

## CHAPTER 172

## HIGHWAY PATROLMEN, RETIREMENT

Sec.		Sec.	
172.01	Highway patrolman or highway patrolmen defined	172.07	Actions by or against
172.02	Retirement association	172.08	Membership eligibility
172.03	Officers, terms	172.09	Disability benefits
172.04	Secretary, duties	172.10	Retired patrolmen
172.05	Investment of funds	172.103	Patrolmen now retired
172.06	Retirement fund	172.11	Annuities not subject to process
		172.12	Membership compulsory

**172.01 HIGHWAY PATROLMAN OR HIGHWAY PATROLMEN DEFINED.**

Whenever used in this chapter "Highway Patrolmen" or "Highway Patrolman" means the persons referred to and employed pursuant to the provisions of Laws 1929, Chapter 355, and all acts amendatory thereof and supplementary thereto, their chief supervisor and all assistant supervisors, whose salaries or compensation is paid out of funds of the state of Minnesota.

[1943 c. 637 s. 12]

*6642* **172.02 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 seven percent of his monthly salary not exceeding the sum of seven percent of the salary of the highest paid patrol officer as defined in Minnesota Statutes, Section 161.03, subdivision 23, as amended except as hereinafter provided. 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 the amount of said salary deductions each month, 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. The amount of contributions required from state highway patrolmen may be increased from time to time to insure the actuarial soundness of the highway patrolmen's retirement fund created by Laws 1943, Chapter 637.

[1943 c 637 s 1; 1947 c 577 s 1; 1949 c 627 s 2; 1957 c 869 s 1]

**172.03 OFFICERS, TERMS.** Subdivision 1. **Officers.** The officers of this 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, 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 pursuant to the provisions of Laws 1943, Chapter 637, 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.

[1943 c. 637 s. 2]

**172.04 SECRETARY, DUTIES.** The secretary of this 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, 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 Laws 1943, Chapter 637, 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.

[1943 c. 637 s. 3]

**172.05 INVESTMENT OF FUNDS.** The state board of investment is hereby authorized to invest 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 savings banks and trust companies, and shall sell any such securities upon request from the officers of the association so as to provide money for the payment of benefits or annuities.

[1943 c. 637 s. 4]

**172.06 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 public examiner shall audit the fund in the course of his examination of the highway department records and the officers of the fund shall biennially have made an actuarial study of the fund, the cost of which shall be borne by the fund. Reports on the actuarial survey shall be furnished to the legislature.

[1943 c 637 s 5; 1949 c 609 s 1]

**172.07 ACTIONS BY OR AGAINST.** The association may sue or be sued in the name of the association, and in all actions brought by or against it, the association shall be represented by the attorney general who shall also be the legal adviser for the association.

[1943 c. 637 s. 6]

**172.08 MEMBERSHIP ELIGIBILITY.** Subdivision 1. **Separation from service; life annuity; age limitation.** Every patrolman whose employment with the state has been 20 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 annuity, upon his separation from state service, of an amount equal to 50 percent of the salary of the highest paid patrol officer as defined in Minnesota Statutes, section 161.03, subdivision 23, as amended, not to exceed \$200 per month, except a patrolman who has served in excess of 20 years shall be entitled to receive an additional sum of \$3 per month as provided in subdivision 2 which life annuity shall be paid in monthly installments during the remainder of his life. Any patrolman who has been employed by the state as such for more than 15 years, and less than 20 years, when he attains the age of 58 years, may, if physically qualified, continue as such patrolman until he has completed the year of his employ during which he has attained the age of 60 years, or he may pay a sum which will result by multiplying the number of months which he would be required to serve so as to complete 20 years of service, by the amount of his monthly salary deductions at the time when he attained 55 years of age, and thereupon, and upon his compliance with the provisions hereof relative to salary deductions, and upon his separation from state service, he shall be entitled to the annuity, as provided for in this subdivision; provided, that no patrolman shall continue as such after he has completed the year in employ of the state during which he attains the age of 60 years and in the event that he has not served 20 years as a patrolman, when he completes said year, he shall pay a lump sum equal to the salary deductions which would have been made had he continued in state employment until he had acquired a total of 20 years of service.

Subd. 2. **Patrolmen employed 20 years or more.** Patrolmen whose employment with the state has been 20 years or more, and during such time 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 and who shall have attained the age of 55 years and who continues to serve as a highway patrolman or has served one or more years in excess of 20 years before reaching the age of 55 years shall be entitled to receive upon retirement an additional sum of \$3 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. The amount of contributions required from such highway patrolman in addition to contributions otherwise required from highway patrolmen, under this chapter, in order to qualify for such additional retirement benefits, may be increased from time to time to insure the actuarial soundness of such highway patrolmen's retirement fund.

c 642 23 Subd. 3. **Patrolmen employed less than 15 and more than ten years.** Patrolmen whose employment with the state has been less than 15 years and more than ten years, and during such time 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 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 50 percent of the salary of the highest paid patrol officer as defined in Minnesota Statutes, section 161.03, subdivision 23, as amended which the years of his service in the state highway patrol, prior to his retirement, bear to 20 years.

c 642 24 Subd. 4. **Patrolmen employed less than 20 and more than ten years.** 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 50 percent of the salary of the highest paid patrol officer as defined in Minnesota Statutes, section 161.03, subdivision 23, as amended which the years of his service in the state highway patrol, prior to his retirement, bear to 20 years.

**172.08** Subds. 5 and 6. [Repealed, 1957 c 869 s 10]

[1943 c 637 s 7; 1947 c 577 s 2; 1949 c 627 s 1; 1953 c 453 s 1-3; 1957 c 869 s 2-5]

c 642 25 **172.09 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 50 percent of the salary of the highest paid patrol officer, as defined in Minnesota Statutes, section 161.03, subdivision 23, as amended, not to exceed \$200 per month, except a patrolman who has served in excess of 20 years shall be entitled to receive an additional sum of \$3 per month as provided in section 172.08, subdivision 2, to be paid to such patrolman in monthly payments.

(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 172.02, 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 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 50 percent of the salary of the highest paid patrol officer as defined in Minnesota Statutes, section 161.03, subdivision 23, as amended, 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 \$3 per month for each additional year of service over 20 years.

(4) No patrolman shall receive any disability benefit payments when there remains to his credit unused annual leave or sick leave or under any other circum-

stances, when during the period of disability there has been no impairment of his salary and if, during the period of disability, the patrolman earns any amount from employment, the amount so earned shall be deducted from the benefits payable under this section.

(5) No disability benefit payments 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.

[1943 c 637 s 8; 1957 c 869 s 6]

**172.10 RETIRED PATROLMEN.** Subdivision 1. **Refundment of payments.** Should any patrolman, who does not qualify for other benefits under Laws 1957, Chapter 869, become separated from state service as a patrolman, either voluntarily or involuntarily, such patrolman shall thereupon be entitled to receive all payments which have been made by salary deductions into the fund created by Laws 1943, Chapter 637.

476642 246 Subd. 2. **Death; payment to spouse and children.** In the event any patrolman who is a member of the association 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 while or prior to the time he was an active member of the association, for a period of at least one year, 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; but if she remarry the annuity shall cease as of the date of the remarriage.

(b) To each child the amount of \$20 per month until the child reaches the age of 18 years, not to exceed the aggregate sum of \$75 per month. The total amount of the annuity for the widow shall not exceed \$75 per month, and the total amount of the annuity for the children of a deceased member shall not exceed \$75 per month, to be prorated equally to the children when the patrolman is survived by more than one child.

(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 in Minnesota Statutes, Section 161.03, Subdivision 23, as amended, 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 be deducted from the benefits payable under this section.

(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.

Subd. 3. **Re-entry into state service.** Should any patrolman, who has become separated from state service as a patrolman and has received a refundment of his payments into this fund or the state employees retirement fund, re-enter the state service as a patrolman, such patrolman shall receive credit for the period of his prior state service as a patrolman provided he repays into the fund the amount of his refundment, plus interest thereon at the rate of three 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.

[1943 c 637 s 9; 1953 c 453 s 4; 1957 c 869 s 7, 8]

# MINNESOTA STATUTES 1957

1673

## HIGHWAY PATROLMEN, RETIREMENT 172.12

**172.103 PATROLMEN NOW RETIRED.** The annuity payments provided for hereunder shall also apply to highway patrolmen who have retired and are now drawing annuities.

[1953 c 453 s 5; 1957 c 869 s 9]

**172.11 ANNUITIES NOT SUBJECT TO PROCESS.** All annuities or benefits which any person shall be entitled to receive under the provisions of Laws 1943, Chapter 637, shall not be subject to garnishment, attachment, or levy, and the same shall at all times be exempt.

[1943 c. 637 s. 10]

**172.12 MEMBERSHIP COMPULSORY.** Every highway patrolman shall, upon the passage of Laws 1943, Chapter 637, become a member of this association, and thereafter such patrolman 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.

[1943 c. 637 s. 11]

C.411 21 172.13 [Unnecessary]

C.411 22 —

C.411 23 —

C.411 24 —

C.411 25 —

C.411 26 —

C.411 27 —