

CHAPTER 693—S. F. No. 782

[Coded in Part]

An act relating to the highway patrolmen's retirement fund; amending Minnesota Statutes 1967, Chapter 352B, by adding a section; and Sections 352B.02; 352B.08; 352B.10; and 352B.11, Subdivision 2.

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

Section 1. Minnesota Statutes 1967, Section 352B.02, is amended to read:

352B.02 Highway patrol; retirement association. There is hereby established a highway patrolmen's retirement association, the membership of which shall consist of highway patrolmen. Every highway patrolman who is employed by the state of Minnesota, as such, on July 1, 1943, and every person employed as a patrolman thereafter, shall become a member of this association. Each patrolman while in the service of the state highway patrol shall pay a sum equal to 7 percent of his monthly salary ~~not exceeding the sum of 7 percent of the salary limited to \$500 per month.~~ Such amounts shall be deducted monthly by the commissioner of highways, 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 highway funds, monthly, by the commissioner of highways, a sum equal to 11.2 percent of the salary upon which deductions were made, and a sum equal to 9.8 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 fund created by Laws 1943, Chapter 637. All moneys received by said association shall be deposited by the state treasurer in the highway patrolmen's retirement fund created by Laws 1943, Chapter 637. Out of said fund shall be paid the expenses of the association, and the benefits and annuities as hereinafter provided.

Sec. 2. Minnesota Statutes 1967, Section 352B.08, is amended to read:

352B.08 Benefits. Subdivision 1. Every patrolman whose employment with the state has been ~~20~~ *ten* years or more, and during such time shall have paid by salary deductions, or otherwise, into the state employees retirement fund, the amount required by law, and into the fund created by Laws 1943, Chapter 637, or into either fund, 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

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annuity, upon his separation from state service; of an amount equal to \$250 per month, except a patrolman who has served in excess of 20 years shall be entitled to receive an additional \$5 per month for every year of service in excess of 20 years; to be paid to him after retirement concurrently with retirement benefit otherwise provided in this chapter; which life annuity shall be paid in monthly installments during the remainder of his life.

Subd. 2. The annuity shall be paid in monthly installments equal to that portion of the average monthly salary of the annuitant as a patrolman from which deductions were made for contribution to either fund, multiplied by two and one-half percent for each year of service not exceeding 20 and two percent for each year of service in excess of 20. For purposes of this subdivision, that portion of the monthly salary of an annuitant from which such deductions were made for the period before June 4, 1969, shall be treated as \$600. In lieu of the life annuity herein provided, the patrolman may elect a joint and survivor annuity, payable to his surviving spouse during her natural life, adjusted to the actuarial equivalent value of such life annuity.

Subd. 3. No patrolman shall continue as such beyond the age of 60 years, notwithstanding the Veteran's Preference Law, except that a patrolman may continue as a patrolman for a partial year after attaining the age of 60 years to complete a full year of employment.

Subd. 2. Every patrolman, whose employment with the state of Minnesota has been more than ten years and less than 20 years, and during such time has paid by salary deductions or otherwise, into the state employees' retirement fund, the amount required by law and into the fund created by Laws 1943, Chapter 637, or into either fund, and who retires voluntarily or otherwise shall be entitled, upon reaching the age of 55 years, to receive a life annuity of that percentage of \$250 per month which the years of his service in the state highway patrol, prior to his retirement, bear to 20 years.

Sec. 3. Minnesota Statutes 1967, Section 352B.10, is amended to read:

352B.10 Disability benefits. (1) Any patrolman less than 55 years of age, who shall become disabled and physically unfit to perform his duties as such subsequent to the effective date of Laws 1943, Chapter 637 as a direct result of an injury, sickness, or other disability incurred in or arising out of any act of duty, which shall render him physically or mentally unable to perform his duties as such highway patrolman, shall receive disability benefits during the period of such disability equal to \$250 per month, except a patrolman

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who has served in excess of 20 years shall be entitled to receive an additional \$5 per month, as provided in section 352B.08, to be paid to such patrolmen in monthly payments. *The benefits shall be paid in monthly installments equal to that portion of the average monthly salary of the beneficiary as a patrolman from which deductions were made for contribution to the state employees' retirement fund and highway patrolmen's retirement fund, multiplied (a) by 50 percent and, (b) by an additional two percent for each year of service in excess of 20. For purposes of this section, that portion of the monthly salary of an annuitant from which such deductions were made for the period before June 4, 1969, shall be treated as \$600.*

(2) If a patrolman, as described in clause (1), is injured under circumstances which entitle him to receive benefits under the Workmen's Compensation Law, he shall receive the same benefits as provided in ~~section 352B.02~~ *clause (1)*, less the amount paid to him in weekly benefits under the Workmen's Compensation Law.

(3) Any patrolman who after not less than ~~ten and not more than 20~~ *five* years of service, before reaching the age of 55, retires because of sickness or injury occurring while not on duty and not engaged in state highway patrol work, and the retirement is necessary because the patrolman is unable to perform state highway patrol duties shall be entitled to receive a life annuity ~~of that percentage of \$250 which the years of his service in the state highway patrol, prior to his retirement, bear to 20 years. If such retirement occurs after 21 years of service, said patrolman shall be paid additionally a pension of \$5 per month for each additional year of service over 20 years. The annuity shall be in the same amount and paid in the same manner as if the annuitant were 55 years of age at the date of his 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 the same as though the patrolman had at least ten years service.~~

(4) No patrolman shall receive any disability benefit payment when there remains to his credit unused annual leave or sick leave or under any other circumstances, when during the period of disability there has been no impairment of his salary and should such patrolman resume a gainful occupation and his earnings are less than his salary at the date of disability or the salary currently paid for similar positions, the association shall continue the disability benefit in an amount which when added to such earnings does not exceed his salary 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.

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

Sec. 4. Minnesota Statutes 1967, Chapter 352B, is amended by adding a section to read:

[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 patrolmen retiring at the time.*

Sec. 5. Minnesota Statutes 1967, Section 352B.11, Subdivision 2, is amended to read:

Subd. 2. **Death; payment to spouse and children.** In the event any patrolman who is a member of the association, and serving actively as a patrolman, shall die from any cause, the association shall grant annuities or benefit payments from the retirement fund to any widow who was his legally married wife, 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 an active member of the association, and to a child or children under the age of 18 years who were living while the deceased patrolman was an active member of the association, the widow and child or children shall be entitled to annuity as follows:

(a) To the widow, ~~a sum not to exceed \$75 per month for her natural life; , a monthly annuity equal to 20 percent of that portion of the average monthly salary of the decedent as a patrolman from which deductions were made for contribution to the state employees' retirement fund and highway patrolmen's retirement fund. For purposes of this clause, the monthly salary of a decedent from which such deductions were made for the period before June 4, 1969, shall be treated as \$600.~~ ~~but if she remarries the widow remarries, the annuity shall cease as of the date of the remarriage. except that~~ The widow of a patrolman 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 widow's annuity prescribed by this subdivision.* In the

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event such patrolman did not elect to receive a joint and survivor annuity his widow shall receive *an the widow's annuity of \$75 per month* as provided herein.

(b) To each unmarried child, ~~the amount of \$45 per month~~ until the child reaches the age of 18 years, *a monthly annuity equal to eight percent of that portion of the average monthly salary of the decedent as a patrolman from which deductions were made for contribution to the state employees' retirement fund and highway patrolmen's retirement fund. For purposes of this clause, the monthly salary of a decedent from which such deductions were made for the period before June 4, 1969, shall be treated as \$600. In addition, the association shall make a payment of plus an additional \$20 per month to be prorated equally to such children when the patrolman is survived by more than one child one or more children.* Payments for the benefit of any qualified dependent child under the age of 18 years shall be made to the widow, or if there be none, to the legal guardian of such child. The maximum monthly benefit shall not exceed ~~\$175~~ *\$200* for any number of children.

(c) In the event that a patrolman died after July 1, 1943, and prior to the effective date of Laws 1957, Chapter 869, who, at the time of his death was an active member of the association and who was survived by his widow, such widow shall receive during the time she remains unmarried an amount in the sum of 23 percent of the salary of the highest paid patrol officer as defined by law, per month for her natural life, to be paid monthly by the association commencing upon the effective date of Laws 1957, Chapter 869.

(d) If the patrolman shall die under circumstances which entitle his widow and dependent children to receive benefits under the Workmen's 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 patrolman who had separated from service prior to having completed 20 years of service except patrolmen permanently disabled in performance of duty and was not employed as a patrolman 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 Laws 1957, Chapter 869.

Sec. 6. *Section 1 of this act is effective July 2, 1969. Sections 2 through 6 of this act are effective June 4, 1969.*

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Sec. 7. [352B.15] *Effective July 2, 1969, all state police officers, as that term is defined in Minnesota Statutes, Section 352A.01, Subdivision 2, shall be members of the highway patrolmen's retirement association.*

Sec. 8. [352B.16] *All state police officers who are members of the state police officers' retirement fund on July 1, 1969, shall, if still employed as a state police officer on the effective date of this act, have years of service for purposes of all benefits provided in the highway patrolmen's retirement association equal to the allowable service, as that term is defined in Minnesota Statutes, Section 352A.01, Subdivision 3, and section 352A.06, subdivision 3, the state police officer has on July 1, 1969. In addition to the years of service as computed above, such police officer will accrue further and additional years of service on July 2, 1969, and thereafter on a like basis with a patrolman.*

Sec. 9. [352B.17] *State police officers who are members of the highway patrolmen's retirement association pursuant to this act shall be entitled to the same benefits, payments and annuities of every kind and nature, whether payable to the state police officer or his survivor or beneficiary, and subject to the same conditions and restrictions as patrolmen are entitled to by Minnesota Statutes, Chapter 352B.*

Sec. 10. [352B.18] *State police officers shall pay by payroll deduction to the highway patrolmen's retirement association the same sums as are required of patrolmen.*

Sec. 11. [352B.19] *Employer contributions and additional employer contributions shall be made by the head of each department or agency employing state police officers to the highway patrolmen's retirement association in respect to each state police officer at the same rate and on the same basis as is provided from time to time for contributions to the highway patrolmen's retirement association in respect to patrolmen. The contributions shall be charged as administrative costs. Each department shall pay these amounts from such accounts and funds from which each department received this revenue.*

Sec. 12. [352B.20] *Notwithstanding the provisions of Minnesota Statutes, Chapter 352B, there shall be no compulsory retirement age for state police officers unless the same is imposed by rule or statute other than statutes relating to pensions. The allowable service and normal annuity shall be stated in section 8 of this act.*

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Sec. 13. [352B.21] *Prior to January 1, 1971, the legislative retirement study commission shall propose to the legislature for its consideration a recodification of Minnesota Statutes, Chapter 352B, reflecting the changes made therein by this act.*

Sec. 14. [352B.22] *All assets, obligations, liabilities, books, papers and records of the state police officers' retirement fund are hereby transferred to and hereby are assets, obligations, liabilities, books, papers and records of the highway patrolmen's retirement association.*

Sec. 15. [352B.23] *All persons who on the effective date of this act are receiving or are entitled to receive any benefit, annuity, payment or refund or have a deferred right to receive any benefit, annuity, payment or refund pursuant to Minnesota Statutes, Chapter 352A, shall, after the effective date of this act receive the same benefit, annuity, payment or refund or have the same deferred right to receive the same benefit, annuity, payment or refund from the highway patrolmen's retirement association.*

Sec. 16. [352B.24] *The duly elected secretary of the state police officers' fund as of July 1, 1969, shall be a member of the board of the highway patrolmen's retirement association. His term shall be for a two year period to coincide with the present board members of the highway patrolmen's retirement association and shall terminate on June 30, 1971. The secretary of the state police officers' fund on June 30, 1969, shall sit with the officers of the highway patrolmen's retirement association in an advisory capacity for one year after the effective date of this act.*

Sec. 17. [352B.25] *All moneys required to be paid, deducted, transferred or contributed to any person, agency, fund or association from any account in the state treasury or from any fund or association are hereby annually and from time to time appropriated. Notwithstanding any law to the contrary, any person who on the effective date of this act is serving as chief conservation officer and who had previously been a member of the highway patrolmen's retirement association and who is currently receiving a pension from that fund, may pay before January 1, 1970 to the highway patrolmen's retirement association the money he has received as a pension. If he does so his service as chief conservation officer shall count as service in the highway patrolmen's retirement association and he shall continue from the effective date of this act to accrue years and time and service in the highway patrolmen's retirement association as any other state police officer.*

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Sec. 18. Sections 7 through 18 of this act are effective July 2, 1969.

Approved May 24, 1969.

CHAPTER 694—S. F. No. 1227

[Not Coded]

An act relating to the city of Rochester and the firemen's relief association and special fund; amending Laws 1959, Chapter 131, Sections 1; 10, Subdivisions 1 and 3; 11; 16; Subdivisions 1 and 2; and 25; and by adding a section; repealing Laws 1959, Chapter 131, Section 10, Subdivision 2, and Section 20.

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

Section 1. Laws 1959, Chapter 131, Section 1, is amended to read:

Section 1. Rochester, city of; firemen's relief; definitions.
Subdivision 1. For the purposes of this act the following terms set forth in this section shall have the following meanings ascribed to them.

(a) *Subd. 2.* "Fire department" means the fire department of the city of Rochester, Minnesota.

(b) *Subd. 3.* "Relief association" or "association" means the Rochester fire department relief association.

(c) *Subd. 4.* "Fireman" used alone means every person who is duly appointed and regularly entered upon the payroll of the fire department of the city of Rochester and who is on active duty with that department. The term does not include temporary or emergency employees.

(d) *Subd. 5.* "Member" used alone means every fireman who has been admitted to membership in the relief association as hereinafter provided.

(e) *Subd. 6.* "Unit" means a fractional part 1/75 of the lowest current maximum monthly base salary paid to any fireman as such salary is established from time to time by the common council; except that for persons who first became a fireman after June 30, 1969 and

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