

1.1 A bill for an act

1.2 relating to retirement; defining terms; amending disability benefits provisions;  
1.3 making technical changes; amending Minnesota Statutes 2008, sections 43A.34,  
1.4 subdivision 4; 299A.465, subdivision 1; 352.01, subdivision 2b; 352B.02,  
1.5 subdivision 1; 352B.10, subdivisions 1, 2; 352B.11, subdivision 2; proposing  
1.6 coding for new law in Minnesota Statutes, chapter 352B; repealing Minnesota  
1.7 Statutes 2008, section 352B.01, subdivisions 1, 2, 3, 3b, 4, 6, 7, 9, 10, 11.

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

1.9 Section 1. Minnesota Statutes 2008, section 43A.34, subdivision 4, is amended to read:

1.10 Subd. 4. **Officers exempted.** Notwithstanding any provision to the contrary, (a)  
1.11 conservation officers and crime bureau officers who were first employed on or after July  
1.12 1, 1973, and who are members of the State Patrol retirement fund by reason of their  
1.13 employment, and members of the Minnesota State Patrol Division and Alcohol and  
1.14 Gambling Enforcement Division of the Department of Public Safety who are members  
1.15 of the State Patrol Retirement Association by reason of their employment, shall not  
1.16 continue employment after attaining the age of 60 years, except for a fractional portion  
1.17 of one year that will enable the employee to complete the employee's next full year of  
1.18 allowable service as defined pursuant to section ~~352B.01~~ 352B.001, subdivision 3; and (b)  
1.19 conservation officers and crime bureau officers who were first employed and are members  
1.20 of the State Patrol retirement fund by reason of their employment before July 1, 1973,  
1.21 shall not continue employment after attaining the age of 70 years.

1.22 Sec. 2. Minnesota Statutes 2008, section 299A.465, subdivision 1, is amended to read:

1.23 Subdivision 1. **Officer or firefighter disabled in line of duty.** (a) This subdivision  
1.24 applies to any peace officer or firefighter:

2.1 (1) who the Public Employees Retirement Association or the Minnesota State  
2.2 Retirement System determines is eligible to receive a duty disability benefit pursuant to  
2.3 section 353.656 or 352B.10, subdivision 1, respectively; or

2.4 (2) who (i) does not qualify to receive disability benefits by operation of the  
2.5 eligibility requirements set forth in section 353.656, subdivision 1, paragraph (b), (ii)  
2.6 retires pursuant to section 353.651, subdivision 4, or (iii) is a member of a local police or  
2.7 salaried firefighters relief association and qualifies for a duty disability benefit under the  
2.8 terms of plans of the relief associations, and the peace officer or firefighter described in  
2.9 item (i), (ii), or (iii) has discontinued public service as a peace officer or firefighter as a  
2.10 result of a disabling injury and has been determined, by the Public Employees Retirement  
2.11 Association, to have otherwise met the duty disability criteria set forth in section 353.01,  
2.12 subdivision 41.

2.13 (b) A determination made on behalf of a peace officer or firefighter described in  
2.14 paragraph (a), clause (2), must be at the request of the peace officer or firefighter made for  
2.15 the purposes of this section. Determinations made in accordance with paragraph (a) are  
2.16 binding on the peace officer or firefighter, employer, and state. The determination must be  
2.17 made by the executive director of the Public Employees Retirement Association and is  
2.18 not subject to section 356.96, subdivision 2. Upon making a determination, the executive  
2.19 director shall provide written notice to the peace officer or firefighter and the employer.  
2.20 This notice must include:

2.21 (1) a written statement of the reasons for the determination;

2.22 (2) a notice that the person may petition for a review of the determination by  
2.23 requesting that a contested case be initiated before the Office of Administrative Hearings,  
2.24 the cost of which must be borne by the peace officer or firefighter and the employer; and

2.25 (3) a statement that any person who does not petition for a review within 60 days  
2.26 is precluded from contesting issues determined by the executive director in any other  
2.27 administrative review or court procedure.

2.28 If, prior to the contested case hearing, additional information is provided to support the  
2.29 claim for duty disability as defined in section 353.01, subdivision 41, the executive  
2.30 director may reverse the determination without the requested hearing. If a hearing is held  
2.31 before the Office of Administrative Hearings, the determination rendered by the judge  
2.32 conducting the fact-finding hearing is a final decision and order under section 14.62,  
2.33 subdivision 2a, and is binding on the executive director, the peace officer or firefighter,  
2.34 employer, and state. Review of a final determination made by the Office of Administrative  
2.35 Hearings under this section may only be obtained by writ of certiorari to the Minnesota  
2.36 Court of Appeals under sections 14.63 to 14.68. Only the peace officer or firefighter,

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3.1 employer, and state have standing to participate in a judicial review of the decision of the  
3.2 Office of Administrative Hearings.

3.3 (c) The officer's or firefighter's employer shall continue to provide health coverage  
3.4 for:

3.5 (1) the officer or firefighter; and

3.6 (2) the officer's or firefighter's dependents if the officer or firefighter was receiving  
3.7 dependent coverage at the time of the injury under the employer's group health plan.

3.8 (d) The employer is responsible for the continued payment of the employer's  
3.9 contribution for coverage of the officer or firefighter and, if applicable, the officer's  
3.10 or firefighter's dependents. Coverage must continue for the officer or firefighter and, if  
3.11 applicable, the officer's or firefighter's dependents until the officer or firefighter reaches or,  
3.12 if deceased, would have reached the age of 65. However, coverage for dependents does  
3.13 not have to be continued after the person is no longer a dependent.

3.14 Sec. 3. Minnesota Statutes 2008, section 352.01, subdivision 2b, is amended to read:

3.15 Subd. 2b. **Excluded employees.** "State employee" does not include:

3.16 (1) students employed by the University of Minnesota, or the state colleges and  
3.17 universities, unless approved for coverage by the Board of Regents of the University of  
3.18 Minnesota or the Board of Trustees of the Minnesota State Colleges and Universities,  
3.19 whichever is applicable;

3.20 (2) employees who are eligible for membership in the state Teachers Retirement  
3.21 Association, except employees of the Department of Education who have chosen or may  
3.22 choose to be covered by the general state employees retirement plan of the Minnesota  
3.23 State Retirement System instead of the Teachers Retirement Association;

3.24 (3) employees of the University of Minnesota who are excluded from coverage by  
3.25 action of the Board of Regents;

3.26 (4) officers and enlisted personnel in the National Guard and the naval militia who  
3.27 are assigned to permanent peacetime duty and who under federal law are or are required to  
3.28 be members of a federal retirement system;

3.29 (5) election officers;

3.30 (6) persons who are engaged in public work for the state but who are employed  
3.31 by contractors when the performance of the contract is authorized by the legislature or  
3.32 other competent authority;

3.33 (7) officers and employees of the senate, or of the house of representatives, or of a  
3.34 legislative committee or commission who are temporarily employed;

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4.1 (8) receivers, jurors, notaries public, and court employees who are not in the judicial  
4.2 branch as defined in section 43A.02, subdivision 25, except referees and adjusters  
4.3 employed by the Department of Labor and Industry;

4.4 (9) patient and inmate help in state charitable, penal, and correctional institutions  
4.5 including the Minnesota Veterans Home;

4.6 (10) persons who are employed for professional services where the service is  
4.7 incidental to their regular professional duties and whose compensation is paid on a per  
4.8 diem basis;

4.9 (11) employees of the Sibley House Association;

4.10 (12) the members of any state board or commission who serve the state intermittently  
4.11 and are paid on a per diem basis; the secretary, secretary-treasurer, and treasurer of those  
4.12 boards if their compensation is \$5,000 or less per year, or, if they are legally prohibited  
4.13 from serving more than three years; and the board of managers of the State Agricultural  
4.14 Society and its treasurer unless the treasurer is also its full-time secretary;

4.15 (13) state troopers and persons who are described in section ~~352B.01, subdivision 2~~  
4.16 352B.001, subdivision 10, clauses (2) to (6);

4.17 (14) temporary employees of the Minnesota State Fair who are employed on or  
4.18 after July 1 for a period not to extend beyond October 15 of that year; and persons who  
4.19 are employed at any time by the state fair administration for special events held on the  
4.20 fairgrounds;

4.21 (15) emergency employees who are in the classified service; except that if an  
4.22 emergency employee, within the same pay period, becomes a provisional or probationary  
4.23 employee on other than a temporary basis, the employee shall be considered a "state  
4.24 employee" retroactively to the beginning of the pay period;

4.25 (16) temporary employees in the classified service, and temporary employees in the  
4.26 unclassified service who are appointed for a definite period of not more than six months  
4.27 and who are employed less than six months in any one-year period;

4.28 (17) interns hired for six months or less and trainee employees, except those listed in  
4.29 subdivision 2a, clause (8);

4.30 (18) persons whose compensation is paid on a fee basis or as an independent  
4.31 contractor;

4.32 (19) state employees who are employed by the Board of Trustees of the Minnesota  
4.33 State Colleges and Universities in unclassified positions enumerated in section 43A.08,  
4.34 subdivision 1, clause (9);

4.35 (20) state employees who in any year have credit for 12 months service as teachers  
4.36 in the public schools of the state and as teachers are members of the Teachers Retirement

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5.1 Association or a retirement system in St. Paul, Minneapolis, or Duluth, except for  
5.2 incidental employment as a state employee that is not covered by one of the teacher  
5.3 retirement associations or systems;

5.4 (21) employees of the adjutant general who are employed on an unlimited  
5.5 intermittent or temporary basis in the classified or unclassified service for the support of  
5.6 Army and Air National Guard training facilities;

5.7 (22) chaplains and nuns who are excluded from coverage under the federal Old  
5.8 Age, Survivors, Disability, and Health Insurance Program for the performance of service  
5.9 as specified in United States Code, title 42, section 410(a)(8)(A), as amended, if no  
5.10 irrevocable election of coverage has been made under section 3121(r) of the Internal  
5.11 Revenue Code of 1986, as amended through December 31, 1992;

5.12 (23) examination monitors who are employed by departments, agencies,  
5.13 commissions, and boards to conduct examinations required by law;

5.14 (24) persons who are appointed to serve as members of fact-finding commissions or  
5.15 adjustment panels, arbitrators, or labor referees under chapter 179;

5.16 (25) temporary employees who are employed for limited periods under any state or  
5.17 federal program for training or rehabilitation, including persons who are employed for  
5.18 limited periods from areas of economic distress, but not including skilled and supervisory  
5.19 personnel and persons having civil service status covered by the system;

5.20 (26) full-time students who are employed by the Minnesota Historical Society  
5.21 intermittently during part of the year and full-time during the summer months;

5.22 (27) temporary employees who are appointed for not more than six months, of  
5.23 the Metropolitan Council and of any of its statutory boards, if the board members are  
5.24 appointed by the Metropolitan Council;

5.25 (28) persons who are employed in positions designated by the Department of  
5.26 Finance as student workers;

5.27 (29) members of trades who are employed by the successor to the Metropolitan  
5.28 Waste Control Commission, who have trade union pension plan coverage under a  
5.29 collective bargaining agreement, and who are first employed after June 1, 1977;

5.30 (30) off-duty peace officers while employed by the Metropolitan Council;

5.31 (31) persons who are employed as full-time police officers by the Metropolitan  
5.32 Council and as police officers are members of the public employees police and fire fund;

5.33 (32) persons who are employed as full-time firefighters by the Department of Military  
5.34 Affairs and as firefighters are members of the public employees police and fire fund;

5.35 (33) foreign citizens with a work permit of less than three years, or an H-1b/JV visa  
5.36 valid for less than three years of employment, unless notice of extension is supplied which

6.1 allows them to work for three or more years as of the date the extension is granted, in  
6.2 which case they are eligible for coverage from the date extended; and

6.3 (34) persons who are employed by the Board of Trustees of the Minnesota State  
6.4 Colleges and Universities and who elected to remain members of the Public Employees  
6.5 Retirement Association or the Minneapolis Employees Retirement Fund, whichever  
6.6 applies, under Minnesota Statutes 1994, section 136C.75.

6.7 Sec. 4. **[352B.011] DEFINITIONS.**

6.8 Subdivision 1. **Scope.** For the purposes of this chapter, the terms defined in this  
6.9 section have the meanings given them.

6.10 Subd. 2. **Accumulated deductions.** "Accumulated deductions" means the total  
6.11 sums deducted from the salary of a member and the total amount of assessments paid  
6.12 by a member in place of deductions, and credited to the member's individual account,  
6.13 without interest.

6.14 Subd. 3. **Allowable service.** (a) "Allowable service" means:

6.15 (1) service in a month during which a member is paid a salary from which a member  
6.16 contribution is deducted, deposited, and credited in the State Patrol retirement plan;

6.17 (2) for members defined in subdivision 10, clause (1), service in any month for  
6.18 which payments have been made to the State Patrol retirement fund; and

6.19 (3) for members defined in subdivision 10, clauses (2) and (3), service for which  
6.20 payments have been made to the State Patrol retirement fund, service for which payments  
6.21 were made to the State Police officers retirement fund after June 30, 1961, and all prior  
6.22 service which was credited to a member for service on or before June 30, 1961.

6.23 (b) Allowable service also includes any period of absence from duty by a member  
6.24 who, by reason of injury incurred in the performance of duty, is temporarily disabled and  
6.25 for which disability the state is liable under the workers' compensation law, until the  
6.26 date authorized by the executive director for commencement of payment of a disability  
6.27 benefit or return to employment.

6.28 Subd. 4. **Average monthly salary.** (a) Subject to the limitations of section 356.611,  
6.29 "average monthly salary" means the average of the highest monthly salaries for five  
6.30 years of service as a member upon which contributions were deducted from pay under  
6.31 section 352B.02, or upon which appropriate contributions or payments were made to  
6.32 the fund to receive allowable service and salary credit as specified under the applicable  
6.33 law. Average monthly salary must be based upon all allowable service if this service is  
6.34 less than five years.

7.1 (b) "Average monthly salary" means the salary of the member as defined in section  
7.2 352.01, subdivision 13. "Average monthly salary" does not include any lump-sum annual  
7.3 leave payments and overtime payments made at the time of separation from state service,  
7.4 any amounts of severance pay, or any reduced salary paid during the period the person is  
7.5 entitled to workers' compensation benefit payments for temporary disability.

7.6 Subd. 5. **Department head.** "Department head" means the head of any department,  
7.7 institution, or branch of the state service that directly pays salaries from state funds  
7.8 to a member who prepares, approves, and submits salary abstracts of employees to the  
7.9 commissioner of finance.

7.10 Subd. 6. **Dependent child.** "Dependent child" means a natural or adopted unmarried  
7.11 child of a deceased member under the age of 18 years, including any child of the member  
7.12 conceived during the lifetime of the member and born after the death of the member.

7.13 Subd. 7. **Duty disability.** "Duty disability" means a physical or psychological  
7.14 condition that is expected to prevent a member, for a period of not less than 12 months,  
7.15 from performing the normal duties of the position held by the person as a member of the  
7.16 state patrol retirement fund, and that is the direct result of any injury incurred during, or a  
7.17 disease arising out of, the performance of normal duties or the actual performance of less  
7.18 frequent duties, either of which are specific to protecting the property and personal safety  
7.19 of others and that present inherent dangers that are specific to the positions covered by  
7.20 the state patrol retirement fund.

7.21 Subd. 8 **Fund.** "Fund" means the State Patrol retirement fund.

7.22 Subd. 9. **Less frequent duties.** "Less frequent duties" means tasks which are  
7.23 designated in the member's job description as either required from time to time or as  
7.24 assigned, but which are not carried out as part of the normal routine of the member's  
7.25 position.

7.26 Subd. 10. **Member.** "Member" means:

7.27 (1) a State Patrol member currently employed under section 299D.03 by the state,  
7.28 who is a peace officer under section 626.84, and whose salary or compensation is paid  
7.29 out of state funds;

7.30 (2) a conservation officer employed under section 97A.201, currently employed by  
7.31 the state, whose salary or compensation is paid out of state funds;

7.32 (3) a crime bureau officer who was employed by the crime bureau and was a member  
7.33 of the Highway Patrolmen's retirement fund on July 1, 1978, whether or not that person  
7.34 has the power of arrest by warrant after that date, or who is employed as police personnel,  
7.35 with powers of arrest by warrant under section 299C.04, and who is currently employed  
7.36 by the state, and whose salary or compensation is paid out of state funds;

8.1 (4) a person who is employed by the state in the Department of Public Safety in a  
8.2 data processing management position with salary or compensation paid from state funds,  
8.3 who was a crime bureau officer covered by the State Patrol retirement plan on August  
8.4 15, 1987, and who was initially hired in the data processing management position within  
8.5 the department during September 1987, or January 1988, with membership continuing  
8.6 for the duration of the person's employment in that position, whether or not the person  
8.7 has the power of arrest by warrant after August 15, 1987;

8.8 (5) a public safety employee who is a peace officer under section 626.84, subdivision  
8.9 1, paragraph (c), and who is employed by the Division of Alcohol and Gambling  
8.10 Enforcement under section 299L.01;

8.11 (6) a Fugitive Apprehension Unit officer after October 31, 2000, who is employed  
8.12 by the Office of Special Investigations of the Department of Corrections and who is a  
8.13 peace officer under section 626.84;

8.14 (7) an employee of the Department of Commerce defined as a peace officer in section  
8.15 626.84, subdivision 1, paragraph (c), who is employed by the Division of Insurance Fraud  
8.16 Prevention under section 45.0135 after January 1, 2005, and who has not attained the  
8.17 mandatory retirement age specified in section 43A.34, subdivision 4; and

8.18 (8) an employee of the Department of Public Safety, who is a licensed peace officer  
8.19 under section 626.84, subdivision 1, paragraph (c), and is employed as the statewide  
8.20 coordinator of the Gang and Drug Oversight Council.

8.21 Subd. 11. **Normal duties.** "Normal duties" means specific tasks which are  
8.22 designated in the member's job description and which the applicant performs on a  
8.23 day-to-day basis, but do not include less frequent duties which may be requested to be  
8.24 done by the employer from time to time.

8.25 Subd. 12. **Regular disability.** "Regular disability" means a physical or  
8.26 psychological condition that is expected to prevent a member, for a period of not less than  
8.27 12 months, from performing the normal duties of the position held by a person who is a  
8.28 member of the State Patrol retirement plan, and which results from a disease or an injury  
8.29 that arises from any activities while not at work, or while at work and performing those  
8.30 normal or less frequent duties that do not present inherent dangers that are specific to the  
8.31 occupations covered by the State Patrol retirement plan.

8.32 Subd. 13. **Surviving spouse.** "Surviving spouse" means a member's or former  
8.33 member's legally married spouse who resided with the member or former member at the  
8.34 time of death and was married to the member or former member, for a period of at least  
8.35 one year, during or before the time of membership.



9.1 Sec. 5. Minnesota Statutes 2008, section 352B.02, subdivision 1, is amended to read:

9.2 Subdivision 1. **Fund created; membership.** A State Patrol retirement fund is  
9.3 established. Its membership consists of all persons defined in section ~~352B.01, subdivision~~  
9.4 ~~2~~ 352B.001, subdivision 10.

9.5 Sec. 6. **[352B.085] SERVICE CREDIT.**

9.6 A member on leave of absence receiving temporary workers' compensation  
9.7 payments and a reduced salary or no salary from the employer who is entitled to allowable  
9.8 service credit for the period of absence may make payment to the fund for the difference  
9.9 between salary received, if any, and the salary the member would normally receive if not  
9.10 on leave of absence during the period. The member shall pay an amount equal to the  
9.11 member and employer contribution rate under section 352B.02, subdivisions 1b and 1c,  
9.12 on the differential salary amount for the period of the leave of absence. The employing  
9.13 department, at its option, may pay the employer amount on behalf of the member. Payment  
9.14 made under this subdivision must include interest at the rate of 8.5 percent per year, and  
9.15 must be completed within one year of the return from the leave of absence.

9.16 Sec. 7. **[352B.086] SERVICE CREDIT FOR UNIFORMED SERVICE.**

9.17 (a) A member who is absent from employment by reason of service in the uniformed  
9.18 services, as defined in United States Code, title 38, section 4303(13), and who returns to  
9.19 state employment in a position covered by the plan upon discharge from service in the  
9.20 uniformed service within the time frame required in United States Code, title 38, section  
9.21 4312(e), may obtain service credit for the period of the uniformed service, provided that  
9.22 the member did not separate from uniformed service with a dishonorable or bad conduct  
9.23 discharge or under other than honorable conditions.

9.24 (b) The member may obtain credit by paying into the fund an equivalent member  
9.25 contribution based on the contribution rate or rates in effect at the time that the uniformed  
9.26 service was performed multiplied by the full and fractional years being purchased and  
9.27 applied to the annual salary rate. The annual salary rate is the average annual salary  
9.28 during the purchase period that the member would have received if the member had  
9.29 continued to provide employment services to the state rather than to provide uniformed  
9.30 service, or if the determination of that rate is not reasonably certain, the annual salary rate  
9.31 is the member's average salary rate during the 12-month period of covered employment  
9.32 rendered immediately preceding the purchase period.

9.33 (c) The equivalent employer contribution and, if applicable, the equivalent employer  
9.34 additional contribution, must be paid by the employing unit, using the employer and

10.1 employer additional contribution rate or rates in effect at the time that the uniformed  
10.2 service was performed, applied to the same annual salary rate or rates used to compute the  
10.3 equivalent member contribution.

10.4 (d) If the member equivalent contributions provided for in this subdivision are not  
10.5 paid in full, the member's allowable service credit must be prorated by multiplying the  
10.6 full and fractional number of years of uniformed service eligible for purchase by the  
10.7 ratio obtained by dividing the total member contributions received by the total member  
10.8 contributions otherwise required under this subdivision.

10.9 (e) To receive allowable service credit under this subdivision, the contributions  
10.10 specified in this section must be transmitted to the fund during the period which begins  
10.11 with the date on which the individual returns to state employment covered by the plan and  
10.12 which has a duration of three times the length of the uniformed service period, but not  
10.13 to exceed five years. If the determined payment period is calculated to be less than one  
10.14 year, the contributions required under this subdivision to receive service credit may be  
10.15 within one year from the discharge date.

10.16 (f) The amount of allowable service credit obtainable under this section may not  
10.17 exceed five years, unless a longer purchase period is required under United States Code,  
10.18 title 38, section 4312.

10.19 (g) The employing unit shall pay interest on all equivalent member and employer  
10.20 contribution amounts payable under this subdivision. Interest must be computed at a rate  
10.21 of 8.5 percent compounded annually from the end of each fiscal year of the leave or break  
10.22 in service to the end of the month in which payment is received.

10.23 Sec. 8. Minnesota Statutes 2008, section 352B.10, subdivision 1, is amended to read:

10.24 Subdivision 1. ~~Injuries; payment amounts~~ Duty disability. A member of the state  
10.25 patrol retirement fund ~~who becomes disabled and who is expected to be physically or~~  
10.26 ~~mentally unfit to perform duties for at least one year as a direct result of an injury, sickness,~~  
10.27 ~~or other disability that incurred in or arose out of any act of duty~~ is determined to qualify  
10.28 for duty disability as defined in section 352B.001, subdivision 7, is entitled to receive  
10.29 disability benefits while disabled. The benefits must be paid in monthly installments. The  
10.30 benefit is an amount equal to the member's average monthly salary multiplied by 60  
10.31 percent, plus an additional percent equal to that specified in section 356.315, subdivision  
10.32 6, for each year and pro rata for completed months of service in excess of 20 years, if any.

10.33 Sec. 9. Minnesota Statutes 2008, section 352B.10, subdivision 2, is amended to read:

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11.1 Subd. 2. ~~Disabled while not on duty~~ **Regular disability benefit.** If a member with  
11.2 ~~at least one year of service becomes disabled and is expected to be physically or mentally~~  
11.3 ~~unfit to perform the duties of the position for at least one year because of sickness or injury~~  
11.4 ~~that occurred while not engaged in covered employment, the individual~~ who qualifies for  
11.5 a regular disability benefit as defined in section 352B.001, subdivision 12, is entitled to  
11.6 regular disability benefits. The benefit must be computed as if the individual were 55  
11.7 years old at the date of disability and the annuity was payable under section 352B.08. If a  
11.8 disability under this subdivision occurs after one year of service but before 15 years of  
11.9 service, the disability benefit must be computed as though the individual had credit for  
11.10 15 years of service.

11.11 Sec. 10. Minnesota Statutes 2008, section 352B.11, subdivision 2, is amended to read:

11.12 Subd. 2. **Death; payment to dependent children; family maximums.** Each  
11.13 dependent child, as defined in section ~~352B.01, subdivision 10~~ 352B.001, subdivision 6, is  
11.14 entitled to receive a monthly annuity equal to ten percent of the average monthly salary  
11.15 of the deceased member. A dependent child over 18 and under 23 years of age also may  
11.16 receive the monthly benefit provided in this section if the child is continuously attending  
11.17 an accredited school as a full-time student during the normal school year as determined by  
11.18 the director. If the child does not continuously attend school, but separates from full-time  
11.19 attendance during any part of a school year, the annuity must cease at the end of the month  
11.20 of separation. In addition, a payment of \$20 per month must be prorated equally to the  
11.21 surviving dependent children when the former member is survived by more than one  
11.22 dependent child. Payments for the benefit of any dependent child must be made to the  
11.23 surviving spouse, or if there is none, to the legal guardian of the child. The monthly benefit  
11.24 for any one family, including a surviving spouse benefit, if applicable, must not be less than  
11.25 50 percent nor exceed 70 percent of the average monthly salary of the deceased member.

11.26 Sec. 11. **REPEALER.**

11.27 Minnesota Statutes 2008, section 352B.01, subdivisions 1, 2, 3, 3b, 4, 6, 7, 9, 10,  
11.28 and 11, are repealed.