

CHAPTER 172

HIGHWAY PATROLMEN, RETIREMENT

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172.01 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]

172.02 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 eight per cent of his monthly salary not exceeding the sum of \$20 per month except as hereinafter provided. 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 the amount of said salary deductions each month, 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. The amount of contributions required from state highway patrolmen may be increased from time to time to insure the actuarial soundness of the highway patrolmen's retirement fund created by Laws 1943, Chapter 637.

[1943 c 637 s 1; 1947 c 577 s 1; 1949 c 627 s 2]

172.03 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]

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172.04 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 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]

172.05 INVESTMENT OF FUNDS. The state board of investment is hereby authorized to invest 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 savings banks and trust companies, and shall sell any such securities upon request from the officers of the association so as to provide money for the payment of benefits or annuities.

[1943 c. 637 s. 4]

172.06 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 per cent 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]

172.07 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]

172.08 MEMBERSHIP ELIGIBILITY. Subdivision 1. **Separation from service; life annuity; age limitation.** Every patrolman who shall have been in the employ of the state as such for 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 hereby created 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 60 per cent of the average annual salary which he received during the five years immediately prior to said separation from state service, except as hereinbefore [hereinafter] limited, which life annuity shall be paid in monthly installments during the remainder of his life. Any patrolman who has been employed by the state as such for more than 15 years, and less than 20 years, when he attains the age of 58 years, may, if physically qualified, continue as such patrolman until he has completed the year of his employ during which he has attained the age of 60 years, or he may pay a sum which will result by multiplying the number of months which he would be required to serve so as to complete 20 years of service, by the amount of his monthly salary deductions at the time when he attained 55 years of age, and thereupon, and upon his compliance with the provisions hereof relative to salary deductions, and upon his separation from state service, he shall be entitled to the annuity, as provided for in this subdivision; provided, 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 and in the event that he has not served 20 years as a patrolman, when he completes said year, he shall pay a lump sum equal to the salary deductions which would have been made had he continued in state employment until he had acquired a total of 20 years of service.

Subd. 2. **Patrolmen employed 20 years or more.** Patrolmen whose employment with the state has been 20 years or more, and during such time have paid, by salary deductions or otherwise, into the state employee retirement fund, the amount re-

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quired by law, and into the fund created by Laws 1943, Chapter 637, or into either fund and who shall have attained the age of 55 years and who continues to serve as a highway patrolman or has served one or more years in excess of 20 years before reaching the age of 55 years shall be entitled to receive upon retirement an additional sum of \$3 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. The amount of contributions required from such highway patrolman in addition to contributions otherwise required from highway patrolmen, under this act, in order to qualify for such additional retirement benefits, may be increased from time to time to insure the actuarial soundness of such highway patrolmen's retirement fund.

Subd. 3. Patrolmen employed less than 15 and more than ten years. Patrolmen whose employment with the state has been less than 15 years and more than ten years, and during such time have paid, by salary deductions or otherwise, into the state employees' retirement fund, the amount required by law and into the fund hereby created, or into either fund and who shall have attained the age of 55 years, shall be entitled to receive a life annuity upon his separation from state service of an amount which the years of service in the highway patrol prior to his retirement bear to 20 years, except as hereinafter limited, which life annuity shall be paid in monthly instalments during the remainder of his life.

Subd. 4. Patrolmen employed less than 20 and more than ten 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 hereby created, or into either fund, and allowing said deductions to remain in such fund, may separate himself from the state service subsequent to the effective date of this amendment, at any time during the above period, and upon attaining the retirement age of 55 years shall be entitled to receive a life annuity of an amount which the years of his service in the state highway patrol, prior to his retirement, bear to 20 years.

Subd. 5. Monthly annuity, limitation. No patrolman shall receive an annuity in excess of \$150 per month, upon retirement for 20 years of service, except patrolmen qualifying through additional years of service and contributions pursuant to the provisions of subdivision 2.

Subd. 6. Death of patrolmen; payment to spouse or heirs. In the event that any patrolman should die after he has become eligible to receive an annuity as herein provided for, the amount he has paid into said funds, less the annuity payments he received prior to his death, shall thereupon be paid to the surviving spouse, if any, and if there be no surviving spouse, then to the heirs as provided by the laws of descent.

[1943 c 637 s 7; 1947 c 577 s 2; 1949 c 627 s 1; 1953 c 453 s 1-3]

172.09 DISABILITY BENEFITS. (1) Any patrolman less than 58 years of age who has been employed as such for at least ten years, and 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 unable to perform his duties as such highway patrolman, shall receive disability benefits during the period of such disability of an amount equal to 60 per cent of his salary as it shall be at the time when such disability occurs, but not to exceed \$100 per month, to be paid to such patrolman in monthly payments. In the event that such patrolman shall die during the period of such disability, the amount he has paid into said funds, less the amount of the disability benefits received by him prior to his death, shall be paid to the surviving spouse, if any, and if there be no surviving spouse, then to the heirs as provided by the laws of descent. Any income under the Workmen's Compensation Law, or income from employment earned by any disabled patrolman, shall be deducted from the amount that said disabled patrolman would be entitled to receive under the benefits of this section.

(2) No patrolman shall receive any disability benefit payments 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 or while receiving workmen's compensation from the state on account of such disability.

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(3) No disability benefit payments 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]

172.10 RETIRED PATROLMEN. Subdivision 1. **Refundment of payments.** Should any patrolman, prior to becoming 58 years of age, and with less than 20 years of service, 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; and in the event of his death the amount he had paid into said funds, less all payments received by him hereunder, shall be paid to the surviving spouse, if any, and if there be no surviving spouse, then to the heirs as provided by the laws of descent.

Subd. 2. **Death; payment to spouse.** In the event that a patrolman who has served as such for 20 years, and during such period has paid by salary deductions into the state employees retirement fund, or into the fund created by Laws 1943, Chapter 637, the amount required by law, shall die before reaching the age of 58 years, the amount he has paid into said funds shall thereupon be paid to the surviving spouse, if any, and if there be no surviving spouse, then to the heirs as provided by the laws of descent.

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]

172.103 PATROLMEN NOW RETIRED. The annuity payments provided for hereunder shall also apply to highway patrolmen who have retired prior to April 18, 1953, and are now drawing annuities.

[1953 c. 453 s. 5]

172.11 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]

172.12 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]

172.13 [Not necessary]