

treated by the appellate court as though appealed thereto from the abolished court, except that all affirmances, reversals, mandates or remittiturs shall be addressed to the municipal court of Scott county.

(b) All judges and justices of the peace and all court clerks of such abolished courts shall continue in office after July 1, 1971, solely for the purpose of transmitting to the clerk of the municipal court of Scott county all pleadings, dockets and other records in pending cases in such abolished courts and for the purpose of paying over to the clerk of said court all moneys in the possession of such judges, justices of the peace, and clerks by law payable to the state or any subdivision, with proper detail to enable the clerk of the municipal court of Scott county properly to account to the proper officials for such moneys. All municipal court judges other than special municipal court judges serving on July 1, 1971 shall become part time judicial officers of the municipal and conciliation court of Scott county. They shall try and hear matters assigned to them by the judge of the municipal and conciliation court of the county of Scott. They shall continue to serve as judicial officers and be paid by the county of Scott the salaries theretofore provided until the expiration of their terms of office.

(c) All transmissions of pleadings, dockets, and other records and paying over of moneys referred to shall be completed by the judges, justices of the peace, and clerks of the aforesaid abolished courts within 60 days after the first Monday of July, 1971.

Sec. 11. On or before July 1, 1971, and effective on said date, the governor shall appoint the first judge of the municipal court of Scott county. The original term of office of such judge shall expire on the day before the first Monday in January, 1973.

Sec. 12. Ninety days after the effective date of any general law providing for a county court system or for the merger of the probate courts and municipal courts in any county not exempted therefrom, the provisions of this act shall be null and void, and the provisions of such general law shall apply to probate courts and municipal courts of Scott county.

Approved June 7, 1971.

CHAPTER 928—H.F.No.2688

[Coded in Part]

An act relating to the retirement of legislators and elective state officers and the benefits and obligations in connection therewith;

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appropriating money; amending Minnesota Statutes 1969, Sections 3A.02, Subdivisions 1 and 2; 3A.03, Subdivision 2; 3A.04, Subdivisions 1 and 3 and by adding a subdivision; 3A.05; and 352C.04, Subdivision 3, and by adding a subdivision; repealing Minnesota Statutes 1969, Section 3A.01, Subdivision 5.

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

Section 1. Minnesota Statutes 1969, Section 3A.02, Subdivision 1, is amended to read:

3A.02 LEGISLATORS AND ELECTIVE STATE OFFICIALS; 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 65 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 state auditor 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, ~~1965~~ 1967, 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 or as a constitutional officer or commissioner.

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 for every year of service over 8 years a monthly allowance which equals two and one half percent of the average monthly salary determined pursuant to paragraph (4).

This subdivision is applicable to members of the legislature who retire after January 1, 1971, and to any widow or dependent child of any such member who retires after January 1, 1971.

Sec. 2. Minnesota Statutes 1969, Section 3A.02, Subdivision 2, is amended to read:

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 subdivision 1, clause (1), receive

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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 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 July 1, 1967, except as hereinafter provided. ~~A member of the legislature on July 1, 1965, or a member thereof on July 1, 1967, may make such payment within such six month period. A member of the legislature who qualifies as a member thereof subsequent to July 1, 1967, may make such payment within six months after the date of such qualification. A member of the legislature who has been a member for four regular sessions or more may make such payment within six months after the commencement of the 1969 regular session after the commencement of any regular session of the legislature of which he is a member.~~

Sec. 3. Minnesota Statutes 1969, Section 3A.03, Subdivision 2, is amended to read:

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~~ 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 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 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 ~~for all purposes and such refundment may not be repaid for any credit or benefit whatever.~~ 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 Minnesota Statutes, 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 refundment, which he repays.

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

Sec. 4. Minnesota Statutes 1969, Section 3A.04, Subdivision 1, is amended to read:

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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 (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 served eight years and had retired at age 65 on the date of his death. Such benefit shall be paid during the lifetime of the surviving spouse, but shall cease and terminate upon the remarriage of the surviving spouse.

Sec. 5. Minnesota Statutes 1969, Section 3A.04, Subdivision 3, is amended to read:

Subd. 3. **APPROPRIATION.** ~~Widow's~~ The surviving spouse's and dependent children's survivor benefits payable under this section are appropriated annually to the state auditor 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.

Sec. 6. Minnesota Statutes 1969, Section 3A.04, is amended by adding a subdivision to read:

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 state auditor 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.

Sec. 7. Minnesota Statutes 1969, Section 3A.05, is amended to read:

3A.05 APPLICATION FOR SURVIVOR BENEFIT. Applications for survivor benefits under sections 3A.01 to 3A.10 shall be filed with the state auditor by the ~~widow~~ 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.

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Sec. 8. Minnesota Statutes 1969, Section 352C.04, is amended by adding a subdivision to read:

Subd. 2a. 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 the age of 65, each dependent child of such member shall be paid a survivor benefit in the following amount: First dependent child a monthly allowance which equals 25 percent of the monthly allowance of the constitutional officer or commissioner computed as though the constitutional officer or commissioner had retired at the age of 65 on the date of his death; for each additional dependent child a monthly allowance which equals 12½ percent of the monthly allowance of the constitutional officer or commissioner 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 constitutional officer or commissioner 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 child, if there is one. A posthumous child qualifies as a dependent child for benefits provided herein from the date of its birth.

Sec. 9. Minnesota Statutes 1969, Section 352C.04, Subdivision 3, is amended to read:

Subd. 3. Widow's Spouse's and dependent children's survivor benefits, payable under this section, are appropriated annually to the state auditor from the general fund of the state treasury, and shall be paid by him monthly in the same manner as retirement allowances under section 352C.03, subdivision 2, are authorized to be paid.

Sec. 10. Section 8 shall apply to persons who have retired prior to this act or who would have been eligible to retire at or after passage of this act.

Sec. 11. Minnesota Statutes 1969, Section 3A.01, Subdivision 5, is repealed.

Approved June 7, 1971.

CHAPTER 929—H.F.No.2705

[Coded]

*An act relating to natural resources; authorizing the commission-
to contract for certain maintenance services in recreational areas*

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