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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **1941**

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

1.1 A bill for an act
1.2 relating to retirement; clarifying and correcting surviving spouse benefit
1.3 provisions of the Minneapolis police relief association; amending Minnesota
1.4 Statutes 2006, section 423B.10, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2006, section 423B.10, subdivision 1, is amended to read:

1.7 Subdivision 1. **Entitlement; benefit amount.** (a) The surviving spouse of a
1.8 deceased service pensioner, disability pensioner, deferred pensioner, superannuation
1.9 pensioner, or active member, who was the legally married spouse of the decedent, residing
1.10 with the decedent, and who was married while or before the time the decedent was on
1.11 the payroll of the police department, and who, if the deceased member was a service or
1.12 deferred pensioner, was legally married to the member for a period of at least one year
1.13 before retirement from the police department, is entitled to a surviving spouse benefit. The
1.14 surviving spouse benefit is equal to ~~22.5 units per month until December 31, 2005, and 23~~
1.15 ~~units per month beginning on January 1, 2006, if the person is the surviving spouse of a~~
1.16 ~~deceased active member or disabilitant. The surviving spouse benefit is equal to six~~ eight
1.17 ~~units per month, plus an additional one unit for each year of service to the credit of the~~
1.18 ~~decedent in excess of five years, to a maximum of 22.5 units per month until December 31,~~
1.19 ~~2005, and 23 units per month beginning on January 1, 2006, if the person is the surviving~~
1.20 ~~spouse of a deceased service pensioner, deferred pensioner, or superannuation pensioner.~~
1.21 The surviving spouse benefit is payable for the life of the surviving spouse.

1.22 (b) A surviving child of a deceased service pensioner, disability pensioner, deferred
1.23 pensioner, superannuation pensioner, or active member, who was living while the decedent
1.24 was an active member of the police department or was born within nine months after the

2.1 decedent terminated active service in the police department, is entitled to a surviving child
2.2 benefit. The surviving child benefit is equal to eight units per month if the person is the
2.3 surviving child of a deceased active member or disabilitant. The surviving child benefit
2.4 is equal to two units per month, plus an additional four-tenths of one unit per month for
2.5 each year of service to the credit of the decedent in excess of five years, to a maximum of
2.6 eight units, if the person is the surviving child of a deceased service pensioner, deferred
2.7 pensioner, or superannuation pensioner. The surviving child benefit is payable until the
2.8 person attains age 18, or, if in full-time attendance during the normal school year, in a
2.9 school approved by the board of directors, until the person receives a bachelor's degree or
2.10 attains the age of 22 years, whichever occurs first. In the event of the death of both parents
2.11 leaving a surviving child or children entitled to a surviving child benefit as determined in
2.12 this paragraph, the surviving child is, or the surviving children are, entitled to a surviving
2.13 child benefit in such sums as determined by the board of directors to be necessary for
2.14 the care and education of such surviving child or children, but not to exceed the family
2.15 maximum benefit per month, to the children of any one family.

2.16 (c) The surviving spouse and surviving child benefits are subject to a family
2.17 maximum benefit. The family maximum benefit is 41 units per month.

2.18 (d) A surviving spouse who is otherwise not qualified may receive a benefit if the
2.19 surviving spouse was married to the decedent for a period of five years and was residing
2.20 with the decedent at the time of death. The surviving spouse benefit is the same as that
2.21 provided in paragraph (a), except that if the surviving spouse is younger than the decedent,
2.22 the surviving spouse benefit must be actuarially equivalent to a surviving spouse benefit
2.23 that would have been paid to the member's spouse had the member been married to a
2.24 person of the same age or a greater age than the member's age before retirement.

2.25 (e) For any surviving spouse who began receiving survivor benefits before January 1,
2.26 2005, the half-unit increase under paragraph (a) is effective retroactive to January 1, 2005.

2.27 **Sec. 2. EFFECTIVE DATE.**

2.28 Section 1 is effective retroactively from the effective date of Laws 1997, chapter
2.29 233, article 4, section 7, and Laws 2005, First Special Session chapter 8, article 11, section
2.30 12. Benefit amounts paid to surviving spouse members previously paid that are consistent
2.31 with section 1 are hereby ratified and confirmed.