

Section 1. Minnesota Statutes 1965, Section 60.81, is amended to read:

**60.81 Insurance; commissions; license mandatory.** No commission or other compensation shall be paid or allowed by any person, firm, or corporation to any other person, firm, or corporation acting, or assuming to act, as an insurance agent or solicitor without a license therefor. *A duly licensed agent or solicitor may pay his commissions or direct that his commissions be paid to a partnership of which he is a member, employee or agent, or to a corporation of which he is an officer, employee or agent. This section shall not prevent the payment or receipt of renewal or other deferred commissions to or by any person solely because such person has ceased to hold a license to act as an insurance agent.*

Approved May 24, 1967.

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CHAPTER 700—S. F. No. 1358

[Coded]

*An act relating to certain elective state officers; providing retirement allowances to constitutional officers in the executive branch, railroad and warehouse commissioners, and survivor benefits to their widows; repealing Minnesota Statutes 1965, Section 490.025, Subdivisions 7 and 9.*

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

Section 1. **[352C.01] Constitutional officer; retirement; legislative finding and intent.** The legislature finds that service to Minnesota in the capacity of a constitutional officer or commissioner as defined in this act constitutes a unique contribution to the state and that such service is dissimilar to any other public employment. The legislature further finds that service as a constitutional officer or commissioner for a period of ten years or longer deprives the individual so serving of normal opportunities to establish retirement benefits in his usual vocational pursuit and justifies adoption of special retirement provisions. The provisions of this act are intended by the legislature to reflect the unique nature of service as a constitutional officer or commissioner and to have due regard for the unusual disruption of normal retirement planning that such service entails.

Sec. 2. **[352C.02] Definitions.** Subdivision 1. The following terms for the purposes of this act shall be given the meanings herein ascribed to them.

**Changes or additions indicated by italics, deletions by strikeout.**

Subd. 2. "Commissioner" means a person who was duly elected and qualified as a member of the railroad and warehouse commission of Minnesota. "Constitutional officer" means a person who was duly elected and qualified as a governor, a lieutenant governor, an attorney general, a secretary of state, a state auditor, or a state treasurer of the state of Minnesota.

Subd. 3. "Widow" means the surviving wife of a constitutional officer or commissioner.

Sec. 3. [352C.03] **Retirement allowance.** Subdivision 1. A constitutional officer or commissioner, upon attaining age 65, whether in office or not, with at least ten years of service as a constitutional officer or commissioner, or combination of both, which service need not be continuous, shall be entitled to receive a retirement allowance to be computed on the basis of a percentage of the compensation allocated to the last office held by the constitutional officer or commissioner at the time the constitutional officer or commissioner retires from such office as follows:

(a) After ten years of such service as a constitutional officer or commissioner his retirement allowance shall be 50 percent of the salary allotted to his office at the time he retires from said office.

(b) For service as a constitutional officer or commissioner in excess of the required ten years specified in clause (a) his retirement allowance shall be increased for each such year by an amount equivalent to one percent of the salary allotted to his office at the time he retires from said office; provided that in no event shall his retirement allowance exceed 75 percent of such salary.

Subd. 2. The amounts required for payment of retirement allowances provided by 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 to the recipients entitled thereto, in the manner in which retirement allowances are paid to qualifying retired judges of the supreme court and of the district court. Application for retirement benefits shall be made in writing to the governor who shall furnish the state auditor with a copy thereof.

Sec. 4. [352C.04] **Surviving widow's benefits.** Subdivision 1. Upon the death of a constitutional officer or commissioner who on the date thereof was entitled to a retirement allowance, his surviving widow is entitled to one-half of the retirement allowance of such constitutional officer or commissioner computed as though such constitutional officer or commissioner had not died. Such benefit shall be paid to a widow eligible therefor during the remainder of her

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natural life or until she remarries. Upon remarriage such widow shall no longer be eligible for such benefit.

Subd. 2. Upon the death of a constitutional officer or commissioner, who on the date thereof was in all respects entitled to a retirement allowance except that (a) he had not retired, or (b) he had not reached age 65, his surviving widow is entitled to one-half of the retirement allowance to which said constitutional officer or commissioner would have been entitled had he retired and reached age 65, computed on the basis of the total years of service as a constitutional officer or commissioner. Such benefit shall be paid to a widow eligible therefor during the remainder of her natural life or until she remarries. Upon remarriage such widow shall no longer be eligible for such benefit.

Subd. 3. Widow's survivor benefits, payable under this section, are appropriated annually to the state auditor from the general revenue fund of the state treasury, and shall be paid by him monthly in the same manner as retirement allowances under section 3, subdivision 2, are authorized to be paid.

Sec. 5. [352C.05] **Application for surviving widow's benefit.** Widows entitled to payment of benefits under section 4 shall file their applications therefor with the state auditor, and payments shall commence as of the first of the month next following the filing of the application, but shall be retroactive to the first of the month following the death of the constitutional officer or commissioner.

Sec. 6. [352C.06] **Other retirement benefits.** If a constitutional officer or commissioner or his surviving widow is entitled to a retirement allowance or survivor's benefit from any pension or retirement fund created by another law of this state and financed in whole or in part with state funds, the amount of such retirement allowance or survivor's benefit shall be deducted monthly from any payment made to such retired constitutional officer or commissioner or his surviving widow under the terms and provisions of this act, but this provision shall not apply to any retirement benefit or survivor's allowance payable pursuant to a law of the United States.

Sec. 7. [352C.07] **Tax exemption.** Any moneys paid to a retired constitutional officer or commissioner or his surviving widow are exempted from taxation under the provisions of Minnesota Statutes, Chapter 290.

Sec. 8. [352C.08] **Computation of time and application.** Subdivision 1. For purposes of computing the years of service required by section 3, subdivision 1, all service as any of the constitu-

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tional officers listed in section 2, subdivision 2, and as a commissioner shall be included.

Subd. 2. This act applies to all service as a constitutional officer or commissioner before and after its effective date, but in no event shall entitlement to benefits commence until the effective date.

Sec. 9. **[352C.09] Contributions.** Subdivision 1. Every constitutional officer or commissioner shall contribute seven percent of his total salary paid after January 1, 1967, by payroll deduction, to be paid into the state treasury and deposited in the general revenue fund. Deductions as to total salary for the period between January 1, 1967 and the effective date of this act shall become immediately payable or if not so paid, payroll deductions during the ensuing six months shall be increased sufficiently to amount to total payment. In case of retirement any unpaid deductions shall be deducted from any retirement allowance that becomes payable. All deductions and payments, if any, in lieu of deductions are 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 contributions of each constitutional officer or commissioner and credit such contribution to such officer's or commissioner's account.

Subd. 2. (1) Any person who has made contributions pursuant to subdivision 1 of this section who is no longer a constitutional officer or commissioner and is not receiving, has not received, or is not entitled to receive any allowance or benefit under the provisions of 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.

(2) The refundment of contributions as provided in clause (1) above terminates all rights of a former constitutional officer or commissioner or his survivors under the provisions of this act. Should the former constitutional officer or commissioner again hold such office 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. 10. **Repealer.** Minnesota Statutes 1965, Section 490.025, Subdivisions 7 and 9, are repealed.

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Sec. 11. **Effective date.** This act is in effect on July 1, 1967.

Approved May 24, 1967.

CHAPTER 701—S. F. No. 1417

[Coded in Part]

*An act relating to workmen's compensation and coverage of public officials under the workmen's compensation law; amending Minnesota Statutes 1965, Section 176.011, Subdivision 9; and Section 176.021 by adding a subdivision thereto.*

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

Sec. 1. Minnesota Statutes 1965, Section 176.011, Subdivision 9, is amended to read:

Subd. 9. **Workmen's compensation; public officials; definition, employee.** "Employee" means any person who performs services for another for hire; and includes *the following*:

- (1) an alien;
- (2) a minor;
- (3) a sheriff, deputy sheriff, constable, marshal, policeman, fireman, a county highway engineer, ~~an executive officer of a corporation,~~ and a peace officer while engaged in the enforcement of peace or in and about the pursuit or capture of any person charged with or suspected of crime;
- (4) ~~but does not include~~ an elected or appointed official of the state, *except members of the state legislature*, or of any county, city, town, village, borough, school district or governmental subdivision therein *but an officer of a political subdivision elected or appointed for a regular term except those heretofore specified shall be included only after the governing body of the political subdivision has adopted an ordinance or resolution to that effect*;
- (5) *an executive officer of a corporation*;
- (6) *a voluntary uncompensated workers worker, other than inmates an inmate, rendering services in state institutions under the commissioner of public welfare and state institutions under the commissioner of corrections similar to those of officers and employees of such institutions, and whose services have been accepted or contracted for by the commissioner of public welfare or the commissioner*

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