

the attorney general shall advise the commissioner in writing that the information may not be disclosed. If the attorney general believes the commissioner's determination satisfies the purpose and intent of this provision, the attorney general shall advise the commissioner in writing, accordingly.

After disclosing information pursuant to this provision, the commissioner shall advise the chairs of the senate and house of representatives judiciary committees of the disclosure and the basis for it.

Sec. 4. **EFFECTIVE DATE.**

Sections 1 to 3 are effective the day following final enactment.

Presented to the governor March 28, 1994

Signed by the governor March 31, 1994, 9:17 a.m.

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**CHAPTER 386—S.F.No. 2040**

*An act relating to family law; clarifying pension plan obligations; amending Minnesota Statutes 1992, section 518.581, subdivision 2.*

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

Section 1. Minnesota Statutes 1992, section 518.581, subdivision 2, is amended to read:

Subd. 2. **PAYMENT OF FUNDS BY RETIREMENT PLAN.** (a) If the court has ordered that a spouse has an interest in a pension plan, the court may order the pension plan to withhold payment of a refund upon termination of employment or lump sum distribution to the extent of the spouse's interest in the plan, or to provide survivor benefits ordered by the court.

(b) The court may not order the pension plan to:

(1) pay more than the equivalent of one surviving spouse benefit, regardless of the number of spouses or former spouses who may be sharing in a portion of the total benefit;

(2) pay surviving spouse benefits under circumstances where the plan member does not have a right to elect surviving spouse benefits;

(3) pay surviving spouse benefits to a former spouse if the former spouse would not be eligible for benefits under the terms of the plan; or

(4) order survivor benefits which, when combined with the annuity or benefit payable to the pension plan member, exceed the actuarial equivalent value of the normal retirement annuity form, determined under the plan documents of

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

the pension plan then in effect and the actuarial assumptions then in effect for calculating optional annuity forms by the pension plan or for calculating the funding requirements of the pension plan if no optional annuity forms are provided by the pension plan.

(c) If more than one spouse or former spouse is entitled to a surviving spouse benefit, the pension plan shall pay each spouse a portion of the benefit based on the ratio of the number of years the spouse was married to the plan member to the total number of years the plan member was married to spouses who are entitled to the benefit.

Sec. 2. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Presented to the governor April 5, 1994

Signed by the governor April 7, 1994, 11:20 a.m.

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**CHAPTER 387—S.F.No. 2383**

*An act relating to Koochiching county; permitting the appointment of the recorder; authorizing the reorganization of the office.*

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

Section 1. **RECORDER MAY BE APPOINTED.**

Upon adoption of a resolution by the Koochiching county board of commissioners, the office of county recorder in the county is not elective but must be filled by appointment by the county board as provided in this act, unless the office is abolished by reorganization or consolidation under section 2.

Sec. 2. **BOARD CONTROLS, MAY CHANGE, AS LONG AS DUTIES DONE.**

Upon adoption of a resolution by the Koochiching county board of commissioners and subject to sections 3 and 4, the duties of the elected recorder required by statute whose office is made appointive by this act must be discharged by the board of commissioners of Koochiching county acting through a department head appointed by the board for that purpose. The appointed department head serves at the pleasure of the board. The board may reorganize, consolidate, reallocate, or delegate the duties to promote efficiency in county government. It may make other administrative changes, including abolishing the office of recorder. A reorganization, reallocation, or delegation or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

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