

## CHAPTER 352B

## HIGHWAY PATROLMEN, RETIREMENT

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**352B.01 DEFINITIONS.**

Subdivision 1. For the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. "Member" means (a) all of the persons referred to and employed on and after July 1, 1943 pursuant to the provisions of Laws 1929, Chapter 355, and all acts amendatory thereof and supplementary thereto, currently employed by the state, whose salaries or compensation is paid out of funds of the state of Minnesota; (b) any conservation officer employed under the provisions of section 97.50, currently employed by the state, whose salary or compensation is paid out of funds of the state; and (c) any crime bureau officer who was employed by the crime bureau and was a member of the highway patrolmen's retirement fund on July 1, 1978, whether or not that person has the power of arrest by warrant after that date, or who is employed as police personnel, with powers of arrest by warrant, pursuant to the provisions of section 299C.04, and who is currently employed by the state, and whose salary or compensation is paid out of funds of the state.

The term "member" shall not include any person employed in subsidized on-the-job training, work experience or public service employment as an enrollee under the federal comprehensive employment and training act from and after March 30, 1978, unless the person has as of the later of March 30, 1978 or the date of employment sufficient service credit in the retirement fund to meet the minimum vesting requirements for a deferred retirement annuity, or the employer agrees in writing on forms prescribed by the executive director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal comprehensive employment and training act, or the person agrees in writing on forms prescribed by the executive director to make the required employer contribution in addition to the required employee contribution.

Subd. 3. "Allowable service" means (a) for those members defined in subdivision 2, clause (a), service for which payments have been made to the highway patrolmen's retirement fund, and (b) for those members defined in subdivision 2, clauses (b) and (c), service for which payments have been made to the highway patrolmen's retirement fund, service for which payments were made to the state police officers retirement fund after June 30, 1961, and all prior service which was credited to such member for service on or before June 30, 1961; provided that, after a member identified in clause (b) of this subdivision reaches the age of 60, allowable service thereafter shall not be computed in determining his

normal annuity unless he was employed as a state police officer before July 1, 1961. If such member was so employed before July 1, 1961 and reaches 60 years of age and has more than 30 years' allowable service at such time, each year and completed month of allowable service acquired by such member shall be computed in determining his normal annuity until such member reaches the age of 60. If such member was so employed before July 1, 1961, and has less than 30 years of allowable service when the member reaches age 60, each year and completed month of allowable service acquired by such member shall be computed in determining the normal annuity not to exceed 30 years of such allowable service. The completed year members reach age 60 may be counted in full in determining allowable service.

Subd. 4. "Department head" means the head of any department, institution or branch of the state service which directly pays salaries from state funds to a member and who prepares, approves and submits salary abstracts of his employees to the commissioner of finance and state treasurer.

Subd. 5. [ Repealed, 1975 c 368 s 51 ]

Subd. 6. "Accumulated deductions" means the total sums deducted from the salary of a member and the total amount of assessments paid by a member in lieu of such deductions, and credited the member's individual account, without interest.

Subd. 7. "Fund" means the highway patrolmen's retirement fund.

Subd. 8. "Association" means the highway patrolmen's retirement association.

Subd. 9. "Surviving spouse" means an association member's or former member's legally married wife or husband residing with him at the time of his death and who was married to him, for a period of at least one year, while or prior to the time he was a member of the association.

Subd. 10. "Dependent child" means any natural or adopted unmarried child of a deceased member under the age of 18 years.

**History:** 1943 c 637 s 12; 1973 c 178 s 1; 1973 c 492 s 14; 1977 c 429 s 14; 1978 c 720 s 4; 1979 c 262 s 1

### **352B.02 RETIREMENT ASSOCIATION.**

Subdivision 1. There is hereby established a highway patrolmen's retirement association, the membership of which shall consist of all persons defined in section 352B.01, subdivision 2. Each member shall pay a sum equal to seven percent of his monthly salary. Such amounts shall be deducted monthly by the department head, who shall cause the total amount of said monthly deductions to be paid to the state treasurer, and shall cause a detailed report of all monthly deductions to be made each month to the secretary of the association. In addition thereto, there shall be paid out of money appropriated for this purpose, monthly, by the department heads, a sum equal to 12 percent of the salary upon which deductions were made, and a sum equal to nine percent of the salaries upon which deductions were made for the purpose of amortizing the actuarial deficit of the fund, the same to be credited to the highway patrolmen's retirement fund. All moneys received by said association shall be deposited by the state treasurer in the highway patrolmen's retirement fund. Out of said fund shall be paid the expenses of the association, and the benefits and annuities as hereinafter provided.

Subd. 2. The assets, obligations, liabilities, books, papers and records of the state police officers' retirement fund heretofore transferred to the highway patrolmen's retirement association are assets, obligations, liabilities, books, papers and records of the highway patrolmen's retirement association.

**History:** 1943 c 637 s 1; 1947 c 577 s 1; 1949 c 627 s 2; 1957 c 869 s 1; 1959 c 642 s 1; 1961 c 493 s 1; 1965 c 889 s 1; 1967 c 244 s 1; 1969 c 693 s 1; 1969 c 1129 art 1 s 13 subd 2; 1973 c 178 s 2; 1973 c 755 s 1; 1976 c 163 s 62; 1978 c 646 s 1

**352B.021** [ Repealed, 1975 c 368 s 51 ]

### **352B.03 OFFICERS, DUTIES.**

Subdivision 1. **Officers.** The policymaking, management and administrative functions governing the operation of the highway patrolmen's retirement fund shall be vested in the board of directors and executive director of the Minnesota state retirement system with such duties, authority and responsibility as is provided in chapter 352.

Subd. 2. **Duties of treasurer.** The state treasurer shall be ex officio treasurer of the highway patrolmen's retirement fund and his general bond to the state shall cover all liability for his actions as treasurer of the fund.

All moneys of the association received by the treasurer pursuant to this chapter, shall be set aside by him in the state treasury and credited to the highway patrolmen's retirement fund. He shall transmit, monthly, to the director, a detailed statement showing all credits to and disbursements from said fund. He shall disburse moneys from such fund only on warrants issued by the commissioner of finance upon vouchers signed by the director.

**History:** 1943 c 637 s 2; 1973 c 178 s 3; 1973 c 492 s 14; 1975 c 368 s 37,38

**352B.04** [ Repealed, 1975 c 368 s 51 ]

### **352B.05 INVESTMENTS.**

The state board of investment is hereby authorized to invest and reinvest such funds of the association as in the judgment of the executive director of the Minnesota state retirement system are not needed for immediate purposes, in such securities as are duly authorized or legal investments for the Minnesota state retirement system, and shall have authority to sell, convey, and exchange such securities and invest and reinvest the funds when it deems it desirable to do so, and shall sell securities upon request from the executive director when the executive director determines funds are needed for its purposes. All of the provisions regarding accounting procedures and restrictions and conditions for the purchase and sale of securities for the Minnesota state retirement system shall apply to the accounting, purchase and sale of securities for the highway patrolmen's retirement fund.

**History:** 1943 c 637 s 4; 1961 c 380 s 4; 1965 c 305 s 3; 1973 c 178 s 5; 1978 c 562 s 2

### **352B.06 RETIREMENT FUND.**

There is hereby created the highway patrolmen's retirement fund. The fund shall consist of all moneys credited to the fund on May 8, 1973, including all moneys and assets heretofore transferred to the fund from the state police officers' retirement fund, all salary deductions from members and all moneys paid from state funds by department heads in accordance with section 352B.02, and any other moneys received by the association in the form of donations, gifts, bequests, appropriations, or otherwise. The legislative auditor shall audit the fund and the executive director of the Minnesota state retirement system shall have made an actuarial study of the fund in accordance with chapter 356, the cost of which shall be borne by the fund.

**History:** 1943 c 637 s 5; 1949 c 609 s 1; 1969 c 1129 art 1 s 13; 1973 c 178 s 6; 1973 c 492 s 14; 1978 c 562 s 3

**352B.061 UNPAID COMMISSIONER OF FINANCE'S WARRANTS CANCELLED.**

Any commissioner of finance's warrant payable from the retirement fund remaining unpaid for a period of six years shall be cancelled into the retirement fund and not into the general fund.

**History:** 1973 c 178 s 7; 1973 c 492 s 14

**352B.07 ACTIONS BY OR AGAINST.**

The association may sue or be sued in the name of the association, and in all actions brought by or against it, the association shall be represented by the attorney general who shall also be the legal adviser for the association.

**History:** 1943 c 637 s 6

**352B.071 EXEMPTION FROM PROCESS.**

None of the moneys, annuities, or other benefits provided for in this chapter shall be assignable either in law or in equity or be subject to execution, levy, attachment, garnishment, or other legal process.

**History:** 1973 c 178 s 8

**352B.075 MANDATORY RETIREMENT.**

Subdivision 1. The mandatory retirement age of those members defined in section 352B.01, subdivision 2, clause (a), shall be 60 years, except that such members may continue in their employment for a partial year after attaining the age of 60 years to complete a full year of employment. The provisions of sections 197.45 to 197.48 are not applicable to the provisions of this subdivision relating to mandatory retirement of such members.

Subd. 2. There shall be no mandatory retirement age for those members defined in section 352B.01, subdivision 2, clauses (b) and (c) unless the same is imposed by rule or statute other than statutes relating to pensions.

**History:** 1973 c 178 s 9

**352B.08 BENEFITS.**

Subdivision 1. Every member who is credited with ten or more years of allowable service shall be entitled to separate himself from such state service and upon attaining the age of 55 years, shall be entitled to receive a life annuity, upon his separation from state service.

Subd. 2. The annuity shall be paid in monthly installments equal to that portion of the average monthly salary of the member multiplied by 2-1/2 percent for each year and pro rata for completed months of service not exceeding 20 years and two percent for each year and pro rata for completed months of service in excess of 20 years. Effective June 1, 1973, "average monthly salary" shall mean the average of the monthly salaries for the five high years of service as a member. The monthly salary for the period prior to July 2, 1969 shall be deemed to be \$600. In lieu of the life annuity herein provided, the member or former member with ten years or more of service may elect a joint and survivor annuity, payable to a designated beneficiary for life, adjusted to the actuarial equivalent value of such life annuity. The joint and survivor annuity elected by a member may also provide that the elected annuity be reinstated to the life annuity herein provided, if after drawing the elected joint and survivor annuity, the designated beneficiary dies prior to the death of the member. This reinstatement shall not be retroactive but shall be in effect for the first full month subsequent to the death of the designated beneficiary. This additional joint and survivor option with reinstatement clause shall be adjusted to the actuarial equivalent value of a regular life annuity. The member with ten or more years of service or

the former member with 20 years or more of allowable service credit is deemed to have elected a 100 percent joint and survivor annuity payable to a surviving spouse only on or after the member's 55th birthdate.

**History:** 1943 c 637 s 7; 1947 c 577 s 2; 1949 c 627 s 1; 1953 c 453 s 1-3; 1957 c 869 s 2-5; 1959 c 642 s 2-4; 1961 c 493 s 2; 1965 c 889 s 2,3; 1967 c 244 s 2; 1969 c 693 s 2; 1971 c 278 s 1; 1973 c 178 s 10; 1973 c 755 s 2; 1977 c 429 s 15; 1978 c 562 s 4; 1980 c 600 s 6

**352B.09** [ Repealed, 1973 c 178 s 22 ]

**352B.10 DISABILITY BENEFITS.**

(1) Any member less than 55 years of age, who shall become disabled and physically unfit to perform his duties as a direct result of an injury, sickness, or other disability incurred in or arising out of any act of duty, which shall render the member physically or mentally unable to perform his or her duties, shall receive disability benefits during the period of such disability. The benefits shall be paid in monthly installments equal to that portion of the average monthly salary of the member multiplied (a) by 50 percent and, (b) by an additional two percent for each year and pro rata for completed months of service in excess of 20 years.

(2) If a member is injured under circumstances which entitle him to receive benefits under the workers' compensation law, he shall receive the same benefits as provided in clause (1), less the amount paid to him in weekly benefits under the workers' compensation law.

(3) Any member who after not less than five years of service, before reaching the age of 55; terminates employment because of sickness or injury occurring while not on duty and not engaged in state work entitling the member to membership and the termination is necessary because the member is unable to perform his or her duties shall be entitled to receive a disability benefit. The benefit shall be in the same amount and computed in the same manner as if the member were 55 years of age at the date of disability and the annuity were paid pursuant to section 352B.08. Should disability under this clause occur after five but in less than ten years service, the disability benefit shall be computed as though the member had ten years service.

(4) No member shall receive any disability benefit payment when the member has unused annual leave or sick leave or under any other circumstances, when during the period of disability there has been no impairment of salary. Should such member or former member resume a gainful occupation and his or her earnings are less than the salary received at the date of disability or the salary currently paid for similar positions, the disability benefit shall be continued in an amount which when added to earnings does not exceed the salary received at the date of disability or the salary currently paid for similar positions, whichever is higher, provided the disability benefit in such case does not exceed the disability benefit originally allowed.

(5) No disability benefit payment shall be made except upon adequate proof furnished to the director of the existence of such disability, and during the time when any such benefits are being paid, the director shall have the right, at reasonable times, to require the disabled former member to submit proof of the continuance of the disability claimed.

**History:** 1943 c 637 s 8; 1957 c 869 s 6; 1959 c 642 s 5; 1961 c 493 s 3; 1965 c 889 s 4; 1969 c 693 s 3; 1973 c 178 s 11; 1973 c 755 s 3; 1975 c 359 s 23; 1977 c 429 s 16

**352B.105 TERMINATION OF DISABILITY BENEFITS.**

All disability benefits payable under section 352B.10 shall terminate when the beneficiary becomes 55 years of age. Thereafter, retirement benefits shall be paid to the beneficiary in the same amount as the disability benefits which he was previously receiving, except that he may elect when he attains 55 years of age to receive retirement benefits in accordance with any option then available to other members retiring at the time.

**History:** 1969 c 693 s 4; 1973 c 178 s 12

**352B.11 RETIREES.**

Subdivision 1. **Refundment of payments.** Should any member who does not qualify for other benefits under this chapter become separated from state service that entitled him to be a member of the association, either voluntarily or involuntarily, he shall thereupon be entitled to receive a refundment of all payments which have been made by salary deductions.

Subd. 2. **Death; payment to spouse and children.** In the event any member serving actively as a member, a member receiving the disability benefit provided by section 352B.10, clause (1), or a former member with 20 or more years of allowable service credit receiving a disability benefit as provided by section 352B.10, clause (3) shall die from any cause, the surviving spouse and dependent child or dependent children shall be entitled to benefit payments as follows:

(a) The surviving spouse of a member who had credit for less than ten years of service shall receive, for life, a monthly annuity equal to 20 percent of that portion of the average monthly salary of the member from which deductions were made for retirement. If the surviving spouse remarries, the annuity shall cease as of the date of the remarriage.

(b) The surviving spouse of a member who had credit for at least ten years of service and who dies after attaining 55 years of age, may elect to receive a 100 percent joint and survivor annuity, for life, notwithstanding a subsequent remarriage, in lieu of the annuity prescribed in clause (a).

(c) The surviving spouse of any member who had credit for ten years or more and who was not 55 years of age at death, shall receive the benefit equal to 20 percent of the average monthly salary as described in clause (a) until the deceased member would have reached his or her 55th birthday, and beginning the first of the month following that date, may elect to receive the 100 percent joint and survivor annuity. If the surviving spouse remarries prior to the deceased member's 55th birthday, all benefits or annuities shall cease as of the date of remarriage. Remarriage subsequent to the deceased member's 55th birthday shall not affect the payment of the benefit.

(d) Each dependent child shall receive a monthly annuity equal to ten percent of that portion of the average monthly salary of the former member from which deductions were made for retirement. A dependent child over the age of 18 years and under the age of 22 years also may receive the monthly benefit provided herein, if said child is continuously attending an accredited school as a fulltime student during the normal school year as determined by the director. If said child does not continuously attend school but separates himself during any portion of a school year, the annuity shall cease at the end of the month of separation. In addition, a payment of \$20 per month shall be prorated equally to such children when the former member is survived by one or more dependent children. Payments for the benefit of any qualified dependent child shall be made to the surviving spouse, or if there be none, to the legal guardian of such child. The maximum monthly benefit shall not exceed 40 percent of the average monthly salary for any number of children.

(e) If the member shall die under circumstances which entitle the surviving spouse and dependent children to receive benefits under the workers' compensation law, the amounts so received by them shall not be deducted from the benefits payable under this section.

(f) In the event any former member who had separated from service prior to having completed ten years of service, except former members permanently disabled in performance of duty, and was not employed by the state in a capacity entitling the former member to accumulate allowable service credit at the time of death, the surviving spouse, or if none, the children or heirs shall be entitled to receive any funds the former member may have left on deposit in the highway patrolmen's retirement fund, but shall receive no further benefits under this chapter. The surviving spouse of such deceased former member who had credit for ten or more years of allowable service, but excluding the spouse of a former member receiving a disability benefit under the provisions of section 352B.10, clause (3) based on less than 20 years of service, shall be entitled to receive the 100 percent joint and survivor annuity at such time as the deceased member would have reached his or her 55th birthdate, provided he or she has not remarried prior to that date.

**Subd. 3. Refundment; effect.** When any member or former member accepts a refundment all existing service credits and all rights and benefits to which the member or former member was entitled prior to the acceptance of such refundment shall terminate.

**Subd. 4. Re-entry into state service.** Should any former member, who has become separated from state service that entitled him to be a member of the association and has received a refundment of his retirement payments, re-enter the state service in a position that entitles him to be a member of the association, he shall receive credit for the period of his prior allowable state service provided he repays into the fund the amount of his refundment, plus interest thereon at the rate of five percent per annum, at any time prior to his subsequent retirement. Such repayment may be made in installments as the highway patrolmen's retirement association shall direct.

**History:** 1943 c 637 s 9; 1953 c 453 s 4; 1957 c 869 s 7,8; 1959 c 642 s 6; 1961 c 493 s 4; 1965 c 889 s 5; 1967 c 244 s 3,4; 1969 c 693 s 5; 1971 c 278 s 2; 1973 c 70 s 1; 1973 c 178 s 13; 1973 c 755 s 4; 1975 c 359 s 23; 1978 c 646 s 2; 1979 c 50 s 41

NOTE: Subdivision 2 was also amended by Laws 1978, Chapter 720, Section 5 to read as follows:

"Subd. 2. **Death; payment to spouse and children.** In the event any member of the association serving actively as a member, shall die from any cause, the association shall grant annuities or benefit payments from the retirement fund to his surviving spouse and to a dependent child or dependent children. The surviving spouse and dependent child or dependent children shall be entitled to annuity as follows:

(a) To the surviving spouse, for her natural life, a monthly annuity equal to 20 percent of that portion of the average monthly salary of the member from which deductions were made for retirement. If the surviving spouse remarries, the annuity shall cease as of the date of the remarriage. The surviving spouse of a former member who, after attaining 55 years of age, elected to receive a joint and survivor annuity, shall, notwithstanding her remarriage, receive such joint and survivor annuity, for her natural life, in lieu of the annuity prescribed by this subdivision. In the event such former member did not elect to receive a joint and survivor annuity his surviving spouse shall receive the annuity provided herein.

(b) Notwithstanding the provisions of clause (a), the surviving spouse of any member who had served for 20 years or more and who was not 55 years of age at his death, shall receive the benefit equal to 20 percent of the average monthly salary as described in clause (a) until the deceased member would have reached his 55th birthday, and beginning the first of the month following that date, she shall be entitled to receive the joint and survivor annuity designated as option 1 under the administrative procedure of the association dated November 1, 1965. If the surviving spouse remarries prior to the deceased member's 55th birthdate, all benefits or annuities shall cease as of the date of remarriage. The provisions of this clause shall be retroactive to July 1, 1969, but no payments shall be made until July 1, 1973.

(c) To each dependent child, a monthly annuity equal to ten percent of that portion of the average monthly salary of the former member from which deductions were made for retirement. A dependent child over the age of 18 years and under the age of 22 years also may receive the monthly benefit provided herein, if said child is continuously attending an accredited school as a fulltime student during the normal school year as determined by the board of the fund. If said child does not continuously attend school but separates himself during any portion of a school year, the annuity shall cease at the end of the month of separation. In addition, the association shall make a payment of \$20 per month to be prorated equally to such children when the former member is survived by one or more dependent children. Payments for the benefit of any qualified dependent child shall be made to the surviving spouse, or if there be none, to the legal guardian of such child. The maximum monthly benefit shall not exceed 40 percent of the average monthly salary for any number of children. The provisions of this clause are effective March 1, 1978.

(d) If the member shall die under circumstances which entitle his surviving spouse and dependent children to receive benefits under the workers' compensation law, the amounts so received by them shall not be deducted from the benefits payable under this section. The provisions of this clause are effective retroactively to June 30, 1964.

(e) In the event any former member who had separated from service prior to having completed 20 years of service except former members permanently disabled in performance of duty and was not employed by the state in a capacity entitling him to accumulate allowable service credit at the time of his death, his widow and children or heirs shall be entitled to receive any funds he may have left on deposit in the highway patrolmen's retirement fund, but shall receive no further benefits under this chapter."

### **352B.12 [ Repealed, 1973 c 178 s 22 ]**

### **352B.13 MEMBERSHIP COMPULSORY.**

Except as otherwise provided in this chapter, every person defined in section 352B.01, subdivision 2, shall be a member of this association, and thereafter such member shall not be eligible to membership in the state employees' retirement association, and the provisions of said law shall not apply to such members.

**History:** 1943 c 637 s 11; 1973 c 178 s 14

### **352B.131 PRIOR OPTIONS EXERCISED.**

Any state police officer, as defined in Minnesota Statutes 1969, Section 352A.01, Subdivision 2, who exercised the options provided for in Minnesota Statutes 1969, Sections 352A.11 and 352A.12, and, who did not revoke such election pursuant to Minnesota Statutes 1969, Section 352A.11, shall not be entitled to any annuities or other benefits under this chapter. If such state police officer remains in state service as a state police officer, he shall continue to make payments to the highway patrolmen's retirement fund in the manner provided in section 352B.02, and his department head shall make the payments to the highway patrolmen's retirement fund as therein provided.

**History:** 1973 c 178 s 15

### **352B.14 LAW GOVERNING BENEFITS.**

Subdivision 1. Except as provided in subdivision 4, every member who retires and is entitled to any annuity shall receive the retirement annuity computed on the basis of the law in effect at the date of his retirement.

Subd. 2. Except as provided in subdivision 4, every member who terminates state service and is entitled to a retirement annuity shall receive such annuity computed on the basis of the law in effect on the date his state service terminated.

Subd. 3. Except as provided in subdivision 4, every surviving spouse or dependent child of a deceased former member entitled to an annuity or benefit shall receive such annuity or benefit computed on the basis of the law in effect on the date said member or former member died.

Subd. 4. Any member defined in section 352B.01, subdivision 2, clause (a) who has retired and began collecting a retirement annuity prior to the effective date of Laws 1961, Chapter 493, or any surviving spouse or child who began collecting an annuity or benefit prior to the effective date of Laws 1961, Chapter 493, shall continue to receive such annuity or benefit in the amount and subject to the conditions specified in the law prior to the effective date of Laws 1961, Chapter 493.

Subd. 5. Notwithstanding the provisions of subdivisions 1 to 4 hereof, the retirement annuities or benefits provided for highway patrolmen under Minnesota Statutes 1961, Sections 172.01 to 172.11, and as in effect on April 21, 1961, shall also apply to annuitants who retired and to those entitled to survivors benefits, under said sections, on or prior to April 21, 1961. Any additional annuities or benefits provided for by this subdivision shall be available only after July 1, 1965.



**History:** 1961 c 493 s 5; 1965 c 889 s 6; 1973 c 178 s 16; 1978 c 562 s 5,6

**352B.15** [ Repealed, 1973 c 178 s 22 ]

**352B.16** [ Repealed, 1973 c 178 s 22 ]

**352B.17** [ Repealed, 1973 c 178 s 22 ]

**352B.18** [ Repealed, 1973 c 178 s 22 ]

**352B.19** [ Repealed, 1973 c 178 s 22 ]

**352B.20** [ Repealed, 1973 c 178 s 22 ]

**352B.21** [ Repealed, 1973 c 178 s 22 ]

**352B.22** [ Repealed, 1973 c 178 s 22 ]

**352B.23** [ Repealed, 1973 c 178 s 22 ]

**352B.24** [ Repealed, 1973 c 178 s 22 ]

**352B.25 CONTINUING APPROPRIATION; PAYMENT OF PENSION FUNDS BY INDIVIDUALS.**

The highway patrolmen's retirement fund and the participation in the Minnesota post-retirement investment fund shall be disbursed only for the purposes herein provided. The expenses of the system and any benefits or annuities herein provided, other than benefits payable from the Minnesota post-retirement investment fund, shall be paid from the highway patrolmen's retirement fund. The amounts necessary to make the payments from the highway patrolmen's retirement fund and the participation in the Minnesota post-retirement investment fund are annually appropriated from those funds for those purposes.

**History:** 1969 c 693 s 17; 1973 c 178 s 17; 1980 c 607 art 14 s 45 subd 2; 1980 c 614 s 138

**352B.26 PARTICIPATION IN MINNESOTA POST-RETIREMENT INVESTMENT FUND.**

Subdivision 1. **Authorization.** Effective July 1, 1969, the highway patrolmen's retirement association shall participate in the Minnesota post-retirement investment fund. In that fund there shall be deposited assets as required by Laws 1969, Chapter 977 and from which fund amounts shall be withdrawn only for the purpose of paying annuities as herein provided and such money is annually and from time to time appropriated.

Subd. 2. **Adjustable fixed benefit annuity.** Adjustable fixed benefit annuity means the payments made from the participation in the fund to an annuitant, including a joint and survivor annuitant and qualified recipients of surviving spouse benefits, after retirement in accordance with the provisions of this section. It also means that the payments made to such persons shall never be an amount less than the amount determined on or before June 30, 1969, or on retirement, whichever is later.

Subd. 3. **Valuation of assets; adjustment of benefits.** (1) As of June 30, 1969, the present value of all annuities, including joint and survivor annuities and qualified recipients of surviving spouse benefits, in force as of June 30, 1969, and as amended in accordance with Laws 1969, Chapter 977, shall be determined in accordance with the United States Life Tables, 1959-61, white males and white females, calculated with an interest assumption of 3-1/2 percent and assets representing the required reserves for these annuities shall be transferred to the Minnesota post-retirement investment fund, during a period of one year in accordance with procedures specified in Minnesota Statutes 1969, Section 11.25. The provisions of this clause apply to all annuities which are payable under this chapter.

(2) Effective July 1, 1969, for those employees commencing to receive annuities and qualified recipients of surviving spouse benefits, or joint and survivor annuities, pursuant to this chapter, and acts amendatory thereof, the required reserves as determined in accordance with this section shall be transferred to the Minnesota post-retirement investment fund as of the date benefits begin to accrue after June 30, 1969.

(3) Annuity payments shall be adjusted in accordance with the provisions of section 11A.18.

(4) Notwithstanding section 356.18, increases in annuity payments pursuant to this section shall be made automatically unless written notice is filed by the annuitant with the executive director of the Minnesota state retirement system requesting that the increase shall not be made.

**History:** 1969 c 977 s 1; 1971 c 414 s 8; 1973 c 178 s 18; 1978 c 562 s 7,8; 1980 c 607 art 14 s 36,45 subd 2; s 46

### 352B.261 RETIREMENT BENEFIT INCREASE.

The benefits payable from the Minnesota post-retirement investment fund authorized and in effect on May 31, 1973 shall be increased in the same ratio that the actuarially computed reserve for such benefits determined by using an interest assumption of three and one-half percent bears to the actuarially computed reserve for such benefits determined by using an interest assumption of five percent. The reserves upon which such increase shall be based shall be the actuarially determined reserve for benefits in effect on June 30, 1972, in accordance with the mortality assumptions then in effect and at interest assumptions of three and one-half percent and five percent. Such ratio of increase computed to the last full one 1/100 of one percent shall be applied to benefits in effect on May 31, 1973 and shall begin to accrue July 1, 1973. 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 highway patrolmen's retirement association requesting that the increase shall not be made.

**History:** 1973 c 755 s 5; 1980 c 607 art 14 s 45 subd 2

### 352B.262 DISABILITY BENEFIT INCREASE.

The disability benefits authorized and in effect on May 31, 1973, shall be increased by 25 percent. The increase shall apply to the accrual of such benefits commencing January 1, 1974.

**History:** 1975 c 368 s 39

### 352B.27 SAVINGS CLAUSE.

Subdivision 1. The rights, privileges, annuities, and benefits, whether presently accrued or to accrue in the future, extended to those persons designated or described in Laws 1967, Chapter 244, Section 4; Laws 1969, Chapter 693, Sections 15 and 17; Laws 1971, Chapter 278, Section 3; and Laws 1971, Chapter 543, Section 1 shall continue in full force and effect as provided therein, notwithstanding any provisions of law to the contrary.

Subd. 2. Except as otherwise specifically provided in this chapter, all persons who on May 8, 1973 are receiving any benefit, annuity or payment from the highway patrolmen's retirement fund shall, after May 8, 1973, receive the same benefit, annuity or payment from said fund.

**History:** 1973 c 178 s 19

**352B.28 SURVIVING SPOUSE BENEFITS.**

Subdivision 1. Upon the death of any highway patrolman who retired or separated from state service prior to July 1, 1965, the surviving spouse, if legally married to the patrolman during his service as a patrolman and residing with him at the time of death, shall receive for life an annuity of \$125 per month.

Subd. 2. The annuity of a surviving spouse of a member of the highway patrol who retired or separated from active service prior to July 1, 1965, and the surviving spouse of a highway patrolman who dies in service prior to the effective date of Laws 1969, Chapter 693, and who on May 25, 1973 is receiving an annuity of less than \$125 per month, shall thereafter be increased to \$125 per month.

Subd. 3. The annuity of a surviving spouse currently receiving an annuity by way of the state police officers retirement fund where there was no option of eligibility, shall on May 25, 1973 be increased to \$125 per month.

Subd. 4. The annuity of any surviving spouse granted or supplemented by this section shall cease in the event of remarriage of the recipient.

**History:** 1973 c 755 s 6; 1978 c 562 s 9

**352B.29 HIGHWAY PATROLMEN'S RETIREMENT ASSOCIATION; TRANSFER OF FUNCTIONS.**

Notwithstanding other provisions of chapters 352 and 352B as amended, effective July 1, 1973, all powers, duties, responsibilities, books, papers and records of the highway patrolmen's retirement association and of the officers of the highway patrolmen's retirement association are hereby transferred to the Minnesota state retirement system. The officers of the highway patrolmen's retirement association as constituted under this chapter as amended are hereby abolished. The members of the highway patrolmen's retirement association shall elect one of their membership to serve as a member of the board of directors of the Minnesota state retirement system. Such member shall be in addition to the board of directors as constituted under chapter 352 and shall serve for a term of four years. The election of such member shall be at a time and in a manner as prescribed by the board. The chief of the highway patrol shall serve as the board member until a member is duly elected.

**History:** 1973 c 755 s 7

**352B.30 COVERAGE BY MORE THAN ONE RETIREMENT SYSTEM OR ASSOCIATION.**

Subdivision 1. **Entitlement to annuity.** Any person who has been an employee covered by the Minnesota state retirement system, or a member of the public employees retirement association including the public employees retirement association policemen and firefighter's fund, or the teachers retirement association, or the highway patrolmen's retirement association, or any other public employee retirement system in the state of Minnesota having a like provision but excluding all other funds providing benefits for policemen or firefighters shall be entitled when qualified to an annuity from each fund if his total allowable service in all funds or in any two of these funds totals ten or more years, provided no portion of the allowable service upon which the retirement annuity from one fund is based is again used in the computation for benefits from another fund and provided further that he has not taken a refundment from any one of these funds since his service entitling him to coverage under the system or his membership in any of the associations last terminated. The annuity from each fund shall be determined by the appropriate provisions of the law except that the requirement that a person must have at least ten years allowable service in the respective system or association shall not apply for the purposes of this

section provided the combined service in two or more of these funds equals ten or more years.

Subd. 2. **Computation of deferred annuity.** Deferred annuities shall be computed in the manner provided by this chapter and acts amendatory thereof, on the basis of allowable service prior to termination of service and augmented as provided herein. The required reserves applicable to a deferred annuity shall be augmented by interest compounded annually from the first day of the month following the month in which the member terminated service, or July 1, 1971, whichever is later, to the first day of the month in which the annuity begins to accrue. The rates of interest used for this purpose shall be five percent per annum compounded annually until January 1, 1981, and thereafter three percent per annum compounded annually. The mortality table and interest assumption used to compute such annuity shall be those in effect at the time the member files application for annuity.

Subd. 3. **Refund repayment.** Any person who has received a refund from the highway patrolmen's retirement fund who is a member of a public retirement system included in subdivision 1, may repay such refund with interest to the highway patrolmen's retirement fund as provided in section 352B.11, subdivision 4.

**History:** 1975 c 368 s 40; 1977 c 429 s 63; 1978 c 796 s 11