

CHAPTER 352B

HIGHWAY PATROLMEN, RETIREMENT

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352B.02 RETIREMENT ASSOCIATION.

Subdivision 1. There is hereby established a highway patrol retirement fund, 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. Member contribution amounts shall be deducted monthly by the department head, who shall cause the total amount of the 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 executive director of the Minnesota state retirement system. In addition thereto, there shall be paid out of money appropriated to the departments 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. These amounts shall be credited to the highway patrol retirement fund. All moneys received shall be deposited by the state treasurer in the highway patrol retirement fund. Out of the fund shall be paid the administrative expenses of the retirement fund, and the benefits and annuities as hereinafter provided.

[For text of subd 2, see M.S.1980]

History: 1981 c 224 s 61

352B.061 [Repealed, 2Sp1981 c 1 s 8]

352B.075 [Repealed, 1981 c 224 s 276]

352B.08 BENEFITS.

[For text of subd 1, see M.S.1980]

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. "Average monthly salary" shall mean the average of the monthly salaries for the five highest successive years of service as a member. The monthly salary for the period prior to July 2, 1969 shall be deemed to be \$600. The term "average monthly salary" shall not include any reduced salary paid during the period the person is entitled to benefit payments from the workers' compensation court of appeals for temporary disability. In lieu of the single 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 the single life annuity. The joint and survivor annuity elected by a member may also provide that the elected annuity be reinstated to the single 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

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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 single life annuity.

History: 1981 c 224 s 62

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.

(6) A disabled member not eligible for survivorship coverage pursuant to section 352B.11, subdivision 2, may elect the normal disability benefit or an optional annuity as provided in section 352B.08, subdivision 2. The election of an optional annuity shall be made prior to commencement of payment of the disability benefit and shall be effective 30 days after receipt of this election or the date on which the disability benefit begins to accrue, whichever occurs later. Upon becoming effective, the optional annuity shall begin to accrue on the same date as provided for the disability benefit.

History: 1981 c 68 s 14

352B.105 TERMINATION OF DISABILITY BENEFITS.

All disability benefits payable under section 352B.10 shall terminate when the beneficiary becomes 55 years of age. If the beneficiary is still disabled when the beneficiary attains the age of 55 years, the beneficiary shall be deemed to be a retired member and, if the beneficiary had elected an optional annuity pursuant to section 352B.10, clause (6), shall receive an annuity in accordance with the terms of the optional annuity previously elected, or, if the beneficiary had not elected an optional annuity pursuant to section 352B.10, clause (6), may then elect to receive either a normal retirement annuity computed pursuant to section 352B.08, subdivision 1, or an optional annuity as provided in section 352B.08, subdivision 2. Election of an optional annuity shall be made prior to attaining the age of 55 years. If an optional annuity is elected, the optional annuity shall begin to accrue the first of the month following the month in which the beneficiary attains the age of 55 years.

History: 1981 c 68 s 15

352B.11 RETIREES.

[For text of subd 1, see M.S.1980]

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) dies from any cause, the surviving spouse and dependent child or dependent children shall be entitled to benefit payments as follows:

(a) A member with at least ten years of allowable service or a former member with at least 20 years of allowable service is deemed to have elected a 100 percent joint and survivor annuity payable to a surviving spouse only on or after the date the member or former member attained or would have attained the age of 55.

(b) 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.

(c) 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 (b).

(d) 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 (b) 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.

(e) 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 the child is continuously attending an accredited school as a full time student during the normal school year as determined by the director. If the child

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does not continuously attend school but separates from full time attendance 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 surviving dependent 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 the child. The maximum monthly benefit shall not exceed 40 percent of the average monthly salary for any number of children.

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

(g) 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 patrol retirement fund, but shall receive no further benefits under this chapter. The surviving spouse of a 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 the surviving spouse has not remarried prior to that date.

[For text of subds 3 and 4, see M.S.1980]

History: 1981 c 224 s 63

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

Subdivision 1. **Authorization.** The highway patrol retirement fund shall participate in the Minnesota post-retirement investment fund. In that fund there shall be deposited assets as required by this section and from which fund amounts shall be withdrawn only for the purpose of paying annuities as herein provided and the money is annually and from time to time appropriated.

[For text of subd 2, see M.S.1980]

Subd. 3. **Valuation of assets; adjustment of benefits.** (1) For those former members commencing to receive annuities and qualified recipients of joint and survivor annuities and surviving spouse benefits, the required reserves shall be determined in accordance with the appropriate mortality table, calculated with an interest assumption set at the interest rate specified in section 356.215, subdivision 4, clause (4), and assets representing the required reserves for these annuities shall be transferred to the Minnesota post-retirement investment fund in accordance with procedures specified in section 11A.18.

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

(3) 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 not be made.

History: 1981 c 224 s 64,65