

CHAPTER 454—S.F.No. 2382

An act relating to retirement; providing for surviving spouse benefits for the Minneapolis Police Relief Association and the Minneapolis Fire Department Relief Association; amending Laws 1949, chapter 406, section 6, subdivision 1, as amended; and Laws 1965, chapter 519, section 1, as amended.

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

Section 1. Laws 1949, chapter 406, section 6, subdivision 1, as amended by Laws 1953, chapter 127, section 6; Laws 1967, chapter 820, section 1; and Laws 1987, chapter 322, section 5, and chapter 372, article 2, section 4, is amended to read:

Subdivision 1. **MINNEAPOLIS POLICE SURVIVOR BENEFITS; PERSONS TO WHOM GRANTED.** The association shall grant pensions or benefits payable from the police pension fund to any member or to any surviving spouse or to any child under 18 years of age or any member from the time and for the following purposes:

When a service pensioner, disability pensioner, or deferred pensioner, or an active member of a relief association dies, leaving:

(1) a surviving spouse, who was a legally married spouse, residing with the decedent, and who was married while or prior to the time the decedent was on the payroll of the police department; and who, in case the deceased member was a service or deferred pensioner, was legally married to the member at least one year before retirement from the police department; or

(2) a child or children, who were living while the deceased was on the payroll of the police department or born within nine months after the decedent was withdrawn from the payroll, the surviving spouse and child, or children, shall be entitled to a pension, or pensions, as follows:

(a) To the surviving spouse of a deceased active member or disabilitant, a pension of ~~48~~ 21 units per month for life. If the surviving spouse remarries, the pension ceases as of the date of the remarriage.

(b) To the surviving spouse of a deceased deferred or retired member, a pension of ~~4.5~~ six units per month for life, plus an additional nine-tenths of one unit per month for every year of service of the decedent beyond five years to a maximum of ~~48~~ 21 units. If the surviving spouse remarries the pension ceases as of the date of the remarriage.

(c) To each child of a deceased active member or disabilitant, a pension of six units per month until the child reaches the age of 18 years; or the case of a child in full-time attendance during the normal school year, in a school approved by the board of directors, until the child receives a bachelor's degree or attains the age of 22 years, whichever occurs first.

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(d) To each child of a deceased deferred or retired member, a pension of 1.5 units per month plus three-tenths of one unit per month for every year of service of the decedent beyond five years to a maximum of six units until the child reaches the age of 18 years; or, in the case of a child in full-time attendance during the normal school year in a school approved by the board of directors, until the child receives a bachelor's degree or attains the age of 22 years, whichever is first.

The total pensions hereunder for the surviving spouse and children of a deceased member shall not exceed ~~32~~ 35 units per month.

Sec. 2. Laws 1965, chapter 519, section 1, as amended by Laws 1967, chapter 819, section 1; Laws 1969, chapter 123, section 1; Laws 1975, chapter 57, section 1; and Laws 1977, chapter 164, section 2, is amended to read:

Section 1. **MINNEAPOLIS, CITY OF; FIREFIGHTER'S RELIEF ASSOCIATION; WIDOW'S SURVIVING SPOUSE'S ENTITLEMENT.** Notwithstanding the provisions of Minnesota Statutes 1965, Section 69.48, to the contrary, when a service pensioner, disability pensioner, or deferred pensioner, or an active member of a relief association dies, leaving:

(1) A widow surviving spouse who was ~~his~~ a legally married ~~wife~~ spouse, residing with ~~him~~ the decedent, and who was married ~~to him~~ while or prior to the time ~~he~~ the decedent was on the payroll of the fire department; and who, in case the deceased member was a service or deferred pensioner was legally married to the member at least one year before ~~his~~ retirement from the fire department; or

(2) A child or children who were living while the deceased was on the payroll of the fire department, or born within nine months after the decedent was withdrawn from the payroll of the fire department, the widow surviving spouse and the child or children shall be entitled to a pension or pensions, as follows:

(a) To the widow surviving spouse, a pension of not less than 17 units, and not to exceed the total of ~~24~~ 22 units per month, as the bylaws of the association provide, for ~~her~~ natural life; provided, that if ~~she~~ the spouse shall remarry then the pension shall cease and terminate as of the date of ~~her~~ remarriage; provided, further, if ~~her~~ the remarriage terminates for any reason, ~~she~~ the surviving spouse shall again be entitled to a pension as the bylaws of the association provide;

(b) To the child or children, if their ~~mother~~ be other parent is living, a pension of not to exceed eight units per month for each child up to the time each child reaches the age of not less than 16 years and not to exceed an age of 18 years; provided, however, upon approval by the board of trustees, such a child who is a full-time student, upon proof of compliance with the provisions of this act, may be entitled to such pension so long as ~~he~~ the child is a full-time student and has not reached 22 years of age, all in conformity with the bylaws of the association; provided, further, the total pensions hereunder for the widow surviving spouse and children of the deceased member shall not exceed the sum of ~~40~~ 41 units per month;

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(c) A child or children of a deceased member after the death of their ~~mother~~ other parent, or in the event their ~~mother~~ other parent predeceases the member, be entitled to receive a pension or pensions in such amount as the board of trustees of the association shall deem necessary to properly support the child or children until they reach the age of not less than 16 and not more than 18 years; provided, however, upon approval by the board of trustees, such a child who is a full-time student, upon proof of compliance with the provisions of this act, may be entitled to such pension so long as ~~he~~ the child is a full-time student and has not reached 22 years of age, as the bylaws of the association may provide; but the total amount of the pension or pensions hereunder for any child or children shall not exceed the sum of ~~40~~ 41 units per month;

(d) For the purposes of this act, a full-time student is defined as an individual who is in full-time attendance as a student at an educational institution. Whether or not the student was in full-time attendance would be determined by the board of trustees of the association in the light of the standards and practices of the school involved. Specifically excluded is a person who is paid by ~~his~~ the person's employer while attending school at the request of ~~his~~ the person's employer. Benefits may continue during any period of four calendar months or less in any 12 month period in which a person does not attend school if the person shows to the satisfaction of the board of trustees that ~~he~~ the person intends to continue in full-time school attendance immediately after the end of the period. An educational institution is defined so as to permit the payment of benefits to students taking vocational or academic courses in all approved, accredited or licensed schools, colleges, and universities. The board of trustees shall make the final determination of eligibility for benefits if any question arises concerning the approved status of the educational institution which the student attends or proposes to attend;

(e) In the event that a child who is receiving a pension as provided above shall marry before the age of 22 years, the pension shall cease as of the date of the marriage.

Sec. 3. TRANSITION PERIOD.

The benefit increase provided under section 1 to surviving spouse shall be phased in according to the following schedule:

<u>Year</u>	<u>Maximum Amount of Units Under Section 1</u>
<u>1992</u>	<u>19</u>
<u>1993</u>	<u>20</u>
<u>1994</u>	<u>21</u>

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provided that the Minneapolis police relief association's percent of assets to actuarial accrued unfunded liability as of December 31 for the year indicated is at least the following:

<u>1991</u>	<u>75.3 percent</u>
<u>1992</u>	<u>76.6 percent</u>
<u>1993</u>	<u>77.9 percent</u>

In the event the required funding of percent of assets to actuarial accrued unfunded liability is not met in a given year, the phased in benefit will not occur but will be phased in in subsequent years when the funding levels are met.

The benefit provided in section 2 to surviving spouses of the Minneapolis fire department relief association shall be paid beginning in 1993 only if on December 31, 1992, the relief association has assets of at least 64 percent of the actuarial accrued unfunded liability. Provided, however, if the fund does not have the minimum required funding on December 31, 1992, the benefit will be phased in when the fund reaches 64 percent of the actuarial accrued unfunded liability.

Sec. 4. LOCAL APPROVAL.

This law is effective upon approval by a majority of the Minneapolis City Council in accordance with Minnesota Statutes, section 645.021.

Presented to the governor April 10, 1992

Signed by the governor April 13, 1992, 1:57 p.m.

CHAPTER 455—S.F.No. 2352

An act relating to retirement; Austin fire department relief association; authorizing an actuarial assumption change; providing various benefit increases; authorizing board member per diem payments.

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

Section 1. AUSTIN FIRE DEPARTMENT RELIEF ASSOCIATION; BOARD MEMBER PER DIEM.

Notwithstanding any provision of Minnesota Statutes, section 69.80, to the contrary, if its bylaws so permit, the Austin fire department relief association may pay a per diem amount to members of the board of trustees of the relief association. The per diem amount payable to each board member may not exceed \$35 for each meeting of the board of trustees or other official function of the board of trustees.

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