

shall be residents of the area of operation of the authority, who shall be appointed after the resolution provided for in this section becomes finally effective. ~~No public officer or employee of the municipality in which the authority is organized shall be eligible to serve as a commissioner, but a commissioner may be a notary public. In cities of the first class a public officer or employee other than a notary public is not eligible to serve as a commissioner, except where permitted by special law.~~

Sec. 2. This act is effective the day following final enactment.

Approved April 10, 1974.

**CHAPTER 445—H.F.No.3060**  
[Coded in Part]

*An act relating to retirement; transferring duties of the state auditor and treasurer in connection with legislator's, constitutional officer's and judge's retirement to the executive director of the Minnesota state retirement system; amending Minnesota Statutes 1971, Sections 3A.01, by adding a subdivision; 3A.02, Subdivision 3; 3A.03, Subdivision 2; 3A.04, Subdivisions 3 and 4; 3A.05; 352C.03, Subdivision 2; 352C.04, Subdivision 3; 352C.05; 352C.09; 490.025, Subdivision 8; 490.102, Subdivisions 4 and 8; and 490.12, Subdivision 8; and Minnesota Statutes, 1973 Supplement, Sections 3A.02, Subdivisions 1 and 2; 3A.03, Subdivision 1; 3A.11, Subdivisions 1 and 4; and 490.025, Subdivision 2.*

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

Section 1. Minnesota Statutes 1971, Section 3A.01, is amended by adding a subdivision to read:

**Subd. 6. RETIREMENT; TRANSFER OF DUTIES; EXECUTIVE DIRECTOR OF STATE RETIREMENT.** "Director" means the executive director of the Minnesota state retirement system.

Sec. 2. Minnesota Statutes, 1973 Supplement, Section 3A.02, Subdivision 1, is amended to read:

**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

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(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-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 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, 1973, and to any widow or dependent child of any such member who retires after January 1, 1973.

Sec. 3. Minnesota Statutes, 1973 Supplement, 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 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~~ 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 any regular session of the legislature of which he is a member.

Sec. 4. Minnesota Statutes 1971, Section 3A.02, Subdivision 3, is amended to read:

Subd. 3. **APPROPRIATION.** The amounts required for payment of retirement allowances provided by this section are appropriated annually to the ~~state auditor-director~~ from the general 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 the district court .~~

Sec. 5. Minnesota Statutes, 1973 Supplement, Section 3A.03, Subdivision 1, is amended to read:

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**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 ~~state treasurer-director~~ to record the periodic contributions of each member of the legislature and credit such contribution to the member's account.

Sec. 6. Minnesota Statutes 1971, Section 3A.03, Subdivision 2, is amended to read:

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 ~~state auditor-director~~ 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-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 refundment, which he repays.

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

Sec. 7. Minnesota Statutes 1971, Section 3A.04, Subdivision 3, is amended to read:

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

Sec. 8. Minnesota Statutes 1971, Section 3A.04, Subdivision 4, is amended 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 legisla-

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ture 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-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.

Sec. 9. Minnesota Statutes 1971, 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-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.

Sec. 10. Minnesota Statutes, 1973 Supplement, Section 3A.11, Subdivision 1, is amended to read:

**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 ~~state auditor-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.

Sec. 11. Minnesota Statutes, 1973 Supplement, Section 3A.11, Subdivision 4, is amended to read:

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 ~~auditor-director~~ requesting that the increase shall not be made.

Sec. 12. Minnesota Statutes 1971, Section 352C.03, Subdivision 2, is amended to read:

Subd. 2. The amounts required for payment of retirement allowances provided by this section are appropriated annually to the ~~state auditor-executive director of the Minnesota state retirement system~~ from the general 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 su-~~

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~~preme court and of the district court~~. Application for retirement benefits shall be made in writing to the governor who shall furnish the ~~state auditor-director~~ with a copy thereof.

Sec. 13. Minnesota Statutes 1971, Section 352C.04, Subdivision 3, is amended to read:

Subd. 3. Spouse's and dependent children's survivor benefits, payable under this section, are appropriated annually to the ~~state auditor-executive director of the Minnesota state retirement system~~ 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. 14. Minnesota Statutes 1971, Section 352C.05, is amended to read:

**352C.05 APPLICATION FOR SURVIVING WIDOW'S BENEFIT.** Widows entitled to payment of benefits under section 352C.04 shall file their applications therefor with the ~~state auditor-executive director of the Minnesota state retirement system~~, 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. 15. Minnesota Statutes 1971, Section 352C.09, is amended to read:

**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 fund. Deductions as to total salary for the period between January 1, 1967 and July 1, 1967 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 fund. It shall be the duty of the ~~state treasurer~~ executive director of the Minnesota state retirement system 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 sections 352C.01 to 352C.09 is entitled to receive upon application to the ~~state auditor-executive director of the Minnesota state retirement system~~ a refundment of all contributions credited to his account ~~by the state~~

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~~treasurer~~ without interest thereon. The moneys required for such refundments are appropriated annually to the ~~state auditor-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 constitutional officer or commissioner or his survivors under the provisions of sections 352C.01 to 352C.09. 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. 16. Minnesota Statutes, 1973 Supplement, Section 490.025, Subdivision 2, is amended to read:

Subd. 2. **RETIREMENT COMPENSATION; AMOUNT.** A justice shall receive the compensation allotted to his office for the remainder of the term for which elected. If a justice be retired for age or disability and, at the time of his retirement, has served as a justice for two full terms or the equivalent thereof or as a justice and as a judge of the district court for 15 years he shall, after the expiration of the term for which elected or appointed, receive for the remainder of his life one half of the compensation allotted to his office at the time of his retirement plus two and one half percent of the compensation allotted to his office at the time of his retirement for each year, not exceeding 10, which he served in his office in excess of two full terms, or the equivalent thereof, on the supreme court or in excess of 15 years as a justice of such court and as a judge of the district court. All such retirement pay shall be paid in the manner judicial salaries are paid by the executive director of the Minnesota state retirement system in the same manner as other benefits are paid.

Sec. 17. Minnesota Statutes 1971, Section 490.025, Subdivision 8, is amended to read:

Subd. 8. **CLERK OF SUPREME COURT.** When and after a clerk of the Supreme Court has arrived at the age of 65 years and has served in state elective office or offices for more than 25 years, and when the clerk of the Supreme Court has served in that office for 25 years or more, he or she may at any time thereafter notify the governor of his or her resignation before his or her retirement at the expiration of the term for which he or she has been last elected, and if the governor shall determine that such clerk of the Supreme Court has arrived at such age and has served in state elective office or offices as herein required for more than 25 years and at least 15 years continuously in the office of clerk of the Supreme Court, the governor shall designate by written order the effective date of such resignation or retirement. From such date such clerk of the Supreme Court shall re-

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ceive as retirement compensation annually for the remainder of his or her life, one half of the annual compensation allotted to his or her office by Laws 1949, Chapter 740, Section 3, Item 1. Such retirement compensation shall be paid semi-monthly and in the manner in which state salaries are paid by the executive director of the Minnesota state retirement system in the same manner as other benefits are paid. The amount required therefor is hereby annually appropriated from the general fund in the state treasury.

Sec. 18. Minnesota Statutes 1971, Section 490.102, Subdivision 4, is amended to read:

Subd. 4. Retirement allowances ; ~~including county payments, if any,~~ shall be paid in the same manner as the salaries of judges of the district court are paid by the executive director of the Minnesota state retirement system in the same manner as other benefits are paid. Payments by a county, if any, shall be made in the manner prescribed by the director .

Sec. 19. Minnesota Statutes 1971, Section 490.102, Subdivision 8, is amended to read:

Subd. 8. On June 30 of each year, the ~~state auditor~~ executive director of the Minnesota state retirement system shall review the fiscal condition of the special survivor retirement account in the light of the prospective demands for payment therefrom in the next fiscal year. If the ~~state auditor-director~~ determines that the balance in such account on June 30 plus the prospective receipts in the next fiscal year appear to be insufficient to meet the demands on such account during the next fiscal year, the ~~state auditor~~ director on July 1 of each year shall make ~~and file in his office~~ an order increasing the rate of contribution to such account by the several judges of the district court from four percent of his salary to such rate of contribution as will, in the judgment of the ~~state auditor-director~~ , provide sufficient funds in said special survivor benefit account to pay all demand thereon during the next fiscal year. If on any following June 30, the ~~state auditor~~ director should determine that a lower rate of contribution will provide sufficient moneys to pay all demands on such special survivor benefit account, he may on the next July 1, make and file an order reducing the rate of contribution to such rate as will in his judgment provide sufficient moneys to meet all demands on such special account in the current fiscal year but in no event lower than four percent. ~~The state auditor shall make~~ Deductions of contributions shall be made in accordance with rates prescribed by law or by ~~his order of~~ the director , as the case may be.

Sec. 20. Minnesota Statutes 1971, Section 490.12, Subdivision 8, is amended to read:

Subd. 8. **SURVIVORS' ACCOUNT.** On June 30 of each year, the ~~state auditor~~ executive director of the Minnesota state retirement sys-  
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tem shall review the fiscal condition of the special survivor retirement account in the light of the prospective demands for payment therefrom in the next fiscal year. If the ~~state auditor-director~~ determines that the balance in such account on June 30 plus the prospective receipts in the next fiscal year appear to be insufficient to meet the demands on such account during the next fiscal year, the ~~state auditor-director~~ on July 1 of each year shall make ~~and file in his office~~ an order increasing the rate of contribution to such account by the several judges of the probate court from four percent of their salaries to such rate of contribution as will, in the judgment of the ~~state auditor-director~~, provide sufficient funds in said special survivor benefit account to pay all demand thereon during the next fiscal year. If on any following June 30, the ~~state auditor-director~~ should determine that a lower rate of contribution will provide sufficient moneys to pay all demands on such special survivor benefit account, he may on the next July 1, make and file an order reducing the rate of contribution to such rate as will in his judgment provide sufficient moneys to meet all demands on such special account in the current fiscal year but in no event lower than four percent. Each county shall make deductions of contributions in accordance with rates prescribed by law or by order of the ~~state auditor-director~~, as the case may be.

Sec. 21. All books, records, documents and funds relating to the administration of legislators, constitutional officers and judges retirement programs in the possession or control of the state auditor or treasurer are hereby transferred to the possession and control of the executive director of the Minnesota state retirement system.

Sec. 22. This act is effective July 1, 1974.

Approved April 10, 1974.

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**CHAPTER 446—H.F.No.3089**  
[Not Coded]

*An act relating to the city of Detroit Lakes; authorizing the issuance of an on-sale liquor license.*

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

**Section 1. DETROIT LAKES, CITY OF; ON-SALE LIQUOR LICENSE.** Notwithstanding any provision of Minnesota Statutes, Chapter 340, or any other law to the contrary, the city of Detroit Lakes may issue one license for the on-sale of intoxicating liquor to a hotel or motel within the city without ceasing to engage in the municipal on-sale or off-sale liquor business. The provisions of Minnesota Statutes, Section 340.353, Subdivision 5, Clause 3 shall not apply to the issuance of the license pursuant to this section.

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