

CHAPTER 352B

STATE TROOPERS, RETIREMENT

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352B.01 DEFINITIONS.

Subdivision 1. **Scope.** In this chapter, the terms defined in this section have the meanings given them.

Subd. 2. **Member.** "Member" means:

(a) persons referred to and employed after June 30, 1943, under Laws 1929, chapter 355, as amended or supplemented, currently employed by the state, whose salaries or compensation is paid out of state funds;

(b) a conservation officer employed under section 97A.201, currently employed by the state, whose salary or compensation is paid out of state funds;

(c) a 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 under section 299C.04, and who is currently employed by the state, and whose salary or compensation is paid out of state funds;

(d) a person who is employed by the state in the department of public safety in a data processing management position with salary or compensation paid from state funds, who was a crime bureau officer covered by the state patrol retirement plan on August 15, 1987, and who was initially hired in the data processing management position within the department during September 1987, or January 1988, with membership continuing for the duration of the person's employment in that position, whether or not the person has the power of arrest by warrant after August 15, 1987; and

(e) public safety employees defined as peace officers in section 626.84, subdivision 1, paragraph (c), and employed with the division of gambling enforcement under section 299L.01.

Subd. 2a. **CETA members.** "Member" does 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 after March 30, 1978, unless:

(a) 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;

(b) 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

(c) 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 services. "Allowable service" means:

(a) for members defined in subdivision 2, clause (a), service for which payments have been made to the state patrol retirement fund, and

(b) for members defined in subdivision 2, clauses (b) and (c), service for which payments have been made to the state patrol 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 a member for service on or before June 30, 1961.

After a member identified in this clause reaches the age of 60, allowable service after that date must not be computed in determining the normal annuity unless the member was employed as a state police officer before July 1, 1961. If the member was so employed before July 1, 1961, and reaches 60 years of age and has more than 30 years' allowable service at that time, each year and completed month of allowable service acquired by the member must be computed in determining the normal annuity until the member reaches the age of 60. If the member was 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 the member must be computed in determining the normal annuity not to exceed 30 years of allowable service. The completed year members reach age 60 may be counted in full in determining allowable service. Allowable service also includes any period of absence from duty by a member who, by reason of injury incurred in the performance of duty, is temporarily disabled and for which disability the state is liable under the workers' compensation law, until the date authorized by the executive director for commencement of payment of a disability benefit or return to employment.

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

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

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

Subd. 7. Fund. "Fund" means the state patrol retirement fund.

Subd. 8. [Repealed, 1983 c 128 s 36]

Subd. 9. Surviving spouse. "Surviving spouse" means a member's or former member's legally married spouse who resided with the member or former member at the time of death and was married to the member or former member, for a period of at least one year, during or before the time of membership.

Subd. 10. Dependent child. "Dependent child" means a natural or adopted unmarried child of a deceased member under the age of 18 years, including any child of the member conceived during the lifetime of the member and born after the death of the member.

Subd. 11. Average salary. "Average monthly salary" means the average of the highest monthly salaries for five years of service as a member. Average monthly salary must be based upon all allowable service if this service is less than five years. It does not include any amounts of severance pay or any reduced salary paid during the period the person is entitled to workers' compensation benefit payments for temporary disability.

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; 1981 c 37 s 2; 1981 c 224 s 274; 1983 c 128 s 17-19; 1986 c 386 art 4 s 26; 1986 c 444; 1987 c 229 art 7 s 1; 1987 c 259 s 21; 1989 c 319 art 13 s 24; 1990 c 570 art 1 s 3

352B.02 STATE PATROL RETIREMENT FUND.

Subdivision 1. Fund created; membership. A state patrol retirement fund is estab-

lished. Its membership consists of all persons defined in section 352B.01, subdivision 2.

Subd. 1a. **Member contributions.** Each member shall pay a sum equal to 8.5 percent of the member's salary, which shall constitute the member contribution to the fund.

Subd. 1b. **Salary deductions.** Member contribution amounts must be deducted each pay period by the department head, who shall have the total amount of the deductions paid to the state treasurer for deposit in the state patrol retirement fund, and have a detailed report of all deductions made each pay period to the executive director of the Minnesota state retirement system.

Subd. 1c. **Employer contributions.** (a) In addition to member contributions, department heads shall pay a sum equal to 14.88 percent of the salary upon which deductions were made, which shall constitute the employer contribution to the fund. Department contributions must be paid out of money appropriated to departments for this purpose.

(b) By January 1 of each year, the board of directors shall report to the legislative commission on pensions and retirement, the chair of the committee on appropriations of the house of representatives, and the chair of the committee on finance of the senate on the amount raised by the employer and employee contribution rates in effect and whether the total amount is less than, the same as, or more than the actuarial requirement determined under section 356.215.

Subd. 1d. **Fund revenue and expenses.** The amounts provided for in this section must be credited to the state patrol retirement fund. All money received must be deposited by the state treasurer in the state patrol retirement fund. The fund must be used to pay the administrative expenses of the retirement fund, and the benefits and annuities provided in this chapter. Appropriate amounts shall be transferred to or withdrawn from the Minnesota postretirement investment fund as provided in section 352B.26.

Subd. 1e. **Audit; actuarial valuation.** The legislative auditor shall audit the fund. Any actuarial valuation of the fund required under section 356.215 shall be prepared by the actuary retained by the legislative commission on pensions and retirement. Any approved actuary retained by the executive director under section 352.03, subdivision 6, may perform actuarial valuations and experience studies to supplement those performed by the commission-retained actuary. Any supplemental actuarial valuation or experience studies shall be filed with the executive director of the legislative commission on pensions and retirement.

Subd. 2. [Repealed, 1983 c 128 s 36]

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; 1981 c 37 s 2; 1981 c 224 s 61,274; 1982 c 397 s 1; 1983 c 128 s 20; 1984 c 564 s 17; 1987 c 229 art 7 s 1; art 11 s 1; 1987 c 259 s 22; 1990 c 591 art 2 s 4

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

352B.03 OFFICERS, DUTIES.

Subdivision 1. **Officers.** The policy-making, management, and administrative functions governing the operation of the state patrol retirement fund are vested in the board of directors and executive director of the Minnesota state retirement system with duties, authority, and responsibility as provided in chapter 352. Fiduciary activities of the fund must be undertaken in a manner consistent with chapter 356A.

Subd. 2. **Duties of treasurer.** The state treasurer is ex officio treasurer of the state patrol retirement fund. The treasurer's general bond to the state covers all liability for actions as treasurer of the fund.

All money of the fund received by the treasurer under this chapter must be set aside in the state treasury and credited to the state patrol retirement fund. The treasurer shall

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transmit, monthly, to the director, a detailed statement showing all credits to and disbursements from the fund. The treasurer shall disburse money from the 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; 1981 c 37 s 2; 1981 c 224 s 274; 1983 c 128 s 21; 1986 c 444; 1987 c 229 art 7 s 1; 1989 c 319 art 8 s 13

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

352B.05 INVESTMENTS.

The state board of investment may invest and reinvest any portions of the state patrol retirement fund not needed for immediate purposes. The executive director shall determine what funds may be invested. Money may be invested in securities authorized as legal investments for the Minnesota state retirement system. The state board may sell, convey, and exchange securities and invest and reinvest the funds when it deems it desirable to do so. The state board shall sell securities upon request from the executive director when the executive director determines funds are needed for its purposes. Provisions regarding accounting procedures and restrictions and conditions for the purchase and sale of securities for the Minnesota state retirement system apply to the accounting, purchase, and sale of securities for the state patrol 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; 1981 c 37 s 2; 1981 c 224 s 274; 1983 c 128 s 22; 1987 c 229 art 7 s 1

352B.06 [Repealed, 1983 c 128 s 36]

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

352B.07 ACTIONS BY OR AGAINST.

The board may sue or be sued in the name of the board of directors of the state retirement system. In all actions brought by or against it, the board shall be represented by the attorney general. The attorney general shall also be the legal adviser for the board. Venue of all actions is in the Ramsey county district court.

History: 1943 c 637 s 6; 1983 c 128 s 23; 1987 c 229 art 7 s 1

352B.071 EXEMPTION FROM PROCESS.

None of the money, annuities, or other benefits provided for in this chapter is assignable either in law or in equity or be subject to execution, levy, attachment, garnishment, or other legal process, except as provided in section 518.58, 518.581, or 518.611.

History: 1973 c 178 s 8; 1983 c 128 s 24; 1984 c 547 s 5; 1987 c 157 s 4; 1987 c 229 art 7 s 1

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

352B.08 BENEFITS.

Subdivision 1. Who is eligible; when to apply; accrual. Every member who is credited with three or more years of allowable service is entitled to separate from state service and upon becoming 55 years old, is entitled to receive a life annuity, upon separation from state service. Members shall apply for an annuity in a form and manner prescribed by the executive director. No application may be made more than 60 days before the date the member is eligible to retire by reason of both age and service requirements. An annuity begins to accrue no earlier than 90 days before the date the application is filed with the executive director.

Subd. 2. Normal retirement annuity. The annuity must be paid in monthly installments. The annuity shall be equal to the amount determined by multiplying the average monthly salary of the member by 2-1/2 percent for each year and pro rata for completed months of service.

Subd. 2a. Early retirement. Any member who has become at least 50 years old and who has at least three years of allowable service is entitled upon application to a retirement annuity equal to the normal annuity calculated under subdivision 2, reduced so that the reduced annuity is the actuarial equivalent of the annuity that would be payable if the member deferred receipt of the annuity from the day the annuity begins to accrue to age 55.

Subd. 3. Optional annuity forms. In lieu of the single life annuity provided in subdivision 2, the member or former member may elect an optional annuity form. The board of the Minnesota state retirement system shall establish a joint and survivor annuity, payable to a designated beneficiary for life, adjusted to the actuarial equivalent value of the single life annuity. The board shall also establish an additional optional annuity with an actuarial equivalent value of the single life annuity in the form of a joint and survivor annuity which provides that the elected annuity be reinstated to the single life annuity provided in subdivision 2, if after commencing the elected joint and survivor annuity, the designated beneficiary dies before the member, which reinstatement is not retroactive but takes effect for the first full month occurring after the death of the designated beneficiary. The board may also establish other actuarial equivalent value optional annuity forms. In establishing actuarial equivalent value optional annuity forms, each optional annuity form shall have the same present value as a regular single life annuity using the mortality table adopted by the board and the interest assumption specified in section 356.215, subdivision 4d, and the board shall obtain the written recommendation of the commission-retained actuary. These recommendations shall be a part of the permanent records of the board.

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; 1981 c 224 s 62; 1982 c 397 s 2; 1983 c 49 s 1; 1983 c 128 s 25; 1983 c 286 s 4; 1986 c 444; 1987 c 229 art 7 s 1; art 11 s 1; 1987 c 259 s 23; 1987 c 372 art 9 s 7; 1989 c 319 art 1 s 10; art 13 s 25; art 17 s 6,7; 1990 c 570 art 12 s 13,14

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

352B.10 DISABILITY BENEFITS.

Subdivision 1. Injuries, payment amounts. Any member less than 55 years old, who becomes disabled and physically or mentally unfit to perform duties as a direct result of an injury, sickness, or other disability incurred in or arising out of any act of duty, shall receive disability benefits while disabled. The benefits must be paid in monthly installments equal to the member's average monthly salary multiplied by 50 percent, plus an additional 2-1/2 percent for each year and pro rata for completed months of service in excess of 20 years, if any.

Subd. 2. Under 55; disabled while not on duty. If a member terminates employment after at least one year of service, before reaching the age of 55, 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 cannot perform duties, the member is entitled to receive a disability benefit. The benefit must be in the same amount and computed in the same way as if the member were 55 years old at the date of disability and the annuity were paid under section 352B.08. If disability under this clause occurs after one but before 15 years service, the disability benefit must be computed as though the member had 15 years service.

Subd. 3. Annual and sick leave; work at lower pay. 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 the member or former member resume gainful work and earn less than the salary received at the date of disability or the salary currently paid for similar positions, the disability benefit must 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. The disability benefit must not exceed the disability benefit originally allowed.

Subd. 4. Proof of disability. No disability benefit payment shall be made except upon adequate proof furnished to the director of the existence of the disability. While disability benefits are being paid, the director has the right, at reasonable times, to require the disabled former member to submit proof of the continuance of the disability claimed.

Subd. 5. Optional annuity. A disabled member may, in lieu of survivorship coverage under section 352B.11, subdivision 2, choose the normal disability benefit or an optional annuity as provided in section 352B.08, subdivision 3. The choice of an optional annuity must be made before commencement of payment of the disability benefit. It is effective on the date on which the disability benefit begins to accrue.

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; 1981 c 68 s 14; 1Sp1985 c 7 s 8; 1986 c 444; 1987 c 229 art 7 s 1; 1989 c 319 art 1 s 11; art 17 s 8,9; 1992 c 464 art 1 s 40

352B.101 APPLICATION FOR DISABILITY BENEFIT.

A member claiming a disability benefit must file a written application for benefits in the office of the system in a form and manner prescribed by the executive director. The member shall provide medical evidence to support the application. The benefit begins to accrue the day following the start of disability or the day following the last day for which the member was paid, whichever is later, but not earlier than 90 days before the date the application is filed with the executive director.

History: 1983 c 128 s 26; 1987 c 229 art 7 s 1

352B.105 TERMINATION OF DISABILITY BENEFITS.

Disability benefits payable under section 352B.10 shall terminate at the end of the month the beneficiary becomes 55 years old. If the beneficiary is still disabled when the beneficiary becomes 55 years old, the beneficiary shall be deemed to be a retired member and, if the beneficiary had chosen an optional annuity under section 352B.10, subdivision 5, shall receive an annuity in accordance with the terms of the optional annuity previously chosen. If the beneficiary had not chosen an optional annuity under section 352B.10, subdivision 5, the beneficiary may choose to receive either a normal retirement annuity computed under section 352B.08, subdivision 2, or an optional annuity as provided in section 352B.08, subdivision 3. An optional annuity must be chosen before the beneficiary becomes 55 years old. If an optional annuity is chosen, the optional annuity shall begin to accrue the first of the month following the month in which the beneficiary becomes 55 years old.

History: 1969 c 693 s 4; 1973 c 178 s 12; 1981 c 68 s 15; 1983 c 128 s 27; 1987 c 229 art 7 s 1; 1992 c 464 art 1 s 41

352B.11 RETIREES.

Subdivision 1. Refund of payments. A member who has not received other benefits under this chapter is entitled to a refund of payments made by salary deduction, plus interest, if the member is separated, either voluntarily or involuntarily, from state service that entitled the member to membership. In the event of the member's death, the member's estate is entitled to the refund. Interest must be computed at the rate of six percent a year, compounded annually. To receive a refund, the member must apply on a form prescribed by the executive director.

Subd. 2. Death; payment to spouse and children. If a member serving actively as a member, a member receiving the disability benefit provided by section 352B.10, subdivision 1, or a former member receiving a disability benefit as provided by section 352B.10, subdivision 2, dies from any cause, the surviving spouse and dependent children are entitled to benefit payments as follows:

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(a) A member with at least three 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 became or would have become 55.

(b) The surviving spouse of a member who had credit for less than three years of service shall receive, for life, a monthly annuity equal to 50 percent of that part of the average monthly salary of the member from which deductions were made for retirement.

(c) The surviving spouse of a member who had credit for at least three years service and who died after becoming 55 years old, may elect to receive a 100 percent joint and survivor annuity, for life, notwithstanding a subsequent remarriage, in lieu of the annuity prescribed in paragraph (b).

(d) The surviving spouse of any member who had credit for three years or more and who was not 55 years old at death, shall receive the benefit equal to 50 percent of the average monthly salary as described in clause (b) until the deceased member would have become 55 years old, and beginning the first of the month following that date, may elect to receive the 100 percent joint and survivor annuity.

(e) Each dependent child shall receive a monthly annuity equal to ten percent of that part of the average monthly salary of the former member from which deductions were made for retirement. A dependent child over 18 and under 23 years of age also may receive the monthly benefit provided in this section, 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 does not continuously attend school but separates from full-time attendance during any part 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 must be made to the surviving spouse, or if there is none, to the legal guardian of the child. The maximum monthly benefit for any one family must not be less than 50 nor exceed 70 percent of the average monthly salary for any number of children.

(f) If the member dies under circumstances that entitle the surviving spouse and dependent children to receive benefits under the workers' compensation law, the workers' compensation benefits received by them must not be deducted from the benefits payable under this section.

(g) The surviving spouse of a deceased former member who had credit for three or more years of allowable service, but not the spouse of a former member receiving a disability benefit under section 352B.10, subdivision 2, is entitled to receive the 100 percent joint and survivor annuity at the time the deceased member would have become 55 years old. If a former member dies who does not qualify for other benefits under this chapter, the surviving spouse or, if none, the children or heirs are entitled to a refund of the accumulated deductions left in the fund plus interest at the rate of six percent per year compounded annually.

Subd. 2a. Applications for survivor benefits. An application for benefits under this section must be filed in the office of the system in a form and manner prescribed by the executive director. The benefit shall begin to accrue the day following the date of death but shall not be retroactive for more than six months before the date the application is filed.

Subd. 3. Refund; effect. When any member or former member accepts a refund, all existing service credits and all rights and benefits to which the member or former member was entitled before acceptance of the refund terminate.

Subd. 4. Reentry into state service. When a former member, who has become separated from state service that entitled the member to membership and has received a refund of retirement payments, reenters the state service in a position that entitles the member to membership, that member shall receive credit for the period of prior allowable state service if the member repays into the fund the amount of the refund, plus

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interest on it at an annual rate of 8.5 percent compounded annually, at any time before subsequent retirement. Repayment may be made in installments or in a lump sum.

Subd. 5. Death of annuitant or beneficiary. If a retired member who did not select an optional annuity under section 352B.08, subdivision 3, dies or if the last eligible recipient of an optional annuity under section 352B.08, subdivision 3, dies and the total amounts paid as an annuity are less than the accumulated member contributions under section 352B.02, subdivision 1a, to the credit of the retired member on the date of retirement, the surviving spouse, or if none, the former member's surviving children in equal shares, or if none, the last recipient's estate is entitled, upon application, to a refund. The refund is equal to the balance of accumulated member contributions under section 352B.02, subdivision 1a, remaining after subtracting the total amount of benefits paid to the decedent.

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; 1981 c 37 s 2; 1981 c 224 s 63,274; 1982 c 397 s 3,4; 1983 c 128 s 28-30; 1984 c 564 s 18,19; 1986 c 444; 1987 c 229 art 7 s 1; 1987 c 372 art 9 s 8; 1989 c 319 art 1 s 12; art 13 s 26,27; art 17 s 10; 1990 c 570 art 12 s 15,16; 1991 c 34 s 1; 1991 c 269 art 2 s 2; 1992 c 598 art 1 s 7

NOTE: Subdivision 4, as amended by Laws 1992, chapter 598, article 1, section 7, is effective May 1, 1994. See Laws 1992, chapter 598, article 1, section 14.

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

352B.13 [Repealed, 1983 c 128 s 36]

352B.131 PRIOR OPTIONS EXERCISED.

A state police officer, as defined in Minnesota Statutes 1969, section 352A.01, subdivision 2, who exercised the options provided in Minnesota Statutes 1969, sections 352A.11 and 352A.12, and did not revoke the election under Minnesota Statutes 1969, section 352A.11, is not entitled to any annuities or other benefits under this chapter. If the state police officer remains in state service as a state police officer, payments to the state patrol retirement fund shall be made as provided in section 352B.02, and the department head shall make the payments to the state patrol retirement fund as required.

History: 1973 c 178 s 15; 1981 c 37 s 2; 1981 c 224 s 274; 1986 c 444; 1987 c 229 art 7 s 1

352B.14 LAW GOVERNING BENEFITS.

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

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

Subd. 3. Death. 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 an annuity or benefit computed on the basis of the law in effect on the date the member or former member died.

Subd. 4. Retirees under old law. A member defined in section 352B.01, subdivision 2, clause (1), who has retired and began collecting a retirement annuity before April 21, 1961, or any surviving spouse or child who began collecting an annuity or benefit before April 21, 1961, shall continue to receive an annuity or benefit in the amount and subject to the conditions specified in the law before April 21, 1961.

Subd. 5. Retroactive change. Notwithstanding subdivisions 1 to 4, the retirement annuities or benefits provided for highway patrol officers under Minnesota Statutes 1961, sections 172.01 to 172.11, as in effect on April 21, 1961, also apply to annuitants

who retired and to those entitled to survivors benefits, under those sections, on or before 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; 1986 c 444; 1987 c 229 art 7 s 1; 1990 c 570 art 1 s 4

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 state patrol retirement fund and the participation in the Minnesota postretirement investment fund must be disbursed only for the purposes provided in this chapter. The expenses of the system and any benefits or annuities provided in this chapter, other than benefits payable from the Minnesota postretirement investment fund, must be paid from the state patrol retirement fund. The amounts necessary to make the payments from the state patrol retirement fund and the participation in the Minnesota postretirement 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; 1981 c 37 s 2; 1981 c 224 s 274; 1987 c 229 art 7 s 1

352B.26 PARTICIPATION IN MINNESOTA POSTRETIREMENT INVESTMENT FUND.

Subdivision 1. Authorization. The state patrol retirement fund shall participate in the Minnesota postretirement investment fund. Assets required by this section must be deposited in the fund. Amounts shall be withdrawn from the fund only to pay annuities as provided. The money is annually appropriated for this purpose.

Subd. 2. [Repealed, 1987 c 259 s 83]

Subd. 3. Valuation of assets; adjustment of benefits. (a) For former members beginning receipt of annuities and qualified recipients of joint and survivor annuities and surviving spouse benefits, the required reserves must be determined in accordance with the appropriate mortality table adopted by the board of directors of the Minnesota state retirement system based on the experience of the fund as recommended by the commission-retained actuary and using the interest assumption specified in section 356.215, subdivision 4d. Assets representing the required reserves for these annuities must be transferred to the Minnesota postretirement investment fund as of the last business day of the month in which the retirement annuity begins as specified in section 11A.18.

(b) Annuity payments must be adjusted in accordance with section 11A.18.

(c) Notwithstanding section 356.18, an increase in annuity payments under this section must 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: 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; 1981 c 37 s 2; 1981 c 224 s 64,65; 1Sp1985 c 7 s 35; 1987 c 229 art 7 s 1; art 11 s 1; 1987 c 259 s 24

352B.261 RETIREMENT BENEFIT INCREASE.

The benefits payable from the Minnesota postretirement investment fund authorized and in effect on May 31, 1973, shall be increased in the same ratio that the actuarially computed reserve for benefits determined by using an interest assumption of 3-1/2 percent bears to the actuarially computed reserve for benefits determined by using an interest assumption of five percent. The reserves upon which the increase is 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 3-1/2 percent and five percent. The ratio of increase computed to the last full one 1/100 of one percent must 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 under this section will be made automatically unless the intended recipient files written notice with the state patrol retirement association requesting that the increase not be made.

History: 1973 c 755 s 5; 1980 c 607 art 14 s 45 subd 2; 1981 c 37 s 2; 1981 c 224 s 274; 1987 c 229 art 7 s 1

352B.262 DISABILITY BENEFIT INCREASE.

Disability benefits authorized and in effect on May 31, 1973, are increased by 25 percent. The increase applies to the accrual of benefits commencing January 1, 1974.

History: 1975 c 368 s 39; 1987 c 229 art 7 s 1

352B.265 PRE-1973 INCREASE.

Total benefits payable to a retiree or surviving spouse whose benefits were computed under the law in effect before June 1, 1973, are increased by six percent on July 1, 1982, and on July 1 of each year thereafter. Funds sufficient to pay the increases provided by this section are appropriated annually to the executive director from the state patrol retirement fund.

History: 1981 c 37 s 2; 1982 c 397 s 5; 1987 c 229 art 7 s 1

352B.27 SAVINGS CLAUSE.

Subdivision 1. **Earlier retirement laws.** 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 continue in effect as provided, notwithstanding any law to the contrary.

Subd. 2. **Benefits to continue.** 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 patrol officers' retirement fund shall, after May 8, 1973, receive the same benefit, annuity, or payment from the fund.

History: 1973 c 178 s 19; 1986 c 444; 1987 c 229 art 7 s 1

352B.28 SURVIVING SPOUSE BENEFITS.

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

Subd. 2. **Increase; highway patrol.** The annuity of a surviving spouse of a member of the highway patrol who retired or separated from active service before July 1, 1965, and the surviving spouse of a highway patrol officer who dies in service before 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. **Increase; police officers fund.** 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. **Remarriage.** The annuity of any surviving spouse granted or supplemented by this section shall cease if the recipient remarries.

History: 1973 c 755 s 6; 1978 c 562 s 9; 1986 c 444; 1987 c 229 art 7 s 1

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

Notwithstanding other provisions of this chapter and chapter 352, 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 transferred to the Minnesota state retirement system. The officers of the highway patrolmen's retirement association as constituted under this chapter as amended are abolished.

History: 1973 c 755 s 7; 1981 c 37 s 2; 1981 c 224 s 274; 1983 c 63 s 2; 1987 c 229 art 7 s 1

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 police and fire fund, or the teachers retirement association, or the state patrol retirement fund, or any other public employee retirement system in Minnesota having a like provision but excluding all other funds providing benefits for police or firefighters is entitled when qualified to an annuity from each fund if total allowable service in all funds or in any two of these funds totals three or more years. No part of the allowable service upon which the retirement annuity from one fund is based may again be used in the computation for benefits from another fund. The member must not have taken a refund from any one of these funds since service entitling the member to coverage under the system or membership in any of the associations last terminated. The annuity from each fund must be determined by the appropriate law except that the requirement that a person must have at least three years allowable service in the respective system or association does not apply for the purposes of this section if the combined service in two or more of these funds equals three or more years.

Subd. 2. **Computation of deferred annuity.** Deferred annuities must be computed according to this chapter on the basis of allowable service before termination of service and augmented as provided in this chapter. The required reserves applicable to a deferred annuity must 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 year compounded annually until January 1, 1981, and after that date three percent per year compounded annually. The mortality table and interest assumption used to compute the annuity shall be those in effect when the member files application for annuity.

Subd. 3. **Refund repayment.** A person who has received a refund from the state patrol retirement fund who is a member of a public retirement system included in subdivision 1, may repay the refund with interest to the state patrol 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; 1981 c 37 s 2; 1981 c 224 s 274; 1983 c 128 s 31; 1986 c 444; 1987 c 229 art 7 s 1; 1987 c 372 art 9 s 9; 1989 c 319 art 13 s 28; 1990 c 426 art 1 s 43