



STATE OF MINNESOTA

DEATH BENEFITS

To obtain certified copies of registered personal documents, contact Vital Statistics, 717 Delaware Street SE, P. O. Box 9441, Minneapolis, MN 55440, phone (612) 623-5121.

STATE DEATH BENEFITS

LAWS OF MINNESOTA FOR 1990 Sec. 4 (299A.44)

On certification to the governor by the commissioner of public safety that a public safety officer employed within this state has been killed in the line of duty, **leaving a spouse or one or more eligible dependents**, the Commissioner of Public Safety shall pay **\$100,000(+)** from the public safety officer's benefit account, as follows:

- (1) To the **spouse** if there is **no dependent child**;

"Dependent child" means a person who is **unmarried** and who was either living with or was *receiving support contributions from the public safety officer at the time of death*, including a child by birth, a stepchild, an adopted child, or a posthumous child, and who is:

- * under 18 years of age; or
- * over 18 years of age and incapable of self-support because of physical or mental disability; or
- * over 18 years of age and a student as defined by United States Code, title 5, section 8101.

- (2) If there is no spouse, to the dependent **child or children** *in equal shares*;
- (3) If there are *both a spouse and one or more dependent children*, **one-half to the spouse and one-half to the child or children**, in equal shares; or
- (4) If there is *no surviving spouse or dependent child or children or children*, to **the parent or parents dependent for support on the decedent**, in equal shares; or
- (5) If there is no surviving spouse, dependent child, or dependent parent, then **no payment may be made** from the public safety officer's benefit fund.

+As of August, 1995, the Minnesota State Legislature amended this Law to reflect an annual change in the death benefit based on a percentage of the consumer price index. As of **January, 1996, this benefit is \$102,600**. "Killed in the line of duty" **does not include** deaths from natural causes. In the case of a peace officer, "killed in the line of duty" includes the death of an officer caused by **accidental means** while the peace officer is acting in the course and scope of duties as a peace officer.



For information, contact The Minnesota Department of Public Safety, Office of the Commissioner, 445 Minnesota Street, North Central Life Tower, Suite 1000, St. Paul, MN 55101-2128, telephone (612) 296-6642.

STATE PENSION BENEFITS

There are provisions within police pension funds to provide a monthly annuity to the survivors of public safety officers killed in the line of duty. The benefit would terminate in most cases when the dependent child reaches 18, or between the ages of 18 and 23 if a full-time student. The family's combined monthly benefit can be as much as 70% of the average salary, while the minimum benefit is 50% of that salary.

Immediate benefits are available to the surviving spouse of (1) a currently employed member, (2) a member on an approved leave of absence, (3) a recipient of a disability benefit who dies before reaching age 55. *Deferred benefits are also available to the surviving spouse of a former member who had at least 3 years of service.*

If the member who had selected the single life payment was under age 55 at death and had at least 3 years of service, the spouse is entitled to:

- (A) A benefit equal to 50% of the member's "5-high year" average monthly salary until the member would have been age 55. This benefit payment would cease if the spouse remarries but would resume if the marriage terminates.
- (B) When the member would have reached age 55, the spouse may elect the Option I annuity or continue to receive the 50% benefit, whichever is larger. *Remarriage after the member would have reached age 55 does not effect the benefit.*

If the employed member was over the age of 55 at death and had credit for at least 3 years of service, the spouse is entitled to either the 50% benefit or the Option I benefit, whichever is larger. *Remarriage does not effect this benefit.*

If the member under age 55 had credit for less than 3 years of service and dies, the spouse is entitled to the 50% benefit. If the spouse remarries, this benefit will stop but will resume if the marriage terminates.

If the former member who had at least 3 years of service dies, the spouse is entitled to an Option I annuity commencing at the time the deceased former member would have reached age 55, provided the spouse has not remarried prior to the date.

Surviving spouse is defined in law to mean "an association member's or former member's legally married wife or husband residing with him at the time of his death and who was married to him, for a period of at least one year, while or prior to the time he was a member of the association."

If no monthly benefits are payable, the estate receives a refund of the accumulated retirement deductions plus interest. Interest is at the rate of 6% per year, compounded annually.

Remarriage

Surviving spouses of both Basic and Police and Fire members who died while active employees may now remarry without losing their survivor benefits. This restriction was removed effective June 5, 1991, for all marriages on or after that date. Despite PERA's lobbying, this benefit improvement was not made retroactive.



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This law will not reinstate benefits for surviving spouses who remarried prior to June 5. However, suspended benefits do resume if the subsequent marriage ends because of death or dissolution.

SURVIVOR BENEFITS, DEPENDENT CHILDREN

For each dependent child, the surviving spouse or legal guardian receives an amount equal to **10% of the former member's "5-high year" average monthly salary**. In addition, the Fund pays **\$20 per month**, prorated equally between the dependent children. The **monthly family benefit** payable for a surviving spouse and any number of children **may not exceed 70%** of average monthly salary.

Submitting certified copies of your spouse's and children's birth records and your marriage record now would save your survivors some inconvenience in the event of your death prior to retirement.

Members of the Public Employees Retirement Association of Minnesota may obtain additional information by contacting **PERA, 514 St. Peter Street, Suite 200, Skyway Level, St. Paul, MN 55102, telephone (612) 296-7460 or (800) 652-9026.**

Members of the Minnesota State Retirement System may obtain additional information by writing or calling **MSRS, 529 Jackson Street at 10th Street, St. Paul, MN 55101; (612) 296-2761.**

Some pension benefits in Minnesota are tax-exempt. Check with your Pension Fund Administrator and your tax preparer.

EDUCATION BENEFITS

Minnesota **does have** an educational benefit for **dependent children less than 23** years of age and the **surviving spouse** of a public safety officer killed in the line of duty **on or after January, 1973**. They are eligible to receive **up to a baccalaureate degree** at a Minnesota public post-secondary institution, or a private college or university located in Minnesota. The amount of the award is the **actual tuition and fees at public institutions**, and for private institutions, the lesser of (i) the actual tuition and fees charged by the institution or (ii) the highest tuition and fees charged by a public institution in Minnesota.

This benefit **does not extend to colleges outside of Minnesota.**

If a public safety officer is killed in the line of duty in Minnesota, and the spouse or dependents leave the state, there is nothing that would prevent any of them from returning to Minnesota to attend a public or private college within the state.

Contact the Minnesota Higher Education Services Office, 1450 Energy Park Drive, Suite 350, St. Paul, MN 55108-5227, (651) 642-0567.

Surviving spouses and children of law enforcement officers killed in the line of duty may also apply for scholarships through the **Minnesota Law Enforcement Memorial Association, Education and Training Scholarship Program, PO Box 27352, Minneapolis, MN 55427.**

HEALTH BENEFITS

Varied depending upon **police department benefits.**



WORKERS' COMPENSATION

Workers' Compensation coverage is compulsory for employers in Minnesota. Minnesota has revised its statutes to include death and disability due to "occupational disease". Statutes may be found at www.revisor.leg.state.mn.us/bin/getpub.php?pubtype=STAT_CHAP&year=current&chapter=176.

Benefit for spouse only is **50%** of employee's wage and **66 2/3%** for spouse with child(ren) with a **minimum weekly benefit** payable but not statutorily prescribed and a **maximum weekly benefit of \$508.20**. Benefits are subject to Social Security benefit offsets. There is a **maximum burial allowance of \$7,500**.

Surviving spouse with no child(ren) will receive benefits **for 10 years**. Surviving spouse with child(ren) receives benefits **until last child is no longer dependent plus 10 years**. Children receive benefits until **age 18** or beyond age 18 if disabled or until **age 25** if full-time students.

To receive workers' compensation benefits the surviving spouse **must take the initiative** and file a workers' compensation claim through a **workers' compensation attorney** to receive any compensation. The determination as to whether the claim will be paid will be determined by the **Workers' Compensation Appeals Board**.

Contact Workers' Compensation Division of the State Department of Labor and Industry, 443 Lafayette Road, St. Paul, MN 55155, telephone (612) 296-6107.

PERSONAL LIFE POLICY - INTESTATE

Subject to allowance provided for surviving spouse or minor children and to payment of expenses of administration, expenses of last illness and funeral, taxes and debts, all real estate of intestate decedent, except cemetery lot and homestead, and all personal estate of such decedent, or if there be surviving spouse, excess of such real and personal estate over share of such surviving spouse, **descends and is distributed as follows**, each class of which a member is living taking to exclusion of subsequent classes. (524.2-101 et seq; for estates of decedents dying before January 1, 1987, see 525.13 et seq).

(1) Children and/or issue of deceased children; **(2)** parents or surviving parent; **(3)** brothers, sisters and/or issue of deceased brothers or sisters; **(4)** next of kin of equal degree, except that those claiming through nearest ancestor take to exclusion of others of equal degree claiming through more remote ancestor. Degrees of kinship computed according to civil law rules.

Issue of deceased children take per stirpes even though there be no surviving child. Members of class (3) take equally if all of same degree of kindred to decedent, otherwise estate is divided into as many shares as there are living heirs in nearest degrees of kinship and deceased persons in same degree who left issue then surviving. In class (3), each living heir of nearest degree receives one share and issue of each deceased person of same degree take one share per stirpes.

Surviving spouse takes entire estate if intestate left no issue surviving. If all of surviving issue are also issue of surviving spouse, surviving spouse takes first **\$70,000 plus one-half of balance** of intestate estate. If one or more surviving issue are not issue of surviving spouse, surviving spouse takes one-half of intestate estate.

Rights of surviving spouse as to real estate transferred or sold by judicial partition proceedings or appropriated to payment of intestate's debts by execution or judicial sale, by general assignment for benefit of creditors or by insolvency or bankruptcy proceedings.



ADDITIONAL BENEFITS

PEER SUPPORT ORGANIZATION

Established in 1984, **Concerns of Police Survivors, Inc., (COPS)**, is a national, non-profit organization that works with law enforcement agencies, police organizations, mental health professional, and local peer-support organizations to provide assistance to surviving families of law enforcement officers killed in the line of duty. COPS has become a “lifeline” to police survivors nationwide. **Contact the COPS National Office or visit www.nationalcops.org/chap.htm for information on a chapter in your area.**

MPPOA

The Minnesota Police and Peace Officers Association pays a \$5,000 death benefit for members who die in the line of duty. **Contact MPPOA, 375 Selby Avenue, St. Paul, MN 55102.**

CRIME VICTIMS REPARATIONS BOARD

Minnesota does have a Crime Victim Reparations Board that **will provide benefits** to victimized public safety officers. Such benefits **will vary** from claim to claim, but might include reasonable expenses for funeral, burial or cremation, medical bills, contributions of money, etc. Claims would be filed with the **Crime Victim Reparations Board** and would be reviewed for possible payments. **Contact the Crime Victims’ Reparation Board, 444 Cedar Street, Town Square, Suite 100-C, St. Paul, MN 55101-2156.**

100 CLUB

There is a statewide private organization called the **Minnesota 100 Club**. This organization of private citizens provides an **immediate contribution of \$1,000** to the family of a public safety officer killed in the line of duty. This donation is usually delivered within 24 to 48 hours of the tragedy. The Minnesota 100 Club has been known to provide the same benefit to public safety officers who have been seriously injured and disabled in the line of duty. **Contact the Minnesota 100 Club, 201 Lowry Avenue NE, Minneapolis, MN 55418.**

STATE MEMORIAL

The State Memorial for officers who have lost their lives in the line of duty is located in St. Paul at the State Capitol grounds. For further information contact the **Minnesota Law Enforcement Memorial Association, PO Box 27352, Minneapolis, MN 55427.**