

Proctor	\$ 680
Red Wing	7,200
Redwood Falls	1,800
Rochester	15,000
Roseau	1,800
Roseville, effective Jan. 1, 1971 <u>1973</u>	11,000 <u>13,000</u>
St. Charles	750
St. Cloud	15,000
Sauk Center	3,000
Shakopee, commencing July 1, 1971	6,000
and commencing July 1, 1972	6,500
Sleepy Eye	3,000
South St. Paul	8,400
Springfield	3,000
Staples	2,000
Thief River Falls	3,000
Tower	240
Tracy	2,800
Two Harbors	2,280
Virginia	7,700
Waseca	2,622
Waterville	1,320
West St. Paul	12,000
White Bear Lake	8,000
Willmar, effective Jan. 1, 1971	9,244
Winona	12,500
Worthington	9,500

Approved May 7, 1973.

CHAPTER 178—H.F.No.821

[Coded in Part]

An act relating to retirement; the highway patrolmen's retirement fund; providing for the membership in the highway patrolmen's retirement association; the funding of the retirement fund and the benefits therefrom to retirees; amending Minnesota Statutes 1971, Sections 352.01, Subdivision 2B; 352B.01; 352B.02; 352B.03; 352B.04; 352B.05; 352B.06; 352B.08; 352B.10; 352B.105; 352B.11; 352B.13; 352B.14; 352B.25; 352B.26; and Chapter 352B, by adding sections; repealing Minnesota Statutes 1971, Sections 352A.01 to 352A.29; 352B.09; 352B.12; and 352B.15 to 352B.24.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

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

Section 1. Minnesota Statutes 1971, Section 352B.01, is amended to read:

352B.01 RETIREMENT; HIGHWAY PATROLMEN; DEFINITIONS. Subdivision 1. For the purposes of chapter 352B, the terms defined in this section have the meanings given them.

Subd. 2. "Member" means (a) ~~Whenever used in this chapter "Highway Patrolmen" or "Highway Patrolman" means 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, their chief supervisor and all assistant supervisors 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 employed as police personnel, with powers of arrest by warrant, pursuant to the provisions of section 299C.04, currently employed by the state, whose salary or compensation is paid out of funds of the state.

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, each year of 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 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 he reaches age 60, each year of allowable service acquired by such member shall be computed in determining his normal annuity not to exceed 30 years of such allowable service. The year such member reaches age 60 may be computed 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

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salaries from state funds to a member and who prepares, approves and submits salary abstracts of his employees to the state auditor and state treasurer.

Subd. 5. "Average monthly salary" means the average monthly salary of the annuitant as a member from which deductions were made for contribution to the fund. For purposes of this subdivision, that portion of the monthly salary of an annuitant as a member from which such deductions were made for the period prior to July 2, 1969, shall be treated as \$600.

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.

Sec. 2. Minnesota Statutes 1971, Section 352B.02, is amended to read:

352B.02 RETIREMENT ASSOCIATION. Subdivision 1. There is hereby established a highway patrolmen's retirement association, the membership of which shall consist of highway patrolmen all persons defined in section 352B.01, subdivision 2. ~~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 member while in the service of the state highway patrol shall pay a sum equal to seven percent of his monthly salary. Such amounts shall be deducted monthly by the ~~commissioner of public safety 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 highway state funds, monthly, by the commissioner of public safety department heads, a sum equal to 11.2 percent of the salary upon which deductions were made, and a sum equal to eight

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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 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.

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.

Sec. 3. Minnesota Statutes 1971, Section 352B.03, is amended to read:

352B.03 OFFICERS, TERMS. Subdivision 1. **OFFICERS.** The officers of ~~this~~ the association shall consist of the chief of the state highway patrol, who shall be president, the state treasurer, who shall be ex-officio treasurer, and a secretary, who shall be a member of the association, to be chosen by the membership thereof for a term of two years. These officers shall administer the provisions of ~~Laws 1943, Chapter 637~~ chapter 352B, and may make such rules and regulations therefor, not inconsistent herewith, as may be necessary for such purposes. The general bond of the state treasurer ~~at the time of the passage of Laws 1943, Chapter 637~~, shall cover all liability for his acts as treasurer, and no additional bond shall be required.

Subd. 2. **DUTIES OF TREASURER.** All moneys of the association received by ~~him~~ the treasurer pursuant to the provisions of ~~Laws 1943, chapter 637~~ 352B, 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 secretary of the association, 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 state auditor upon vouchers signed by the secretary of the association.

Sec. 4. Minnesota Statutes 1971, Section 352B.04, is amended to read:

352B.04 SECRETARY, DUTIES. The secretary of ~~this~~ the association shall keep a record of all the acts and proceedings taken by the officers, and he shall keep a complete record of the names of all of the members and former members, their ages and length of service, the salary of each member, together with such other facts as may be necessary in the administration of the provisions of

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~~Laws 1943, Chapter 637~~ chapter 352B, and for the purpose of obtaining such facts, he shall have access to the records of the various departments of the state. A certified copy of birth certificate or delayed birth certificate shall be prima facie evidence of the age of the person named therein.

Sec. 5. Minnesota Statutes 1971, Section 352B.05, is amended to read:

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 officers of this association are not needed for immediate purposes, in such securities as are duly authorized or legal investments for ~~state employees retirement fund~~ 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 officers of the association when such officers determine 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 ~~state employees retirement fund~~ Minnesota state retirement system shall apply to the accounting, purchase and sale of securities for the highway patrolmen's retirement fund.

Sec. 6. Minnesota Statutes 1971, Section 352B.06, is amended to read:

352B.06 RETIREMENT FUND. There is hereby created the highway patrolmen's retirement fund ~~and all moneys received under the provisions of Laws 1943, Chapter 637, shall be credited to said fund. In addition thereto, 66 percent of all moneys heretofore paid by any highway patrolman into the state employees retirement fund is hereby appropriated therefrom and credited to the fund hereby created. The state treasurer shall, upon the passage of Laws 1943, Chapter 637, ascertain the amount heretofore paid by highway patrolmen as aforesaid and transfer the amount so paid to the fund hereby created. The fund shall consist of all moneys credited to the fund on the effective date of this act, 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 2, and any other moneys received by the association in the form of donations, gifts, bequests, appropriations, or otherwise. The public examiner shall audit the fund in the course of his examination of the department of public safety records and the officers of the fund shall biennially have made an actuarial study of the fund in accordance with Minnesota Statutes, Chapter 356, the cost of which shall be borne by the fund. Reports on the actuarial survey shall be furnished to the legislature.~~

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Sec. 7. Minnesota Statutes 1971, Chapter 352B, is amended by adding a section to read:

[352B.061] UNPAID STATE AUDITOR'S WARRANTS CANCELLED. Any state auditor'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.

Sec. 8. Minnesota Statutes 1971, Chapter 352B, is amended by adding a section to read:

[352B.071] EXEMPTION FROM PROCESS AND TAXATION. None of the moneys, annuities, or other benefits provided for in chapter 352B shall be assignable either in law or in equity or be subject to execution, levy, attachment, garnishment, or other legal process.

Sec. 9. Minnesota Statutes 1971, Chapter 352B, is amended by adding a section to read:

[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.

Sec. 10. Minnesota Statutes 1971, Section 352B.08, is amended to read:

352B.08 BENEFITS. Subdivision 1. Every patrolman whose employment with the state has been 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, 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 annuitant as a patrolman from which deductions were made for contribution to either fund, member multiplied by two and one-half

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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 member or former member with 20 years or more of service 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. The joint and survivor annuity elected by a patrolman 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 surviving spouse dies prior to the death of the patrolman member. This reinstatement shall not be retroactive but shall be in effect for the first full month subsequent to the death of the surviving spouse. This additional joint and survivor option with reinstatement clause shall be adjusted to the actuarial equivalent value of a regular life annuity. The patrolman member with 20 years or more of service may elect a joint and survivor annuity at any age but payable only on or after his 55th birthdate.

~~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.~~

Sec. 11. Minnesota Statutes 1971, Section 352B.10, is amended to read:

352B.10 DISABILITY BENEFITS. (1) Any patrolman member 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. 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), member is injured under circumstances which entitle him to receive benefits under the

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Workmen's Compensation Law, he shall receive the same benefits as provided in clause (1), less the amount paid to him in weekly benefits under the Workmen's Compensation Law.

(3) Any patrolman member who after not less than five years of service, before reaching the age of 55, ~~retires~~ terminates his employment because of sickness or injury occurring while not on duty and not engaged in state highway patrol work entitling him to membership in the association, and the ~~retirement termination~~ is necessary because the patrolman member is unable to perform ~~state highway patrol~~ his duties shall be entitled to receive a life annuity disability benefit. The annuity benefit 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 member had at least ten years service.

(4) No patrolman member 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 member or former member 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.

(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 former member to submit proof of the continuance of the disability claimed.

Sec. 12. Minnesota Statutes 1971, Section 352B.105, is amended 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 members retiring at the time.

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Sec. 13. Minnesota Statutes 1971, Section 352B.11, is amended to read:

352B.11 **RETIREEES.** Subdivision 1. **REFUNDMENT OF PAYMENTS.** Should any patrolman, member who does not qualify for other benefits under ~~Minnesota Statutes 1957, this chapter 172, as amended,~~ become separated from state service as a patrolman that entitled him to be a member of the association, either voluntarily or involuntarily, ~~such patrolman~~ he shall thereupon be entitled to receive a refundment of all payments which have been made by salary deductions ~~into the fund created by Laws 1943, Chapter 637.~~

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, member 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, his surviving spouse and to a dependent child or dependent children, under the age of 18 years who were living while the deceased patrolman was an active member of the association, The widow surviving spouse and dependent child or dependent children shall be entitled to annuity as follows:~~

(a) To the widow surviving spouse, 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 member 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. If the widow surviving spouse remarries, the annuity shall cease as of the date of the remarriage. The widow surviving spouse of a patrolman 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 widow's annuity prescribed by this subdivision. In the event such patrolman former member did not elect to receive a joint and survivor annuity his widow surviving spouse shall receive the widow's annuity provided herein.

(b) To each unmarried dependent child, 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 former member from which deductions were made for ~~contribution to the state employees' retirement fund and highway~~

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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 \$20 per month to be prorated equally to such children when the patrolman former member is survived by one or more dependent children. Payments for the benefit of any qualified dependent child ~~under the age of 18 years~~ shall be made to the widow surviving spouse, or if there be none, to the legal guardian of such child. The maximum monthly benefit shall not exceed \$200 for any number of children.

~~(e) 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) (c)~~ If the patrolman member shall die under circumstances which entitle his widow surviving spouse 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) (d)~~ In the event any patrolman former member who had separated from service prior to having completed 20 years of service except patrolmen former members permanently disabled in performance of duty and was not employed as a patrolman 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 Laws 1957, Chapter 869 this chapter.

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. 3 4. RE-ENTRY INTO STATE SERVICE. Should any patrolman former member, who has become separated from state service as a patrolman that entitled him to be a member of the association and has received a refundment of his retirement payments into this fund or the state employees retirement fund, re-enter the state service as a patrolman in a position that entitles him to be a member of the association, such patrolman he shall

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receive credit for the period of his prior allowable state service as a ~~patrolman~~ 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.

~~Subd. 4. Death of patrolman entitled to annuity; annuity to widow. In the event of the death subsequent to June 30, 1965, of any former patrolman who was a member of the association at the time of his death and who was entitled to an annuity pursuant to section 352B.08 or would be entitled to such annuity upon reaching age 55, and who retired or separated from state service prior to July 1, 1965, the association shall grant a life annuity of \$75 per month to any widow who was his legally married wife, residing with him at the time of his death and who was married to him while or prior to the time he was serving actively as a patrolman, for a period of at least one year, for her natural life but if she remarry the annuity shall cease as of the date of the remarriage. The provisions of this clause are effective retroactively to June 30, 1965.~~

Sec. 14. Minnesota Statutes 1971, Section 352B.13, is amended to read:

~~352B.13 MEMBERSHIP COMPULSORY. Every highway patrolman shall, upon the passage of Laws 1943, Chapter 637, become~~ 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 patrolman member shall not be eligible to membership in the state employees' retirement association, and the provisions of said law shall not apply to the highway patrolmen such members.

Sec. 15. Minnesota Statutes 1971, Chapter 352B, is amended by adding a section to read:

[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.

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Sec. 16. Minnesota Statutes 1971, Section 352B.14, is amended to read:

352B.14 LAW GOVERNING BENEFITS. Subdivision 1. Except as provided in subdivision 4, every patrolman 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 patrolman member who ~~terminated~~ terminates state service and ~~was 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 widow or child of a deceased patrolman 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 patrolman member or former member died.

Subd. 4. Any ~~patrolman or former patrolman 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 widow 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 sections 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.

Sec. 17. Minnesota Statutes 1971, Section 352B.25, is amended to read:

352B.25 CONTINUING APPROPRIATION; PAYMENT OF PENSION FUNDS BY INDIVIDUALS. All moneys provided for in chapter 352B 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 Laws 1969, Chapter 693 is serving as chief conservation officer and~~

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~~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 Laws 1969, Chapter 693 to accrue years and time and service in the highway patrolmen's retirement association as any other state police officer.~~

Sec. 18. Minnesota Statutes 1971, Section 352B.26, is amended to read:

352B.26 PARTICIPATION IN MINNESOTA ADJUSTABLE FIXED BENEFIT FUND. Subdivision 1. **AUTHORIZATION.** Effective July 1, 1969, the highway patrolmen's retirement association shall participate in the Minnesota adjustable fixed benefit 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 widows' benefits, after retirement in accordance with the provisions of this section. ~~It also means that the payments made to such persons, whether benefits were determined under chapter 352A to 352B, 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 widows' 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 three and one-half percent and assets representing the required reserves for these annuities shall be transferred to the Minnesota adjustable fixed benefit fund, during a period of one year in accordance with procedures specified in section 11.25. The provisions of this clause ~~also apply to all annuities under chapter 352A, prior to July 2, 1969, which became~~ are payable under chapter 352B ~~on that date or subsequently.~~

(2) Effective July 1, 1969, for those employees commencing to receive annuities and qualified recipients of widows' benefits, or joint and survivor annuities, pursuant to chapter 352B, and acts

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amendatory thereof, the required reserves as determined in accordance with this section shall be transferred to the Minnesota adjustable fixed benefit 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 11.25, subdivisions 12 and 13.

(4) Notwithstanding section 356.18, increases in annuity payments pursuant to this section will be made automatically unless written notice is filed by the annuitant with the officers of the highway patrolmen's retirement association requesting that the increase shall not be made.

Sec. 19. Minnesota Statutes 1971, Chapter 352B, is amended by adding a section to read:

[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 the effective date of this act are receiving any benefit, annuity or payment from the highway patrolmen's retirement fund shall, after the effective date of this act, receive the same benefit, annuity or payment from said fund.

Sec. 20. Minnesota Statutes 1971, Section 352.01, Subdivision 2B, is amended to read:

Subd. 2B. **STATE RETIREMENT SYSTEM; REVISION; EXCLUDED EMPLOYEES.** The following persons are excluded from the meaning of state employee:

(1) Elective state officers;

(2) Students employed by the University of Minnesota, the state colleges, and state junior colleges unless approved for coverage by the board of regents, the state college board or the state junior college board, as the case may be;

(3) Employees who are eligible to membership in the state teachers retirement association except employees of the department of education who have elected or may elect to be covered by the Minnesota state retirement system instead of the teachers retirement association;

Changes or additions indicated by underline, deletions by ~~strikeout~~.

(4) Employees of the University of Minnesota who are excluded from coverage by action of the board of regents;

(5) Officers and enlisted men in the national guard and the naval militia and such as are assigned to permanent peacetime duty who pursuant to federal law are or are required to be members of a federal retirement system;

(6) Election officers;

(7) Persons engaged in public work for the state but employed by contractors when the performance of such contract is authorized by the legislature or other competent authority;

(8) Officers and employees of the senate and house of representatives who are temporarily employed and those employees of the legislative research committee who are intermittently employed when needed;

(9) All courts and all employees thereof, referees, receivers, jurors, and notaries public, except employees of the supreme court and referees and adjusters employed by the department of labor and industry;

(10) Patient and inmate help in state charitable, penal and correctional institutions including the Minnesota veterans home;

(11) Persons employed for professional services where such service is incidental to regular professional duties and whose compensation is paid on a per diem basis;

(12) Employees of the Sibley House Association;

(13) Employees of the Grand Army of the Republic and employees of the ladies of the G.A.R.;

(14) Operators and drivers employed pursuant to section 16.07, subdivision 4;

(15) Members of the tax court, the civil service board, and the members of any other state board or commission who serve the state intermittently and are paid on a per diem basis; the secretary, secretary-treasurer, and treasurer of such boards if their compensation is \$500 or less per year, or, if they are legally prohibited from serving more than two consecutive terms and their total service therefor is required by law to be less than ten years; and the board of managers of the state agricultural society and its treasurer unless he is also its full time secretary;

(16) State highway patrolmen;

Changes or additions indicated by underline, deletions by ~~strikeout~~.

(17) Temporary employees of the Minnesota state fair employed on or after July 1 for a period not to extend beyond October 15 of the same year; also persons employed at any time or times by the state fair administration for special events held on the fairgrounds;

(18) Emergency employees in the classified service except emergency employees who within the same pay period become provisional or probationary employees on other than a temporary basis, shall be deemed "state employees" retroactively to the beginning of the pay period;

(19) Persons described in section 1, subdivision 2, clauses (b) and (c) of this act formerly defined as state police officers as defined in section 352A.01;

(20) All temporary employees in the classified service, and all seasonal help in the unclassified service employed by either the motor vehicle division or the department of taxation to perform clerical duties;

(21) Trainees paid under budget classification number 41, and other trainee employees, except those listed in subdivision 2A(10);

(22) Persons whose compensation is paid on a fee basis;

(23) State employees who in any year have credit for 12 months service as teachers in the public schools of the state and as such teachers are members of the teachers retirement association or a retirement system in St. Paul, Minneapolis, or Duluth;

(24) Employees of the adjutant general employed on an unlimited intermittent basis in the classified and unclassified service for the support of army and air national guard training facilities;

(25) Chaplains and nuns who have taken a vow of poverty as members of a religious order;

(26) Labor service employees who are entitled to receive a pay differential because they are not entitled to annual or sick leave, or pay for holidays, or insurance coverage;

(27) Examination monitors employed by departments, agencies, commissions, and boards for the purpose of conducting examinations required by law;

(28) Members of appeal tribunals, exclusive of the chairman to which reference is made in section 268.10, subdivision 4;

(29) Persons appointed to serve as members of fact finding commissions, adjustment panels, arbitrators, or labor referees under the provisions of chapter 179;

Changes or additions indicated by underline, deletions by strikeout.

(30) Temporary employees employed for limited periods of time under any state or federal program for the purpose of training or rehabilitation including needy persons employed thereunder for limited periods of time from areas of economic distress except skilled and supervisory personnel and persons having civil service status covered by the system;

(31) Full time students employed by the Minnesota historical society who are employed intermittently during part of the year and full time during the summer months; and

(32) Temporary employees, appointed for not more than six months, of the Metropolitan council and of any of its statutory boards, the members of which board are appointed by the Metropolitan council.

Sec. 21. [352B.021] TRANSFER OF ADMINISTRATIVE FUNCTIONS. Notwithstanding other provisions of chapter 352B as amended, effective July 1, 1973, the administrative duties of the highway patrolmen's fund shall be transferred and become the responsibility of the executive director and staff of the Minnesota state retirement system. The officers of the association shall furnish said executive director with all records necessary for the discharge of his assumed administrative duties. The officers of the association shall retain the same duties, powers, and authority concerning the administration of the highway patrol fund as the board of directors of the Minnesota state retirement system have over that fund. The highway patrolmen's fund shall pay to the Minnesota state retirement system two-tenths of one percent of the payroll of its membership to defray cost of administration. The rate of pay for administration expense may subsequently be increased or decreased from time to time by agreement between the officers of the highway patrolmen's association and the board of directors of the Minnesota state retirement system.

Sec. 22. REPEALS. Minnesota Statutes 1971, Sections 352A.01; 352A.02; 352A.03; 352A.04; 352A.05; 352A.06; 352A.07; 352A.08; 352A.081; 352A.085; 352A.09; 352A.11; 352A.12; 352A.13; 352A.14; 352A.15; 352A.16; 352A.17; 352A.18; 352A.19; 352A.20; 352A.21; 352A.22; 352A.23; 352A.24; 352A.25; 352A.26; 352A.27; 352A.28; 352A.29; 352B.09; 352B.12; 352B.15; 352B.16; 352B.17; 352B.18; 352B.19; 352B.20; 352B.21; 352B.22; 352B.23; and 352B.24 are repealed.

Sec. 23. This act shall become effective the day next following its final enactment.

Approved May 7, 1973.

Changes or additions indicated by underline, deletions by ~~strikeout~~.