

CHAPTER 352B

STATE TROOPERS, RETIREMENT

352B.01	Definitions.	352B.131	Repealed.
352B.08	Benefits.	352B.14	Repealed.
352B.10	Disability benefits.	352B.261	Repealed.
352B.101	Application for disability benefit.	352B.262	Repealed.
352B.105	Termination of disability benefits.	352B.28	Repealed.
352B.11	Retirees.		

352B.01 DEFINITIONS.

[For text of subds 1 and 2, see M.S.1992]

Subd. 2a. [Repealed, 1993 c 307 art 7 s 1]

Subd. 3. **Allowable services.** "Allowable service" means:

(a) for members defined in subdivision 2, clause (a), service for which payments have been made to the state patrol retirement fund, and

(b) for 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 a member for service on or before June 30, 1961.

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 10, see M.S.1992]

Subd. 11. **Average salary.** "Average monthly salary" means the average of the highest monthly salaries for five years of service as a member. Average monthly salary must be based upon all allowable service if this service is less than five years. It does not include any amounts of severance pay or any reduced salary paid during the period the person is entitled to workers' compensation benefit payments for temporary disability. A member on leave of absence receiving temporary workers' compensation payments and a reduced salary or no salary from the employer who is entitled to allowable service credit for the period of absence may make payment to the fund for the difference between salary received, if any, and the salary the member would normally receive if not on leave of absence during the period. The member shall pay an amount equal to the member and employer contribution rate under section 352B.02, subdivisions 1b and 1c, on the differential salary amount for the period of the leave of absence. The employing department, at its option, may pay the employer amount on behalf of the member. Payment made under this subdivision must include interest at the rate of 8.5 percent per year, and must be completed within one year of the return from the leave of absence.

History: 1993 c 307 art 2 s 11; art 3 s 5

352B.08 BENEFITS.

Subdivision 1. **Who is eligible; when to apply; accrual.** Every member who is credited with three or more years of allowable service is entitled to separate from state service and upon becoming 50 years old, is entitled to receive a life annuity, upon separation from state service. Members shall apply for an annuity in a form and manner prescribed by the executive director. No application may be made more than 90 days before the date the member is eligible to retire by reason of both age and service requirements. An annuity begins to accrue no earlier than 180 days before the date the application is filed with the executive director.

[For text of subd 2, see M.S.1992]

Subd. 2a. **Early retirement.** Any member who has become at least 50 years old, or former member if service ended after June 30, 1989, and who has at least three years of allowable service is entitled upon application to a retirement annuity equal to the normal annuity calculated under subdivision 2, reduced so that the reduced annuity is the actuarial equivalent of the annuity that would be payable if the member deferred receipt of the annuity from the day the annuity begins to accrue to age 55.

[For text of subd 3, see M.S.1992]

History: 1993 c 307 art 1 s 24,25

352B.10 DISABILITY BENEFITS.

Subdivision 1. **Injuries, payment amounts.** Any member who becomes disabled and physically or mentally unfit to perform duties as a direct result of an injury, sickness, or other disability incurred in or arising out of any act of duty, shall receive disability benefits while disabled. The benefits must be paid in monthly installments equal to the member's average monthly salary multiplied by 50 percent, plus an additional 2-1/2 percent for each year and pro rata for completed months of service in excess of 20 years, if any.

Subd. 2. **Disabled while not on duty.** If a member terminates employment after at least one year of service because of sickness or injury occurring while not on duty and not engaged in state work entitling the member to membership, and the termination is necessary because the member cannot perform duties, the member is entitled to receive a disability benefit. The benefit must be in the same amount and computed in the same way as if the member were 55 years old at the date of disability and the annuity were paid under section 352B.08. If disability under this clause occurs after one but before 15 years service, the disability benefit must be computed as though the member had 15 years service.

[For text of subds 3 and 4, see M.S.1992]

Subd. 5. **Optional annuity.** A disabled member may, in lieu of survivorship coverage under section 352B.11, subdivision 2, choose the normal disability benefit or an optional annuity as provided in section 352B.08, subdivision 3. The choice of an optional annuity must be made before commencement of payment of the disability benefit, or within 90 days of attaining age 65 or reaching the five-year anniversary of the effective date of the disability benefit, whichever is later. It is effective on the date on which the disability benefit begins to accrue, or the month following attainment of age 65 or the five-year anniversary of the effective date of the disability benefit, whichever is later.

History: 1993 c 307 art 2 s 12-14

352B.101 APPLICATION FOR DISABILITY BENEFIT.

A member claiming a disability benefit must file a written application for benefits 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 begins to accrue the day following the start of disability or the day following the last day for which the member was paid, whichever is later, but not earlier than 180 days before the date the application is filed with the executive director.

History: 1993 c 307 art 1 s 26

352B.105 TERMINATION OF DISABILITY BENEFITS.

Disability benefits payable under section 352B.10 shall terminate at the end of the month the beneficiary becomes 55 years old. If the beneficiary is still disabled when the beneficiary becomes 55 years old, the beneficiary shall be deemed to be a retired mem-

ber and, if the beneficiary had chosen an optional annuity under section 352B.10, subdivision 5, shall receive an annuity in accordance with the terms of the optional annuity previously chosen. If the beneficiary had not chosen an optional annuity under section 352B.10, subdivision 5, the beneficiary may choose to receive either a normal retirement annuity computed under section 352B.08, subdivision 2, or an optional annuity as provided in section 352B.08, subdivision 3. An optional annuity must be chosen within 90 days of attaining age 65 or reaching the five-year anniversary of the effective date of the disability benefit, whichever is later. If an optional annuity is chosen, the optional annuity shall begin to accrue the first of the month following attainment of age 65 or the five-year anniversary of the effective date of the disability benefit, whichever is later.

History: 1993 c 307 art 2 s 15

352B.11 RETIREES.

[For text of subd 1, see M.S.1992]

Subd. 2. Death; payment to spouse and children. If a member serving actively as a member, or a member or former member receiving the disability benefit before attaining age 65 or reaching the five-year anniversary of the effective date of the disability benefit, whichever is later, provided by section 352B.10, subdivisions 1 and 2, dies from any cause before attaining age 65 or reaching the five-year anniversary of the effective date of the disability benefit, whichever is later, the surviving spouse and dependent children are entitled to benefit payments as follows:

(a) A member with at least three years of allowable service is deemed to have elected a 100 percent joint and survivor annuity payable to a surviving spouse only on or after the date the member or former member became or would have become 55.

(b) The surviving spouse of a member who had credit for less than three years of service shall receive, for life, a monthly annuity equal to 50 percent of that part of the average monthly salary of the member from which deductions were made for retirement.

(c) The surviving spouse of a member who had credit for at least three years service and who died after becoming 55 years old, may elect to receive a 100 percent joint and survivor annuity, for life, notwithstanding a subsequent remarriage, in lieu of the annuity prescribed in paragraph (b).

(d) The surviving spouse of any member who had credit for three years or more and who was not 55 years old at death, shall receive the benefit equal to 50 percent of the average monthly salary as described in clause (b) until the deceased member would have become 55 years old, and beginning the first of the month following that date, may elect to receive the 100 percent joint and survivor annuity.

(e) Each dependent child shall receive a monthly annuity equal to ten percent of that part of the average monthly salary of the former member from which deductions were made for retirement. A dependent child over 18 and under 23 years of age also may receive the monthly benefit provided in this section, if the child is continuously attending an accredited school as a full-time student during the normal school year as determined by the director. If the child does not continuously attend school but separates from full-time attendance during any part 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 surviving dependent children when the former member is survived by one or more dependent children. Payments for the benefit of any qualified dependent child must be made to the surviving spouse, or if there is none, to the legal guardian of the child. The maximum monthly benefit for any one family must not be less than 50 nor exceed 70 percent of the average monthly salary for any number of children.

(f) If the member dies under circumstances that entitle the surviving spouse and dependent children to receive benefits under the workers' compensation law, the work-

ers' compensation benefits received by them must not be deducted from the benefits payable under this section.

(g) The surviving spouse of a deceased former member who had credit for three or more years of allowable service, but not the spouse of a former member receiving a disability benefit under section 352B.10, subdivision 2, is entitled to receive the 100 percent joint and survivor annuity at the time the deceased member would have become 55 years old. If a former member dies who does not qualify for other benefits under this chapter, the surviving spouse or, if none, the children or heirs are entitled to a refund of the accumulated deductions left in the fund plus interest at the rate of six percent per year compounded annually.

[For text of subds 2a to 5, see M.S.1992]

History: 1993 c 307 art 2 s 16

352B.131 [Repealed, 1993 c 307 art 7 s 1]

352B.14 [Repealed, 1993 c 307 art 7 s 1]

352B.261 [Repealed, 1993 c 307 art 7 s 1]

352B.262 [Repealed, 1993 c 307 art 7 s 1]

352B.28 [Repealed, 1993 c 307 art 7 s 1]