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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE NO. **1495**

March 1, 2007

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The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections

A bill for an act

relating to retirement; Public Employees Retirement Association police and fire plan; authorizing survivor benefit for the survivor of a deceased member.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. SURVIVOR BENEFIT FOR DECEASED PUBLIC EMPLOYEES RETIREMENT ASSOCIATION POLICE AND FIRE PLAN MEMBER.

Subdivision 1. **Application.** An eligible individual under subdivision 2 is eligible to receive the benefit specified in subdivision 3 upon satisfying requirements specified in subdivision 4.

Subd. 2. **Eligibility.** An eligible individual is a member of the Public Employees Retirement Association general plan and a surviving spouse of a deceased previous member of the Public Employees Retirement Association police and fire plan who: (1) was born on October 10, 1933; (2) was injured on April 29, 1977, while performing duties as the chief of police for the city of Hayfield; (3) applied for disability benefits on April 17, 1978; (4) was denied disability benefits by the Public Employees Retirement Association board of trustees based on all available medical evidence and the advice of the board's medical advisor on September 6, 1978; (5) received a refund of employee contributions to the Public Employees Retirement Association police and fire plan; and (6) died on March 13, 1999.

Subd. 3. **Benefit amount.** An annuity is payable to the eligible individual under subdivision 2, computed assuming the deceased police officer had elected a 100 percent joint-and-survivor annuity. The annuity accrues from the effective date of this section. Any amounts representing monthly annuity payments prior to the date all requirements under subdivision 4 are met are payable as a lump sum amount payable on the first

2.1 of the month following the date all requirements under subdivision 4 are met. The
2.2 executive director is authorized to transfer assets representing the full actuarial reserves
2.3 for the annuity authorized under this subdivision from the Public Employees Retirement
2.4 Association police and fire fund to the Minnesota postretirement investment fund.

2.5 Subd. 4. **Commissioner of health review; other requirements.** (a) The
2.6 commissioner of health shall review the autopsy of the deceased previous member and
2.7 all related medical records provided by the eligible individual, to determine whether the
2.8 previous member of the Public Employees Retirement Association police and fire fund
2.9 plan described in subdivision 2 would have been disabled as a result of the April 29, 1977,
2.10 injury. The findings of the commissioner are subject to further administrative or judicial
2.11 review or appeal. The findings must be filed with the executive director of the Public
2.12 Employees Retirement Association, the eligible individual under subdivision 2, and the
2.13 executive director of the Legislative Commission on Pensions and Retirement.

2.14 (b) Benefits are payable under this section if the board of trustees approves payment
2.15 after considering the determination of the commissioner of health within 60 days of
2.16 receiving the commissioner's determination under this section.

2.17 (c) When the eligible individual applies for retirement or reaches normal retirement
2.18 age, whichever is sooner, the benefit payable to the individual shall be the higher of
2.19 the survivor benefit payable under this section or the individual's retirement benefit
2.20 determined at that time.

2.21 (d) The eligible individual under subdivision 2 must provide the executive director
2.22 of the Public Employees Retirement Association with all relevant documentation to verify
2.23 that all remaining eligibility requirements in this section are satisfied and with any other
2.24 applicable information that the executive director may request.

2.25 **Sec. 2. EFFECTIVE DATE.**

2.26 Section 1 is effective the day following final enactment.