

Subd. 2. **OPERATION AFTER REVOCATION OR SUSPENSION.**

Any A resident or nonresident whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended, revoked, or canceled, shall not operate a motor vehicle in this state under license, permit, or registration certificate issued by any other jurisdiction or otherwise during such a the suspension, or after such the revocation until a new license is obtained Minnesota driving privileges are reinstated.

Sec. 2. **REPEALER.**

Minnesota Statutes 1982, section 171.181, subdivision 2, is repealed.

Approved May 10, 1983

**CHAPTER 128 — H.F.No. 760**

*An act relating to retirement; making various administrative and clarifying amendments to laws governing the Minnesota state retirement system and other retirement plans administered by the system; amending Minnesota Statutes 1982, sections 352.01, subdivisions 11, 16, and 17; 352.021, subdivision 5; 352.113, subdivisions 2, 4, and 6; 352.115, subdivision 8; 352.12, subdivisions 3, 4, and 10; 352.15, subdivision 1; 352.22, subdivision 3; 352.93, subdivision 1; 352.95, subdivisions 4 and 5; 352B.01, subdivisions 3, 9, and 10; 352B.02, subdivision 1; 352B.03, subdivision 2; 352B.05; 352B.07; 352B.071; 352B.08, subdivision 1; 352B.105; 352B.11, subdivisions 1, 4, and by adding a subdivision; 352B.30, subdivision 1; 352D.015, subdivision 9; 352D.02, subdivision 3; 352D.04, subdivision 1; and 490.124, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 352B; repealing Minnesota Statutes 1982, sections 352.041, subdivision 6; 352.115, subdivisions 4 and 5; 352.118; 352.1191; 352.22, subdivision 4; 352.71; 352.93, subdivisions 5 and 6; 352B.01, subdivision 8; 352B.02, subdivision 2; 352B.06; 352B.13; 352B.261; and 352B.262.*

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

Section 1. Minnesota Statutes 1982, section 352.01, subdivision 11, is amended to read:

Subd. 11. **ALLOWABLE SERVICE.** "Allowable service" means:

(1) Any service rendered by an employee for which on or before July 1, 1957, he was entitled to allowable service credit on the records of the system by reason of employee contributions in the form of salary deductions, payments in lieu of salary deductions, or in any other manner authorized by Minnesota Statutes 1953, chapter 352, as amended by Laws 1955, chapter 239, or

(2) Any service rendered by an employee for which on or before July 1, 1961, he elected to obtain credit for service by making payments to the fund pursuant to Minnesota Statutes 1961, section 352.24, or

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(3) Except as provided in clause ~~(11)~~ (9), any service rendered by an employee after July 1, 1957, for any calendar month in which he is paid salary from which deductions are made, deposited and credited in the fund, including deductions made, deposited and credited as provided in section 352.041, or

(4) Except as provided in clause ~~(11)~~ (9), any service rendered by an employee after July 1, 1957 for any calendar month for which payments in lieu of salary deductions are made, deposited and credited in the fund, as provided in section 352.27 and Minnesota Statutes 1957, section 352.021, subdivision 4.

~~(For purposes of paragraphs (3) and (4) of this subdivision, except as provided in clause (9), any salary paid for a fractional part of any calendar month is deemed the compensation for the entire calendar month. The board of directors of the Minnesota state retirement system shall establish rules governing the accrual of allowable service credit for less than full time employment-), or~~

(5) The period of absence from their duties by employees who by reason of injuries incurred in the performance thereof are temporarily disabled and for which disability the state is liable under the workers' compensation law until the date authorized by the director for the commencement of payments of a total and permanent disability benefit from the retirement fund, or

(6) The unused portion of an employee's annual leave allowance for which he is paid salary, or

~~(7) Any employee who made payment in installments in order to obtain additional service credit but failed to make the final payment on or before July 1, 1962 shall be entitled to have credit for all service for which the payments he made will entitle him under the provisions of Minnesota Statutes 1961, Section 352.24. In determining "the service for which the payments he made will entitle him" service credit shall extend retroactively from the latest service for which he made payment, or~~

(8) Former state employees who hold numbered certificates of deferred annuity who again become state employees shall surrender such certificates and shall be entitled to full credit for the service covered by the surrendered certificates, or

(9) Any service covered by a refund repaid as provided in sections 352.23 or 352D.05, subdivision 4, but does not include service rendered as an employee of the adjutant general for which the person has credit with the federal civil service retirement system, or

~~(10)~~ (8) Any service prior to July 1, 1978 by an employee of the transit operating division of the metropolitan transit commission or by an employee on an authorized leave of absence from the transit operating division of the metropolitan transit commission who is employed by the labor organization which is the exclusive bargaining agent representing employees of the transit

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operating division which was credited by the metropolitan transit commission-transit operating division employees retirement fund or any of its predecessor plans or funds as past, intermediate, future, continuous or allowable service as defined in the metropolitan transit commission-transit operating division employees retirement fund plan document in effect on December 31, 1977, or

(11) (9) Any service by an employee of the ~~metropolitan transit commission-transit operating division~~ who is employed on a part-time basis for less than 32 hours per week or 1,664 hours per year 80 percent of full time, for which the employee is paid salary from which deductions are made, deposited and credited in the fund, including deductions made, deposited and credited as provided in section 352.041 or for which payments in lieu of salary deductions are made, deposited and credited in the fund as provided in section 352.27 shall be credited on a fractional basis either weekly by pay period, monthly, or annually based upon the relationship that the number of hours of service percentage of salary earned bears to either 40 hours per week or 2,080 hours per year a full-time salary, with any salary paid for the fractional service credited on the basis of the rate of salary applicable for a full-time week pay period, month, or a full-time year, or

(12) (10) Any service by an employee in the Minnesota demonstration job-sharing program pursuant to sections 43.56 to 43.62 which is less than 40 hours per week or 2,080 hours per year and for which the employee is paid salary from which deductions are made, deposited and credited in the fund, shall be credited on a fractional basis either weekly or annually based upon the relationship that the number of hours of service bears to either 40 hours per week or 2,080 hours per year, with any salary paid for the fractional service credited on the basis of the rate of salary applicable for a full-time week or a full-time year.

Sec. 2. Minnesota Statutes 1982, section 352.01, subdivision 16, is amended to read:

Subd. 16. **YEAR OF ALLOWABLE SERVICE.** "Year of allowable service" for any employee other than an employee of the ~~metropolitan transit commission-transit operating division~~ who is employed part time for less than 32 hours per week or 1,664 hours per year means any 12 calendar months not necessarily consecutive in which an employee is entitled to allowable service credit. It also means 12 months credit each calendar year for teachers in the state universities and state institutions who may or may not receive compensation in every month in the calendar year. For an employee of the ~~metropolitan transit commission-transit operating division~~ who is employed part time for less than 32 hours per week or 1,664 hours per year the term means at least 1,664 hours of employment by the ~~metropolitan transit commission-transit operating division~~ during a year of 12 consecutive calendar months in which an employee is entitled to allowable service credit.

Sec. 3. Minnesota Statutes 1982, section 352.01, subdivision 17, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 17. **TOTAL AND PERMANENT DISABILITY.** "Total and permanent disability" means 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 which is a period of at least one year. "Long-continued and indefinite duration" means that the disability has been or is expected to be for a period of at least one year.

Sec. 4. Minnesota Statutes 1982, section 352.021, subdivision 5, is amended to read:

Subd. 5. **CONTINUING COVERAGE.** ~~(a) Any state employee who has made contributions to the retirement fund for a period of one year and who, thereafter continuing in state service, becomes eligible to membership in the state teachers retirement association shall have the option of continuing coverage under the system by filing in its office his written election therefor. If he exercises this option, he shall not thereafter be entitled to membership in the teachers retirement association. 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 association subsequent to June 30, 1957; and when the option is exercised as in this subdivision provided, the teachers retirement association shall upon application refund to such person the sum to his credit in that fund.~~

~~(b) Employee contributions accepted under (a) of this subdivision by the state employees retirement association before July 1, 1961 shall entitle the paying member to the allowable service reflected by such contributions The election to be covered by the system under this subdivision or section 352.01, subdivision 2B, clause (3) shall be made on a form approved by the director within 90 days after appointment to the position. If the option is exercised, the employee shall not thereafter be entitled to membership in the teachers retirement association while employed by the state in a position which entitled the employee to make this election.~~

Sec. 5. Minnesota Statutes 1982, section 352.113, subdivision 2, is amended to read:

Subd. 2. **APPLICATION; ACCRUAL OF BENEFITS.** An employee making claim for a total and permanent disability benefit shall file a written application therefor in the office of the system in a form and manner prescribed by the executive director. The benefit shall begin to accrue 90 days following the commencement of disability or the day following the last day paid whichever is later but in no event earlier than 60 days prior to the date the application is filed with the director.

Sec. 6. Minnesota Statutes 1982, section 352.113, subdivision 4, is amended to read:

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Subd. 4. **MEDICAL EXAMINATIONS; AUTHORIZATION FOR PAYMENT OF BENEFIT.** An applicant shall provide medical evidence to support an application for total and permanent disability. The director shall have the employee examined by at least ~~two~~ one additional licensed ~~physicians~~ physician designated by the medical advisor. ~~These~~ The physicians shall make written reports to the director concerning the employee's disability including medical opinions as to whether he is permanently and totally disabled within the meaning of section 352.01, subdivision 17. The director shall also obtain written certification from the employer stating whether the employee is on sick leave of absence because of a disability which will prevent further service to the employer and as a consequence the employee is not entitled to compensation from the employer. If upon the consideration of the reports of the physicians and such other evidence as may have been supplied by the employee or others interested therein, the medical advisor finds the employee totally and permanently disabled, he shall make appropriate recommendation to the director in writing together with the date from which the employee has been totally disabled, and the director shall thereupon determine the propriety of authorizing payment of a disability benefit as provided in this section. The employee must be on approved leave of absence from the employer to be eligible to make application for a total and permanent disability benefit, but 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. Unless payment of a disability benefit has terminated because the employee is no longer totally disabled, or because he has reached age 65 as provided in this section, the disability benefit shall cease with the last payment received by the disabled employee or which had accrued to him in his lifetime unless he leaves a spouse surviving him; in that event the surviving spouse shall be entitled to the disability benefit for the calendar month in which the disabled employee died.

Sec. 7. Minnesota Statutes 1982, section 352.113, subdivision 6, is amended to read:

Subd. 6. **REGULAR MEDICAL EXAMINATIONS.** At least once each year during the first five years following the allowance of a disability benefit to any employee, and at least once in every three-year period thereafter, the director ~~shall~~ may require any disabled employee to undergo a medical examination to be made at the place of residence of such employee, or at any place mutually agreed upon, by a physician or physicians designated by the medical advisor and engaged by the director. If any examination indicates to the medical advisor that he is no longer permanently and totally disabled, or that he is engaged or is able to engage in a gainful occupation, payments of the disability 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 the medical advisor finds that such employee is no longer permanently and totally disabled.

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Sec. 8. Minnesota Statutes 1982, section 352.115, subdivision 8, is amended to read:

Subd. 8. **ACCURAL OF ANNUITY.** State employees shall make application for an annuity but such application shall not be made more than 60 days prior to the time the employee is eligible to retire by reason of both age and service requirements. If the director determines an applicant for annuity has fulfilled all the requirements of the law to entitle him to an annuity, he shall authorize payment thereof in accordance with the provisions of this chapter and payment shall be made pursuant to this authorization. An annuity shall begin to accrue no earlier than 60 days prior to the date the application is filed with the director except that if an optional annuity as provided in section 352.116, subdivision 3 is selected the annuity shall begin to accrue 30 days after the application is filed with the director but in no event prior to the day following the termination of state service or prior to the day the employee is eligible to retire by reason of both age and service requirements. The retirement annuity shall cease with the last payment which had accrued to the retired employee during his lifetime unless he elected an optional annuity provided in section 352.116, subdivision 3, and he had become entitled to payment thereof. The joint and last survivor annuity shall cease with the last payment received by the survivor in his or her lifetime. If a retired employee had not selected an optional annuity, or a survivor annuity is not payable under the option, and a spouse survives, such spouse shall be entitled only to the annuity 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 shall be entitled to the annuity for the calendar month in which the retired employee died. ~~If an employee who has filed an application for annuity prior to the termination of his state service dies before an annuity becomes payable to him, refundment of his accumulated contributions shall be made as provided in section 352.12, subdivision 1.~~

Sec. 9. Minnesota Statutes 1982, section 352.12, subdivision 3, is amended to read:

Subd. 3. **REFUNDMENT REFUND OF \$500 \$1,500 OR LESS.** If a state employee or former state employee dies without having designated a beneficiary, or if the beneficiary should die before making application for ~~refundment refund~~ of the sum to the credit of such deceased employee or former employee, and there is no surviving spouse, and the amount of the ~~refundment refund~~ does not exceed ~~\$500~~ \$1,500 exclusive of interest the director may, 90 days after the date of death of the employee or former employee in the absence of probate proceedings, upon proper application make ~~refundment refund~~ to the next of kin of the deceased employee or former employee, as determined by the director with the concurrence of the board, to be entitled thereto consistent with the laws of descent and such determination and payment without notice shall be conclusive and final and shall be a bar against claims of all other persons.

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Sec. 10. Minnesota Statutes 1982, section 352.12, subdivision 4, is amended to read:

Subd. 4. **REFUNDMENT REFUND TO MINOR BENEFICIARY.** If an employee or former employee dies having named as his beneficiary a person who is a minor at the time of the application for ~~refundment refund~~, and the amount of the ~~refundment refund~~ does not exceed \$500 \$1,500, exclusive of interest, the director in the absence of guardianship or probate proceedings may make payment to the natural guardian having custody of such minor beneficiary, for the benefit of such child. Any annuity, retirement allowance or disability benefit which had accrued at the time of death of a disabled or retired employee, payable to a minor beneficiary, may similarly be paid, and such payment shall be a bar to recovery by any other person or persons.

Sec. 11. Minnesota Statutes 1982, section 352.12, subdivision 10, is amended to read:

Subd. 10. **DEATH OF BENEFICIARY BEFORE REFUNDMENT REFUND.** If the last designated beneficiary or beneficiaries and the surviving spouse of a (a) deceased employee, (b) former employee, or (c) retired employee, should die before receiving a ~~refundment refund~~ of the sum to the credit of the deceased employee, former employee or retired employee at the time of his death, the ~~refundment refund~~ shall be made to the estate of the deceased employee or as provided in subdivision 3 if the amount of the ~~refundment refund~~ does not exceed \$500 \$1,500 exclusive of interest.

Sec. 12. Minnesota Statutes 1982, section 352.15, subdivision 1, is amended to read:

Subdivision 1. None of the moneys, annuities, or other benefits mentioned herein shall be assignable either in law or in equity or be subject to execution, levy, attachment, garnishment, or other legal process, including actions for dissolution, legal separation, or child support, or to any state estate tax. Provided, however, the executive director may pay an annuity, benefit or refund to a banking institution, qualified under chapter 48, that is trustee for a person eligible to receive such annuity, benefit or refund. Upon the request of a retired, disabled or former employee, the executive director may mail the annuity, benefit or refund check to a banking institution, savings association or credit union for deposit to such employee's account or joint account with his spouse. The board of directors may prescribe the conditions under which such payments will be made.

Sec. 13. Minnesota Statutes 1982, section 352.22, subdivision 3, is amended to read:

Subd. 3. **DEFERRED ANNUITY.** (1) Any employee with at least ten years of allowable service when such termination occurs may at his option leave his accumulated contributions in the fund and thereby be entitled to a deferred

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retirement annuity. This annuity shall be computed in the manner provided by the law in effect at the time state service terminated, on the basis of allowable service prior to termination of service.

(2) An employee on layoff or on leave of absence without pay, except a leave of absence for health reasons, who does not return to state service shall have any annuity, deferred annuity or other benefit to which he may become entitled computed under the law in effect on his last working day.

(3) ~~The provisions of Minnesota Statutes 1974, Section 352.28, Subdivision 1, and Section 352.115, Subdivisions 4 and 5 shall not apply to clauses (1) and (2).~~

(4) No application for a deferred annuity shall be made more than 60 days prior to the time the former employee reaches the required age to entitle him to the payment of the annuity. The deferred annuity shall begin to accrue no earlier than 60 days prior to the date the application is filed in the office of the system except that if an optional annuity as provided in section 352.116 is selected the annuity shall begin to accrue 30 days after the application is filed but in no event prior to the date the employee reaches the required age to entitle him to the annuity nor prior to the day following the termination of state service in a position not covered by the retirement system nor prior to the day following the termination of employment in a position which requires the employee to be a member of either the public employees retirement association or the teachers retirement association.

~~(5)~~ (4) Application for the accumulated contributions left on deposit with the fund may be made at any time after ~~60~~ 30 days following the date of his termination of service.

Sec. 14. Minnesota Statutes 1982, section 352.93, subdivision 1, is amended to read:

Subdivision 1. After separation from state service an employee covered under section 352.91 who has attained the age of at least 55 years and has credit for not less than a total of ten years of covered correctional service and regular Minnesota state retirement system service shall be entitled upon application to a retirement annuity under this section based only on covered correctional employees' service. Application may be made no earlier than 60 days prior to the date the ~~benefit will begin to accrue~~ employee is eligible to retire by reason of both age and service requirements.

For the purpose of this section, average salary means the average of the monthly salary during the employees' highest five successive years of salary as an employee covered by the Minnesota state retirement system.

Sec. 15. Minnesota Statutes 1982, section 352.95, subdivision 4, is amended to read:

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Subd. 4. An applicant shall provide medical evidence to support an application for disability benefits. The director shall have the employee examined by at least ~~two~~ one additional licensed ~~physicians~~ physician designated by the medical advisor. ~~These~~ The physicians shall make written reports to the director concerning the employee's disability, including medical opinions as to whether he or she is disabled within the meaning of this section. The director shall also obtain written certification from the employer stating whether the employee is on sick leave of absence because of a disability which will prevent further service to the employer, and as a consequence the employee is not entitled to compensation from the employer. If upon the consideration of the reports of the physicians and such other evidence as may have been supplied by the employee or others, the medical advisor finds the employee disabled within the meaning of this section, he shall make appropriate recommendation to the director in writing, together with the date from which the employee has been disabled, and the director shall thereupon determine the propriety of authorizing payment of a disability benefit as provided in this section. Unless payment of a disability benefit has terminated because the employee is no longer disabled, or because he or she has reached age 62, the disability benefit shall cease with the last payment received by the disabled employee or which had accrued in his or her lifetime. During the time that disability benefits are paid, the director shall have the right at reasonable times to require the disabled employee to submit proof of the continuance of the disability claimed. If any examination indicates to the medical advisor that the employee is no longer disabled, the disability payment shall be discontinued upon reinstatement to state service or within 60 days of such finding, whichever is sooner.

Sec. 16. Minnesota Statutes 1982, section 352.95, subdivision 5, is amended to read:

Subd. 5. **RETIREMENT STATUS AT AGE 65.** The disability benefit paid to a disabled correctional employee hereunder shall terminate ~~when~~ at the end of the month in which the employee reaches age 62. If the disabled correctional employee is still disabled when the employee reaches age 62, the employee shall be deemed to be a retired employee and, if the employee had elected an optional annuity pursuant to subdivision 1a, shall receive an annuity in accordance with the terms of the optional annuity previously elected, or, if the employee had not elected an optional annuity pursuant to subdivision 1a, may then either elect to receive a normal retirement annuity computed in the manner provided in section 352.115 or elect to receive an optional annuity as provided in section 352.116, subdivision 3, based on the same length of service as used in the calculation of the disability benefit. Election of an optional annuity shall be made prior to attaining the age of 62 years. The reduction for retirement prior to age 65 as provided in section 352.116, subdivision 1, shall not be applicable. The savings clause provision of section 352.93, subdivision 3, shall be applicable. If an optional annuity is elected, the optional annuity shall begin to accrue on the first of the month following the month in which the employee attains the age of 62 years.

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Sec. 17. Minnesota Statutes 1982, section 352B.01, subdivision 3, is amended to read:

Subd. 3. "Allowable service" means (a) for those members defined in subdivision 2, clause (a), service for which payments have been made to the state patrol retirement fund, and (b) for those members defined in subdivision 2, clauses (b) and (c), service for which payments have been made to the state patrol retirement fund, service for which payments were made to the state police officers retirement fund after June 30, 1961, and all prior service which was credited to such member for service on or before June 30, 1961; provided that, after a member identified in clause (b) of this subdivision reaches the age of 60, allowable service thereafter shall not be computed in determining his normal annuity unless he was employed as a state police officer before July 1, 1961. If such member was so employed before July 1, 1961 and reaches 60 years of age and has more than 30 years' allowable service at such time, each year and completed month of allowable service acquired by such member shall be computed in determining his normal annuity until such member reaches the age of 60. If such member was so employed before July 1, 1961, and has less than 30 years of allowable service when the member reaches age 60, each year and completed month of allowable service acquired by such member shall be computed in determining the normal annuity not to exceed 30 years of such allowable service. The completed year members reach age 60 may be counted in full in determining allowable service. Allowable service also includes any period of absence from duty by a member who, by reason of injury incurred in the performance of duty, is temporarily disabled and for which disability the state is liable under the workers' compensation law, until the date authorized by the executive director for commencement of payment of a disability benefit or return to employment.

Sec. 18. Minnesota Statutes 1982, section 352B.01, subdivision 9, is amended to read:

Subd. 9. "Surviving spouse" means ~~an association~~ a member's or former member's legally married wife or husband residing with him at the time of his death and who was married to him, for a period of at least one year, while or prior to the time he was a member ~~of the association~~.

Sec. 19. Minnesota Statutes 1982, section 352B.01, subdivision 10, is amended to read:

Subd. 10. "Dependent child" means any natural or adopted unmarried child of a deceased member under the age of 18 years, including any child of the member conceived during the lifetime of the member and born after the death of the member.

Sec. 20. Minnesota Statutes 1982, section 352B.02, subdivision 1, is amended to read:

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**352B.02 RETIREMENT ASSOCIATION FUND.**

Subdivision 1. There is hereby established a state patrol retirement fund, the membership of which shall consist of all persons defined in section 352B.01, subdivision 2. Each member shall pay a sum equal to 8.5 percent of the member's ~~monthly~~ salary. Member contribution amounts shall be deducted ~~monthly~~ each pay period by the department head, who shall cause the total amount of the ~~monthly~~ deductions to be paid to the state treasurer, and shall cause a detailed report of all ~~monthly~~ deductions to be made ~~each month~~ each pay period to the executive director of the Minnesota state retirement system. In addition thereto, there shall be paid out of money appropriated to the departments for this purpose, ~~monthly~~, by the department heads, a sum equal to 12 percent of the salary upon which deductions were made, and a sum equal to nine percent of the salaries upon which deductions were made for the purpose of amortizing the actuarial deficit of the fund. These amounts shall be credited to the state patrol retirement fund. All moneys received shall be deposited by the state treasurer in the state patrol retirement fund. Out of the fund shall be paid the administrative expenses of the retirement fund, and the benefits and annuities as hereinafter provided. The legislative auditor shall audit the fund and the executive director shall procure an actuarial study of the fund in accordance with chapter 356, the cost of which shall be borne by the fund.

Sec. 21. Minnesota Statutes 1982, section 352B.03, subdivision 2, is amended to read:

Subd. 2. **DUTIES OF TREASURER.** The state treasurer shall be ex officio treasurer of the state patrol retirement fund and his general bond to the state shall cover all liability for his actions as treasurer of the fund.

All moneys of the ~~association~~ fund received by the treasurer pursuant to this chapter, shall be set aside by him in the state treasury and credited to the state patrol retirement fund. He shall transmit, monthly, to the director, a detailed statement showing all credits to and disbursements from said fund. He shall disburse moneys from such fund only on warrants issued by the commissioner of finance upon vouchers signed by the director.

Sec. 22. Minnesota Statutes 1982, section 352B.05, is amended to read:

**352B.05 INVESTMENTS.**

The state board of investment is hereby authorized to invest and reinvest such ~~funds of the association~~ portions of the state patrol retirement fund as in the judgment of the executive director of the Minnesota state retirement system are not needed for immediate purposes, in such securities as are duly authorized or legal investments for the Minnesota state retirement system, and shall have authority to sell, convey, and exchange such securities and invest and reinvest the funds when it deems it desirable to do so, and shall sell securities upon request from the executive director when the executive director determines funds are

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needed for its purposes. All of the provisions regarding accounting procedures and restrictions and conditions for the purchase and sale of securities for the Minnesota state retirement system shall apply to the accounting, purchase and sale of securities for the state patrol retirement fund.

Sec. 23. Minnesota Statutes 1982, section 352B.07, is amended to read:

**352B.07 ACTIONS BY OR AGAINST.**

The ~~association board~~ may sue or be sued in the name of the ~~association board of directors of the state retirement system~~, and in all actions brought by or against it, the ~~association board~~ shall be represented by the attorney general who shall also be the legal adviser for the ~~association board~~. Venue of all actions shall be in the Ramsey county district court.

Sec. 24. Minnesota Statutes 1982, section 352B.071, is amended to read:

**352B.071 EXEMPTION FROM PROCESS.**

None of the moneys, annuities, or other benefits provided for in this chapter shall be assignable either in law or in equity or be subject to execution, levy, attachment, garnishment, or other legal process, including actions for dissolution, legal separation, or child support.

Sec. 25. Minnesota Statutes 1982, section 352B.08, subdivision 1, is amended to read:

Subdivision 1. Every member who is credited with ten or more years of allowable service shall be entitled to separate himself from such state service and upon attaining the age of 55 years, shall be entitled to receive a life annuity, upon his separation from state service. Members shall make application for an annuity in a form and manner prescribed by the executive director. No application may be made more than 60 days prior to the date the member is eligible to retire by reason of both age and service requirements. An annuity shall begin to accrue no earlier than 90 days prior to the date the application is filed with the executive director.

**Sec. 26. [352B.101] APPLICATION FOR DISABILITY BENEFIT.**

A member making claim for a disability benefit shall file a written application therefor in the office of the system in a form and manner prescribed by the executive director. The member shall provide medical evidence to support the application. The benefit shall begin to accrue the day following the commencement of disability or the day following the last day for which the member was paid, whichever is later, but in no event earlier than 90 days prior to the date the application is filed with the executive director.

Sec. 27. Minnesota Statutes 1982, section 352B.105, is amended to read:

**Changes or additions are indicated by underline, deletions by strikeout.**

### 352B.105 TERMINATION OF DISABILITY BENEFITS.

All disability benefits payable under section 352B.10 shall terminate ~~when~~ at the end of the month the beneficiary becomes 55 years of age. If the beneficiary is still disabled when the beneficiary attains the age of 55 years, the beneficiary shall be deemed to be a retired member and, if the beneficiary had elected an optional annuity pursuant to section 352B.10, clause (6), shall receive an annuity in accordance with the terms of the optional annuity previously elected, or, if the beneficiary had not elected an optional annuity pursuant to section 352B.10, clause (6), may then elect to receive either a normal retirement annuity computed pursuant to section 352B.08, subdivision 1, or an optional annuity as provided in section 352B.08, subdivision 2. Election of an optional annuity shall be made prior to attaining the age of 55 years. If an optional annuity is elected, the optional annuity shall begin to accrue the first of the month following the month in which the beneficiary attains the age of 55 years.

Sec. 28. Minnesota Statutes 1982, section 352B.11, subdivision 1, is amended to read:

Subdivision 1. **REFUND OF PAYMENTS.** Should any member who ~~does not qualify for~~ has not received other benefits under this chapter become separated, either voluntarily or involuntarily, from state service that entitled him or her to be a member ~~of the association~~, the member, or in the event of the member's death, the member's estate, shall be entitled to receive a refund of all payments which have been made by salary deductions upon application on a form prescribed by the executive director.

Sec. 29. Minnesota Statutes 1982, section 352B.11, is amended by adding a subdivision to read:

**Subd. 2a. APPLICATIONS FOR SURVIVOR BENEFITS.** An application for benefits under this section shall be filed in the office of the system in a form and manner prescribed by the executive director. The benefit shall begin to accrue the day following the date of death but shall in no event be retroactive for more than six months prior to the date the application is filed.

Sec. 30. Minnesota Statutes 1982, section 352B.11, subdivision 4, is amended to read:

Subd. 4. **RE-ENTRY INTO STATE SERVICE.** Should any former member, who has become separated from state service that entitled him to be a member ~~of the association~~ and has received a ~~refundment~~ refund of his retirement payments, re-enter the state service in a position that entitles him to be a member ~~of the association~~, he shall receive credit for the period of his prior allowable state service provided he repays into the fund the amount of his ~~refundment~~ refund, plus interest thereon at the rate of five percent per annum, at any time prior to his subsequent retirement. ~~Such~~ Repayment may be made in installments as the state patrol retirement association shall direct or in a lump sum.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 31. Minnesota Statutes 1982, section 352B.30, subdivision 1, is amended to read:

Subdivision 1. **ENTITLEMENT TO ANNUITY.** Any person who has been an employee covered by the Minnesota state retirement system, or a member of the public employees retirement association including the public employees retirement association policemen and firefighter's fund, or the teachers retirement association, or the state patrol retirement ~~association~~ fund, or any other public employee retirement system in the state of Minnesota having a like provision but excluding all other funds providing benefits for policemen or firefighters shall be entitled when qualified to an annuity from each fund if his total allowable service in all 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~~ refund from any one of these funds since his service entitling him to coverage under the system or his membership in any of the associations last terminated. The annuity from each fund shall be determined by the appropriate provisions of the law except that the requirement that a person must have at least ten years allowable service in the respective system or 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.

Sec. 32. Minnesota Statutes 1982, section 352D.015, subdivision 9, is amended to read:

Subd. 9. "Value" means cash value at the end of the month following receipt of an application ~~in the case of applications received prior to the 21st day of any month, or at the end of the next succeeding month in the case of applications received after the 20th day of any month.~~ If no application is required, "value" means the cash value at the end of the month in which the event necessitating the transfer occurs.

Sec. 33. Minnesota Statutes 1982, section 352D.02, subdivision 3, is amended to read:

Subd. 3. An election to not participate is irrevocable during any period of covered employment. An employee with employee shares to his credit in the unclassified program, after acquiring credit for ten years of allowable service but prior to termination of covered employment, may, notwithstanding other provisions of this subdivision, elect to terminate his participation in the unclassified plan and be covered by the regular plan by filing such election with the executive director. The executive director shall thereupon redeem the employee's total shares and shall credit to the employee's account in the regular plan the amount of contributions that would have been so credited had the employee been covered by the regular plan during his entire covered employment. The balance of moneys so redeemed and not credited to the employee's account shall be

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transferred to the state contribution reserve of the state employees retirement fund, except that the employee contribution paid to the unclassified plan in excess of that required by the general employee plan shall be refunded to the employee as provided in section 352.22.

Sec. 34. Minnesota Statutes 1982, section 352D.04, subdivision 1, is amended to read:

Subdivision 1. An employee exercising his option to participate in the retirement program provided by this chapter may elect to purchase shares in one or a combination of the income share account, the growth share account or the fixed-return account of the supplemental retirement fund in accordance with one of the following options:

- (1) 100 percent invested in the income share account;
- (2) 75 percent invested in the income share account and 25 percent invested in the growth share account;
- (3) 50 percent invested in the income share account and 50 percent invested in the growth share account;
- (4) 100 percent invested in the fixed-return account; or
- (5) 75 percent invested in the fixed-return account and 25 percent invested in the growth share account.

Prior to ~~July 4~~ December 31 of each year, each participant may indicate in writing on forms provided by the Minnesota state retirement system his choice of options for subsequent purchases of shares. ~~For that year and~~ Thereafter until a different written indication is made by such participant the executive director shall purchase shares in the supplemental fund as selected by the participant. If no initial option is chosen, 100 percent income shares shall be purchased for a participant.

Sec. 35. Minnesota Statutes 1982, section 490.124, subdivision 1, is amended to read:

Subdivision 1. **BASIC RETIREMENT ANNUITY.** Except as qualified hereinafter from and after mandatory retirement date, normal retirement date, early retirement date, or two years from the disability retirement date, as the case may be, a retirement annuity shall be payable to a retiring judge from the judges' retirement fund in an amount equal to: (1) 2-1/2 percent of the judge's final average compensation multiplied by the number of years and fractions of years of allowable service rendered prior to July 1, 1980; plus (2) three percent of the judge's final average compensation multiplied by the number of years and fractions of years of allowable service rendered after June 30, 1980; provided that the annuity shall not exceed 65 percent of the judge's annual salary for the year 12 months immediately preceding retirement.

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Sec. 36. **REPEAL.**

Minnesota Statutes 1982, sections 352.041, subdivision 6; 352.115, subdivisions 4 and 5; 352.118; 352.1191; 352.22, subdivision 4; 352.71; 352.93, subdivisions 5 and 6; 352B.01, subdivision 8; 352B.02, subdivision 2; 352B.06; 352B.13; 353B.261; and 353B.262, are repealed.

Sec. 37. **EFFECTIVE DATE.**

This act is effective the day following final enactment, except for sections 1, 2, and 34, which are effective July 1, 1983.

Approved May 10, 1983

**CHAPTER 129 — H.F.No. 787**

*An act relating to metropolitan government; regulating the organization, duties, and powers of the metropolitan mosquito control district and commission; amending Minnesota Statutes 1982, sections 473.702; 473.703, subdivisions 1 and 9; 473.704, subdivision 13; 473.711, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 473.*

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

Section 1. Minnesota Statutes 1982, section 473.702, is amended to read:

**473.702 ESTABLISHMENT OF DISTRICT; PURPOSE; AREA; GOVERNING BODY.**

A metropolitan mosquito control district is created to control mosquitoes and black gnats (*Simuliidae*) in the metropolitan area defined in section 473.121. The area of the district is the metropolitan area excluding the part of Carver county west of the west line of township 116N, range 24W, township 115N, range 24W, and township 114N, range 24W. The metropolitan mosquito control commission is created as the governing body of the district, composed and exercising the powers as prescribed in sections 473.701 to 473.716.

Sec. 2. Minnesota Statutes 1982, section 473.703, subdivision 1, is amended to read:

Subdivision 1. The district shall be operated by a commission which shall consist of ~~two members from each county within the district, except that each county within the district which has a seven member county board as provided in section 375.01, shall have one additional member on the commission.~~ If a county is only partly included in the district it shall have only one member three members from Anoka county, one member from Carver county, three members from Dakota county, three members from Hennepin county, three

Changes or additions are indicated by underline, deletions by ~~strikeout~~.