

period, whichever applies, the benefit shall accrue from the date salary ceased.

Sec. 3. Minnesota Statutes 1965, Section 353.33, Subdivision 11, is amended to read:

Subd. 11. **Retirement status at age 65.** No person shall be entitled to receive disability benefits and a public retirement annuity at the same time. The disability benefits paid to a person hereunder shall terminate when he reaches age 65, if he is still totally and permanently disabled. At that time he shall be deemed to be on retirement status and may at his option be paid either a straight life retirement annuity as provided in section 353.29 or straight life retirement annuity equal to the disability benefit paid to him before he reached age 65, whichever amount is greater. He may instead of taking the straight life annuity provided herein, however, select an optional retirement annuity as provided in section 353.30, subdivision 3. *In no event after he has attained age 65, shall his surviving spouse or dependent child or children be entitled to the benefits provided in section 353.31.*

Sec. 4. Minnesota Statutes 1965, Section 353.68, Subdivision 6, is amended to read:

Subd. 6. **Retirement status at age 58; benefits limited.** No person shall be entitled to receive total and permanent disability benefits and a retirement annuity at the same time. The disability benefits paid to a person under this section shall terminate when he reaches age 58, if he is still totally and permanently disabled. At that time he shall be deemed to be on retirement status and may at his option be paid either (a) an annuity in an amount computed under section 353.66, or (b) an annuity equal to the disability benefit paid to him before he reached age 58, whichever is greater. *In no event after he has attained age 58, shall his surviving spouse or dependent child or children be entitled to the benefits provided in section 353.31.*

Approved June 1, 1967.

EXTRA SESSION

CHAPTER 38—S. F. No. 41

An act relating to judicial pensions; amending Minnesota Statutes 1965, Sections 490.12, Subdivision 5, and by adding subdivisions; 490.025, Subdivision 2, and 490.102, Subdivision 2.

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

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

Section 1. Minnesota Statutes 1965, Section 490.12, Subdivision 5, is amended to read:

Subd. 5. Judges; pensions; membership in other retirement pension funds. The probate judges retirement pension as provided herein shall be reduced by the full amount of any retirement pension other than is herein provided received by a probate judge from the state, any political subdivision, or public employees retirement association, *until the total reduction equals the amount of such other pension, if any, received prior to retirement as a probate judge plus the amount of the contribution, if any, made by the state or any political subdivision to fund any such other pension pursuant to Minnesota Statutes, Section 353.27, Subdivisions 3 and 5, in connection with service as probate judge or in any other capacity. The amount of each reduction shall be remitted by the county to each such contributing employer in proportion to its total contribution pursuant to Minnesota Statutes, Section 353.27, Subdivisions 3 and 5.* In the event the probate judge withdraws from any retirement pension fund other than as herein provided prior to his retirement as a probate judge, the amount contributed by the state or any political subdivision shall be computed and deducted from the probate judge's retirement over a five-year period commencing upon the date of such judge's retirement.

Sec. 2. Minnesota Statutes 1965, Section 490.12, is amended by adding a subdivision to read:

Subd. 7. Spouse's pensions. *The surviving spouse of every judge of the probate court who dies in active service shall be paid one-half of the retirement compensation to which such judge would have been entitled on the date of his death if he would have been otherwise eligible for retirement under the provisions of subdivision 2 and had retired on that date, irrespective of whether he shall have attained the age of retirement at the date of his death, or of his number of years of service, or of whether he had previously been eligible to retire but had not retired under the provisions of subdivision 2 prior to his death. The surviving spouse of every judge of the probate court who dies after retiring shall be paid one-half of the retirement compensation which such judge was receiving at the date of his death.*

The term "surviving spouse" as used in this subdivision means the surviving husband or wife of a probate court judge, but only if he or she was married to the judge for a period of not less than three years immediately prior to the date of his retirement or of his

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death, whichever occurs first, and only if the judge was serving as such on or after the effective date of this act.

If such surviving spouse, either of a retired judge or a judge who dies in active service, who is otherwise qualified under this section, has not attained the age of 40 years at the time of such judge's death, such surviving spouse shall not be eligible to receive retirement compensation payments hereunder until his or her 40th birthday but shall receive such payments thereafter.

A surviving spouse who is entitled to a retirement compensation under the provisions of this subdivision shall be paid such retirement compensation for the period of his or her life, unless he or she remarries, in which event such retirement compensation is to cease and terminate. Every judge of the probate court shall contribute four percent of his salary, which amount shall be deducted from his salary at least once each month and paid to the state treasurer to be deposited in a special survivor retirement account. This contribution shall be for the purpose of providing the survivor benefits established by this subdivision, and such amount as may be necessary to carry out this purpose is hereby appropriated from such special retirement account. It is declared to be the policy of the legislature that the survivor benefits provided for herein shall be wholly paid from contributions by the judges to said special retirement account. To implement this policy the rate of contribution by the judges shall be reviewed periodically and contributions adjusted to make this account sufficient to cover all benefits.

Sec. 3. Minnesota Statutes 1965, Section 490.12, is amended by adding a subdivision to read:

Subd. 8. Survivors' account. *On June 30 of each year, the state auditor 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 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 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, 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 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*

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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, as the case may be.

Sec. 4. Minnesota Statutes 1965, Section 490.025, Subdivision 2, is amended to read:

Subd. 2. **Retirement compensation; amount.** Such justice shall receive the compensation allotted to his office for the remainder of the term for which elected. If such justice be retired for age or disability and, at the time of his retirement, has served as such justice for two full terms or the equivalent thereof or as such 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.

Sec. 5. Minnesota Statutes 1965, Section 490.102, Subdivision 2, is amended to read:

Subd. 2. (a) If, at the time of retirement, he has attained the age of at least 70 years and he has served for 15 years as such judge, or as such judge and as judge of a court of record, he shall receive for the remainder of his life, one-half the compensation allotted to the office *at the time of his retirement*.

(b) If, at the time of retirement, he has attained the age of at least 65 years and he has served for 25 years as such judge, or as such judge and as a judge of a court of record, he shall receive for the remainder of his life, one-half of the compensation allotted for the office *at the time of his retirement*.

Sec. 6. [490.105] **Retirement compensation, certain district and supreme court judges.** *The pension of a judge of the district or supreme court who retires before the effective date of this act, or of the widow of a judge of the district or supreme court who dies before the effective date of this act, shall remain in the*

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same amount as was payable prior to the effective date of this act.

Approved June 2, 1967.

EXTRA SESSION

CHAPTER 39—S. F. No. 48

An act relating to civil service; permitting certain political activity in certain cases; amending Minnesota Statutes 1965, Section 43.28.

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

Section 1. Minnesota Statutes 1965, Section 43.28, is amended to read:

43.28 Civil service; political activities prohibited. No officer or employee holding a position in the classified service of this state shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assistance, assessment, or subscription, whether voluntary or involuntary, for any political purpose or for any political party or affiliate thereof. ~~No officer or employee in the classified service shall be a delegate or alternate to any political convention.~~ No officer, agent, clerk, or employee of this state shall, directly or indirectly, use his authority or official influence to compel any officer or employee in the classified service to apply for membership in or become a member of any organization, or to pay or promise to pay any assessment, subscription, or contribution, or to take part in any political activity. Any person who violates any provision of this section shall be guilty of a misdemeanor, and shall be punished accordingly, and if any officer or employee in the classified service is found guilty of violating any provision of this section, he is automatically separated from the service.

~~Except as herein provided any officer or employee in the state classified service shall resign from the service upon filing as a candidate for public office. Officers or employees in the state classified service may be candidates for and occupy a village, township, or school district office if the office is one for which no compensation is provided.~~

Except as herein provided any officer or employee in the state

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