

1.1 ..... moves to amend S.F. No. 431; H.F. No. 2088, as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 " **ARTICLE 1**

1.4 **MINNESOTA POST RETIREMENT INVESTMENT FUND CHANGES**

1.5 Section 1. Minnesota Statutes 2004, section 11A.18, subdivision 9, is amended to read:

1.6 Subd. 9. **Calculation of postretirement adjustment.** (a) Annually, following June  
1.7 30, the state board shall use the procedures in paragraphs (b), (c), and (d) to determine  
1.8 whether a postretirement adjustment is payable and to determine the amount of any  
1.9 postretirement adjustment.

1.10 (b) If the Consumer Price Index for urban wage earners and clerical workers all  
1.11 items index published by the Bureau of Labor Statistics of the United States Department  
1.12 of Labor increases from June 30 of the preceding year to June 30 of the current year,  
1.13 the state board shall certify the percentage increase. The amount certified must not  
1.14 exceed the lesser of the difference between the preretirement interest assumption and  
1.15 postretirement interest assumption in section 356.215, subdivision 8, paragraph (a), or  
1.16 2.5 percent. For the Minneapolis Employees Retirement Fund, the amount certified must  
1.17 not exceed 3.5 percent.

1.18 (c) In addition to any percentage increase certified under paragraph (b), the board  
1.19 shall use the following procedures to determine if a postretirement adjustment is payable  
1.20 under this paragraph:

1.21 (1) The state board shall determine the market value of the fund on June 30 of  
1.22 that year;

1.23 (2) The amount of reserves required as of the current June 30 for the annuity or  
1.24 benefit payable to an annuitant and benefit recipient of the participating public pension  
1.25 plans or funds must be determined by the ~~commission-retained~~ actuary ~~as of the current~~  
1.26 ~~June 30~~ retained under section 356.214. An annuitant or benefit recipient who has been  
1.27 receiving an annuity or benefit for at least 12 full months as of the current June 30 is

2.1 eligible to receive a full postretirement adjustment. An annuitant or benefit recipient who  
2.2 has been receiving an annuity or benefit for at least one full month, but less than 12 full  
2.3 months as of the current June 30, is eligible to receive a partial postretirement adjustment.  
2.4 Each fund shall report separately the amount of the reserves for those annuitants and  
2.5 benefit recipients who are eligible to receive a full postretirement benefit adjustment. This  
2.6 amount is known as "eligible reserves." Each fund shall also report separately the amount  
2.7 of the reserves for those annuitants and benefit recipients who are not eligible to receive  
2.8 a postretirement adjustment. This amount is known as "noneligible reserves." For an  
2.9 annuitant or benefit recipient who is eligible to receive a partial postretirement adjustment,  
2.10 each fund shall report separately as additional "eligible reserves" an amount that bears the  
2.11 same ratio to the total reserves required for the annuitant or benefit recipient as the number  
2.12 of full months of annuity or benefit receipt as of the current June 30 bears to 12 full  
2.13 months. The remainder of the annuitant's or benefit recipient's reserves must be separately  
2.14 reported as additional "noneligible reserves." The amount of "eligible" and "noneligible"  
2.15 required reserves must be certified to the board by the commission-retained actuary as  
2.16 soon as is practical following the current June 30;

2.17 (3) The state board shall determine the percentage increase certified under paragraph  
2.18 (b) multiplied by the eligible required reserves, as adjusted for mortality gains and losses  
2.19 under subdivision 11, determined under clause (2);

2.20 (4) The state board shall add the amount of reserves required for the annuities or  
2.21 benefits payable to annuitants and benefit recipients of the participating public pension  
2.22 plans or funds as of the current June 30 to the amount determined under clause (3);

2.23 (5) The state board shall subtract the amount determined under clause (4) from the  
2.24 market value of the fund determined under clause (1);

2.25 (6) The state board shall adjust the amount determined under clause (5) by the  
2.26 cumulative current balance determined ~~pursuant to~~ under clause (8) and any negative  
2.27 balance carried forward under clause (9);

2.28 (7) A positive amount resulting from the calculations in clauses (1) to (6) is the  
2.29 excess market value. A negative amount is the negative balance;

2.30 (8) The state board shall allocate one-fifth of the excess market value or one-fifth  
2.31 of the negative balance to each of five consecutive years, beginning with the fiscal year  
2.32 ending the current June 30; and

2.33 (9) To calculate the postretirement adjustment under this paragraph based on  
2.34 investment performance for a fiscal year, the state board shall add together all excess  
2.35 market value allocated to that year and subtract from the sum all negative balances  
2.36 allocated to that year. If this calculation results in a negative number, the entire negative

3.1 balance must be carried forward and allocated to the next year. If the resulting amount is  
3.2 positive, a postretirement adjustment is payable under this paragraph. The board shall  
3.3 express a positive amount as a percentage of the total eligible required reserves certified to  
3.4 the board under clause (2).

3.5 (d) The state board shall determine the amount of any postretirement adjustment  
3.6 which is payable using the following procedure:

3.7 (1) The total "eligible" required reserves as of the first of January next following  
3.8 the end of the fiscal year for the annuitants and benefit recipients eligible to receive a full  
3.9 or partial postretirement adjustment as determined by clause (2) must be certified to the  
3.10 state board by the ~~commission-retained~~ actuary retained under section 356.214. The total  
3.11 "eligible" required reserves must be determined by the ~~commission-retained~~ actuary  
3.12 retained under section 356.214 on the assumption that all annuitants and benefit recipients  
3.13 eligible to receive a full or partial postretirement adjustment will be alive on the January  
3.14 1 in question; and

3.15 (2) The state board shall add the percentage certified under paragraph (b) to any  
3.16 positive percentage calculated under paragraph (c). The board shall not subtract from the  
3.17 percentage certified under paragraph (b) any negative amount calculated under paragraph  
3.18 (c). The sum of these percentages must be carried to five decimal places and must be  
3.19 certified to each participating public pension fund or plan as the full postretirement  
3.20 adjustment percentage. The full postretirement adjustment percentage certified to each  
3.21 participating public pension plan or fund must not exceed five percent. For the Minneapolis  
3.22 Employees Retirement Fund, no maximum percentage adjustment is applicable.

3.23 (e) A retirement annuity payable in the event of retirement before becoming eligible  
3.24 for Social Security benefits as provided in section 352.116, subdivision 3; 353.29,  
3.25 subdivision 6; or 354.35 must be treated as the sum of a period certain retirement annuity  
3.26 and a life retirement annuity for the purposes of any postretirement adjustment. The  
3.27 period certain retirement annuity plus the life retirement annuity must be the annuity  
3.28 amount payable until age 62 or 65, whichever applies. A postretirement adjustment  
3.29 granted on the period certain retirement annuity must terminate when the period certain  
3.30 retirement annuity terminates.

3.31 Sec. 2. **EFFECTIVE DATE.**

3.32 Section 1 is effective July 1, 2010.

3.33 **ARTICLE 2**  
3.34 **RECODIFICATION OF VARIOUS**  
3.35 **STATEWIDE SPECIALTY RETIREMENT PLANS**

3.36 Section 1. Minnesota Statutes 2004, section 3A.01, subdivision 1, is amended to read:

4.1 Subdivision 1. **Purposes.** Each of the terms defined in this section, for the purposes  
4.2 of this chapter shall be given has the meanings meaning ascribed to them.

4.3 Sec. 2. Minnesota Statutes 2004, section 3A.01, is amended by adding a subdivision to  
4.4 read:

4.5 Subd. 1a. **Actuarial equivalent.** "Actuarial equivalent" means the condition of one  
4.6 allowance or benefit having an equal actuarial present value to another allowance or  
4.7 benefit, determined by the actuary retained under section 356.214 as of a given date at a  
4.8 specified age with each actuarial present value based on the mortality table applicable for  
4.9 the plan and approved under section 356.215, subdivision 18, and using the applicable  
4.10 preretirement or postretirement interest rate assumption specified in section 356.215,  
4.11 subdivision 8.

4.12 Sec. 3. Minnesota Statutes 2004, section 3A.01, is amended by adding a subdivision to  
4.13 read:

4.14 Subd. 1b. **Average monthly salary.** "Average monthly salary" means the average  
4.15 of the member's highest five successive years of salary that was received as a member  
4.16 of the legislature and upon which the member has made contributions under section  
4.17 3A.03, subdivision 1, or for which the member of the legislature has made payments for  
4.18 past service under Minnesota Statutes 2004, section 3A.02, subdivision 2, or has made,  
4.19 before July 1, 1994, payments in lieu of contributions under Minnesota Statutes 1992,  
4.20 section 3A.031.

4.21 Sec. 4. Minnesota Statutes 2004, section 3A.01, is amended by adding a subdivision to  
4.22 read:

4.23 Subd. 1c. **Constitutional officer.** "Constitutional officer" means a person who was  
4.24 duly elected, qualifies for, and serves as the governor, the lieutenant governor, the attorney  
4.25 general, the secretary of state, or the state auditor of the state of Minnesota.

4.26 Sec. 5. Minnesota Statutes 2004, section 3A.01, subdivision 2, is amended to read:

4.27 Subd. 2. **Dependent child.** (a) "Dependent child" means any natural or adopted  
4.28 child of a deceased member of the legislature or a former legislator who is under the age  
4.29 of 18, or who is under the age of 22 and is a full-time student, and who, in either case, is  
4.30 unmarried and was actually dependent for more than one-half of support upon ~~such~~ the  
4.31 legislator for a period of at least 90 days immediately ~~prior to~~ before the legislator's  
4.32 death. ~~It~~

4.33 (b) The term also includes any child of the member of the legislature or former  
4.34 legislator who was conceived during the lifetime of, and who was born after the death of,

5.1 the member or former legislator. ~~This subdivision shall be retroactive as to any dependent~~  
5.2 ~~child under the age of 22 years as of April 1, 1975.~~

5.3 Sec. 6. Minnesota Statutes 2004, section 3A.01, subdivision 6, is amended to read:

5.4 Subd. 6. **Director.** "Director" means the executive director of the Minnesota State  
5.5 Retirement System who was appointed under section 352.03, subdivision 5.

5.6 Sec. 7. Minnesota Statutes 2004, section 3A.01, is amended by adding a subdivision to  
5.7 read:

5.8 Subd. 6b. **Former legislator.** "Former legislator" means a legislator who has  
5.9 ceased to be a member of the legislature for any reason, including, but not limited to, the  
5.10 expiration of the term for which a member of the legislature was elected or the death  
5.11 of the member.

5.12 Sec. 8. Minnesota Statutes 2004, section 3A.01, is amended by adding a subdivision to  
5.13 read:

5.14 Subd. 6c. **Member of the legislature.** "Member of the legislature" means a  
5.15 person who was a member of the house of representatives or of the senate of the state of  
5.16 Minnesota who has subscribed to the oath of office after July 1, 1965, and who was first  
5.17 elected to a legislative office before July 1, 1997, and retained coverage by the plan under  
5.18 Laws 1997, chapter 233, article 2, section 15.

5.19 Sec. 9. Minnesota Statutes 2004, section 3A.01, subdivision 8, is amended to read:

5.20 Subd. 8. **Normal retirement age.** "Normal retirement age" means the age of 60  
5.21 ~~years with regard to any member of the legislature whose service terminates prior to the~~  
5.22 ~~beginning of the 1981 legislative session, and the age of 62 years with regard to any~~  
5.23 ~~member of the legislature whose service terminates after the beginning of the 1981 session.~~

5.24 Sec. 10. Minnesota Statutes 2004, section 3A.01, is amended by adding a subdivision  
5.25 to read:

5.26 Subd. 9. **Retirement.** "Retirement" means the period of time after which a former  
5.27 legislator is entitled to a retirement allowance.

5.28 Sec. 11. Minnesota Statutes 2004, section 3A.01, is amended by adding a subdivision  
5.29 to read:

5.30 Subd. 10. **Salary.** (a) "Salary" means the regular compensation payable under law  
5.31 to a member of the legislature and paid to the person for service as a legislator.

5.32 (b) The term includes the monthly compensation paid to the member of the  
5.33 legislature and the per diem payments paid during a regular or special session to the  
5.34 member of the legislature.

6.1 (c) The term does not include per diem payments paid to a member of the legislature  
6.2 other than during the regular or special session; additional compensation attributable to a  
6.3 leadership position under section 3.099, subdivision 3; living expense payments under  
6.4 section 3.101; and special session living expense payments under section 3.103.

6.5 Sec. 12. Minnesota Statutes 2004, section 3A.011, is amended to read:

6.6 **3A.011 ADMINISTRATION OF PLAN.**

6.7 The executive director and the board of directors of the Minnesota State Retirement  
6.8 System shall administer the legislators retirement plan in accordance with this chapter  
6.9 and chapter 356A.

6.10 Sec. 13. Minnesota Statutes 2004, section 3A.02, subdivision 1, is amended to read:

6.11 Subdivision 1. **Qualifications.** (a) A former legislator is entitled, upon written  
6.12 application to the director, to receive a retirement allowance monthly, if the person:

6.13 (1) has either served at least six full years, without regard to the application of  
6.14 section 3A.10, subdivision 2, or has served during all or part of four regular sessions as a  
6.15 member of the legislature, which service need not be continuous;

6.16 (2) has attained the normal retirement age;

6.17 (3) has retired as a member of the legislature; and

6.18 (4) has made all contributions provided for in section 3A.03, has made payments  
6.19 for past service under subdivision 2, or has made payments in lieu of contributions under  
6.20 Minnesota Statutes 1992, section 3A.031, ~~prior to~~ before July 1, 1994.

6.21 ~~(b) This paragraph applies to members of the legislature who terminate service as~~  
6.22 ~~a legislator before July 1, 1997. For service rendered before the beginning of the 1979~~  
6.23 ~~legislative session, but not to exceed eight years of service, the retirement allowance is~~  
6.24 ~~an amount equal to five percent per year of service of that member's average monthly~~  
6.25 ~~salary. For service in excess of eight years rendered before the beginning of the 1979~~  
6.26 ~~legislative session, and for service rendered after the beginning of the 1979 legislative~~  
6.27 ~~session, Unless the former legislator has legislative service before January 1, 1979, the~~  
6.28 ~~retirement allowance is an amount equal to 2-1/2 percent per year of service of that~~  
6.29 ~~member's average monthly salary:~~

6.30 ~~(c) This paragraph applies to members of the legislature who terminate service as~~  
6.31 ~~a legislator after June 30, 1997. The retirement allowance is an amount equal to the~~  
6.32 ~~applicable rate or rates under paragraph (b) per year of service of the member's average~~  
6.33 ~~monthly salary and adjusted for that person on an actuarial equivalent basis to reflect the~~  
6.34 ~~change in the postretirement interest rate actuarial assumption under section 356.215,~~  
6.35 ~~subdivision 8, from five percent to six percent. The adjustment must be calculated by or,~~  
6.36 ~~alternatively, the adjustment procedure must be specified by, the actuary retained by the~~

7.1 ~~Legislative Commission on Pensions and Retirement~~ under section 356.214. The purpose  
7.2 of this adjustment is to ensure that the total amount of benefits that the actuary predicts  
7.3 an individual member will receive over the member's lifetime under this paragraph will  
7.4 be the same as the total amount of benefits the actuary predicts the individual member  
7.5 would receive over the member's lifetime under the law in effect before enactment of this  
7.6 paragraph. If the former legislator has legislative service before January 1, 1979, the  
7.7 person's benefit must include the additional benefit amount in effect on January 1, 1979,  
7.8 and adjusted as otherwise provided in this paragraph.

7.9 ~~(d)~~ (c) The retirement allowance accrues beginning with the first day of the month  
7.10 of receipt of the application, but not before age 60, and for the remainder of the former  
7.11 legislator's life, if the former legislator is not serving as a member of the legislature or as a  
7.12 constitutional officer ~~or commissioner~~ as defined in section ~~352C.021, subdivisions 2 and~~  
7.13 ~~3~~ 3A.01, subdivision 1c. The annuity does not begin to accrue ~~prior to~~ before the person's  
7.14 retirement as a legislator. No annuity payment may be made retroactive for more than 180  
7.15 days before the date that the annuity application is filed with the director.

7.16 ~~(e)~~ (d) Any member who has served during all or part of four regular sessions is  
7.17 considered to have served eight years as a member of the legislature.

7.18 ~~(f)~~ (e) The retirement allowance ceases with the last payment that accrued to the  
7.19 retired legislator during the retired legislator's lifetime, except that the surviving spouse, if  
7.20 any, is entitled to receive the retirement allowance of the retired legislator for the calendar  
7.21 month in which the retired legislator died.

7.22 Sec. 14. Minnesota Statutes 2004, section 3A.02, subdivision 1b, is amended to read:

7.23 Subd. 1b. **Reduced retirement allowance.** (a) Upon separation from service after  
7.24 the beginning of the 1981 legislative session, a former member of the legislature who has  
7.25 attained the age set by the board of directors of the Minnesota State Retirement System  
7.26 and who is otherwise qualified ~~in accordance with~~ under subdivision 1 is entitled, upon  
7.27 making written application on ~~forms supplied~~ a form prescribed by the director, to a  
7.28 reduced retirement allowance in. The reduced retirement allowance is an amount equal  
7.29 to the retirement allowance specified in subdivision 1, paragraph (b), that is reduced so  
7.30 that the reduced annuity allowance is the actuarial equivalent of the annuity allowance  
7.31 that would be payable if the former member of the legislature deferred receipt of the  
7.32 annuity allowance and the annuity allowance amount were was augmented at an annual  
7.33 rate of three percent compounded annually from the date the annuity allowance begins to  
7.34 accrue until age 62.

7.35 (b) The age set by the board of directors under paragraph (a) cannot be ~~less~~ an earlier  
7.36 age than the early retirement age under section 352.116, subdivision 1a.

8.1 (c) If there is an actuarial cost to the plan of resetting the early retirement age under  
8.2 paragraph (a), the retired legislator is required to pay an additional amount to cover the  
8.3 full actuarial value. The additional amount must be paid in a lump sum within 30 days of  
8.4 the certification of the amount by the executive director.

8.5 (d) The executive director of the Minnesota State Retirement System shall report  
8.6 to the Legislative Commission on Pensions and Retirement on the utilization of this  
8.7 provision annually on or before September 1, ~~2000~~.

8.8 Sec. 15. Minnesota Statutes 2004, section 3A.02, subdivision 3, is amended to read:

8.9 Subd. 3. **Appropriation.** The amounts required for payment of retirement  
8.10 allowances provided by this section are appropriated annually to the director from the  
8.11 participation of the legislators retirement plan in the Minnesota postretirement investment  
8.12 fund ~~and shall~~. The retirement allowance must be paid monthly to the recipients entitled  
8.13 ~~thereto~~ to those retirement allowances.

8.14 Sec. 16. Minnesota Statutes 2004, section 3A.02, subdivision 4, is amended to read:

8.15 Subd. 4. **Deferred annuities augmentation.** (a) The deferred ~~annuity~~ retirement  
8.16 allowance of any former legislator must be augmented as provided herein.

8.17 (b) The required reserves applicable to the deferred annuity retirement allowance,  
8.18 determined as of the date the benefit begins to accrue using an appropriate mortality table  
8.19 and an interest assumption of six percent, must be augmented from the first of the month  
8.20 following the termination of active service, or July 1, 1973, whichever is later, to the  
8.21 first day of the month in which the annuity allowance begins to accrue, at the following  
8.22 annually compounded rate of five percent per annum compounded annually until January  
8.23 1, 1981, and thereafter at the rate of three percent per annum compounded annually until  
8.24 January 1 of the year in which the former legislator attains age 55. From that date to the  
8.25 effective date of retirement, the rate is five percent compounded annually. or rates:

8.26 (1) five percent until January 1, 1981;

8.27 (2) three percent from January 1, 1981, or from the first day of the month following  
8.28 the termination of active service, whichever is later, until January 1 of the year in which  
8.29 the former legislator attains age 55;

8.30 (3) five percent from the period end date under clause (2) to the effective date of  
8.31 retirement.

8.32 (b) ~~The retirement allowance of, or the survivor benefit payable on behalf of, a~~  
8.33 ~~former member of the legislature who terminated service before July 1, 1997, which is~~  
8.34 ~~not first payable until after June 30, 1997, must be increased on an actuarial equivalent~~  
8.35 ~~basis to reflect the change in the postretirement interest rate actuarial assumption under~~  
8.36 ~~section 356.215, subdivision 8, from five percent to six percent under a calculation~~



9.1 ~~procedure and tables adopted by the board of directors of the Minnesota State Retirement~~  
9.2 ~~System and approved by the actuary retained by the Legislative Commission on Pensions~~  
9.3 ~~and Retirement.~~

9.4 Sec. 17. Minnesota Statutes 2004, section 3A.02, subdivision 5, is amended to read:

9.5 Subd. 5. **Optional annuities.** (a) The board of directors shall establish an optional  
9.6 retirement annuity in the form of a joint and survivor annuity and an optional retirement  
9.7 annuity in the form of a period certain and life thereafter. Except as provided in paragraph  
9.8 (b), these optional annuity forms must be actuarially equivalent to the normal ~~annuity~~  
9.9 allowance computed under this section, plus the actuarial value of any surviving spouse  
9.10 benefit otherwise potentially payable at the time of retirement under section 3A.04,  
9.11 subdivision 1. An individual selecting an optional annuity under this subdivision ~~waives~~  
9.12 and the person's spouse waive any rights to surviving spouse benefits under section 3A.04,  
9.13 subdivision 1.

9.14 (b) If a retired legislator selects the joint and survivor annuity option, the retired  
9.15 legislator must receive a normal single-life ~~annuity~~ allowance if the designated optional  
9.16 annuity beneficiary dies before the retired legislator and no reduction may be made in the  
9.17 annuity to provide for restoration of the normal single-life ~~annuity~~ allowance in the event  
9.18 of the death of the designated optional annuity beneficiary.

9.19 (c) The surviving spouse of a legislator who has attained at least age 60 and who dies  
9.20 while a member of the legislature may elect an optional joint and survivor annuity under  
9.21 paragraph (a), in lieu of surviving spouse benefits under section 3A.04, subdivision 1.

9.22 Sec. 18. Minnesota Statutes 2004, section 3A.03, subdivision 1, is amended to read:

9.23 Subdivision 1. **Percentage.** (a) Every member of the legislature shall contribute  
9.24 nine percent of total salary;

9.25 (b) The contribution must be made by payroll deduction, to and must be paid into  
9.26 the state treasury and deposited in the general fund. It shall be the duty of

9.27 (c) The director to must record the periodic contributions of each member of the  
9.28 legislature and must credit such each contribution to the member's account.

9.29 Sec. 19. Minnesota Statutes 2004, section 3A.03, subdivision 2, is amended to read:

9.30 Subd. 2. **Refund.** (a) A former member who has made contributions under  
9.31 subdivision 1 and who is no longer a member of the legislature is entitled to receive, upon  
9.32 written application to the executive director on a form prescribed by the executive director,  
9.33 a refund from the general fund of all contributions credited to the member's account with  
9.34 interest computed as provided in section 352.22, subdivision 2.

10.1 (b) The refund of contributions as provided in paragraph (a) terminates all rights  
 10.2 of a former member of the legislature and the survivors of the former member under  
 10.3 this chapter.

10.4 (c) If the former member of the legislature again becomes a member of the  
 10.5 legislature after having taken a refund as provided in paragraph (a), the member ~~must be~~  
 10.6 ~~considered~~ is a new member of this plan the unclassified employees retirement program of  
 10.7 the Minnesota State Retirement System.

10.8 (d) However, the member may reinstate the rights and credit for service previously  
 10.9 forfeited under this chapter if the member repays all refunds taken, plus interest at an  
 10.10 annual rate of 8.5 percent compounded annually from the date on which the refund was  
 10.11 taken to the date on which the refund is repaid.

10.12 ~~(d)~~ (e) No person may be required to apply for or to accept a refund.

10.13 Sec. 20. Minnesota Statutes 2004, section 3A.04, subdivision 1, is amended to read:

10.14 Subdivision 1. **Surviving spouse.** (a) Upon the death of a member of the legislature  
 10.15 while serving as ~~such a member after June 30, 1973,~~ or upon the death of a former member  
 10.16 of the legislature with at least ~~the number of six full~~ years of service ~~as required by section~~  
 10.17 ~~3A.02, subdivision 1, clause (1)~~ or service in all or part of four regular legislative sessions,  
 10.18 the surviving spouse ~~shall be paid~~ is entitled to a survivor benefit in the amount of .

10.19 (b) The surviving spouse benefit is one-half of the retirement allowance of the  
 10.20 member of the legislature computed as though the member were at least normal retirement  
 10.21 age on the date of death and based upon the member's allowable service or upon eight  
 10.22 years, whichever is greater. The augmentation provided in section 3A.02, subdivision 4, if  
 10.23 applicable, shall must be applied for the period up to, and including, the month of death.

10.24 (c) Upon the death of a former legislator receiving a retirement allowance, the  
 10.25 surviving spouse ~~shall be~~ is entitled to one-half of the amount of the retirement allowance  
 10.26 being paid to the legislator. ~~Such~~

10.27 (d) The surviving spouse benefit shall be paid during is payable for the lifetime  
 10.28 of the surviving spouse.

10.29 Sec. 21. Minnesota Statutes 2004, section 3A.04, subdivision 2, is amended to read:

10.30 Subd. 2. **Dependent children.** (a) Upon the death of a member of the legislature  
 10.31 while serving as a member, or upon the death of a former member of the legislature who  
 10.32 has rendered at least ~~the number of six full~~ years of service ~~as required by section 3A.02,~~  
 10.33 ~~subdivision 1, clause (1)~~ or service in all or part of four regular legislative sessions and  
 10.34 who was not receiving a retirement allowance, each dependent child of the member or  
 10.35 former legislator ~~shall be~~ is entitled to receive a survivor benefit in the following amount:

