

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 4722

(SENATE AUTHORS: DUCKWORTH)

DATE
03/07/2024

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Introduction and first reading
Referred to State and Local Government and Veterans

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to retirement; PERA police and fire plan; increasing the survivor benefit
1.3 for members who die in the line of duty; amending Minnesota Statutes 2022,
1.4 section 353.657, subdivisions 2, 3a.

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

1.6 Section 1. Minnesota Statutes 2022, section 353.657, subdivision 2, is amended to read:

1.7 Subd. 2. **Benefit amount.** (a) The spouse of a deceased member is entitled to receive a
1.8 monthly benefit for life equal to the following percentage of the member's average salary,
1.9 as defined in section 353.01, subdivision 17a, paragraph (c), as a member of the police and
1.10 fire plan:

1.11 (1) if the death was a line of duty death, ~~60~~ 100 percent of the average salary is payable;
1.12 and

1.13 (2) if the death was not a line of duty death or if death occurred while receiving disability
1.14 benefits that accrued before July 1, 2007, 50 percent of the average salary is payable.

1.15 (b) If the member's status changed from full time to part time due to health reasons
1.16 during the last 12 months of employment, notwithstanding the definition of average salary
1.17 in section 353.01, subdivision 17a, paragraph (c), the average salary used to compute the
1.18 monthly survivor benefit must be based on the full-time salary rate of the position held as
1.19 a member of the police and fire plan in effect over the last six months of allowable service
1.20 preceding the month in which the death occurred.

2.1 Sec. 2. Minnesota Statutes 2022, section 353.657, subdivision 3a, is amended to read:

2.2 Subd. 3a. **Maximum and minimum family benefits.** (a) The maximum monthly benefit
2.3 per family must not exceed the following percentages of the member's average monthly
2.4 salary as specified in subdivision 3:

2.5 (1) ~~80~~ 120 percent, if the member's death was a line of duty death; or

2.6 (2) 70 percent, if the member's death was not a line of duty death or occurred while the
2.7 member was receiving a disability benefit that accrued before July 1, 2007.

2.8 (b) The minimum monthly benefit per family, including the joint and survivor optional
2.9 annuity under subdivision 2a, and section 353.656, subdivision 1a, must not be less than
2.10 the following percentage of the member's average monthly salary as specified in subdivision
2.11 3:

2.12 (1) ~~60~~ 100 percent, if the death was a line of duty death; or

2.13 (2) 50 percent, if the death was not a line of duty death or occurred while the member
2.14 was receiving a disability benefit that accrued before July 1, 2007.

2.15 (c) If the maximum under paragraph (a) is exceeded, the monthly benefit of the joint
2.16 annuitant, surviving spouse, and dependent children, as applicable, must each be reduced
2.17 proportionately so that the total family benefit does not exceed the applicable maximum.
2.18 The joint and survivor optional annuity, surviving spouse, or dependent children benefit,
2.19 as applicable, must be restored, plus applicable postretirement adjustments under Minnesota
2.20 Statutes 2008, section 356.41 or section 356.415, as the dependent child or children become
2.21 no longer dependent under section 353.01, subdivision 15, or in the event of the death of
2.22 the joint and survivor annuity recipient or the surviving spouse.

2.23 Sec. 3. **EFFECTIVE DATE.**

2.24 This act is effective retroactively from February 16, 2024.