

*or premises otherwise licensed for the sale of intoxicating liquor.*

Approved April 20, 1961.

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CHAPTER 736—S. F. No. 520

[Coded]

*An act establishing a state police officers retirement fund covering game wardens and officers of the bureau of criminal apprehension, abolishing the game wardens retirement association; repealing Minnesota Statutes 1957, Sections 97.61 to 97.73.*

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

Section 1. **[353A.01] Definitions.** Subdivision 1. **Generally.** The terms defined in Minnesota Statutes 1957, Section 352.01 and acts amendatory thereof, when used in this act, have the meanings ascribed to them therein.

Subd. 2. **State police officer.** For the purposes of this act "state police officer" means (1) game wardens employed pursuant to the provisions of Minnesota Statutes, Section 97.50, chief game warden, assistant chief game warden, and all warden supervisors whose salaries or compensation are paid out of the funds of the state of Minnesota, and (2) any crime bureau officer employed as police personnel with power of arrest by warrant pursuant to the provisions of Minnesota Statutes, Section 626.34, and whose salary or compensation is paid out of the funds of the state of Minnesota.

Sec. 2. **[353A.02] Policy.** It is the recognized policy of the state to give special consideration to the employees who devote their time and skills to protect the property and personal safety of others. Since this work is hazardous, special provision is hereby made for retirement pension, disability benefits, survivor's benefits based on the particular dangers inherent to the occupation. The benefits provided in this act are more costly than similar benefits for other state employees since such benefits are computed on a shorter working lifetime, taking into account experience which has been universally recognized. The cost should be borne by the employee and the employer alike at the ratio

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of 40 percent employee contributions and 60 percent employer contributions.

Sec. 3. [353A.03] **Fund; membership.** Subdivision 1. **Deposits in the fund.** There is a special fund known as the state police officers retirement fund. In that fund there shall be deposited employee contributions and employer contributions and other amounts authorized by law, including the total assets of the game wardens retirement fund which shall be transferred to the state police officers retirement fund on June 30, 1961. The state employees retirement fund shall also transfer to this special fund the employees' contributions, employer contributions, and contributions made to amortize the deficit in the fund together with interest on accumulation which were made by or in behalf of those employees of the bureau of criminal apprehension who transferred to the state police officers retirement fund after June 30, 1961.

Subd. 2. **Members of the fund.** Any state police officer as defined in section 352.01 employed on or after July 1, 1961, shall become a member of the state police officers retirement fund.

Sec. 4. [353A.04] **Management of fund.** Subdivision 1. **Board of trustees.** The management of the state police officers retirement fund is vested in a board of trustees consisting of three members to be elected by members of this association. On July 1, 1961, the board of trustees of the game wardens retirement association shall act as the temporary board of trustees of the state police officers retirement until their successors are elected and qualified. At the first annual meeting on or before January 1, 1962, of the state police officers retirement fund, three trustees shall be elected for staggered terms of one, two, and three years respectively. Thereafter, one trustee shall be elected at each annual meeting for a term of three years. In addition the state treasurer shall be ex officio treasurer of the fund and shall serve in this capacity with the board of trustees. The board of trustees shall elect a trustee as president and a trustee as secretary. The board of trustees shall administer the provisions of this act including the determination of eligibility for retirement, disability, and survivors' benefits and annuities and other benefits and rights provided herein. The board 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

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passage of this act shall cover all liabilities for his acts as treasurer and no additional bond shall be required.

**Subd. 2. Receipts and disbursements.** All moneys of the fund received by the treasurer pursuant to the provisions of this act shall be set aside by him in the state treasury and credited to the state police officers retirement fund. He shall transmit, monthly, to the secretary of the board 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 by the secretary.

**Subd. 3. Records of proceedings; secretary.** The secretary of this fund 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, 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 this act, 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. The secretary may receive such salary for his services as is determined by the board not to exceed \$600 per year. The fund may hire an accountant who may receive such salary for his services as is determined by the board not to exceed \$600 per year.

**Subd. 4. Expenses of trustees.** The members of the board of trustees and members of any authorized committee of said board shall serve without compensation, but shall be reimbursed out of the retirement fund for expenses actually and necessarily paid or incurred in the performance of their duties, and shall suffer no loss of salary or wages, through service on the board or on any authorized committee.

**Sec. 5. [353A.05] Contributions, deductions, credits and disbursements.** **Subdivision 1. Employee contributions.** The employee contributions to the fund shall be in an amount equal to six percent of the salary of every member. These contributions shall be made by deductions from salary in the manner provided in subdivision 3. No deduction shall be made from any salary in excess of \$4,800 in any calendar year on a pro rata basis.

**Subd. 2. Employer contributions.** The employer contribution to the fund shall be in an amount equal to nine per-

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cent of the salary upon which deductions were based of each member. This contribution shall be made in the manner provided in section 352.04.

Subd. 3. **Employee deductions.** The head of each department employing any state police officer is hereby directed to cause employee contributions to be deducted in the manner provided in section 352.04, subdivisions 4, 5, 7, and 8.

Subd. 4. **Additional employer contribution.** An additional contribution shall be made to the fund of two percent of the salary upon which deductions were based of each member for the purpose of amortizing the deficit of this fund. This contribution shall be made in the manner and subject to the terms provided for in section 352.04, subdivisions 4, 5, 7, and 8.

Subd. 5. **Credits and disbursements.** All contributions shall be credited to the fund and all interest and other income of the fund shall be credited to said fund. The fund shall be disbursed only for the purposes herein provided. The expenses of said fund and the annuities and benefits herein provided shall be paid from the fund.

Sec. 6. **[353A.06] Retirement.** Subdivision 1. **Qualifications for retirement.** After separation from state service, any state police officer who has attained the age of at least 58 years and who received credit for not less than ten years of allowable service as a state police officer is entitled upon application to a retirement annuity.

Subd. 2. **Normal retirement annuity.** The retirement annuity hereunder payable at age 58 or thereafter shall be computed in accordance with applicable provisions of the formula stated in subdivision 3 hereof on the basis of the member's average salary for the period of his allowable service. Such retirement annuity is known as the normal retirement annuity.

(a) For years prior to July 1, 1961, average salary for determining a member's retirement annuity means the amount equivalent to the average of his highest salary upon which deductions were based for any five consecutive years prior to that date limited to \$4,800;

(b) For each year subsequent to June 30, 1961, average salary for a member for the purpose of determining his

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retirement annuity means his average salary not exceeding in any one year \$4,800 and for which he has made contributions to the retirement fund;

(c) Average salary in no case shall exceed \$4,800 per year.

**Subd. 3. Computing normal annuity.** The normal annuity for any member shall be computed by multiplying his average salary upon which deductions were based times two percent per year of allowable service. After a member has reached 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 the member was so employed before July 1, 1961 and reached 60 years of age and had more than 30 years' allowable service at such time, each year of allowable service acquired by the member shall be computed in determining his normal annuity until such member reaches the age of 60. If the member was so employed before July 1, 1961, and had less than 30 years of allowable service when he reached 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 any member reaches age 60 may be computed in full in determining the normal annuity provided herein.

**Subd. 4. Early retirement.** After separation from state service, any state police officer who has attained the age of at least 55 years and who receives credit for not less than 20 years of allowable service as a state police officer, is entitled upon application to a retirement annuity which shall be equal to his normal annuity reduced by one half a percent for each month that he is under age 58 at the time of retirement.

**Sec. 7. [353A.07] Applications.** Retirement may be made upon application of the member or someone authorized to act in his behalf.

**Sec. 8. [353A.08] State employees retirement association, application; disability; annuities; survivor's benefits.** Subdivision 1. **Incorporation by reference.** General provisions of Minnesota Statutes, Chapter 352, apply to all state police officers who are members of the state police officers retirement fund and also to all departments of the state employing such members except where

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otherwise specifically provided or inconsistent with the provisions of this act.

**Subd. 2. Disability not in line of duty.** If a member of the state police officers retirement fund is permanently and totally disabled not in the line of duty, the computation of the disability benefits of section 352.113 as they apply to members of the state police officers retirement fund shall be equal to the normal annuity, based on the person's age when disabled, provided in section 6 computed as though the person were age 58 when disabled, plus a supplementary monthly annuity computed in accordance with the following table, but in no case shall these benefits exceed the normal annuity for 30 years of allowable service:

Age when disabled	Supplementary benefits
Under 51	\$50
51	\$44
52	\$38
53	\$32
54	\$26
55	\$20
56	\$12
57	\$ 6

**Subd. 3. Disability in line of duty.** If a member of the state police officers fund is permanently and totally disabled in the line of duty, regardless of his age or years of service when disabled, he shall be paid disability benefits in an amount equal to 40 percent of his average salary as defined in section 6. Except as specifically provided in this subdivision, all other terms and conditions of section 352.113 shall apply to establish qualifications for disability. If a member qualifies for the disability benefits of subdivisions 2 and 3, he shall have the option to apply for benefits under either but not both.

The provision contained in Minnesota Statutes, Section 352.113, which reads "If a disabled person receives disability benefits under the provisions of the Federal Social Security Act, his benefits computed under subdivision 2 of this section shall be reduced by the amount of disability benefits paid under the federal act." shall not apply to state police officers who are members of this fund.

**Subd. 4. Deferred annuity.** The deferred annuity of section 352.22, as it applies to members of the state police officers retirement fund, shall commence at age 58 and shall

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be computed in the manner provided in section 6 on the basis of allowable service prior to termination of service.

**Subd. 5. Survivor's annuity.** The survivor's annuity of section 352.117, subdivision 2, shall be paid in behalf of members of the state police officers retirement fund under the following terms and conditions: Upon the death of a member before retirement who has had at least 20 years of allowable service as a state police officer, his surviving spouse shall be paid a deferred annuity in an amount equal to 75 percent of the member's normal annuity provided in section 6 not to exceed \$150 per month. If, at the time of death, the member was under 58 years of age, his normal annuity shall be reduced one half percent for each month that he was under age 58. This annuity shall be paid when the surviving spouse reaches the age of 62 and shall terminate upon remarriage. The surviving spouse has the option, if qualified, to receive the annuity provided in section 352.117, subdivision 1, or the benefit provided in section 352.117, subdivision 2, but not both.

**Subd. 6. Line of duty survivor's benefits.** If a member is killed in the line of duty, survivor's benefits shall be paid even though the member did not have 18 months of allowable service credit at the date of death.

**Sec. 9. [353A.09] Prior annuities and benefits.** Any state police officer or former state police officer who retired and began collecting a retirement annuity or disability benefit prior to July 1, 1961, or any widow or child of a state police officer who began collecting an annuity or benefit prior to July 1, 1961, shall continue to receive such annuity or benefit in the amount and subject to the conditions specified in the law prior to July 1, 1961. These annuities and benefits shall be paid out of the state police officers retirement fund.

**Sec. 10. [353A.10] Actuarial survey.** An actuarial survey shall be made of the state police officers retirement fund as of January 1, 1962, and shall be submitted to the interim commission of the legislature assigned to study public retirement before June 1, 1962, or if no interim commission is created, the survey shall be submitted to the legislature January 15, 1963.

**Sec. 11. [353A.11] Options, game wardens retirement fund members.** Any state police officer who, on July 1, 1961, had 20 years of service in the game wardens retire-

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ment fund as defined in Minnesota Statutes 1957, Section 97.66, shall be entitled to an option. This option affords such a person the right to have his retirement annuity and other benefits computed pursuant to Minnesota Statutes 1957, Sections 97.61 to 97.73. Any person who wishes to exercise this option shall file an application with the board of trustees before July 1, 1963. After the option is exercised the person shall be entitled to no annuities nor other benefits provided by this act. If the person remains in state service as a state police officer after the option is exercised, the employee contributions provided in section 5, subdivision 1, and the employer contribution provided in section 5, subdivisions 2 and 4 shall be paid nonetheless.

Sec. 12. [353A.12] **Options, state employees retirement fund members.** Any state police officer who on July 1, 1961, had 20 years of service in the state employees retirement fund shall be entitled to an option. This option affords such a person the right to have his retirement annuity and other benefits computed pursuant to Minnesota Statutes 1957, Sections 352.01 to 352.37, as amended by Laws 1959, Chapters 124 to 162, 362 and 647; Extra Session Laws 1959, Chapter 6. Any person who wishes to exercise this option shall file an application with the board of trustees before July 1, 1963. If the option is exercised, the person shall be entitled to no annuities or other benefits provided by this act. If the person remains in the state service as a police officer after the option is exercised, the employee contributions provided in section 5, subdivision 1, and the employer contributions provided in section 5, subdivisions 2 and 4, shall be paid nonetheless.

Sec. 13. Minnesota Statutes 1957, Sections 97.61 to 97.73, are repealed.

Sec. 14. This act takes effect July 1, 1961.

Approved April 20, 1961.

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#### CHAPTER 737—S. F. No. 523

[Coded in Part]

*An act relating to the payment of benefits and annuities to survivors of members of the teachers retirement association; amending Minnesota Statutes 1957, Section 135.46, Subdivisions 1 and 3, as amended, and adding a new subdivision thereto.*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**