

**S.F. xxx; LCPR05-371**  
(Anderson)

**H.F. xxx**  
(Hausman)

### **Executive Summary of Commission Staff Materials**

*Affected Pension Plan(s):* Minneapolis Firefighters Relief Association  
*Relevant Provisions of Law:* Special Law Provision  
*General Nature of Proposal:* Special Eligibility for Surviving Spouse Benefits  
*Date of Summary:* January 26, 2006

### **Specific Proposed Changes**

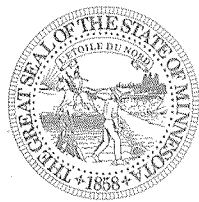
- Grants Roberta Espey Griffin, the surviving spouse of deceased Minneapolis retired firefighter Artis Griffin, a surviving spouse benefit from the Minneapolis Firefighters Relief Association notwithstanding that the post-retirement marriage did not last for the two-year minimum duration period.

### **Policy Issues Raised by the Proposed Legislation**

1. Equitable Considerations.
2. Appropriateness of Overriding Artis Griffin's Prior Decisions on Survivor Coverage.
3. Erosion of Minneapolis Firefighters Relief Association Survivor Entitlement Requirements.
4. Actuarial Cost.
5. Extent of Minneapolis City Support for the Proposed Eligibility Expansion.
6. Precedent/Other Potential Claimants.

### **Potential Amendments**

Amendment LCPR05-372 Replaces special law provision with general MFRA law provision implementing a one-year marriage duration requirement.



TO: Members of the Legislative Commission on Pensions and Retirement

FROM: Lawrence A. Martin, Executive Director *JAM*

RE: S.F. xxx (Anderson); H.F. xxx (Hausman): MFRA; Surviving Spouse Benefit for a Certain Ineligible Surviving Spouse (Document LCPR05-371)

DATE: January 26, 2006

#### Summary of Document LCPR05-371

Draft proposed special legislation, Document LCPR05-371, grants Roberta Espey Griffin, as the intended sole member of a class defined by several relevant demographic items rather than specifically named to comply with the accepted interpretation of Article XII, Section 1, of the Minnesota Constitution, special entitlement to receive a surviving spouse benefit from the Minneapolis Firefighters Relief Association despite not meeting the minimum marriage duration requirement of Minnesota Statutes, Section 423C.05, Subdivision 7, that is applicable to a post-retirement marriage.

#### Public Pension Complaint of Roberta Espey Griffin

Roberta Espey Griffin is the widow of a deceased retired Minneapolis firefighter, Artis L. Griffin (7/17/1941 – 7/4/2005), and because she married Mr. Griffin after he retired from the Minneapolis Fire Department and was not married to Mr. Griffin for at least two years prior to his death, she is not entitled to a full surviving spouse benefit from the Minneapolis Firefighters Relief Association on his account.

Roberta Griffin was married to the late Artis L. Griffin for one year, nine months, and 20 days, or 72 days shy of the minimum marriage duration applicable to the Minneapolis Firefighters Relief Association for entitlement to a surviving spouse benefit in Minnesota Statutes, Section 423C.05, Subdivision 7. Roberta Griffin and Artis Griffin additionally resided together essentially as husband and wife for 35 years before their marriage, with Roberta Griffin indicating that she declined to marry Mr. Griffin at an earlier date because of her prior marriage that had ended in divorce.

Artis Griffin apparently was in good health when he and Roberta Espey married, there was not any apparent history of premature death in his family, and the marriage reportedly was motivated solely as a recognition of the duration of their relationship and to make the continuing relationship fully legal. Artis Griffin had completed a physical examination one week before his death, which occurred while he was taking his morning walk in the neighborhood and after he had completed his daily exercise regimen.

Because of the combined length of their cohabitation equivalent to a common law marriage and their legal marriage and their parenting of a child together, and because their marriage was undertaken not as a ruse to obtain widow's benefits in light of any health problem known to affect Artis Espey Griffin, Roberta Griffin believes that she should be recognized as Artis Griffin's surviving spouse for purposes of eligibility for benefits from the Minneapolis Firefighters Relief Association and seeks special legislation to that effect.

#### Background Information on the Minneapolis Firefighters Relief Association and MFRA Survivor Benefits

Background information on the Minneapolis Firefighters Relief Association (MFRA) and on MFRA survivor benefits is set forth in Attachment A.

#### Discussion and Analysis

Draft proposed special legislation LCPR05-371 would make Roberta Espey Griffin, the surviving spouse of the late retired Minneapolis firefighter, Artis Griffin, who is not currently eligible for a surviving spouse retirement benefit from the Minneapolis Firefighters Relief Association because her marriage with Artis Griffin was a few months shorter than the required two years, eligible for a Minneapolis Firefighters Relief Association surviving spouse benefit, retroactive to August 1, 2005, the first of the month next following Mr. Griffin's death.

Document LCPR05-371 raises several pensions and related public policy issues that could merit consideration and discussion by the Legislative Commission on Pensions and Retirement, as follows:

1. Equitable Considerations. The policy issue is whether or not the equitable considerations surrounding the life and death of Artis Griffin support the enactment of a special entitlement for a Minneapolis Firefighters Relief Association surviving spouse benefit for Roberta Espey Griffin, the spouse of Mr. Griffin at his death despite the fact that their actual legal marriage did not extend for the two-year duration requirement of State law. Roberta Espey Griffin essentially requests that the Legislature recognize the combination of a short solemnized marriage period and a considerable period of cohabitation or common law marriage as sufficient to meet the minimum marriage duration requirement of Minnesota Statutes, Section 423C.05, Subdivision 7, because of the total length of their relationship (37 years), of their parenting of a child together, of Artis Griffin's apparent good health prior to death, and of a lack of any indication of an intent to enter into a marriage solely to gain eligibility for a survivor benefit upon Mr. Griffin discovering some health issue or medical frailty. Mrs. Griffin has apparently provided you with some documentation in the form of pictures and other items of the duration and nature of her relationship with Artis Griffin. Testimony from Mrs. Griffin will probably be needed for the Commission to gain a sense of her equitable claims. While the Commission staff is not in a position to investigate the factual elements offered by Mrs. Griffin, there are some items that may raise adverse equitable considerations. Minnesota, in Minnesota Statutes, Section 517.01, and under Carlson v. Carlson, 256 NW2d 249 (1977), does not recognize common law marriages, has not since 1941, and is one of the 38 states that did not or no longer recognize common law marriages. Even in states recognizing common law marriages, additional requirements beyond simple cohabitation usually must be demonstrated before an unsolemnized marriage is recognized as a legal marriage, generally including the capacity to marry, regarding themselves as spouses and representing themselves to others as husband and wife for an extended period. It is unclear from the documentation currently provided that Roberta Espey held herself out as Artis Griffin's spouse before her marriage to Artis Griffin. Mr. Griffin's health situation is also unclear, since a brief history of the career of Artis L. Griffin with the Minneapolis Fire Department, apparently prepared by the department, indicates that he was placed on "medical layoff" for the four months immediately before his retirement in August 1999. Additional testimony by Roberta Espey Griffin could clarify the equitable considerations that are applicable to her pre-marriage relationship with Artis Griffin and to this tragic occurrence for her and her family.
2. Appropriateness of Overriding Artis Griffin's Prior Decisions on Survivor Coverage. The policy issue is the appropriateness of the Legislature becoming involved in the choice or failure to choose made by Mr. Griffin about the provision of survivor coverage on his behalf. While related to the equitable considerations outlined in the first policy issue, this issue is sufficiently complicated to be treated separately. Automatic status-based survivor coverage is a frequent component of Minnesota public safety employee pension plan coverage, with the person who was the surviving spouse of a police officer or firefighter who died being entitled to a significant surviving spouse benefit automatically by virtue of the status of being the spouse. This significant survivor coverage feature of public safety employee retirement plans presumably reflects an elevated concern by police officers and firefighters for their enhanced employment casualty risks. If Artis Griffin and Roberta Espey had married before Artis Griffin's retirement in 1999 or had married earlier than September 2003, survivor benefit eligibility for Roberta Espey Griffin would not now be a question. When Artis Griffin retired in 1999, he also did not select an optional annuity form covering Roberta Espey. While survivor coverage may be a priority for Mrs. Griffin given the unfortunate recent circumstances, it is unclear that survivorship benefit coverage was a priority concern of Mr. Griffin at those times during his career when the question logically would arise and it is not clear that it is appropriate for the Legislature to interject itself into the situation after the fact.
3. Erosion of Minneapolis Firefighters Relief Association Survivor Entitlement Requirements. The policy issue is the appropriateness of further ad hoc modifications in the requirements for a survivor benefit from the Minneapolis Firefighters Relief Association. Until 1997, the Minneapolis Firefighters Relief Association provided survivor coverage only to surviving spouses who attained the status of spouse prior to the firefighter's retirement and while the person retained the status of spouse. Thus, a post-retirement divorce would end the spouse's benefit entitlement and a post-retirement marriage of any duration would not bring a surviving spouse benefit entitlement. Apparently because of the greater number of remarriages by retired Minneapolis firefighters in recent years, the Minneapolis Firefighters Relief Association sought in 1997 and was granted expanded surviving spouse benefit eligibility for post-retirement marriages if the marriage continued for at least five years under Laws 1997, Chapter 233, Article 4, Section 12. The five-year marriage duration requirement was apparently intended to prevent sham "death bed-type" marriages entered into solely to gain a benefit that otherwise would not payable. The five-year marriage duration requirement was shortened to two years for post-retirement marriages in 2001, as part of a number of substantive changes that

accompanied the Minneapolis Firefighters Relief Association recodification (First Special Session Laws 2001, Chapter 10, Article 15, Section 5, Subdivision 7). If exemptions to the two-year duration requirement that was pursued by the Minneapolis Firefighters Relief Association in 2001 are enacted on a case-by-case basis by virtue of equitable considerations, survivor benefit eligibility for the Minneapolis Firefighters Relief Association threatens to become a function of the familiarity of petitioners with the legislative process or of a relationship by a petitioner with a legislator rather than objective standards.

4. Actuarial Cost. The policy issue is the actuarial cost of the proposed extension of eligibility for surviving spouse benefits to Roberta Espey Griffin. In her correspondence, Mrs. Griffin indicates that she is approximately 70 years old and would be eligible for surviving spouse benefits of \$1,785 per month. The commission staff estimates that the special eligibility proposal would likely produce an actuarial cost for the Minneapolis Firefighters Relief Association in the neighborhood of \$265,000. The Minneapolis Firefighters Relief Association may be able to provide a more precise actuarial accrued liability increase estimate in their testimony. Because the service pension payable to Artis Griffin was a single life annuity, upon Mr. Griffin's death, the Minneapolis Firefighters Relief Association had no further liability on his account and the total present value of the proposed surviving spouse benefit would be added to the Minneapolis Firefighters Relief Association unfunded actuarial accrued liability. The current (12/31/2004) actuarial condition of the Minneapolis Firefighters Relief Association is as follows:

	2004	
<u>Membership</u>		
Active Members		42
Service Retirees		438
Disabilitants		6
Survivors		177
Deferred Retirees		0
Nonvested Former Members		--
Total Membership		663
<u>Funded Status</u>		
Accrued Liability		\$275,513,196
Current Assets		<u>\$248,545,796</u>
Unfunded Accrued Liability		\$26,967,400
Funding Ratio	90.21%	
<u>Financing Requirements</u>		
Covered Payroll		\$3,141,585
Benefits Payable		\$20,598,079
Normal Cost	21.07%	\$636,326
Administrative Expenses	<u>0.00%</u>	<u>--</u>
Normal Cost & Expense	21.07%	\$636,326
Normal Cost & Expense	21.07%	\$636,326
Amortization	<u>71.82%</u>	<u>\$2,256,188</u>
Total Requirements	92.89%	\$2,892,514
Employee Contributions	1.27%	\$39,852
Employer Contributions	62.07%	\$1,950,098
Employer Add'l Cont.	--	--
Direct State Funding	--	--
Other Govt. Funding	--	--
Administrative Assessment	<u>--</u>	<u>--</u>
Total Contributions	63.34%	\$1,989,950
Total Requirements	92.89%	\$2,892,514
Total Contributions	<u>63.34%</u>	<u>\$1,989,950</u>
Deficiency (Surplus)	29.55%	\$902,564

5. Extent of Minneapolis City Support for the Proposed Eligibility Expansion. The policy issue is the extent of support for the potential proposed special legislation for Roberta Espey Griffin by the City of Minneapolis. As special legislation, Document LCPR05-371 is only effective if it is approved by the City of Minneapolis. The responsibility for funding the proposed surviving spouse benefit extension will lie with the City of Minneapolis under Minnesota Statutes, Section 69.77, which already has numerous pension funding demands and burdens. If the City of Minneapolis has no interest in approving the potential legislation, it would be a poor expenditure of legislative time and energy to pursue the proposed expansion legislation. Representatives of the City of Minneapolis should be asked to testify on the proposal.
6. Precedent/Other Potential Claimants. The policy issue is the extent to which there is past legislative precedent for this type of potential proposed legislation, the number of other similar situated

individuals who could claim comparable special legislative changes, and the extent to which special legislation for Roberta Espey Griffin would be a binding precedent for those potential claimants. There appears to be three prior precedents related to the proposed eligibility expansion, two favorable and one unfavorable. The favorable precedents are Laws 1992, Chapter 422, where the former spouse of a retired St. Paul firefighter who resumed living with the firefighter for an extended period of time before the firefighter's death, but did not remarry the firefighter, was made eligible for a surviving spouse benefit from the St. Paul Fire Department Relief Association, and Laws 2000, Chapter 461, Article 17, Section 6, where the surviving spouse of a retired Minneapolis firefighter who was married to the retired firefighter for 4.75 years prior to death, when the duration requirement was five years, was made eligible for a surviving spouse benefit from the Minneapolis Firefighters Relief Association. The unfavorable precedent was 2003 Session S.F. 499 (Skoglund); H.F. 776 (Davnie), heard by the Commission without further action, where the surviving spouse married an active Minneapolis firefighter on the eve of retirement and the retired firefighter died one year after the marriage, not meeting the two-year duration requirement. That surviving spouse is likely to again pursue special legislation during the 2006 Session, even though the surviving spouse in that case was given special eligibility for an enhanced death refund during the 2003 Session (First Special Session Laws 2003, Chapter 12, Article 11, Sections 2 and 4) and has taken that death refund. It is unclear whether or not there are additional Minneapolis Firefighters Relief Association short duration marriage surviving spouses beyond Mrs. Griffin and the surviving spouse affected by 2003 Session S.F. 499 (Skoglund); H.F. 776 (Davnie), although the Minneapolis Firefighters Relief Association may be able to provide some estimate of that number as part of their testimony. For the potential recipient of a benefit affected by a future requested relaxation in eligibility requirements of any Minnesota retirement plan, a prior eligibility requirement relaxation for Minneapolis Firefighters Relief Association for equitable considerations will be deemed to be a favorable precedent. For the Legislature, however, the precedent value will depend on how closely the equitable considerations in the prior legislation match the equitable considerations in any subsequent proposals.

7. Appropriateness of General Law or Special Law Changes. The policy issue is whether special legislation or general legislation is the most appropriate response to the request by Roberta Espey Griffin. If the two readily known omitted Minneapolis Firefighters Relief Association surviving spouses both have sufficient equitable arguments for entitlement to surviving spouse benefits from the Minneapolis Firefighters Relief Association, then a general law change is likely to be the better legislative response than two special law enactments from a legislative time and management perspective, although a general law may sweep up additional, potentially less equitably qualified, surviving spouses. If the Legislature decides that two years duration for a marriage by a potential surviving spouse in a post-retirement marriage is not the optimal balance point between dissuading potential sham marriages to gain additional survivor benefits and not penalizing individuals with a justifiable expectation for survivor benefits, then a general law change to a shorter duration requirement is clearly preferable than a string of special law enactments. Status survivor benefits, such as the Minneapolis Firefighters Relief Association survivor benefit, where the benefit is granted upon the demonstration of the attainment of a particular status (i.e., spouse in this case), are premised on certain beliefs or conclusions about the implications of that status. In the case of surviving spouses, the status of spouse in an automatic survivor benefit situation presumes some extent of economic dependency (either personal or household) on the deceased public safety officer and a belief that some portion of that economic contribution should be replaced by the public sector in the event of the death of the public safety officer. Clearly, individuals other than surviving spouses and minor children can have economic dependency on a wage earner (i.e., parents, siblings, cohabitators, etc.) but those individuals generally are not accorded status benefit rights in public pension laws. Similarly, some spouses could be accorded status benefit rights without actually having any established pattern of economic dependency, which was the situation of some survivor benefit recipients of the Civil War-era military survivor pension system that underlay the novel by Allen Gurganus, The Oldest Confederate Widow Tells All. The potential for fraud in status survivor benefit programs is not wholly a product of a work of fiction, with American Heritage Magazine reporting in 1976 that \$528,000 was disbursed in that year by the federal government to 450 surviving Civil War beneficiaries, notwithstanding the death of the last Union Army veteran from the 1861-1865 Civil War in 1966 and of the last Confederate Civil War veteran in 1959. **Amendment LCPR05-372** would replace the potential special law provision for Roberta Espey Griffin with a general law provision, implementing a one-year duration requirement that would cover both known Minneapolis Firefighters Relief Association omitted surviving spouses, effective retroactively to September 25, 2001, the day before the earliest of the two retired Minneapolis firefighter deaths, but without retroactive payments for the period before the date of enactment, and with an offset for the value of any death refund previously taken.

## Attachment A

### Background Information on the Minneapolis Firefighters Relief Association and MFRA Survivor Benefits

- a. Relief Association Establishment and Operation. The Minneapolis Firefighters Relief Association was established as an organization in 1868, initially to provide relief to disabled firefighters and to their families, when the Minneapolis Firefighters was a volunteer fire department, and was incorporated under Minnesota law in 1886, after the Minneapolis Fire Department became a paid fire department, in 1879. The Minneapolis Firefighters Relief Association began paying service pensions to retiring firefighters in 1897. Membership in the Minneapolis Firefighters Relief Association was closed to new firefighters as of June 15, 1980, when pension coverage for newly hired Minneapolis firefighters shifted to the statewide Public Employees Police and Fire Plan (PERA-P&F).

The Minneapolis Firefighters Relief Association is managed by a governing board of 12 members, of which two are active firefighters, eight are retired firefighters or surviving spouses, and two are appointed representatives of the City of Minneapolis. In addition to maintaining records and determining benefit amounts, the Minneapolis Firefighters Relief Association governing board is the investment authority for the assets of the special (pension) and general (non-pension) funds of the relief association.

In calendar year 2004, the Minneapolis Firefighters Relief Association received total contributions of almost \$2.2 million (98.1 percent from the State of Minnesota, 0.1 percent from the City of Minneapolis, and 1.8 percent from the members), received net investment income slightly under \$23.9 million, paid total retirement benefits of almost \$22.5 million, and paid administrative expenses slightly under \$600,000 (34 percent for personnel, 41 percent for professional services, and 25 percent for conferences, communications, office rent, and other items).

- b. Nature of the Benefit Plan; Benefit Coverage. The Minneapolis Firefighters Relief Association provides from its special fund a salary-related service pension to firefighters retiring at age 50 or older with at least five years of service, a disability benefit to temporarily or permanently disabled firefighters, a survivor benefit to the surviving family of a deceased active, retired, or disabled firefighter, and a return of contributions to the estate of deceased active, retired, or disabled firefighters on whose behalf no survivor benefit is payable. Pensions and benefits are based on the salary of a first grade firefighter, irrespective of the actual rank of the firefighter. Under Laws 1997, Chapter 233, Article 4, a joint-and-survivor optional annuity form can be elected in lieu of the automatic survivorship coverage otherwise provided by the fund.

Since 1990, the contributions by any member (eight percent of the pay of a first-grade firefighter) who has 25 or more years of service are not deposited in the special fund; but rather, the contribution is deposited in a health insurance account set up for the member. After retirement, in addition to the pension benefit paid from the association's special fund, the retiree receives distributions from the health insurance account, which the retiree can use toward health care costs or other expenses of the retiree.

When an a Minneapolis firefighter retires and begins drawing a service pension from the association's special fund, those benefits are eligible for increases annually through three different post-retirement increase mechanisms. Individually and as a package, these adjustment provisions are poorly designed and can produce increases which bear no relationship to inflation, and can produce erratic changes in the benefits over time.

1. Active Salary-Related Escalator. The first post-retirement adjustment is a standard escalator tied to increases in the salary of a first-grade firefighter. This escalator increases retirement benefits by the same percentage increase as the percentage increase in first-grade firefighter pay negotiated between the City and the Minneapolis Firefighters Union.
2. 13<sup>th</sup> Check Adjustment. A second increase provision is based on the investment performance of the special fund of the relief association, and is referred to as the 13<sup>th</sup> check post-retirement adjustment. The 13<sup>th</sup> check post-retirement adjustment was enacted in 1989.
3. Additional 13<sup>th</sup> Check Adjustment. A third post-retirement increase mechanism was added to law in 2000. If the funding ratio (percentage of plan pension liabilities covered by plan assets) of the relief association exceeds 110 percent, the association is authorized to distribute a portion of the funding in excess of 110 percent of its liabilities to its benefit recipients.

Additionally, from its general fund, the Minneapolis Firefighters Relief Association provides a \$1,200 lump sum death benefit to the survivors or estate of deceased active or former firefighters and a \$102 per year of service lump sum retirement benefit to a retiring firefighter.

## Attachment A

- c. Survivor Benefit Coverage. The Minneapolis Firefighters Relief Association benefit plan offers two alternative benefit forms that may be used to provide continuing income to a survivor after the death of the firefighter. The first of these is automatic survivor coverage, currently provided under Minnesota Statutes, Section 423C.05, Subdivision 7. Automatic survivor coverage has been a part of this plan for many decades. Currently, that automatic coverage provides a 22-unit survivor benefit (52.4 percent of the benefit received by the retired firefighter immediately prior to the firefighter's death) if the surviving spouse qualifies as a "surviving spouse member." Joint-and-survivor annuity options were added to the plan in 1997, permitting a retiring firefighter to elect a 50 percent, or 75 percent, or 100 percent joint-and-survivor annuity. By electing the joint-and-survivor coverage the firefighter waives the automatic coverage that would otherwise apply. The joint and survivor optional annuity could be elected to cover the service pensioner's spouse or any other person.
- d. Surviving Spouse Eligibility. Under the definition of "surviving spouse member," Minnesota Statutes, Section 423C.01, Subdivision 25, a surviving spouse member is any spouse married to an active firefighter in death-while-active situations if death occurs prior to the firefighter terminating from service or retiring and if the ex-firefighter's death occurs after the individual terminates service with the department, the surviving spouse is a "surviving spouse member" if the marriage to the firefighter occurred at least one year prior to termination of service, according the statement in statute. The definition of "surviving spouse member" appears to have been intended largely to delineate which benefit recipients are eligible to serve on the board of trustees of the relief association or to vote for board members, and not for benefit entitlement or eligibility.

The automatic surviving spouse coverage provision in statute also provides a benefit to surviving spouses who do not meet the definition of surviving spouse member under Minnesota Statutes, Section 423C.01, Subdivision 25, providing that a person is a surviving spouse if the person was legally married to the member and residing with the member for two years prior to the death of the retired firefighter. A surviving spouse in this latter category receives the same benefit as a surviving spouse of a deceased active member, which is a benefit equivalent to 52.4 percent of the benefit received by the retired firefighter immediately prior to the firefighter's death, except in cases where the surviving spouse on the date of the ex-firefighter's death is younger than the firefighter's age when the firefighter first started to receive the retirement annuity and the survivor benefit is downsized slightly to limit the lifetime value of the survivor benefit.

Roberta Espey Griffin  
1663 Blair Avenue  
St. Paul MN 55104  
651-642-9452

September 19, 2005

Dear Senator Anderson,

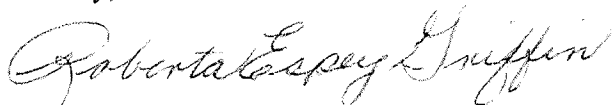
I'd like to introduce myself; I'm Roberta Espey Griffin widow of a Minneapolis Fire Fighter Artis Griffin. We lived together for 37 years as husband and wife; unfortunately we were only legally married for 21 months and 20 days; which is not the 24 months required to receive the Minneapolis Fire Relief Association Pension according to Minnesota Statute 423 (05 subd. 7). In order to get Artis's pension would be to get special predespensation which I am seeking your help with.

Representative Hausman has already agreed to help me and I hope you will also.

Included in this correspondence is all the information I have in regards to my case and also Pamela Thompson's case. Pamela is the widow of a Minneapolis Fire Fighter in a similar situation. She is seeking the pension through special legislation set up by Senator Skoglund. Some of her information could be of help to us.

Hoping to hear from you soon.

Sincerely,

A handwritten signature in cursive script that reads "Roberta Espey Griffin". The signature is written in dark ink and is positioned above the printed name.

Roberta Espey Griffin



September 5, 2005

Dear Representative Hausman,

I have agonized over what to say, my daughter Robin Espey spoke to you at the LISN Fellowship Network Gathering. She said you'd be willing to help me in my quest for my husband's pension from the Minneapolis Fire Relief Association.

Artis Griffin and I met in 1968 he was 27 years old and I was 33. The unfortunate thing is we did not get married until September 14<sup>th</sup> of 2003, missing the 2 year minimum requirement for survivor spouse benefits by 2 months 10 days. I was the hold out due to one previous marriage and divorce. He died July 4<sup>th</sup> of this year. I'm still in shock, he tried to stay fit and was actually on his morning walk when he died two blocks away from our home. Our marriage lasted longer than most marriages over 37 years. I have included some photos of our family, including one from 1976 when he first started working with the Minneapolis Fire Department. His brother also a Minneapolis Fire Fighter was hired before Artis. I encouraged him to take the test also because he had the attributes to be a great fire fighter and was a great fire fighter.

On August 16, 2005 I went before MFRA board, the paper I prepared and read to them has been included with this letter.

All of Artis friends, relatives, neighbors and former fire fighter think I'm entitled to his pension. When we became aware of Minn. Statue 423 (06 subd) the conversation led to the fact that another wife of a deceased firefighter was almost in the identical situation. Her name is Pamela Thompson and her senator, Senator Skoglund has drafted House file no. 776. I have a copy of her papers and have included them also I hope they will be of some help. Perhaps we should get together with them or whatever you think is best. Pam also had a letter written to the executive Secretary of MFRA Wally Schermen from the associations lawyer Robert Klausner. I have included copies of her letter from the MFRA and the lawyer letter. He's explaining the reason for the statue. In reading it the only thing it proved to me is that the length of our marriage should not exclude us from the pension fund

Sincerely,

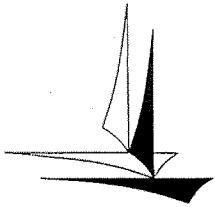
Roberta Espey Griffin

Good Afternoon, by way of introduction I'm Roberta, Artis Griffins widow, partner and friend for 36 years and his wife for 2 months 10 days short of two years. Let me explain why after all this time together we finally decided to get married, it definitely was *not*, because some doctor told him he only had a few years to live. The marriage could have happened years ago, I was the one resistant due to the fact a previous marriage had ended in divorce and heart break.

One day Artis and I were discussing how long our relationship had endured, not only through the good times but the hard time also. Raising a daughter and now having two wonderful grandchildren that he was totally devoted to. We both realize that we would be together til death due us part. That was when we decided to make it legal, under the law of the state and the eyes of God. Neither one of us thought that within less then two years Artis would be deceased. He was the second youngest sibling out of nine children and the first to die of natural causes. One week before his death he had just had a physical. He appeared to be in good health all thins considered. He'd made plans with our grandson to take to LA when he was 10 years old; he's 8 years old now. He was going to buy him a gun and teach him to shoot the following year when he was 11, they would go rabbit hunting with the beagles that he and his friend have there. Every time Randall came over they would discuss the future trip. Both of them Randall and his sister Carissa are taking his death extremely hard. Artis had a wonderful way with kids and he was definitely their favorite grandpa.

Artis loved watching T.V., sports being number one on his list. The day he died, he'd gotten up early to exercise, he'd ridden the stationary bike and did free weights for over an hour, and this is something he did daily. After wards he sat on the porch got the paper when it was delivered, and tossed it in to me. He then proceeded on his morning walk through the neighborhood. I was expecting him back shortly because the Tour De France was coming on early and he was an avid Lance Armstrong fan. When he didn't show up I started to worry, because earlier I'd heard and emergency vehicle go down our street. I really didn't know what to do. I finally called Regions Hospital after explaining that my husband had gone on a walk and hadn't returned they put me through to the emergency room. They still did not want to divulge any information until I asked was the person you had the emergency for a black male, 6'4", 220 lbs, head shaved bald gray and black mustache wearing blue sweat pants a navy blue firefighter tee shirt and a white towel over his shoulder, they told me yes, that I should bring I.D. and that he was deceased.

We'd always joke around about who would be the first to die and if it was me, no problem because he had someone waiting in the wings ready to take my place. If it was him though no one could replace him, I'd be lonesome and miserable missing him so much. Ironically this is true, but I'm unable to tell me, he was right for a change.



**Minneapolis**  
*City of Lakes*

**Fire Department**

350 South 5th Street - Room 230  
Minneapolis MN 55415-1387

Office 612 673-2890  
Fax 612 673-2828

**IN LOVING MEMORY**

**ARTIS L. GRIFFIN**

On behalf of the Minneapolis Fire Department I would like to extend our condolences to you, the family of Artis L. Griffin. We in the fire service have a special feeling for those that have been part of the brotherhood of fire fighting. I hope it will bring some comfort to know our thoughts and sympathy are with you.

**Bonnie Bleskachek**  
**Fire Chief**

**July 5, 2005**

*The following is a brief history of*  
*Artis L. Griffin's*  
*Career on the Minneapolis Fire Department*

APPOINTED: May 17, 1976

ASSIGNMENTS:

Firefighter	Engine 11	July 13, 1976
	Ladder 1	January 1, 1977
	Engine 7	July 6, 1977
	Ladder 3	June 10, 1981
	Engine 11	April 23, 1985
	Engine 11 / Ladder 9	January 2, 1991
	Ladder 9	September 18, 1993
	Fire Prevention Bureau	January 1, 1997
	<i>Medical Layoff</i>	<i>March 26, 1999</i>

RETIRED: August 2, 1999

*MFRA Surviving spouse  
member definition*

Subd. 25. **Surviving spouse member.** "Surviving spouse member" means a person who was:

(1) legally married to, and residing with, an active, deferred, or retired member both during the time the member was regularly entered on the payroll and serving on active duty in the fire department and at the time of the member's death; and

(2) in the event the person was married to a retired or deferred member, married to that retired or deferred member for at least one year prior to the member's discharge from the fire department.

Subd. 7. **Surviving spouse and dependent pensions.**

Notwithstanding any other law to the contrary, when a service pensioner, disability pensioner, deferred pensioner, or active member of the association dies, recipient beneficiaries are entitled to a pension or pensions, as follows:

- (1) to a surviving spouse, a pension of 22 units per month;
- (2) a surviving spouse of a deceased service pensioner, disability pensioner, or deferred pensioner who is otherwise not qualified for a pension may receive a benefit if the surviving spouse was legally married to the decedent for a period of two years and was residing with the decedent at the time of death. ~~The surviving spouse benefit provided in this clause is the same as that provided to those who meet the definition of surviving spouse under section 423C.01, subdivision 25, except that if the surviving spouse is younger than the decedent, the surviving spouse benefit must be actuarially equivalent to a surviving spouse benefit that would have been paid to the member's spouse had the member been married to a person of the same or greater age than the member's age prior to retirement. A benefit paid in this circumstance may be less than 17 units notwithstanding the minimum set out in this subdivision;~~
- (3) to each dependent, if the dependent's other parent is living, a pension not to exceed eight units per month. Dependents between the ages of 18 and 22 may continue to receive a pension upon board determination that the dependent complies with the requirements of section 423C.01, subdivision 11, and applicable association bylaws, except that if the dependent marries before the age of 22 years the pension shall cease as of the date of the marriage. The board shall make the final determination with respect to eligibility for benefits and compliance with section 423C.01, subdivision 11;
- (4) each dependent of a deceased member after the death of the dependent's other parent, or in the event the other parent predeceases the member, is entitled to receive a pension in the amount the board deems necessary to properly support each dependent until the dependent reaches the age of not less than 16 and not more than 18 years. Dependents between the ages of 18 and 22 may be entitled to continue receiving a pension upon board determination that the dependent complies with the requirements of section 423C.01, subdivision 11, and applicable association bylaws, except that if the dependent marries before the age of 22 years the pension shall cease as of the date of the marriage. The board shall make the final determination with respect to eligibility for benefits and compliance; and
- (5) the total pension payable to a surviving spouse and all dependents of a deceased member shall in no event exceed 42 units per month.

Subd. 8. **Optional retirement annuity election.** A

member of the association who retires under subdivision 2 or becomes disabled under subdivision 6 may elect an optional retirement annuity prior to the receipt of any benefits. The optional retirement annuity may be a 50 percent, 75 percent, or 100 percent joint survivor annuity without reinstatement in the event the designated beneficiary predeceases the member or a joint and survivor annuity with reinstatement in the event the member predeceases the designated beneficiary. An optional retirement annuity must be actuarially equivalent to the service pension and automatic survivor coverage otherwise payable to the retired member and the member's beneficiaries. Once selected, the optional annuity is irrevocable.

Upon adoption of a resolution by the Big Stone county board of commissioners, the Chippewa county board of commissioners, or the Kandiyohi county board of commissioners, the offices of auditor and treasurer in the county adopting the resolution shall be consolidated. The title of the consolidated office will be "auditor-treasurer." All the duties, functions, and responsibilities required by law to be performed by the county auditor and county treasurer shall be vested in and performed by the auditor-treasurer.

Sec. 2. SCHEDULE.

Persons elected at the November 1990 general election to the positions of auditor and treasurer shall serve in those capacities and perform the duties, functions, and responsibilities required by statute, until the completion of the term of office to which each was elected, or until a vacancy occurs in the office, whichever occurs earlier.

Sec. 3. REFERENDUM.

The county board, after adopting a resolution permitted by section 1, shall publish the resolution once each week for two consecutive weeks in the official publication of the county. The resolution may be implemented without the submission of the question to the voters of the county, unless within 21 days after the second publication of the resolution a petition requesting a referendum, signed by at least ten percent of the voters of the county voting in the last general election, is filed with the county auditor. If a petition is filed, the resolution may not be implemented until approved by a majority of the voters voting on the question at a regular or special election.

Sec. 4. EFFECTIVE DATE.

This act takes effect separately for each county the day after the filing of a certificate of local approval by the Big Stone county board, the Chippewa county board, or the Kandiyohi county board in compliance with Minnesota Statutes, section 645.021, subdivision 3.

Presented to the governor April 6, 1992

Signed by the governor April 8, 1992, 4:25 p.m.

CHAPTER 422—H.F.No. 2186

*An act relating to retirement; St. Paul fire department relief association; authorizing the payment of benefits to surviving former spouses of certain members.*

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

Section 1. ST. PAUL FIRE DEPARTMENT RELIEF ASSOCIATION;  
AUTHORIZATION OF BENEFIT.

Subdivision 1. APPLICATION. This section applies to the former spouse of a deceased former St. Paul firefighter who began employment with the St. Paul fire department June 1, 1943; who married the former spouse September 7, 1946; who retired June 1, 1972; and who was living with the former spouse at the time of death in October of 1976.

Subd. 2. PAYMENT OF BENEFIT. Notwithstanding any provision of Minnesota Statutes, section 69.48, Laws 1955, chapter 375, section 25, as amended, or article VIII, section 2, of its bylaws to the contrary, the former spouse described in subdivision 1 is entitled, upon application, to surviving spouse benefits from the St. Paul fire department relief association in accordance with article VIII, section 2, of its bylaws. Benefits are payable to the surviving spouse prospectively from the date of application. The application must be filed in a form prescribed by the board of the association, and must be executed by the former spouse.

Sec. 2. **EFFECTIVE DATE; LOCAL APPROVAL.**

Section 1 is effective upon approval by the city council of the city of St. Paul and compliance with Minnesota Statutes, section 645.021, subdivision 3.

Presented to the governor April 6, 1992

Signed by the governor April 8, 1992, 4:26 p.m.

**CHAPTER 423—H.F.No. 2572**

*An act relating to probate; altering the definition of successors; amending Minnesota Statutes 1990, sections 353A.02, subdivision 21; 524.1-201; 524.3-303; and 524.3-308.*

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

Section 1. Minnesota Statutes 1990, section 353A.02, subdivision 21, is amended to read:

Subd. 21. **OTHER ITEMS OF VALUE.** "Other items of value" means any real property, personal property, or interest in real or personal property not evidenced by or appropriately characterized as a security as that term is defined by section 524.1-201, clause ~~(37)~~ (32).

Sec. 2. Minnesota Statutes 1990, section 524.1-201, is amended to read:

**524.1-201 GENERAL DEFINITIONS.**

Subject to additional definitions contained in the subsequent articles which are applicable to specific articles or parts, and unless the context otherwise requires, in chapters 524 and 525:



actuarial report for the association indicates an unfunded actuarial accrued liability after the fund has first achieved 100 percent funding, the unfunded obligation is to be amortized on a level dollar basis by December 31 of the year occurring 15 years later. If subsequent actuarial valuations determine a net actuarial experience loss incurred during the year which ended as of the day before the most recent actuarial valuation date, any unfunded liability due to that loss is to be amortized on a level dollar basis by December 31 of the year occurring 15 years later.

Subd. 2. LIMITATION. Notwithstanding subdivision 1, the amortization period may not exceed the average life expectancy of the remaining members.

**Sec. 6. MINNEAPOLIS FIRE RELIEF ASSOCIATION; SURVIVOR BENEFIT PAYMENT.**

Subdivision 1. SURVIVING SPOUSE BENEFIT ELIGIBILITY. (a) Notwithstanding Laws 1997, chapter 233, article 4, section 12, or other law to the contrary, an eligible individual specified in paragraph (b) is authorized to receive the benefit specified in subdivision 2.

(b) An eligible individual is an individual born on May 27, 1927, who married a Minneapolis fire relief association retiree on January 16, 1993, and who is a surviving spouse due to the death of that retired firefighter on October 2, 1997.

Subd. 2. BENEFIT. (a) An eligible individual under subdivision 1, paragraph (b), is entitled to a surviving spouse benefit computed under paragraph (f), as added by Laws 1997, chapter 233, article 4, section 12.

(b) Benefits payable as a result of the benefit authorized in paragraph (a) commence on the first of the month following the effective date of this section.

**Sec. 7. DEFINITIONS.**

Subdivision 1. DEFINITIONS. Unless the context clearly indicates otherwise, the following terms have the meaning given in this section.

Subd. 2. ACTIVE MEMBER PERCENTAGE. The "active member percentage" is the total number of units accrued by active members of the association divided by the sum of the total number of units to which eligible members are entitled and active members of the association have accrued.

Subd. 3. ASSOCIATION. "Association" means the Minneapolis firefighters relief association.

Subd. 4. CITY. "City" means the city of Minneapolis.

Subd. 5. ELIGIBLE MEMBER. "Eligible member" is a person who receives a service, survivor, or disability pension payable from the special fund of the association.

Subd. 6. FUND. "Fund" means the association's special fund.

Subd. 7. NET EXCESS ASSET AMOUNT PAYMENT. "Net excess asset amount payment" means the payment of an additional postretirement payment under

Sec. 2. Minnesota Statutes 2002, section 383B.493, is amended to read:

**383B.493 WITHDRAWAL FROM PARTICIPATION.**

Notwithstanding Laws 1982, chapter 450, or any other law to the contrary, a Hennepin county employee participating in the Hennepin county supplemental retirement program pursuant to Laws 1982, chapter 450 may, in the event of an unforeseeable emergency, apply to the county to discontinue participation in the program. Employees who are no longer participating in the program may apply for the redemption of all shares credited to their share account record. Applications are subject to approval of the Hennepin county ~~board of commissioners~~ administrator in ~~its~~ the sole discretion of the administrator. For the purposes of this section, the term "unforeseeable emergency" shall mean a severe financial hardship to the participant resulting from a sudden and unexpected illness or accident of the participant or a person dependent upon the participant, loss of participant's property due to casualty, or other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the participant. Applications based on foreseeable expenditures normally budgetable shall not be approved. A participant exercising the option provided by this section shall be ineligible for further participation in the supplemental retirement program.

**Sec. 3. EVELETH RETIRED POLICE AND FIRE TRUST FUND; AD HOC POSTRETIREMENT ADJUSTMENT.**

In addition to the current pensions and other retirement benefits payable, the pensions and retirement benefits payable to retired police officers and firefighters and their surviving spouses by the Eveleth police and fire trust fund are increased by \$100 per month. Increases are retroactive to January 1, 2003.

**Sec. 4. EFFECTIVE DATE.**

(a) Sections 1 and 2 are effective upon approval by the Hennepin county board of commissioners and compliance with Minnesota Statutes, section 645.021.

(b) Section 3 is effective on the day after the date on which the Eveleth city council and the chief clerical officer of the city of Eveleth comply with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

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**ARTICLE 11**

**MINNEAPOLIS FIREFIGHTERS RELIEF**

**ASSOCIATION CHANGES**

Section 1. Minnesota Statutes 2002, section 423C.03, subdivision 3, is amended to read:

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

Subd. 3. **COMPENSATION OF OFFICERS AND BOARD MEMBERS.**  
Notwithstanding any other law to the contrary, the association may provide for payment of the following salaries to its officers and board members:

(1) the executive secretary may receive a salary not exceeding ~~30~~ 50 percent of the maximum salary of a first grade firefighter;

(2) the president may receive a salary not exceeding ten percent of the maximum salary of a first grade firefighter; and

(3) all other elected members of the board may receive a salary not exceeding 2.5 percent of the maximum salary of a first grade firefighter.

Sec. 2. Minnesota Statutes 2002, section 423C.08, is amended to read:

**423C.08 MEMBER CONTRIBUTION REFUND TO BENEFICIARY UPON DEATH.**

If an active, deferred, or retired member of the association dies and no survivor benefit is payable, the designated beneficiary of the decedent or, if none, the legal representative of the estate of the decedent is entitled, upon application, to a refund. The refund shall be an amount equal to the member contributions to the credit of the decedent, plus interest on those contributions at an annual compounded rate of five percent from the first day of the month following the date of the contribution to the first day of the month following the date of death of the decedent, reduced by the sum of any service pension or disability benefit previously paid by the fund to the decedent.

**Sec. 3. INTENT.**

Section 2 is intended to bring the Minneapolis firefighters relief association's statutory provision which provides for a refund of member contributions where the decedent does not leave a surviving spouse or children in conformance with Minnesota Statutes 2002, section 423A.18.

**Sec. 4. EFFECTIVE DATE.**

(a) The board of the Minneapolis firefighters relief association may increase the salary of the executive secretary subject to the applicable maximum set forth in section 1.

(b) Any salary increase under paragraph (a) may be effective on September 1, 2002, or any time thereafter as designated by the relief association board providing that the requirements specified in section 1 are satisfied during the applicable time period.

(c) Section 2 is effective retroactive to September 25, 2001. Section 3 is effective on the day following final enactment.

1.1 ..... moves to amend S.F. No. ....; H.F. No. ...., as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2004, section 423C.05, subdivision 7, is amended to  
1.4 read:

1.5 Subd. 7. **Surviving spouse and dependent pensions.** Notwithstanding any other  
1.6 law to the contrary, when a service pensioner, disability pensioner, deferred pensioner,  
1.7 or active member of the association dies, recipient beneficiaries are entitled to a pension  
1.8 or pensions, as follows:

1.9 (1) to a surviving spouse, a pension of 22 units per month;

1.10 (2) a surviving spouse of a deceased service pensioner, disability pensioner, or  
1.11 deferred pensioner who is otherwise not qualified for a pension may receive a benefit if  
1.12 the surviving spouse was legally married to the decedent for a period of ~~two years~~one year  
1.13 and was residing with the decedent at the time of death. The surviving spouse benefit  
1.14 provided in this clause is the same as that provided to those who meet the definition of  
1.15 surviving spouse under section 423C.01, subdivision 25, except that if the surviving  
1.16 spouse is younger than the decedent, the surviving spouse benefit must be actuarially  
1.17 equivalent to a surviving spouse benefit that would have been paid to the member's spouse  
1.18 had the member been married to a person of the same or greater age than the member's  
1.19 age prior to retirement. A benefit paid in this circumstance may be less than 17 units  
1.20 notwithstanding the minimum set out in this subdivision;

1.21 (3) to each dependent, if the dependent's other parent is living, a pension not to  
1.22 exceed eight units per month. Dependents between the ages of 18 and 22 may continue  
1.23 to receive a pension upon board determination that the dependent complies with the  
1.24 requirements of section 423C.01, subdivision 11, and applicable association bylaws,  
1.25 except that if the dependent marries before the age of 22 years the pension shall cease as  
1.26 of the date of the marriage. The board shall make the final determination with respect to  
1.27 eligibility for benefits and compliance with section 423C.01, subdivision 11;

(4) each dependent of a deceased member after the death of the dependent's other parent, or in the event the other parent predeceases the member, is entitled to receive a pension in the amount the board deems necessary to properly support each dependent until the dependent reaches the age of not less than 16 and not more than 18 years. Dependents between the ages of 18 and 22 may be entitled to continue receiving a pension upon board determination that the dependent complies with the requirements of section 423C.01, subdivision 11, and applicable association bylaws, except that if the dependent marries before the age of 22 years the pension shall cease as of the date of the marriage. The board shall make the final determination with respect to eligibility for benefits and compliance; and

(5) the total pension payable to a surviving spouse and all dependents of a deceased member shall in no event exceed 42 units per month.

Sec. 2. **EFFECTIVE DATE.**

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

(b) Section 1 applies retroactively to the spouse of a deceased retired firefighter who died on or after September 25, 2001, with any resulting surviving spouse benefit first payable on the first of the month next following the date of enactment. If the applicable surviving spouse previously took a death refund under Minnesota Statutes, section 423C.08, the amount of that refund must be deducted from the surviving spouse benefit in 12 monthly installments."

Amend the title accordingly

1.1 A bill for an act  
1.2 relating to retirement; Minneapolis Firefighters Relief Association; providing  
1.3 an exception to certain surviving spouse benefit eligibility requirements for the  
1.4 spouse of certain deceased retired firefighters.

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

1.6 Section 1. **MINNEAPOLIS FIREFIGHTERS RELIEF ASSOCIATION;**  
1.7 **SURVIVING SPOUSE BENEFIT ELIGIBILITY EXCEPTION.**

1.8 (a) Notwithstanding any eligibility requirement of Minnesota Statutes, section  
1.9 423C.05, subdivision 7, or of any other applicable provision of law to the contrary, an  
1.10 eligible person described in paragraph (b) is entitled to receive the annuity specified in  
1.11 paragraph (c).

1.12 (b) An eligible person is a person who:

1.13 (1) was born in 1935;

1.14 (2) entered into an unmarried relationship in 1968 and continuously resided with an  
1.15 individual who became a Minneapolis firefighter on May 17, 1976;

1.16 (3) married that individual on September 14, 2003, following the retirement of the  
1.17 individual as a Minneapolis firefighter on August 2, 1999; and

1.18 (4) remained married to the retired Minneapolis firefighter until July 4, 2005, when  
1.19 the retired firefighter unexpectedly died.

1.20 (c) The surviving spouse benefit is the amount calculated under Minnesota Statutes,  
1.21 section 423C.05, subdivision 7, clause (1).

1.22 (d) The eligible person must provide any applicable documentation related to  
1.23 paragraph (b), clauses (1) to (4), that the board of trustees of the Minneapolis Firefighters  
1.24 Relief Association require.

2.1       Sec. 2. **EFFECTIVE DATE.**

2.2           (a) Section 1 is effective on the first of the month next following the date on which  
2.3 the city council of the city of Minneapolis and the chief clerical officer of the city of  
2.4 Minneapolis timely complete their compliance with Minnesota Statutes, section 645.021,  
2.5 subdivisions 2 and 3.

2.6           (b) The initial payment of the survivor benefit under section 1 must include the  
2.7 retroactive benefit amounts, plus interest at a monthly rate of one-half of one percent from  
2.8 the date on which the benefit retroactively accrued to the date on which the benefit is paid.