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CHAPTER 352A

STATE POLICE OFFICERS RETIREMENT FUND

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352A.01 DEFINITIONS. Subdivision 1. **Generally.** The terms defined in Minnesota Statutes 1957, Section 352.01 and acts amendatory thereof, when used in this chapter, have the meanings ascribed to them therein.

Subd. 2. **State police officer.** For the purposes of this chapter, "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.

[1961 c 736 s 1]

352A.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 chapter 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 of 40 percent employee contributions and 60 percent employer contributions.

[1961 c 736 s 2]

352A.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.

[1961 c 736 s 3]

352A.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 chapter 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 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 chapter 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 chapter, 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.

[1961 c 736 s 4]

352A.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, not to exceed \$7,200 per year. These contributions shall be made by deductions from salary in the manner provided in subdivision 3.

Subd. 2. Employer contributions. The employer contributions to the fund shall be in an amount equal to nine percent 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 three and one-half 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 the fund and the annuities and benefits herein provided shall be paid from the fund.

[1961 c 736 s 5; 1965 c 890 s 1]

352A.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 aver-

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age 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 and prior to July 1, 1965, average salary for a member for the purpose of determining his 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 \$7,200 per year. For each year subsequent to June 30, 1965, average salary for a member for the purpose of determining his retirement annuity means his average salary for which he has made contributions to the retirement fund.

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.

[1961 c 736 s 6; 1965 c 890 s 2]

352A.07 APPLICATIONS. Retirement may be made upon application of the member or someone authorized to act in his behalf.

[1961 c 736 s 7]

352A.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 otherwise specifically provided or inconsistent with the provisions of this chapter.

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 a person's age when disabled, provided in section 352A.06 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 55 percent of his average salary as defined in section 352A.06. 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 the 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 be computed in the manner provided in section 352A.06 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 352A.06 not to exceed \$200 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.

[1961 c 736 s 8; 1965 c 890 s 3]

352A.081 INCORPORATION OF CHAPTER 352 BY REFERENCE. The incorporation by reference of Minnesota Statutes 1961, Chapter 352, provided for in section 352A.08, subdivision 1, shall be held to mean incorporation of chapter 352 as it existed July 1, 1961, subject to the provisions of this chapter.

[1965 c 890 s 5]

352A.085 SURVIVORS AND DEATH BENEFITS. Upon the death of a member before retirement or upon the death of a former member who was disabled and receiving disability benefits pursuant to section 352A.08 at the time of his death his surviving dependent spouse and dependent children under the age of 18 shall receive the monthly benefit provided below.

- | | |
|--------------------------------|----------------|
| (a) Surviving dependent spouse | \$75 per month |
| (b) Each dependent child | \$45 per month |

In addition to the amounts provided in (a) and (b) hereof, \$20 per month shall be paid to be divided equally among the dependent children. Payments for the benefit of any dependent child under the age of 18 years shall be made to the surviving parent, or if there be none, to the legal guardian of such child. The maximum monthly benefit shall not exceed \$250 for any one family. The surviving dependent spouse benefit shall terminate upon his or her remarriage, and the dependent children's benefit shall be reduced pro tanto when any child is no longer dependent.

[1965 c 890 s 4]

352A.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 con-

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ditions specified in the law prior to July 1, 1961. These annuities and benefits shall be paid out of the state police officers retirement fund.

[1961 c 736 s 9]

352A.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.

[1961 c 736 s 10]

352A.11 OPTIONS, GAME WARDENS RETIREMENT FUND MEMBERS. Any state police officer who, on July 1, 1965, had 20 years of service in the game wardens retirement 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, Section 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, 1966. After the option is exercised the person shall be entitled to no annuities nor other benefits provided by this chapter. If the person remains in state service as a state police officer after the option is exercised, the employee contributions provided in section 352A.05, subdivision 1, and the employer contribution provided in section 352A.05, subdivisions 2 and 4 shall be paid nonetheless.

Any state police officer who took an option to retire under the game warden retirement fund as defined in Minnesota Statutes 1957, Section 97.66, may revoke such option. Any person who wishes to exercise the right to revoke shall file such revocation with the board of trustees before July 1, 1966.

[1961 c 736 s 11; 1965 c 890 s 6]

352A.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 chapter. If the person remains in the state service as a police officer after the option is exercised, the employee contributions provided in section 352A.05, subdivision 1, and the employer contributions provided in section 352A.05, subdivisions 2 and 4, shall be paid nonetheless.

[1961 c 736 s 12]

352A.13 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 the state employees retirement fund, 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 that 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 shall apply to the accounting, purchase and sale of securities for the state police officers retirement fund.

[1963 c 160 s 3; 1965 c 305 s 4]