

CHAPTER 3A

LEGISLATOR'S RETIREMENT

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**3A.01 DEFINITIONS.** Subdivision 1. **Purposes.** The terms defined in this section for the purposes of sections 3A.01 to 3A.10 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. [Repealed, 1971 c 928 s 11]

Subd. 6. **Director.** "Director" means the executive director of the Minnesota state retirement system.

[1965 c 896 s 1; 1974 c 445 s 1]

**3A.02 RETIREMENT ALLOWANCE.** Subdivision 1. **Qualifications.** Any member of the legislature:

(1) Who has served at least eight years or who has served during all or part of four regular sessions 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 60 years; and

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

(4) Who has made all contributions provided for in sections 3A.01 to 3A.10, or who has made payments in lieu of all contributions provided for in sections 3A.01 to 3A.10 as provided for in subdivision 2; shall be entitled upon written application to the director to receive a retirement allowance monthly of 40 percent of his average monthly salary during the period of his service as a member of the legislature since January 1, 1973, beginning with the first day of the month of receipt of such application and for the remainder of his life, provided he is not serving as a member of the legislature or as a constitutional officer or commissioner.

In addition to the amount provided above, the retired member who meets the qualifications of clauses (1), (2), (3) and (4) shall receive for every year of service over eight years a monthly allowance which equals two and one half percent of the average monthly salary determined pursuant to clause (4).

This subdivision is applicable to members of the legislature who retire after January 1, 1973, and to any widow or dependent child of any such member who retires after January 1, 1973.

Subd. 1a. [Repealed, 1973 c 653 s 47]

Subd. 2. **Payment for past service.** Any member of the legislature who is a member on July 1, 1965 or thereafter, may, notwithstanding the provisions of sub-

division 1, clause (1), receive credit for service rendered as a member of the legislature prior to July 1, 1965, and the pension based thereon provided that he pays to the director for credit to his account an amount equal to eight 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 after the commencement of or any regular session of the legislature of which he is a member.

**Subd. 3. Appropriation.** The amounts required for payment of retirement allowances provided by this section are appropriated annually to the director from the general fund in the state treasury and shall be paid by him monthly to the recipients entitled thereto.

**Subd. 4. Deferred annuities augmentation.** The deferred annuity of any member of the legislature who retires after July 1, 1973, shall be computed in the manner provided in subdivision 1 and augmented as provided herein. The required resources applicable to the deferred annuity, determined as of the date the benefit begins to accrue using an appropriate mortality table and an interest assumption of five percent, shall be augmented by interest at the rate of three and one-half percent per annum compounded annually from the date of retirement to the first day of the month in which the annuity begins to accrue.

[1965 c 896 s 2; 1967 c 877 s 1, 2; 1969 c 155 s 1; 1969 c 399 s 1; 1969 c 1115 s 1; 1971 c 928 s 1, 2; 1973 c 653 s 1-3; 1974 c 445 s 2-4]

**3A.03 CONTRIBUTIONS.** Subdivision 1. **Percentage.** Every member of the legislature shall contribute eight percent of his total salary, by payroll deduction, to be paid into the state treasury and deposited in the general fund. It shall be the duty of the director 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 who is no longer a member of the legislature and has less than eight 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 sections 3A.01 to 3A.10 is entitled to receive upon application to the director a refundment of all contributions credited to his account without interest thereon. The moneys required for such refundments are appropriated annually to the director from the general fund in the state treasury.

(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 sections 3A.01 to 3A.10. 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. However, such new member may receive credit for the services rendered as a prior member of the legislature providing he complies with the requirements of section 3A.02, subdivision 2, and in addition thereto, pays interest at the rate of five percent per annum on the amount of his prior refundments, which he repays.

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

[1965 c 896 s 3; 1969 c 399 s 1; 1971 c 928 s 3; 1973 c 653 s 4; 1974 c 445 s 5, 6]

**3A.04 SURVIVOR BENEFIT.** Subdivision 1. **Surviving spouse.** 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, or upon the death of a member of the legislature with at least eight years of service as required by section 3A.02, subdivision 1, clause (1), whether in the legislature or not and regardless of age, the surviving spouse shall be paid a survivor benefit in the amount of one-half of the retirement allowance of the member of the legislature computed as though the member had retired at age 60 on the date of his death and shall be based upon his allowable service or eight years whichever is greater. Such benefit shall be paid during the lifetime of the surviving spouse, but shall cease and terminate upon the remarriage of the surviving spouse.

**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, or upon the death of a member of the legislature with at least eight years of service as required by section 3A.02, subdivision 1, clause (1), whether in the legislature or not and regardless of age, each dependent child of such member shall be paid a survivor benefit in the following amount: First de-

pendent child, a monthly allowance which equals 25 percent of the monthly allowance of the member of the legislature computed as though the member had retired at age 60 on the date of his death; for each additional dependent child, a monthly allowance which equals 12½ percent of the monthly allowance of the member computed as in the case of the first child; but the total amount paid to the surviving spouse and dependent children shall not exceed in any one month 100 percent of the monthly allowance of the member computed as in the case of the first child. The payments for dependent children shall be made to the surviving spouse or the guardian of the estate of the dependent children, if there is one. A posthumous child qualifies as a dependent child for benefits provided herein from the date of its birth.

**Subd. 3. Appropriation.** The surviving spouse's and dependent children's survivor benefits payable under this section are appropriated annually to the director from the general 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 sections 3A.01 to 3A.10.

**Subd. 4. Refunds to estate.** Upon the death of a member of the legislature without a surviving spouse and without any dependents, a refundment of contributions of such deceased member of the legislature shall be paid to the estate of the member upon application of the representative thereof. Such moneys as may be necessary to carry out the terms of this provision are appropriated annually to the director from the general fund in the state treasury.

This subdivision is applicable to an application for refundment covering contributions of a deceased member, regardless of when his death occurred.

[1965 c 896 s 4; 1967 c 877 s 3, 4; 1969 c 399 s 1; 1969 c 1115 s 2, 3; 1971 c 928 s 4-6; 1973 c 653 s 5, 6; 1974 c 445 s 7, 8]

**3A.05 APPLICATION FOR SURVIVOR BENEFIT.** Applications for survivor benefits under sections 3A.01 to 3A.10 shall be filed with the director by the surviving spouse and dependent children entitled to such benefits under section 3A.04, 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.

[1965 c 896 s 5; 1971 c 928 s 7; 1974 c 445 s 9]

**3A.06 RESIGNATION FROM RETIREMENT SYSTEMS.** A member of the legislature who is a member of the Minnesota state retirement system, 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 May 27, 1965, notwithstanding any provision of any other law to the contrary, and shall receive a refundment of his contributions as otherwise provided by law.

[1965 c 896 s 6; 1971 c 25 s 5]

**3A.07 APPLICATION.** Sections 3A.01 to 3A.10 apply to members of the legislature in service upon July 1, 1965, or thereafter, who otherwise meet the requirements of sections 3A.01 to 3A.10.

[1965 c 896 s 7]

**3A.08 EXEMPTION FROM TAXATION.** All benefits and allowances provided by sections 3A.01 to 3A.10 shall be exempt from all taxes imposed by the state of Minnesota, except that none shall be exempt from taxation under chapter 291, unless transferred to a surviving spouse or minor or dependent child of the decedent or a trust for their benefit.

[1965 c 896 s 8; 1971 c 789 s 1]

**3A.09 MEMBERSHIP IN P.E.R.A.** Any member of the legislature who is a member of the public employees retirement association on July 1, 1965 or on July 1, 1967, may, at his option, within six months of such latter date, or within six months after the commencement of the 1969 regular session of the legislature, remain such a member and shall not be required to make the contributions required by sections 3A.01 to 3A.10 and until such election he shall remain a member of the public employees retirement association. A member of the legislature who qualifies as a member thereof subsequent to July 1, 1967, and who is a member of the public employees retirement association at the time of such qualification, may, at his option, within six months of the date of qualification, remain such a member and shall not be required to make

the contributions required by section 3A.01 to 3A.10, 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 sections 3A.01 to 3A.10 or accrue rights under sections 3A.01 to 3A.10 at the same time. A member of the legislature who is not a member of the public employees retirement association on July 1, 1965, or on the date he qualifies as a member of the legislature, shall have contributions deducted from his next salary warrant for all pay periods after January 1, 1965, or after the date he qualifies as a member of the legislature. 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 sections 3A.01 to 3A.10.

[1965 c 896 s 9; 1967 c 877 s 5; 1969 c 155 s 2]

**3A.10 ONE TERM OF SERVICE BEING A CERTAIN TIME.** Subdivision 1. 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.

Subd. 2. In the case of a member of either house of the legislature who is elected to serve the remainder of an unexpired term or who is seated and subscribes to his oath of office after the day appointed by law for the opening of the legislature, the member shall be considered to have served the number of years which he would have served had he taken the oath of office on the day appointed for the commencement of the full term of office.

[1965 c 896 s 10; 1967 c 877 s 6]

**3A.11 PARTICIPATION IN MINNESOTA ADJUSTABLE FIXED BENEFIT FUND.** Subdivision 1. The reserves necessary to fund the retirement benefits granted under section 3A.02 to retired legislators and legislators retiring in the future, shall be transferred by the director to the Minnesota adjustable fixed benefit fund as of June 30, 1973, or as of the date benefits begin to accrue, whichever is later, in accord with section 11.25 as amended. The amount of the transfer made hereunder shall be determined by an approved actuary as defined in section 352.01, subdivision 15, in accord with appropriate mortality table using an interest assumption of five percent.

Subd. 2. Annuities and benefits shall be adjusted in accord with the provisions of section 11.25 as amended.

Subd. 3. There is herein appropriated from general revenue moneys sufficient to fund the reserves required by this section.

Subd. 4. Notwithstanding section 356.18 increases in benefit payments pursuant to this section will be made automatically unless the intended recipient files written notice with the director requesting that the increase shall not be made.

[1973 c 653 s 7; 1974 c 445 s 10, 11]