

MINNESOTA STATUTES 1979 SUPPLEMENT

352B.11 HIGHWAY PATROLMEN, RETIREMENT

(d) Each dependent child shall receive a monthly annuity equal to ten percent of that portion of the average monthly salary of the former member from which deductions were made for retirement. 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 continuously attending an accredited school as a fulltime student during the normal school year as determined by the director. If said child does not continuously attend school but separates himself during any portion of a school year, the annuity shall cease at the end of the month of separation. In addition, a payment of \$20 per month shall be prorated equally to such children when the former member is survived by one or more dependent children. Payments for the benefit of any qualified dependent child shall be made to the surviving spouse, or if there be none, to the legal guardian of such child. The maximum monthly benefit shall not exceed 40 percent of the average monthly salary for any number of children.

(e) If the member shall die under circumstances which entitle the surviving spouse and dependent children to receive benefits under the workers' compensation law, the amounts so received by them shall not be deducted from the benefits payable under this section.

(f) In the event any former member who had separated from service prior to having completed ten years of service, except former members permanently disabled in performance of duty, and was not employed by the state in a capacity entitling the former member to accumulate allowable service credit at the time of death, the surviving spouse, or if none, the children or heirs shall be entitled to receive any funds the former member may have left on deposit in the highway patrolmen's retirement fund, but shall receive no further benefits under this chapter. The surviving spouse of such deceased former member who had credit for ten or more years of allowable service, but excluding the spouse of a former member receiving a disability benefit under the provisions of section 352B.10, clause (3) based on less than 20 years of service, shall be entitled to receive the 100 percent joint and survivor annuity at such time as the deceased member would have reached his or her 55th birthdate, provided he or she has not remarried prior to that date.

[For text of subs 3 and 4, see M.S.1978]

[1979 c 50 s 41]

CHAPTER 352D. STATE UNCLASSIFIED EMPLOYEES RETIREMENT PROGRAM

Sec.
352D.02 Coverage.

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Subdivision 1. The following employees in the unclassified service of the state who are eligible for coverage under the Minnesota state retirement system shall participate in the unclassified program unless such employee gives notice to the executive director of the state retirement system within one year following June 5, 1975 or the commencement of his employment, whichever is later, that he desires coverage under the regular employee plan. For the purposes of this chapter, an employee who does not file such notice with the executive director shall be deemed to have exercised his option to participate in the unclassified plan. The employee and applicable employer contributions for those employees covered by the regular plan on June 5, 1975, who after such date participate in the unclassified plan, shall be transferred to the supplemental fund in accordance with subdivision 4 and section 352D.03 as though the employee had elected to participate when first eligible to make such election. This subdivision shall also be applicable to any person who was an employee in an eligible position on or after January 1, 1975, has terminated service before June 5, 1975 with less than ten years of allowable service, and has not taken a refund of his contributions.

(1) Any employee in the office of the governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, revisor of statutes or the state board of investment,

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PEACE OFFICERS KILLED IN THE LINE OF DUTY 352E.01

(2) Any department, division, or agency head, the assistant department head or deputy, or any employee enumerated in sections 15A.081, subdivision 1 or 15A.083, subdivisions 4 and 4a,

(3) Any permanent, fulltime unclassified employee of the legislature or any commission or agency of the legislature or a parttime legislative employee having shares in the supplemental retirement fund whether or not eligible for coverage under the Minnesota state retirement system,

(4) Any person employed in a position established pursuant to section 43.09, subdivision 2a which is at the deputy or assistant head of department or agency or director level,

(5) The chairman, chief administrator, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan waste control commission as designated by the commission, and the chairman, executive director, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan council as designated by the council; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system, and

(6) The executive director, associate executive director, and not to exceed nine positions of the higher education coordinating board in the unclassified service, as designated by the higher education coordinating board; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system.

The eligibility to participate of those employees specified in clauses (4) and (5) employed in such positions on April 21, 1976, shall be retroactive to their date of appointment to such positions.

The eligibility to participate of those employees specified in clause (6) employed in such positions on July 1, 1977, shall be retroactive to their date of appointment to such positions.

[For text of subs 2 to 4, see M.S.1978]

[1979 c 50 s 43]

CHAPTER 352E. PEACE OFFICERS KILLED IN THE LINE OF DUTY

Sec.
352E.01 Definitions.

352E.01 Definitions.

[For text of subd 1, see M.S.1978]

Subd. 2. **Peace officer.** "Peace officer" means:

(a) A police officer employed by the state of Minnesota or any governmental subdivision within the state to enforce the criminal laws;

(b) A Minnesota highway patrol officer;

(c) A sheriff or fulltime deputy sheriff with power of arrest by warrant;

(d) A state conservation officer as defined in section 84.028, subdivision 3;

(e) A person employed by the bureau of criminal apprehension as a police officer with power of arrest by warrant;

(f) A correction officer employed at any correctional institution and charged with maintaining the safety, security, discipline and custody of inmates at such institutions;

(g) A firefighter employed on a fulltime basis by a fire department of any governmental subdivision of the state who is engaged in the hazards of fire fighting or a regu-