pays to the state treasurer for credit to his account an amount equal to seven percent of all salary received by him for all periods of service rendered by him as a member of the legislature, even if such periods are not continuous and exceed ten years in duration. Such payment may be made at any time within six months after the effective date of this act.

Subd. 3. Appropriation. The amounts required for payment of retirement allowances provided by this section are appropriated annually to the state auditor from the general revenue fund to the state treasury and shall be paid by him monthly to the recipients entitled thereto, in the manner in which retirement allowances are paid to qualifying retired judges of the supreme court and the district court.

Sec. 3. [3A.03] Contributions. Subdivision 1. **Percentage.** Every member of the legislature shall contribute seven percent of his total salary, by payroll deduction, to be paid into the state treasury and deposited in the general revenue fund. It shall be the duty of the state treasurer to record the periodic contributions of each member of the legislature and credit such contribution to the member's account.

Subd. 2. Refundment. (1) Any person who has made contributions pursuant to subdivision 1 of this section who is no longer a member of the legislature and has less than ten years service as a member of the legislature and is not receiving, has not received, or is not entitled to receive any allowance or benefit under this act is entitled to receive upon application to the state auditor a refundment of all contributions credited to his account by the state treasurer without interest thereon. The moneys required for such refundments are appropriated annually to the state auditor from the general revenue fund in the state treasury.

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(2) The refundment of contributions as provided in clause (1) above terminates all rights of a former member of the legislature or his survivors under this act. Should the former member of the legislature again be a member of the legislature after having taken a refundment as provided above, he shall be considered a new member for all purposes and such refundment may not be repaid for any credit or benefit whatever.

(3) No person shall be required to apply for or accept a refundment.

Sec. 4. [3A.04] Survivor benefit. Subdivision 1. **Widow.** Upon the death of a member of the legislature while serving as such member, who has served as a member of the legislature for at least two years, his widow shall be paid a survivor benefit in the amount of \$50 per month. Such benefit shall be paid to the widow during her lifetime, but shall cease and terminate upon her remarriage.

Subd. 2. Dependent children. Upon the death of a member of the legislature while serving as such member, who has served as a member of the legislature for at least two years, each dependent child or children of such member shall be paid a survivor benefit in the following amount: First dependent child \$50; for each additional dependent child \$25; but the total amount paid to the widow and dependent children shall not exceed \$200 in any one month. The payments for dependent children shall be made to the widow or the guardian of the estate of the dependent children, if there is one.

Subd. 3. Appropriation. Widow's and dependent children's survivor benefit's payable under this section are appropriated annually to the state auditor from the general revenue fund in the state treasury, and shall be paid by him monthly in the same manner as retirement allowances are authorized to be paid by this act.

Sec. 5. [3A.05] Application for survivor benefit. Applications for survivor benefits under this act shall be filed with the state auditor by the widow and dependent children entitled to such benefits under section 4, or by the guardian of the estate, if there is one, of the dependent children; and payments shall commence as of the first of the month next following the filing of the application.

Sec. 6. [3A.06] Resignation from P. E. R. A. A member of the legislature who is a member of the state employees retirement association, the public employees retirement association, the state teachers retirement fund, or other retirement association or fund authorized by law for employees in public employment, may resign as such a member at any time from and after the final enactment of

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this act, notwithstanding any provision of any other law to the contrary, and shall receive a refundment of his contributions as otherwise provided by law.

Sec. 7. [3A.07] **Application.** This act applies to members of the legislature in service upon its effective date or thereafter, who otherwise meet the requirements of this act.

Sec. 8. [3A.08] **Exemption from taxation.** All benefits and allowances provided by this act shall be exempt from all taxes imposed by the state of Minnesota.

Sec. 9. [3A.09] **Membership in P. E. R. A.** Any member of the legislature who is a member of the public employees retirement association on the effective date of this act may, at his option, within six months of the effective date of this act, remain such a member and shall not be required to make the contributions required by this act and until such election he shall remain a member of the public employees retirement association. No member of the legislature shall belong to the public employees retirement association for service as a member of the legislature and make contributions under this act or accrue rights under this act at the same time. All members of the legislature who are not a member of the public employees retirement association on the effective date of this act shall have contributions deducted from their next salary warrant for all pay periods after January 1, 1965. A member of the legislature may belong to the public employees retirement association for service performed other than as a member of the legislature and make contributions as required by this act.

Sec. 10 [3A.10] **One term of service being a certain time.** In the case of a member of the house of representatives one full term of office shall be considered two full years service notwithstanding the fact that the oath of office may be taken on different days each biennium. In the case of a member of the senate, one full term of office shall be considered four full years service notwithstanding the fact that the oath of office may be taken on different days at the start of each term.

Sec. 11. [3A.11] **Effective date.** This act is in effect July 1, 1965.

Approved May 27, 1965.

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