

## CHAPTER 352B

## STATE TROOPERS, RETIREMENT

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## 352B.01 DEFINITIONS.

*[For text of subds 1 and 2, see M.S.1982]*

Subd. 3. "Allowable service" means (a) for those members defined in subdivision 2, clause (a), service for which payments have been made to the state patrol retirement fund, and (b) for those members defined in subdivision 2, clauses (b) and (c), service for which payments have been made to the state patrol retirement fund, service for which payments were made to the state police officers retirement fund after June 30, 1961, and all prior service which was credited to such member for service on or before June 30, 1961; provided that, after a member identified in clause (b) of this subdivision reaches the age of 60, 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 such member was so employed before July 1, 1961 and reaches 60 years of age and has more than 30 years' allowable service at such time, each year and completed month of allowable service acquired by such member shall be computed in determining his normal annuity until such member reaches the age of 60. If such member was so employed before July 1, 1961, and has less than 30 years of allowable service when the member reaches age 60, each year and completed month of allowable service acquired by such member shall be computed in determining the normal annuity not to exceed 30 years of such allowable service. The completed year members reach age 60 may be counted in full in determining allowable service. Allowable service also includes any period of absence from duty by a member who, by reason of injury incurred in the performance of duty, is temporarily disabled and for which disability the state is liable under the workers' compensation law, until the date authorized by the executive director for commencement of payment of a disability benefit or return to employment.

*[For text of subds 4 to 7, see M.S.1982]*

Subd. 8. [Repealed, 1983 c 128 s 36]

Subd. 9. "Surviving spouse" means a member's or former member's legally married wife or husband residing with him at the time of his death and who was married to him, for a period of at least one year, while or prior to the time he was a member.

Subd. 10. "Dependent child" means any natural or adopted unmarried child of a deceased member under the age of 18 years, including any child of the member conceived during the lifetime of the member and born after the death of the member.

**History:** 1983 c 128 s 17-19

**352B.02 RETIREMENT FUND.**

Subdivision 1. There is hereby established a state patrol retirement fund, the membership of which shall consist of all persons defined in section 352B.01, subdivision 2. Each member shall pay a sum equal to 8.5 percent of the member's salary. Member contribution amounts shall be deducted each pay period by the department head, who shall cause the total amount of the deductions to be paid to the state treasurer, and shall cause a detailed report of all deductions to be made each pay period to the executive director of the Minnesota state retirement system. In addition thereto, there shall be paid out of money appropriated to the departments for this purpose, by the department heads, a sum equal to 12 percent of the salary upon which deductions were made, and a sum equal to nine percent of the salaries upon which deductions were made for the purpose of amortizing the actuarial deficit of the fund. These amounts shall be credited to the state patrol retirement fund. All moneys received shall be deposited by the state treasurer in the state patrol retirement fund. Out of the fund shall be paid the administrative expenses of the retirement fund, and the benefits and annuities as hereinafter provided. The legislative auditor shall audit the fund and the executive director shall procure an actuarial study of the fund in accordance with chapter 356, the cost of which shall be borne by the fund.

Subd. 2. [Repealed, 1983 c 128 s 36]

**History:** 1983 c 128 s 20

**352B.03 OFFICERS, DUTIES.**

*[For text of subd 1, see M.S.1982]*

Subd. 2. **Duties of treasurer.** The state treasurer shall be ex officio treasurer of the state patrol retirement fund and his general bond to the state shall cover all liability for his actions as treasurer of the fund.

All moneys of the fund received by the treasurer pursuant to this chapter, shall be set aside by him in the state treasury and credited to the state patrol retirement fund. He shall transmit, monthly, to the director, 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 commissioner of finance upon vouchers signed by the director.

**History:** 1983 c 128 s 21

**352B.05 INVESTMENTS.**

The state board of investment is hereby authorized to invest and reinvest such portions of the state patrol retirement fund as in the judgment of the executive director of the Minnesota state retirement system are not needed for immediate purposes, in such securities as are duly authorized or legal investments for the Minnesota state retirement system, 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 executive director when the executive director determines 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 Minnesota state retirement system shall

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apply to the accounting, purchase and sale of securities for the state patrol retirement fund.

*History: 1983 c 128 s 22*

**352B.06 [Repealed, 1983 c 128 s 36]****352B.07 ACTIONS BY OR AGAINST.**

The board may sue or be sued in the name of the board of directors of the state retirement system, and in all actions brought by or against it, the board shall be represented by the attorney general who shall also be the legal adviser for the board. Venue of all actions shall be in the Ramsey county district court.

*History: 1983 c 128 s 23*

**352B.071 EXEMPTION FROM PROCESS.**

None of the moneys, annuities, or other benefits provided for in this chapter shall be assignable either in law or in equity or be subject to execution, levy, attachment, garnishment, or other legal process, including actions for dissolution, legal separation, or child support.

*History: 1983 c 128 s 24*

**352B.08 BENEFITS.**

Subdivision 1. Every member who is credited with ten or more years of allowable service 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. Members shall make application for an annuity in a form and manner prescribed by the executive director. No application may be made more than 60 days prior to the date the member is eligible to retire by reason of both age and service requirements. An annuity shall begin to accrue no earlier than 90 days prior to the date the application is filed with the executive director.

Subd. 2. The annuity shall be paid in monthly installments equal to that portion of the average monthly salary of the member multiplied by 2-1/2 percent for each year and pro rata for completed months of service not exceeding 25 years and two percent for each year and pro rata for completed months of service in excess of 25 years. "Average monthly salary" shall mean the average of the monthly salaries for the five high years of service as a member. The monthly salary for the period prior to July 2, 1969 shall be deemed to be \$600. The term "average monthly salary" shall not include any amounts of severance pay or any reduced salary paid during the period the person is entitled to benefit payments from the workers' compensation court of appeals for temporary disability. In lieu of the single life annuity herein provided, the member or former member with ten years or more of service may elect a joint and survivor annuity, payable to a designated beneficiary for life, adjusted to the actuarial equivalent value of the single life annuity. The joint and survivor annuity elected by a member may also provide that the elected annuity be reinstated to the single life annuity herein provided, if after drawing the elected joint and survivor annuity, the designated beneficiary dies prior to the death of the member. This reinstatement shall not be retroactive but shall be in effect for the first full month subsequent to the death of the designated beneficiary. This additional joint and survivor option with rein-

statement clause shall be adjusted to the actuarial equivalent value of a regular single life annuity.

**History:** 1983 c 49 s 1; 1983 c 128 s 25; 1983 c 286 s 4

### **352B.101 APPLICATION FOR DISABILITY BENEFIT.**

A member making claim for a disability benefit shall file a written application therefor in the office of the system in a form and manner prescribed by the executive director. The member shall provide medical evidence to support the application. The benefit shall begin to accrue the day following the commencement of disability or the day following the last day for which the member was paid, whichever is later, but in no event earlier than 90 days prior to the date the application is filed with the executive director.

**History:** 1983 c 128 s 26

### **352B.105 TERMINATION OF DISABILITY BENEFITS.**

All disability benefits payable under section 352B.10 shall terminate at the end of the month the beneficiary becomes 55 years of age. If the beneficiary is still disabled when the beneficiary attains the age of 55 years, the beneficiary shall be deemed to be a retired member and, if the beneficiary had elected an optional annuity pursuant to section 352B.10, clause (6), shall receive an annuity in accordance with the terms of the optional annuity previously elected, or, if the beneficiary had not elected an optional annuity pursuant to section 352B.10, clause (6), may then elect to receive either a normal retirement annuity computed pursuant to section 352B.08, subdivision 1, or an optional annuity as provided in section 352B.08, subdivision 2. Election of an optional annuity shall be made prior to attaining the age of 55 years. If an optional annuity is elected, the optional annuity shall begin to accrue the first of the month following the month in which the beneficiary attains the age of 55 years.

**History:** 1983 c 128 s 27

### **352B.11 RETIREES.**

**Subdivision 1. Refund of payments.** Should any member who has not received other benefits under this chapter become separated, either voluntarily or involuntarily, from state service that entitled him or her to be a member, the member, or in the event of the member's death, the member's estate, shall be entitled to receive a refund of all payments which have been made by salary deductions upon application on a form prescribed by the executive director.

*[For text of subd 2, see M.S.1982]*

**Subd. 2a. Applications for survivor benefits.** An application for benefits under this section shall be filed in the office of the system in a form and manner prescribed by the executive director. The benefit shall begin to accrue the day following the date of death but shall in no event be retroactive for more than six months prior to the date the application is filed.

*[For text of subd 3, see M.S.1982]*

**Subd. 4. Re-entry into state service.** Should any former member, who has become separated from state service that entitled him to be a member and has received a refund of his retirement payments, re-enter the state service in a position that entitles him to be a member, he shall receive credit for the period of

his prior allowable state service provided he repays into the fund the amount of his refund, plus interest thereon at the rate of five percent per annum, at any time prior to his subsequent retirement. Repayment may be made in installments or in a lump sum.

**History:** 1983 c 128 s 28-30

**352B.13** [Repealed, 1983 c 128 s 36]

**352B.29 HIGHWAY PATROLMEN'S RETIREMENT ASSOCIATION;  
TRANSFER OF FUNCTIONS.**

Notwithstanding other provisions of chapters 352 and 352B as amended, effective July 1, 1973, all powers, duties, responsibilities, books, papers and records of the highway patrolmen's retirement association and of the officers of the highway patrolmen's retirement association are hereby transferred to the Minnesota state retirement system. The officers of the highway patrolmen's retirement association as constituted under this chapter as amended are hereby abolished.

**History:** 1983 c 63 s 2

**352B.30 COVERAGE BY MORE THAN ONE RETIREMENT SYSTEM OR ASSOCIATION.**

Subdivision 1. **Entitlement to annuity.** Any person who has been an employee covered by the Minnesota state retirement system, or a member of the public employees retirement association including the public employees retirement association policemen and firefighter's fund, or the teachers retirement association, or the state patrol retirement fund, or any other public employee retirement system in the state of Minnesota having a like provision but excluding all other funds providing benefits for policemen or firefighters shall be entitled when qualified to an annuity from each fund if his total allowable service in all funds or in any two of these funds totals ten or more years, provided no portion of the allowable service upon which the retirement annuity from one fund is based is again used in the computation for benefits from another fund and provided further that he has not taken a refund from any one of these funds since his service entitling him to coverage under the system or his membership in any of the associations last terminated. The annuity from each fund shall be determined by the appropriate provisions of the law except that the requirement that a person must have at least ten years allowable service in the respective system or association shall not apply for the purposes of this section provided the combined service in two or more of these funds equals ten or more years.

*[For text of subds 2 and 3, see M.S.1982]*

**History:** 1983 c 128 s 31