

CHAPTER 352B

HIGHWAY PATROLMEN, RETIREMENT

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352B.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]

352B.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 7.4 percent of his monthly salary not exceeding the sum of 7.4 percent of the salary limited to \$500 per month. 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 11.2 percent of the salary upon which deductions were made, and a sum equal to 9 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 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.

[1943 c 637 s 1; 1947 c 577 s 1; 1949 c 627 s 2; 1957 c 869 s 1; 1959 c 642 s 1; 1961 c 493 s 1; 1965 c 889 s 1]

352B.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]

352B.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

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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]

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, 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 shall apply to the accounting, purchase and sale of securities for the highway patrolmen's retirement fund.

[1943 c 637 s 4; 1961 c 380 s 4; 1965 c 305 s 3]

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 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]

352B.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]

352B.08 BENEFITS. 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 \$250 per month, except a patrolman who has served in excess of 20 years shall be entitled to receive an additional \$5 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, which life annuity shall be paid in monthly installments during the remainder of his life. In lieu of the life annuity herein provided, the patrolman may elect a joint and survivor annuity, payable to his surviving spouse, adjusted to the actuarial equivalent value of such life annuity. 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.

Subd. 2. **Employment more than 10 and less than 20 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 \$250 per month which the years of his service in the state highway patrol, prior to his retirement, bear to 20 years.

[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; 1959 c 642 s 2-4; 1961 c 493 s 2; 1965 c 889 s 2, 3]

352B.09 VETERANS PREFERENCE; NONAPPLICABILITY. Anything in Minnesota Statutes 1957, Section 197.48, to the contrary notwithstanding, the

provisions of Minnesota Statutes 1957, Sections 197.45 to 197.48 are not applicable to the provision of Minnesota Statutes 1957, Section 172.08, Subdivision 1, as amended by Laws 1959, Chapter 642, Section 2, 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."

[1961 c 569 s 1]

352B.10 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 \$250 per month, except a patrolman who has served in excess of 20 years shall be entitled to receive an additional \$5 per month, as provided in section 352B.08, 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 352B.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 \$250 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 \$5 per month for each additional year of service over 20 years.

(4) No patrolman 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 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 to submit proof of the continuance of the disability claimed.

[1943 c 637 s 8; 1957 c 869 s 6; 1959 c 642 s 5; 1961 c 493 s 3; 1965 c 889 s 4]

352B.11 RETIRED PATROLMEN. Subdivision 1. **Refundment of payments.** Should any patrolman, who does not qualify for other benefits under Minnesota Statutes 1957, Chapter 172, as amended, 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.

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, 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 unmarried child the amount of \$45 per month until the child reaches the age of 18 years plus an additional \$20 per month to be prorated equally to such children when the patrolman is survived by more than one child. Payments for the benefit of any qualified dependent child under the age of 18

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years shall be made to the widow, 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 provisions of this clause are effective retroactively to June 30, 1964.

(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 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) 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 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 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; 1959 c 642 s 6; 1961 c 493 s 4; 1965 c 889 s 5]

352B.12 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]

352B.13 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]

352B.14 LAW GOVERNING BENEFITS. Subdivision 1. Except as provided in subdivision 4, every patrolman 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 who terminated state service and was 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 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 died.

Subd. 4. Any patrolman or former patrolman 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 under 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 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.

[1961 c 493 s 5; 1965 c 889 s 6]