

Sec. 2. LOCAL APPROVAL.

Section 1 is effective the day after the governing body of the city of Duluth complies with Minnesota Statutes, section 645.021, subdivision 3.

Presented to the governor April 20, 1994

Signed by the governor April 22, 1994, 2:10 p.m.

CHAPTER 490—H.F.No. 1416

An act relating to retirement; Austin fire department relief association; modifying health insurance benefit coverage for the spouses of certain retired firefighters; providing survivor benefit coverage for the spouses of certain retired firefighters; amending Laws 1992, chapter 455, section 2.

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

Section 1. Laws 1992, chapter 455, section 2, is amended to read:

Sec. 2. AUSTIN FIRE DEPARTMENT RELIEF ASSOCIATION; HEALTH OR MEDICAL INSURANCE PREMIUM BENEFIT.

(a) Notwithstanding any provision of general law, special law, articles of incorporation, or bylaws to the contrary, if its articles of incorporation or bylaws so permit, the Austin fire department relief association may pay a health or medical insurance premium benefit to eligible pension recipients and their spouses, if the spouse would be eligible for a surviving spouse benefit upon the death of the pension recipient.

(b) The health or medical insurance premium benefit is an amount equal to the amount that the city of Austin would pay under the applicable collective bargaining agreement for medical or health insurance coverage for a firefighter who is employed by the city, who has a spouse, and who has no other dependents.

(c) An eligible pension recipient is a person who receives a service pension or a disability pension from the relief association and who is under age 65 or who is not yet eligible for the receipt of federal Medicare benefits, whichever occurs first.

(d) The health or medical insurance premium benefit is payable monthly, is in addition to any other pension amount received by the eligible pension recipient, and is not subject to any postretirement adjustments applicable to service pensions or disability pensions.

Sec. 2. AUSTIN FIRE DEPARTMENT RELIEF ASSOCIATION; SURVIVOR COVERAGE FOR SPOUSES OF CERTAIN RETIRED FIREFIGHTERS.

New language is indicated by underline, deletions by ~~strikeout~~.

(a) Notwithstanding any provision to the contrary of the general or special laws governing the Austin fire department relief association, the articles of incorporation of the relief association, or the bylaws of the relief association, a person described in paragraph (b) is entitled to a surviving spouse benefit as provided in paragraph (c).

(b) A person entitled under paragraph (a) is a person who:

(1) was the legally married spouse of a deceased retired or disabled member of the Austin fire department relief association at the time of the deceased member's death;

(2) married the retired or disabled member after the date on which the member terminated active employment as a firefighter by the Austin fire department and was married for at least three years before the date of the death of the member; and

(3) was married to a retired or disabled member whose prior spouse, if any, predeceased the member.

(c) The surviving spouse benefit is an amount equal to the amount of a surviving spouse benefit payable by the Austin fire department relief association to the surviving spouse of a deceased active member of the relief association under Laws 1949, chapter 87, section 26, subdivision 4, as amended by Laws 1965, chapter 418, section 5, reduced by any amount awarded or payable to a former spouse of the deceased active member by virtue of the legal dissolution of the member's marriage to the former spouse.

Sec. 3. EFFECTIVE DATE.

Sections 1 and 2 are effective on the day following compliance with Minnesota Statutes, section 69.77, subdivision 2i, approval by majority vote of the city council of the city of Austin, and compliance with Minnesota Statutes, section 645.021.

Presented to the governor April 20, 1994

Signed by the governor April 22, 1994, 1:49 p.m.

CHAPTER 491—H.F.No. 1909

An act relating to retirement; local police and salaried firefighters relief associations and consolidation accounts; requiring continuation of surviving spouse benefits upon remarriage; amending Minnesota Statutes 1992, section 423A.17; Minnesota Statutes 1993 Supplement, section 353B.11, subdivision 6.

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

New language is indicated by underline, deletions by ~~strikeout~~.

ARTICLE 1

CONTINUATION OF SURVIVING SPOUSE BENEFITS
UPON REMARRIAGE

Section 1. Minnesota Statutes 1992, section 423A.17, is amended to read:

423A.17. ~~AUTHORITY TO IMPLEMENT THE CONTINUATION OF SURVIVING SPOUSE BENEFITS UPON REMARRIAGE.~~

(a) Notwithstanding a provision of section 69.48; 423.387, subdivision 1; 423.58, subdivision 1; 423.810, subdivision 1; or 424.24, subdivision 1, or other law, article of incorporation, or bylaw governing a local police or salaried firefighters relief association to the contrary, the board of trustees of a local relief association governed by section 69.77, with municipal approval as provided in section 69.77, subdivision 2i, may amend the bylaws of the relief association to provide that the governing body of a municipality may mandate the applicable local police or salaried firefighters relief association to provide that a surviving spouse benefit is payable for the life of the surviving spouse and remains payable even in the event of the remarriage of the surviving spouse.

(b) If the surviving spouse benefit change described in paragraph (a) is made, the change applies to a surviving spouse benefit payable on the effective date of the change and to the potential surviving spouses of all active, deferred, or retired members of the relief association who have that status on the effective date of the change.

(c) In addition, if the surviving spouse benefit change described in paragraph (a) is made ~~and the bylaws so provide~~, a person who formerly was receiving surviving spouse benefits from the relief association and who had those benefits discontinued by virtue of the remarriage is entitled, upon application, to a resumption of the surviving spouse benefit, beginning with the last day of the month following receipt of the application by the secretary of the relief association. Nothing in this section authorizes the payment of a benefit amount to an estate.

(d) ~~The bylaw amendment is not effective until a certified copy of the amendment and the municipal approval has been~~ The change must be made by a municipal resolution adopted by a majority vote of the municipality. The resolution must be filed by the municipal clerk secretary of the relief association with the executive director of the legislative commission on pensions and retirement, the state auditor, and the secretary of state.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective on the day following final enactment.

New language is indicated by underline, deletions by ~~strikeout~~.

ARTICLE 2

CONFORMING CHANGE TO THE CONSOLIDATION LAW

Section 1. Minnesota Statutes 1993 Supplement, section 353B.11, subdivision 6, is amended to read:

Subd. 6. **DISCONTINUATION; SURVIVING SPOUSE BENEFIT.** (a) Except as specified in paragraph (b) or (c), a surviving spouse benefit terminates upon the death or the subsequent marriage of the person entitled to receive or receiving a surviving spouse benefit.

(b) A surviving spouse benefit terminates upon the subsequent marriage of the person entitled to receive or receiving a surviving spouse benefit but recommences at the appropriate amount without any retroactive payments in the event of the termination of the subsequent marriage for any reason for the former members of the following consolidating relief associations:

- (1) Albert Lea firefighters relief association;
- (2) Duluth firefighters relief association;
- (3) Minneapolis fire department relief association;
- (4) St. Paul fire department relief association; and
- (5) St. Paul police relief association.

(c) For all consolidating relief associations, a surviving spouse benefit shall terminate ~~terminates~~ only upon the death of the person entitled to receive or receiving a surviving spouse benefit, ~~for the former members of the following consolidating relief associations:~~

- (1) Albert Lea police relief association;
- (2) Anoka police relief association;
- (3) Bloomington police relief association;
- (4) Buhl police relief association;
- (5) Chisholm fire department relief association;
- (6) Chisholm police relief association;
- (7) Crookston fire department relief association;
- (8) Duluth police relief association;
- (9) Faribault fire department relief association;
- (10) Hibbing firefighters relief association;

New language is indicated by underline, deletions by ~~strikeout~~.

- (11) Hibbing police relief association;
- (12) Mankato fire department relief association;
- (13) Red Wing fire department relief association;
- (14) Red Wing police relief association;
- (15) Rochester fire department relief association;
- (16) Rochester police relief association;
- (17) St. Cloud fire department relief association;
- (18) St. Louis Park fire department relief association;
- (19) St. Louis Park police relief association;
- (20) South St. Paul firefighters relief association;
- (21) South St. Paul police relief association;
- (22) West St. Paul firefighters relief association;
- (23) Winona fire department relief association; and
- (24) Winona police relief association.

Sec. 2. **EFFECTIVE DATE.**

(a) Section 1 is effective on the day following final enactment.

(b) Section 1 applies to any consolidation account under Minnesota Statutes, chapter 353B, established before the date of final enactment as well as any account established after that date and applies to any person who formerly was receiving surviving spouse benefits from a consolidation account or a local relief association and who had those benefits discontinued solely by virtue of remarriage.

(c) Nothing in this article authorizes the payment of a benefit amount to an estate.

Presented to the governor April 20, 1994

Signed by the governor April 21, 1994, 11:58 a.m.

New language is indicated by underline, deletions by ~~strikeout~~.