

CHAPTER 352C

ELECTIVE STATE OFFICERS RETIREMENT

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352C.01 LEGISLATIVE FINDING AND INTENT. The legislature finds that service to Minnesota in the capacity of a constitutional officer or commissioner as defined in sections 352C.01 to 352C.09 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 sections 352C.01 to 352C.09 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.

[1967 c 700 s 1]

352C.02 DEFINITIONS. Subdivision 1. The following terms for the purposes of sections 352C.01 to 352C.09 shall be given the meanings herein ascribed to them.

Subd. 2. "Commissioner" means a person who was duly elected and qualified as a member of the department of public service 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.

[1967 c 700 s 2; 1971 c 25 s 67]

352C.03 RETIREMENT ALLOWANCE. Subdivision 1. A constitutional officer or commissioner, upon attaining age 65, whether in office or not, with at least eight years of service as a constitutional officer or commissioner or member of the legislature, or combination of such offices, 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 average monthly compensation received since January 1, 1965, as a constitutional officer or commissioner or member of the legislature, or from a combination of such offices, up to the time of retirement.

(a) After eight years of such service as a constitutional officer or commissioner or member of the legislature or a combination of such offices his retirement allowance shall be 40 percent of the average salary received for such services since January 1, 1965, until the time he retires from all such offices.

(b) For service as a constitutional officer or commissioner or member of the legislature or combination of such offices in excess of the required eight years specified in clause (a) his retirement allowance shall be increased for each such year by an amount equivalent to two percent of the average salary received while serving in such offices or combination of such offices after January 1, 1965, until the time he retires from all such offices; provided that in no event shall his retirement allowance exceed such average 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 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.

[1967 c 700 s 3; 1969 c 399 s 1; 1969 c 1115 s 4]

352C.04 SPOUSE'S AND DEPENDENT CHILDREN'S SURVIVOR 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 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 or member of the legislature, 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 or member of the legislature would have been entitled had he retired and reached age 65, computed on the basis of the total years of service as defined in section 352C.08. 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. 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.

Subd. 2b. Subdivision 2a shall apply to persons who have retired prior to Laws 1971, Chapter 928 or who would have been eligible to retire at or after passage of Laws 1971, Chapter 928.

Subd. 3. 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.

[1967 c 700 s 4; 1969 c 399 s 1; 1969 c 1115 s 5; 1971 c 928 s 8-10]

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, 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.

[1967 c 700 s 5]

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.

[1967 c 700 s 6]

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 chapter 290.

[1967 c 700 s 7]

352C.08 COMPUTATION OF TIME AND APPLICATION. Subdivision 1. For

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purposes of computing the years of service required by section 352C.03, subdivision 1, all service as any of the constitutional officers listed in section 352C.02, subdivision 2, and as a commissioner, and as a member of the legislature of this state shall be included.

Subd. 2. Sections 352C.01 to 352C.09 apply to all service as a constitutional officer or commissioner before and after July 1, 1967, but in no event shall entitlement to benefits commence until July 1, 1967.

[1967 c 700 s 8; 1969 c 1115 s 6]

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 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 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 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.

[1967 c 700 s 9; 1969 c 399 s 1]