

CHAPTER 352A

STATE POLICE OFFICERS RETIREMENT FUND

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NOTE: See also sections 352B.15 to 352B.26.

352A.01 DEFINITIONS. Subdivision 1. **Generally.** For the purposes of Minnesota Statutes Chapter 352A, and acts amendatory thereof, the terms defined in this section have the meanings given them.

Subd. 2. State police officer. "State police officer" means (1) conservation of officers employed under the provisions of section 97.50, 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 section 299C.04, and whose salary or compensation is paid out of the funds of the state of Minnesota.

Subd. 3. Allowable service. "Allowable service" means service as a state police officer for which payments are made to this fund after June 30, 1961; and all prior service which is credited to each member of the fund on June 30, 1961.

Subd. 4. Head of department. "Head of department" means the head of any department, institution, or branch of the state service which directly pays salaries out of its income or which prepares, approves and submits salary abstracts of its employees to the state auditor and state treasurer.

Subd. 5. Accumulated deductions. "Accumulated deductions" means the total sums deducted from the salary of a member and the total amount of assessments paid by members in lieu of such deductions and credited to his individual account without interest.

Subd. 6. The retirement fund. "The retirement fund" means and includes the aggregate of all accumulated deductions from the salaries of members of the retirement fund, all assessments paid by such members in lieu of such deductions, and all other moneys paid into the state treasury, or received by the retirement board, together with all income and profits therefrom and interest thereon, including contributions on the part of the state and departments thereof.

Subd. 7. Monthly deductions from salaries. "Monthly deductions from salaries" means the actual receipts received or credited to the fund from salary deductions in any calendar month.

Subd. 8. Temporary disability. Members who are absent from their duties because of temporary disability resulting from injuries for which the state is liable under the workmen's compensation law shall have the period of such absence for which compensation is paid under the workmen's compensation law included in determining the period of service for the state unless they are receiving a disability allowance from the retirement fund. The workmen's compensation commission shall furnish the retirement board with a copy of each abstract submitted to the state auditor and to be charged to the state compensation revolving fund which shall be construed as notice to the retirement board that the employees listed thereon have sustained injury arising out of and in the course of employment by the state of Minnesota and are entitled to credit for service on the records of the association during the time compensation is received for temporary disability resulting from such injury, but shall not be used for any other purpose.

Subd. 9. **Actuarial equivalent.** "Actuarial equivalent" means the annual amount determined by calculations based on mortality tables, purchasable with a given amount at a stated age.

Subd. 10. **Salary.** "Salary" means any compensation paid to any member including wages, allowances, and fees.

Subd. 11. **Surviving spouse.** "Surviving spouse" means his or her legally married wife or husband residing with him at the time of his or her death and who was married to him or her while or prior to the time he or she was an active member of the fund.

Subd. 12. **Dependent child.** "Dependent child" means any natural or adopted child of a deceased member under the age of 18, unmarried and actually dependent for his support upon such member.

Subd. 13. **Total and permanent disability.** "Total and permanent disability" means to become disabled and physically unfit, due to sickness, injury, and mental impairment to perform the duties of his position, and which can be expected to be of long continued and indefinite duration.

[1961 c 736 s 1; 1967 c 396 s 1; 1967 c 905 s 9; Ex1967 c 1 s 6]

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.

Subd. 2. **Members of the fund.** Any state police officer as defined in section 352A.01 employed on or after July 1, 1961, shall become a member of the state police officers retirement fund.

[1961 c 736 s 3; 1967 c 396 s 2]

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. 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 subdivision 6.

Subd. 3. **Employee deductions.** The head of each department shall cause employee contributions to be deducted from the salary of each member of the state police officers retirement fund on every payroll abstract and shall approve one voucher payable to the state treasurer with the aggregate amount so deducted from the salaries covered by the payroll abstract.

Subd. 4. **Additional employer contribution.** An additional contribution shall be made to the fund of six 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 subdivision 6.

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.

Subd. 6. **Method of payment.** The head of each department or agency shall cause employers contributions to be made to the fund on each payroll abstract and shall approve one voucher payable to the state treasurer with the aggregate amount as required. These contributions shall be charged as administrative costs. Each department shall pay these amounts from such accounts and funds from which each department received this revenue.

Subd. 7. **Refunds.** Any deductions taken from the salary of an employee for retirement fund in error shall, upon discovery and verification by the department making the deduction be refunded to the employee.

In the event a salary warrant or check from which a deduction for the retirement was taken has been cancelled or the amount of the warrant or check returned to the funds of the department making the payment, a refundment of the sum so deducted, or any portion of it as is required to adjust the deductions, shall be made to the department or institution provided application for it is made on a form furnished by the retirement board, and the department's payments shall likewise be refunded to the department, if the amount of the required adjustment is more than \$1.

[1961 c 736 s 5; 1965 c 890 s 1; 1967 c 396 s 3; 1967 c 739 s 1, 2]

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 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 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) 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. If a member was so employed before July 1, 1961 his total years of service will be used in computing his average salary.

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.

Subd. 5. Salary for part of calendar month. Any salary paid for a fractional part of any pay period is deemed compensation for the entire pay period unless state service has terminated.

[1961 c 736 s 6; 1965 c 890 s 2; 1967 c 396 s 4; 1967 c 739 s 3, 4]

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 DISABILITY; ANNUITIES; SURVIVORS' ANNUITY. Subdivision 1. **Disability not in line of duty.** If a member of the state police officers retirement fund is less than 60 years of age, and after ten years of allowable service is permanently and totally disabled not in the line of duty, the computation of the disability benefits 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. 2. 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. If a mem-

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ber qualifies for the disability benefits of subdivisions 1 and 2, he shall have the option to apply for benefits under either but not both.

Subd. 3. Disability annuities. A member of the fund who while an employee of the state becomes diseased or sustains an injury which renders him permanently unfit for the performance of his duties shall be entitled to a disability annuity as herein provided. Such annuity shall begin to accrue upon the expiration of 90 days following the commencement of such disability or if annual or sick leave is paid for more than the said 90 day period, the benefit shall accrue from the date salary ceased. Disability as used in this subdivision means total and permanent disability as certified to by at least two licensed and practicing physicians selected by the officers of the fund. The member shall submit to an examination by such physicians prior to the determination by the officers of his eligibility for disability benefits and at such intervals thereafter as determined by the officers of the fund. If any examination indicates that the annuitant is no longer physically or mentally incapacitated, or is able to engage in gainful occupation but refused to work, payments of disability annuity shall be discontinued.

Should any disability annuitant refuse to submit to a medical examination as herein provided, payments from the fund shall thereupon be discontinued until his withdrawal of such refusal, and should his refusal continue for one year, all rights of the member to any disability annuity shall be terminated.

Should the annuitant become able to resume other gainful employment and his earnings therefrom be less than his salary at date of disability or the salary currently paid for position held at time of disability, the board shall continue the disability benefit in an amount which when added to such earnings does not exceed his salary at date of disability or salary currently paid for position held at time of disability, whichever is lower, provided the disability benefit in such case does not exceed the disability benefit originally allowed. The annuitant shall furnish detailed financial statements as required by the board of trustees.

Subd. 4. Termination of disability benefit. The disability benefit paid to a person hereunder shall terminate when he reaches age 60 if he is still totally and permanently disabled. At that time he shall be deemed to be on retirement status.

Subd. 5. Effect of workmen's compensation on disability annuity. The disability annuity herein provided shall be reduced by any amounts received or receivable by a member from the employer under applicable workmen's compensation laws.

Subd. 6. Survivor's annuity. The survivor's annuity 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 this act or the benefit provided in this subdivision, but not both.

Subd. 7. 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; 1967 c 396 s 5]

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. 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 attending an accredited school as a full time student during the normal school year as determined by the board of trustees. 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. On July 1, 1967, any surviving dependent spouse and each dependent child not receiving the benefits provided in (a) and (b) and the additional \$20 per month as provided, shall be paid said amount.

[1965 c 890 s 4; 1967 c 739 s 5]

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 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.

[1961 c 736 s 9]

352A.10 [Repealed, 1967 c 396 s 22]

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

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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]

352A.14 ALLOWABLE SERVICE, ANNUAL LEAVE, REFUNDMENTS. When any person, whose service as a state police officer has terminated, has been paid for any unused portion of his annual leave allowance, the unused portion of his annual leave for which he was so paid shall be deemed allowable service if no refundment is taken. If application for refundment is made, the last working day is deemed the date state service terminates and credit for such service ceases on that date.

[1967 c 396 s 6]

352A.15 UNPAID STATE AUDITOR'S WARRANTS CANCELLED. Any state auditor's warrant payable from the retirement fund remaining unpaid for a period of six years shall be cancelled into the retirement and not into the general fund.

[1967 c 396 s 7; 1969 c 399 s 1]

352A.16 REFUNDMENT, LIMITATION UPON TIME FOR APPLICATION. If a former member of the fund does not apply for refundment within five years after the last deduction was taken from his salary for the retirement fund, and the total amount of his accumulated deductions is not over \$25, such accumulated deductions shall be credited to and become a part of the retirement fund. In the event the former member should return to state service and become a member of the retirement fund, the amount so credited to the retirement fund shall be restored to his individual account.

[1967 c 396 s 8]

352A.17 UNCLAIMED ANNUITIES RETURNED TO FUND. Subdivision 1. Any retirement allowance or annuity which is payable after the death of an annuitant shall be paid to the beneficiary whom the annuitant had last designated. If no beneficiary has been so designated, or, if the designated beneficiary should die before making claim for payment of such retirement allowance or annuity, and if there is no surviving spouse, and if the legal representative of such annuitant does not make such claim within five years, the amount of the retirement allowance or annuity payable to him at the time of his death shall be credited to and become a part of the retirement fund.

Subd. 2. If the beneficiary or beneficiaries of a deceased member or former member, or of an annuitant should die before receiving a refundment of the sum to the credit of the deceased member, former member, or annuitant at the time of his death the refundment shall be made to the estate of the deceased member.

[1967 c 396 s 9]

352A.18 MILITARY SERVICE. A member given a leave of absence to enter military service and who returns to state service upon discharge from military service shall obtain credit as provided in section 192.262 for his period of military service but he shall not receive credit for any voluntary extension of military service at the instance of the member beyond the initial period of enlistment, induction or call to active duty. Such member shall obtain such credit by paying into the fund an employee contribution based upon his salary at the date of return from military service. The amount of this contribution shall be six percent of his salary not to exceed \$7,200 in any calendar year plus interest at four percent per annum compounded annually. In such cases the matching employer contribution and additional contribution shall be paid by the department employing such member upon his return to state service from funds available to the department.

[1967 c 396 s 10]

352A.19 PAYMENTS TO MINORS. If a member or former member dies having named as his beneficiary a person who is a minor at the time of the application for benefit, and the amount of the benefit does not exceed \$500, the retirement board in the absence of guardianship or probate proceedings may make payment to the natural guardian having custody of such minor beneficiary, for the benefit of such child. Any retirement allowance or annuity payable at the time of death of an annuitant, which is payable to a beneficiary who is a minor, may be paid in the same manner and such payment shall be a bar to recovery by any other person or persons.

[1967 c 396 s 11]

352A.20 OPTIONAL RETIREMENT ANNUITIES. The retirement board shall establish an optional retirement annuity which shall take the form of a joint and survivor annuity. The retirement board may also in its discretion establish an optional annuity which shall take the form of an annuity payable for a period certain and for life thereafter. Such optional forms shall be actuarially equivalent to the normal forms provided in section 352A.06 based at age 58. In establishing these optional forms the board shall obtain the written recommendation of an approved actuary and these recommendations shall be a part of the permanent records of the board.

[1967 c 396 s 12]

352A.21 ANNUITIES, ALLOWANCES, PAID MONTHLY. All annuities and retirement and disability allowances granted under the provisions of chapter 352A, shall be paid in equal monthly installments and shall not be increased, decreased, or revoked except as provided herein.

[1967 c 396 s 13]

352A.22 EXEMPTION FROM PROCESS AND TAXATION. None of the moneys, annuities, or other benefits mentioned herein shall be assignable either in law or in equity or be subject to execution, levy, attachment, garnishment, or other legal process, or to any state income tax or state inheritance tax.

[1967 c 396 s 14]

352A.23 APPLICATION OF INSURANCE LAWS. None of the laws of this state regulating insurance or insurance companies shall apply to the retirement fund or any of its funds.

[1967 c 396 s 15]

352A.24 GIFTS AND BEQUESTS RECEIVED. The retirement board is hereby authorized and empowered to credit to the retirement fund any moneys received in the form of donations, gifts, appropriations, bequests, or otherwise, or derived therefrom.

[1967 c 396 s 16]

352A.25 RULES. Any changes or additions which may be found necessary or advisable for the management of the retirement fund, may be made by a majority vote of the board of directors, provided no increase is made in the amount of deductions from salaries, or decrease in the amount of benefits paid.

[1967 c 396 s 17]

352A.26 TERMINATION OF RIGHTS. When any member accepts a refundment as provided in section 352A.23, all existing service credits and all rights and benefits to which the member was entitled prior to the acceptance of such refundment shall terminate.

[1967 c 396 s 18]

352A.27 FINALITY OF BOARD'S DECISION; ELIGIBILITY. The final power to determine the status of any individual in the employ of the state for the purposes of chapter 352A, is vested in the retirement board and its decision is final.

[1967 c 396 s 19]

352A.28 OTHER AGENCIES; DUTIES. Subdivision 1. The department of civil service shall furnish information upon the request of the retirement board relative to the status of state employees as may be required by the board in the performance of their duties.

Subd. 2. The attorney general shall be the legal advisor of the board of trustees.

Subd. 3. The state employees retirement board shall furnish the board of trustees any and all information requested by the board of trustees in regard to any present or future member of the state police officers fund who was a member of the state employees retirement association at any time.

[1967 c 396 s 20]

352A.29 REFUNDMENTS OR DEFERRED ANNUITIES. Subdivision 1. Any member who ceases to be a member by reason of termination of employment as a state police officer as defined in section 352A.01 shall be entitled to a refundment as provided in subdivision 2 or a deferred retirement annuity as provided in subdivision 3.

Subd. 2. Except as provided in subdivision 3 any member who ceases to be a state police officer by reason of termination of membership shall receive a refundment in an amount equal to his accumulated deductions without interest.

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Subd. 3. Any person with at least ten years of allowable service when such termination occurs may at his option leave his accumulated deductions in the fund and thereby be entitled to a deferred retirement annuity commencing at the age of 58. The annuity shall be computed in the manner provided in section 352A.06. Such deferred annuity shall begin on the first day of the calendar month following the month in which the application is filed in the office of the retirement board; but no application for a deferred annuity shall be made prior to the time the former member reaches the required age to entitle him to such annuity payment. Application for accumulated deductions left on deposit with the fund may be made at any time after 90 days following the date of his termination of membership.

Subd. 4. If a former member of the fund dies and he has not received an annuity, a retirement allowance, or a disability benefit a refundment shall be paid to his designated beneficiary, or, if there be none, to the representative of his estate in an amount equal to his accumulated deductions.

Subd. 5. If an annuitant dies who at the time of retirement selected neither an optional annuity nor a reversionary annuity, there shall be paid to his designated beneficiary or, if there be none, to the representative of his estate, an amount equal to the excess, if any, of the accumulated deductions to the credit of the annuitant at the time of retirement over and above the aggregate of (1) all annuities, retirement allowances, and disability benefits he had received and which had accrued in his lifetime, and (2) the annuity, retirement allowance, or disability benefit, if applicable, payable to his surviving spouse under section 352A.06.

Subd. 6. Former members who hold numbered certificates of deferred annuity and who again become members of the retirement fund shall surrender such certificates and shall be entitled to full credit for the service covered by the surrendered certificates.

[1967 c 396 s 21]