

ployees, agents, and representatives, before engaging in the business of buying and dealing in livestock, shall, on or before July 1 each year, file an application with the department on a form prescribed by it for a license to transact such business. The application shall state the nature of the business as hereinabove set forth, the names of the persons applying for the license, and if the applicant be a firm, association, partnership, or corporation, the full name of each member of such firm, ~~association~~, or partnership, or the names of the officers of the corporation or association, and the name of the agent or agents of such person, firm, association, partnership, or corporation, the post-office address of the principal place of business of the applicant and such other facts as the department shall prescribe.

Approved May 24, 1973.

CHAPTER 755—H.F.No.1906

[Coded in Part]

An act relating to the Minnesota highway patrolmen's retirement association; amending Minnesota Statutes 1971, Sections 352B.02; 352B.08, Subdivision 2; 352B.10; 352B.11, Subdivision 2; and Chapter 352B, by adding sections.

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

Section 1. Minnesota Statutes 1971, Section 352B.02, is amended to read:

352B.02 RETIREMENT; HIGHWAY PATROL. 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 eight 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~~

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the ~~commissioner of public safety department heads~~, a sum equal to ~~11.2~~ 12 percent of the salary upon which deductions were made, and a sum equal to ~~eight~~ ten 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. 2. Minnesota Statutes 1971, Section 352B.08, Subdivision 2, is amended to read:

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 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. Effective June 1, 1973, "average monthly salary" shall mean the average of the monthly salaries for the five high years of service as a member. The monthly salary for the period prior to July 2, 1969 shall be deemed to be \$600.~~ In lieu of the life annuity herein provided, the ~~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.

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Sec. 3. 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 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

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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. 4. Minnesota Statutes 1971, 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 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 retirement.~~ 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) Notwithstanding the provisions of clause (a), the surviving spouse of any member who had served for 20 years or more and who was not 55 years of age at his death, shall receive the benefit

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equal to 20 percent of the average monthly salary as described in clause (a) until the deceased member would have reached his 55th birthday, and beginning the first of the month following that date, she shall be entitled to receive the joint and survivor annuity designated as option 1 under the administrative procedure of the association dated November 1, 1965. If the surviving spouse remarries prior to the deceased member's 55th birthdate, all benefits or annuities shall cease as of the date of remarriage. The provisions of this clause shall be retroactive to July 1, 1969, but no payments shall be made until July 1, 1973.

(b) (c) To each unmarried dependent child, until the child reaches the age of 18 years, a monthly annuity equal to eight ten 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 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 retirement. A dependent child over the age of 18 years and under the age of 22 years also may receive the monthly benefit provided herein, if said child is continuously attending an accredited school as a full-time student during the normal school year as determined by the board of the fund. If said child does not continuously attend school but separates himself during any portion of a school year, the annuity shall cease at the end of the month of separation. In addition, the association shall make a payment of \$20 per month to be prorated equally to such children when the 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 \$400 for any number of children. The provisions of this clause are effective retroactively to March 1, 1967, provided that the increase in the maximum monthly benefit shall not take effect until July 1, 1973; and provided further that the increase in the maximum monthly benefit from \$200 to \$400 shall not be effective retroactively.

(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.

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(d) 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) 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.

Sec. 5. Minnesota Statutes 1971, Chapter 352B, is amended by adding a section to read:

[352B.261] RETIREMENT BENEFIT INCREASE. The benefits payable from the Minnesota adjustable fixed benefit fund authorized and in effect on May 31, 1973 shall be increased in the same ratio that the actuarially computed reserve for such benefits determined by using an interest assumption of three and one-half percent bears to the actuarially computed reserve for such benefits determined by using an interest assumption of five percent. The reserves upon which such increase shall be based shall be the actuarially determined reserve for benefits in effect on June 30, 1972, in accordance with the mortality assumptions then in effect and at interest assumptions of three and one-half percent and five percent. Such ratio of increase computed to the last full one 1/100 of one percent shall be applied to benefits in effect on May 31, 1973 and shall begin to accrue July 1, 1973. Notwithstanding section 356.18, increases in benefit payments pursuant to this section will be made automatically unless the intended recipient files written notice with the highway patrolmen's retirement association requesting that the increase shall not be made.

Sec. 6. Minnesota Statutes 1971, Chapter 352B, is amended by adding a section to read:

[352B.28] WIDOWS BENEFITS. Subdivision 1. Upon the death of any highway patrolman who retired or separated from state service prior to July 1, 1965, his widow, if she was legally married to him during his service as a patrolman and residing with him at the time of death, shall receive for life an annuity of \$125 per month.

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

Subd. 3. The annuity of a widow currently receiving an annuity by way of the state police officers retirement fund where there was no option of eligibility, shall on the effective date of this act be increased to \$125 per month.

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

Sec. 7. [352B.29] Notwithstanding other provisions of chapters 352 and 352B as amended, effective July 1, 1973, all powers, duties, responsibilities, books, papers and records of the highway patrolmen's retirement association and of the officers of the highway patrolmen's retirement association are hereby transferred to the Minnesota state retirement system. The officers of the highway patrolmen's retirement association as constituted under chapter 352B as amended are hereby abolished. The members of the highway patrolmen's retirement association shall elect one of their membership to serve as a member of the board of directors of the Minnesota state retirement system. Such member shall be in addition to the board of directors as constituted under chapter 352 and shall serve for a term of four years. The election of such member shall be at a time and in a manner as prescribed by the board. The chief of the highway patrol shall serve as the board member until a member is duly elected.

Sec. 8. Unless otherwise specifically provided this act is effective the day following the final enactment.

Approved May 24, 1973.

CHAPTER 756—H.F.No.1940

An act relating to insurance; automobile insurance plan governing committee; revising the membership of said committee; amending Minnesota Statutes 1971, Section 65B.03.

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