

# MINNESOTA STATUTES 1975 SUPPLEMENT

## UNCLASSIFIED RETIREMENT 352D.015

### 352B.262 Disability benefit increase.

The disability benefits authorized and in effect on May 31, 1973, shall be increased by 25 percent. The increase shall apply to the accrual of such benefits commencing January 1, 1974.

[1975 c 368 s 39]

### 352B.30 Coverage by more than one retirement system or association.

**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 firemen fund, or the teachers retirement association, or the highway patrolmen's retirement association, 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 firemen 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 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.

**Subd. 2. Computation of deferred annuity.** Deferred annuities shall be computed in the manner provided by this chapter and acts amendatory thereof, on the basis of allowable service prior to termination of service and augmented as provided herein. The required reserves applicable to a deferred annuity shall be augmented by interest compounded annually from the first day of the month following the month in which the member terminated service, or July 1, 1971, whichever is later, to the first day of the month in which the annuity begins to accrue. The rates of interest used for this purpose shall be five percent per annum compounded annually. The mortality table and interest assumption used to compute such annuity shall be those in effect at the time the member files application for annuity.

**Subd. 3. Refund repayment.** Any person who has received a refund from the highway patrolmen's retirement fund who is a member of a public retirement system included in subdivision 1, may repay such refund with interest to the highway patrolmen's retirement fund as provided in section 352B.11, subdivision 4.

[1975 c 368 s 40]

### CHAPTER 352D. STATE UNCLASSIFIED EMPLOYEES RETIREMENT PROGRAM

Sec.		Sec.	
352D.015	Definitions.	352D.06	Annuities.
352D.02	Coverage.	352D.065	Disability benefits.
352D.05	Withdrawal options.	352D.075	Death benefits.
		352D.085	Combined service.

### 352D.015 Definitions.

[For text of subs 1 to 8, see M.S.1974]

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.

**Subd. 10.** [Repealed, 1975 c 368, s 51]

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## 352D.015 UNCLASSIFIED RETIREMENT

[1975 c 368 s 41]

### 352D.02 Coverage.

Subdivision 1. The following employees in the unclassified service of the state who are eligible for coverage under the Minnesota state retirement system shall participate in the unclassified program unless such employee gives notice to the executive director of the state retirement system within one year following June 5, 1975 or the commencement of his employment, whichever is later, that he desires coverage under the regular employee plan. For the purposes of this chapter, an employee who does not file such notice with the executive director shall be deemed to have exercised his option to participate in the unclassified plan. The employee and applicable employer contributions for those employees covered by the regular plan on June 5, 1975, who after such date participate in the unclassified plan, shall be transferred to the supplemental fund in accordance with sections 352D.02, subdivision 4 and 352D.03 as though the employee had elected to participate when first eligible to make such election. This subdivision shall also be applicable to any person who was an employee in an eligible position on or after January 1, 1975, has terminated service before June 5, 1975 with less than ten years of allowable service, and has not taken a refund of his contributions.

(1) Any employee in the office of the governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, revisor of statutes or the state board of investment,

(2) Any department, division, or agency head, assistant department head or deputy or any employee enumerated in sections 15A.081, subdivision 1 or 15A.083, subdivision 3, and

(3) Any permanent, full-time unclassified employee of the legislature or any commission or agency of the legislature or a part-time legislative employee having shares in the supplemental retirement fund whether or not eligible for coverage under the Minnesota state retirement system.

[For text of subd 2, see M.S.1974]

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 transferred to the state contribution reserve of the state employees retirement fund.

[1975 c 368 s 42,43]

[For text of subd 4, see M.S.1974]

### 352D.05 Withdrawal options.

[For text of subd 1, see M.S.1974]

**Subd. 2.** [Repealed, 1975 c 368 s 51]

Subd. 3. Upon termination of covered employment or at any time thereafter a participant shall be entitled to withdraw the cash value of his total shares or may leave such shares on deposit with the supplemental retirement fund. Shares not withdrawn shall remain on deposit with the supplemental retirement fund until the

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## UNCLASSIFIED RETIREMENT 352D.075

former participant attains the age of at least 58 years, and applies for an annuity as provided in section 352D.06, subdivision 1.

[1975 c 368 s 44]

[For text of subs 4 and 5, see M.S.1974]

### 352D.06 Annuities.

Subdivision 1. When a participant attains at least age 58, is retired from covered service, and applies for a retirement annuity, the cash value of his shares shall be transferred to the Minnesota adjustable fixed benefit fund and used to provide an annuity for the retired employee based upon his age when the benefit begins to accrue according to the reserve basis used by the regular fund in determining pensions and reserves.

Subd. 2. A participant may, at his option, in his application for an annuity apply for and receive the value of one-half of the total shares and thereafter receive an annuity, as provided in subdivision 1, based on the value of one-half of the total shares.

[1975 c 368 s 45,46]

[For text of subd 3, see M.S.1974]

### 352D.065 Disability benefits.

#### Subdivision 1. Repealed, 1975 c 368 s 51

Subd. 2. If a participant becomes totally and permanently disabled he may, at his option, even if on leave of absence without pay, receive:

- (1) The value of his total shares;
- (2) The value of one-half of the total shares and an annuity based on the value of one-half of the total shares; or
- (3) An annuity based on the value of his total shares.

Subd. 3. The annuity payable under this section shall begin to accrue the first day of the month following the date of disability and shall be based on the participant's age when the annuity begins to accrue. The shares shall be valued as of the end of the month following authorization of payments.

[1975 c 368 s 47,48]

[For text of subs 4 and 5, see M.S.1974]

### 352D.075 Death benefits.

#### Subdivision 1. [Repealed, 1975 c 368 s 51]

Subd. 2. If a participant dies leaving a spouse and there is no named beneficiary who survives to receive payment or the spouse is named beneficiary, the spouse may receive:

- (1) The value of his total shares;
- (2) The value of one-half of the total shares and beginning at age 58 or thereafter receive an annuity based on the value of one-half of the total shares, provided that if the spouse dies before receiving any annuity payments the value of said shares shall be paid to the spouse's children in equal shares, but if no such children survive then to the parents of the spouse in equal shares, but if no such children or parents survive, then to the estate of the spouse; or

(3) Beginning at age 58 or thereafter receive an annuity based on the value of the total shares, provided that if the spouse dies before receiving any annuity payments the value of said shares shall be paid to the spouse's children in equal shares, but if no such children survive then to the parents of the spouse in equal shares, but if no such children or parents survive, then to the estate of the spouse; and further provided, if said spouse dies after receiving annuity payments but before receiving payments equal to the value of the employee shares, the value of the

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employee shares remaining shall be paid to the spouse's children in equal shares, but if no such children survive then to the parents of the spouse in equal shares, but if no such children or parents survive, then to the estate of the spouse.

Subd. 3. If a participant dies and has named a beneficiary, the value of the total shares shall be paid to such beneficiary, but if such beneficiary dies before receiving payment, or if no beneficiary has been named and there is no spouse, the value of said shares shall be paid to the children of the participant in equal shares, but if no such children survive then in equal shares to the parents of the participant, but if no such children or parents survive, then to the estate of the participant.

[1975 c 368 s 49,50]

## 352D.085 Combined service.

[For text of subd 1, see M.S.1974]

Subd. 2. [Repealed, 1975 c 368 s 51]

## CHAPTER 352E. PEACE OFFICERS KILLED IN THE LINE OF DUTY

Sec.  
352E.04 Disbursements.

### 352E.04 Disbursements.

Upon certification to the governor by the administrator of any state or governmental subdivision employing peace officers that a peace officer employed by that state or governmental subdivision within this state has been killed in the line of duty, leaving a spouse or one or more eligible dependents, the commissioner of finance shall, subject to the approval of the workmen's compensation commission, pay \$50,000 as follows:

- (a) If there is no dependent child, to the spouse;
- (b) If there is no spouse, to the dependent child or children in equal shares;
- (c) If there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares;
- (d) If there is no surviving spouse or dependent child or children, to the parent or parents dependent for support on the decedent, in equal shares;
- (e) If there is no surviving spouse or dependent child, children or parent, then there shall be no payment made from the peace officers benefit fund. For the purpose of sections 352E.01 to 352E.05, killed in the line of duty shall not include any peace officer who dies as a result of a heart attack.

[1975 c 128 s 1]

## CHAPTER 353. PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

Sec.	Definitions.	Sec.	Survivor benefits.
353.01	Definitions.	353.31	Survivor benefits.
353.017	Employees of labor organizations. [New]	353.32	Refunds after death of member or former member.
353.018	Metropolitan inter-county council employees. [New]	353.33	Total and permanent disability benefits.
353.03	Board of trustees.	353.37	Public re-employment of annuitant; effect on annuities.
353.08	Legal adviser, attorney general; venue.	353.46	Savings clauses.
353.15	Nonassignability and exemption of annuities and benefits from judicial process and taxation.	353.656	Disability benefits.
353.29	Retirement annuity upon separation from public service.	353.657	Survivor benefits.
		353.71	Coverage by more than one retirement system; deferred annuity; augmentation.

### 353.01 Definitions.

[For text of subds 1 to 4, see M.S.1974]

Subd. 6. Governmental subdivision. "Governmental subdivision" means a county,