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State of Minnesota  
**HOUSE OF REPRESENTATIVES**  
**Unofficial Engrossment**  
House Engrossment of a Senate File

NINETIETH SESSION

**S. F. No. 2620**

- 03/26/2018 Companion to House File No. 3053. (Authors:O'Driscoll)  
Read First Time and Referred to the Committee on Government Operations and Elections Policy
- 05/08/2018 Adoption of Report: Re-referred to the Committee on State Government Finance  
Pursuant to Joint Rule 2.03, re-referred to the Committee on Rules and Legislative Administration
- 05/09/2018 Adoption of Report: Re-referred to the Committee on State Government Finance  
Joint Rule 2.03 has been waived for any subsequent committee action on this bill
- 05/14/2018 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
- 05/15/2018 Adoption of Report: Placed on the General Register  
Read for the Second Time

1.1 A bill for an act

1.2 relating to retirement; benefit and contribution changes for Minnesota statewide

1.3 and major local public employee retirement plans; increasing contribution rates;

1.4 reducing certain postretirement adjustment rates; modifying investment return

1.5 assumptions; extending amortization target dates; reducing deferred annuities

1.6 augmentation; requiring a study on postretirement adjustments; making

1.7 administrative changes to the Minnesota State Retirement System, Teachers

1.8 Retirement Association, Public Employees Retirement Association, and St. Paul

1.9 Teachers Retirement Fund Association; clarifying refund repayment procedures;

1.10 modifying executive director credentials; clarifying service requirements; revising

1.11 appeal procedures; modifying service credit purchase procedures; establishing

1.12 new procedures for disability applications due to private disability insurance

1.13 requirements; clarifying disability benefit payment provisions; modifying annual

1.14 benefit limitations for federal tax code compliance; authorizing use of IRS

1.15 correction procedures; clarifying benefit offsets for certain refund payments;

1.16 clarifying police and fire plan coverage for certain Hennepin Healthcare System

1.17 supervisors; modifying various economic actuarial assumptions; authorizing the

1.18 transfer of assets and members from the voluntary statewide volunteer firefighter

1.19 retirement plan to a volunteer firefighter relief association; adopting

1.20 recommendations of the Volunteer Firefighter Relief Association working group;

1.21 modifying certain provisions for volunteer firefighter relief associations; increasing

1.22 the lump-sum service pension maximum and lowering certain vesting requirements

1.23 for the Eden Prairie Volunteer Firefighters Relief Association; modifying the

1.24 Brook Park volunteer firefighters service pension level; permitting alternative

1.25 allocation of fire state aid for the city of Austin; establishing a fire state aid work

1.26 group; establishing a relief association working group; extending a reporting

1.27 deadline for the Clearbrook Fire Department Relief Association; clarifying a 1992

1.28 session law for the Swift County-Benson Hospital; modifying various Department

1.29 of Human Services and Department of Corrections employment classifications

1.30 eligible for correctional retirement coverage; revising augmentation interest rates

1.31 for certain terminated privatized employees; adopting definition of the Hometown

1.32 Heroes Act related to public safety officer death benefits; modifying defined

1.33 contribution plans to allow certain distributions; allowing service credit purchase

1.34 and rule of 90 eligibility for certain Minnesota Department of Transportation

1.35 employees; expanding investment authority for the Hennepin County Supplemental

1.36 Retirement Plan; authorizing certain MnSCU employees to elect retroactive and

1.37 prospective TRA coverage; authorizing a MnSCU employee to transfer past service

1.38 from IRAP to PERA; increasing maximum employer contribution to a supplemental

1.39 laborers pension fund; exempting certain laborers groups from coverage; authorizing

2.1 certain additional sources of retirement plan funding; making technical and  
2.2 conforming changes; authorizing direct state aid to the public employees police  
2.3 and fire retirement plan and the St. Paul Teachers Retirement Fund Association;  
2.4 modifying pension adjustment revenue provisions; appropriating money; amending  
2.5 Minnesota Statutes 2016, sections 3A.02, subdivision 4; 3A.03, subdivisions 2, 3;  
2.6 16A.14, subdivision 2a; 126C.10, subdivision 37; 352.01, subdivisions 2a, 13a;  
2.7 352.017, subdivision 2; 352.03, subdivisions 5, 6; 352.04, subdivisions 2, 3, 8, 9;  
2.8 352.113, subdivisions 2, 4, 14; 352.116, subdivision 1a; 352.22, subdivisions 2,  
2.9 3, by adding subdivisions; 352.23; 352.27; 352.91, subdivisions 3f, 3g, by adding  
2.10 a subdivision; 352.92, subdivisions 1, 2, by adding a subdivision; 352.955,  
2.11 subdivision 3; 352B.013, subdivision 2; 352B.02, subdivisions 1a, 1c; 352B.08,  
2.12 by adding a subdivision; 352B.085; 352B.086; 352B.11, subdivision 4; 352D.02,  
2.13 subdivisions 1, 3; 352D.04, subdivision 2; 352D.05, subdivision 4; 352D.085,  
2.14 subdivision 1; 352D.11, subdivision 2; 352D.12; 352F.04, subdivisions 1, 2, by  
2.15 adding a subdivision; 353.01, subdivisions 2b, 10, 16, 43, 47; 353.012; 353.0162;  
2.16 353.03, subdivision 3; 353.27, subdivisions 7a, 12, 12a, 12b; 353.28, subdivision  
2.17 5; 353.29, subdivisions 4, 7; 353.30, subdivisions 3c, 5; 353.32, subdivisions 1,  
2.18 4; 353.34, subdivisions 2, 3; 353.35, subdivision 1; 353.37, subdivision 1; 353.64,  
2.19 subdivision 10; 353.65, subdivisions 2, 3, by adding a subdivision; 353D.07;  
2.20 353F.02, subdivision 5a; 353F.025, subdivision 2; 353F.04, subdivision 2; 353F.05;  
2.21 353F.057; 353F.06; 353F.07; 353G.01, subdivision 9, by adding a subdivision;  
2.22 353G.02, subdivision 6; 353G.03, subdivision 3; 353G.08, subdivision 3; 353G.11,  
2.23 subdivision 1; 354.05, subdivision 2, by adding a subdivision; 354.06, subdivisions  
2.24 2, 2a; 354.095; 354.42, subdivisions 2, 3; 354.435, subdivision 4; 354.436,  
2.25 subdivision 3; 354.44, subdivisions 3, 6, 9; 354.45, by adding a subdivision; 354.46,  
2.26 subdivision 6; 354.48, subdivision 1; 354.49, subdivision 2; 354.50, subdivision  
2.27 2; 354.51, subdivision 5; 354.512; 354.52, subdivisions 4, 4d; 354.53, subdivision  
2.28 5; 354.55, subdivision 11; 354.66, subdivision 2; 354.72, subdivisions 1, 2;  
2.29 354A.011, subdivisions 3a, 29; 354A.093, subdivisions 4, 6; 354A.095; 354A.096;  
2.30 354A.12, subdivisions 1, 1a, 2a, 3a, 3c, 7; 354A.29, subdivision 7; 354A.31,  
2.31 subdivisions 3, 5, 6, 7; 354A.34; 354A.35, subdivision 2; 354A.36, subdivision  
2.32 4; 354A.37, subdivisions 2, 3; 354A.38; 356.195, subdivision 2; 356.215,  
2.33 subdivisions 9, 11; 356.24, subdivision 1; 356.30, subdivision 1; 356.32, subdivision  
2.34 2; 356.415, subdivisions 1, 1a, 1b, 1c, 1d, 1e, 1f, by adding a subdivision; 356.44;  
2.35 356.47, subdivisions 1, 3; 356.50, subdivision 2; 356.551, subdivision 2; 356.635,  
2.36 subdivision 10, by adding subdivisions; 356.645; 356.96, subdivisions 1, 2, 3, 4,  
2.37 5, 6, 7, 8, 9, 10, 11, 12, 13; 356A.06, subdivision 7; 383B.47; 383B.48; 383B.49;  
2.38 383B.50; 423A.02, subdivisions 3, 5; 423A.022, subdivision 5; 424A.001,  
2.39 subdivisions 2, 3, 10, by adding a subdivision; 424A.002, subdivision 1; 424A.01,  
2.40 subdivisions 1, 5, 6, by adding subdivisions; 424A.015, subdivision 1, by adding  
2.41 a subdivision; 424A.016, subdivision 2; 424A.02, subdivisions 1, 3a, 7; 424A.04,  
2.42 subdivision 1; 424A.07; 424A.091, subdivision 3; 424A.094, subdivision 3;  
2.43 424A.10, subdivision 1; 424B.20, subdivision 4, by adding a subdivision; 490.121,  
2.44 subdivisions 4, 25, 26; 490.1211; 490.123, by adding a subdivision; 490.124,  
2.45 subdivision 12; Minnesota Statutes 2017 Supplement, sections 353.27, subdivision  
2.46 3c; 356.215, subdivision 8; Laws 1992, chapter 534, section 10, subdivision 3;  
2.47 proposing coding for new law in Minnesota Statutes, chapters 353F; 353G; 356;  
2.48 424A; repealing Minnesota Statutes 2016, sections 3A.12; 352.04, subdivision 11;  
2.49 352.045; 352.72; 352B.30; 353.0161; 353.27, subdivision 3b; 353.34, subdivision  
2.50 6; 353.71; 354.42, subdivisions 4a, 4b, 4c, 4d; 354.60; 354A.12, subdivision 2c;  
2.51 354A.29, subdivisions 8, 9; 354A.39; 356.611, subdivisions 3, 3a, 4, 5; 356.96,  
2.52 subdivisions 14, 15; 424A.02, subdivision 13; Laws 2008, chapter 349, article 8,  
2.53 section 4.

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

3.1 **ARTICLE 1**3.2 **MINNESOTA STATE RETIREMENT SYSTEM**  
3.3 **BENEFIT CHANGES**

3.4 Section 1. Minnesota Statutes 2016, section 3A.02, subdivision 4, is amended to read:

3.5 Subd. 4. **Deferred annuities augmentation.** (a) The deferred retirement allowance of  
3.6 any former legislator must be augmented as provided herein:

3.7 ~~(b) The required reserves applicable to the deferred retirement allowance, determined~~  
3.8 ~~as of the date the benefit begins to accrue using an appropriate mortality table and an interest~~  
3.9 ~~assumption of six percent, must be augmented~~ from the first of the month following the  
3.10 termination of active service, or July 1, 1973, whichever is later, to the ~~first day of the month~~  
3.11 ~~in which the allowance begins to accrue~~ effective date of retirement, at the following ~~annually~~  
3.12 ~~compounded~~ rate or rates, compounded annually:

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

3.14 (2) three percent from January 1, 1981, ~~or from the first day of the month following the~~  
3.15 ~~termination of active service, whichever is later~~, until January 1 of the year in which the  
3.16 former legislator attains age 55 or ~~until~~ January 1, 2012, whichever is earlier;

3.17 (3) five percent from the period end date under clause (2) until the effective date of  
3.18 retirement or ~~until~~ January 1, 2012, whichever is earlier; ~~and~~

3.19 (4) two percent ~~after December 31, 2011~~; from January 1, 2012, until December 31,  
3.20 2018; and

3.21 (5) after December 31, 2018, the deferred annuity must not be augmented.

3.22 Sec. 2. Minnesota Statutes 2016, section 352.116, subdivision 1a, is amended to read:

3.23 Subd. 1a. **Actuarial reduction for early retirement.** (a) This subdivision applies to a  
3.24 person who has become at least 55 years old and first became a covered employee after  
3.25 June 30, 1989, and to any other covered employee who has become at least 55 years old  
3.26 and whose annuity is higher when calculated under section 352.115, subdivision 3, paragraph  
3.27 (b), in conjunction with this subdivision than when calculated under section 352.115,  
3.28 subdivision 3, paragraph (a), in conjunction with subdivision 1. A covered employee who  
3.29 retires before the normal retirement age shall be paid the normal retirement annuity provided  
3.30 in section 352.115, subdivisions 2 and 3, paragraph (b), reduced ~~so that~~ as described in  
3.31 paragraph (b) or (c), as applicable.

4.1 (b) For covered employees who retire on or after July 1, 2019, the reduced annuity is  
4.2 the actuarial equivalent of the annuity that would be payable to the employee if the employee  
4.3 deferred receipt of the annuity until normal retirement age and the annuity amount were  
4.4 augmented at an the applicable annual rate of three percent, compounded annually, from  
4.5 the day the annuity begins to accrue until the normal retirement age. The applicable annual  
4.6 rate is the rate in effect on the employee's effective date of retirement and shall be considered  
4.7 as fixed for the employee for the period until the employee reaches normal retirement age.  
4.8 The applicable annual rates are the following:

4.9 (1) until June 30, 2019, three percent if the employee became an employee before July  
4.10 1, 2006, and 2.5 percent if the employee became an employee after June 30, 2006;

4.11 (2) beginning July 1, 2019, through June 30, 2024, a rate that changes each month, on  
4.12 the first day of the month, starting with the rate in clause (1), as applicable to the employee,  
4.13 and reducing the rate to zero in equal monthly increments over the five-year period; and

4.14 (3) after June 30, 2024, zero percent.

4.15 After June 30, 2024, actuarial equivalent, for the purpose of determining the reduced  
4.16 annuity commencing before normal retirement age under this clause, shall not take into  
4.17 account any augmentation.

4.18 (c) For covered employees who retire before July 1, 2019, the reduced annuity is the  
4.19 actuarial equivalent of the annuity that would be payable to the employee if the employee  
4.20 deferred receipt of the annuity until normal retirement age and the annuity amount were  
4.21 augmented at an annual rate of three percent, compounded annually, from the day the annuity  
4.22 begins to accrue until normal retirement age if the employee became an employee before  
4.23 July 1, 2006, and at an annual rate of 2.5 percent, compounded annually, from the day the  
4.24 annuity begins to accrue until the normal retirement age if the employee initially becomes  
4.25 became an employee after June 30, 2006.

4.26 Sec. 3. Minnesota Statutes 2016, section 352.22, subdivision 2, is amended to read:

4.27 Subd. 2. **Amount of refund.** Except as provided in subdivision 3, the refund payable  
4.28 to a person who ceased to be a state employee by reason of a termination of state service is  
4.29 an amount equal to employee accumulated contributions plus interest until the date on which  
4.30 the refund is paid, at the rate of following rates for the applicable period:

4.31 (1) six percent per year compounded daily from the date that the contribution was made  
4.32 until June 30, 2011, or until the date on which the refund is paid, whichever is earlier, and  
4.33 at the rate of;

5.1       (2) four percent per year compounded daily from the date that the contribution was made  
5.2       or from July 1, 2011, whichever is later, ~~until the date on which the refund is paid.~~ until  
5.3       June 30, 2018; and

5.4       (3) three percent per year compounded daily from the date that the contribution was  
5.5       made or July 1, 2018, whichever is later.

5.6       Included with the refund is any interest paid as part of repayment of a past refund, plus  
5.7       interest thereon from the date of repayment.

5.8       Sec. 4. Minnesota Statutes 2016, section 352.22, is amended by adding a subdivision to  
5.9       read:

5.10       Subd. 2b. **Refund repayment.** Any person who has received a refund from the state  
5.11       employees retirement plan, and who is a member of any of the retirement plans specified  
5.12       in section 356.311, paragraph (b), may repay the refund with interest to the state employees  
5.13       retirement plan. If a refund is repaid to the plan and more than one refund has been received  
5.14       from the plan, all refunds must be repaid. Repayment must be made as provided in section  
5.15       352.23, and under terms and conditions consistent with that section as agreed upon with  
5.16       the director.

5.17       Sec. 5. Minnesota Statutes 2016, section 352.22, subdivision 3, is amended to read:

5.18       Subd. 3. **Deferred annuity.** (a) An employee who has at least three years of allowable  
5.19       service if employed before July 1, 2010, or who has at least five years of allowable service  
5.20       if employed after June 30, 2010, when termination occurs may elect to leave the accumulated  
5.21       contributions in the fund and thereby be entitled to a deferred retirement annuity. The annuity  
5.22       must be computed under the law in effect when state service terminated, on the basis of the  
5.23       allowable service credited to the person before the termination of service.

5.24       (b) An employee on layoff or on leave of absence without pay, except a leave of absence  
5.25       for health reasons, and who does not return to state service must have an annuity, deferred  
5.26       annuity, or other benefit to which the employee may become entitled computed under the  
5.27       law in effect on the employee's last working day.

5.28       (c) No application for a deferred annuity may be made more than 60 days before the  
5.29       time the former employee reaches the required age for entitlement to the payment of the  
5.30       annuity. The deferred annuity begins to accrue no earlier than 60 days before the date the  
5.31       application is filed in the office of the system, but not (1) before the date on which the  
5.32       employee reaches the required age for entitlement to the annuity nor (2) before the day

6.1 following the termination of state service in a position which is not covered by the retirement  
6.2 system.

6.3 (d) Application for the accumulated contributions left on deposit with the fund may be  
6.4 made at any time following the date of the termination of service.

6.5 (e) Deferred annuities must be augmented as provided in ~~section 352.72, subdivision 2~~  
6.6 subdivision 3a.

6.7 Sec. 6. Minnesota Statutes 2016, section 352.22, is amended by adding a subdivision to  
6.8 read:

6.9 Subd. 3a. **Computation of deferred annuity.** (a) The deferred annuity of any former  
6.10 state employee must be augmented from the first day of the month following termination  
6.11 of active service or July 1, 1971, whichever is later, to the effective date of retirement.

6.12 (b) For a person who became a state employee before July 1, 2006, the annuity must be  
6.13 augmented at the following rate or rates, compounded annually:

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

6.15 (2) three percent thereafter until January 1 of the year following the year in which the  
6.16 former employee attains age 55 or January 1, 2012, whichever is earlier;

6.17 (3) five percent from the January 1 next following the attainment of age 55 until  
6.18 December 31, 2011;

6.19 (4) two percent from January 1, 2012, until December 31, 2018; and

6.20 (5) after December 31, 2018, the deferred annuity must not be augmented.

6.21 (c) For a person who became a state employee after June 30, 2006, the annuity must be  
6.22 augmented at the following rate or rates, compounded annually:

6.23 (1) 2.5 percent until December 31, 2011;

6.24 (2) two percent from January 1, 2012, until December 31, 2018; and

6.25 (3) after December 31, 2018, the deferred annuity must not be augmented.

6.26 (d) The retirement annuity or disability benefit of, or the survivor benefit payable on  
6.27 behalf of, a former state employee who terminated service before July 1, 1997, which is not  
6.28 first payable until after June 30, 1997, must be increased on an actuarial equivalent basis  
6.29 to reflect the change in the postretirement interest rate actuarial assumption under section  
6.30 356.215, subdivision 8, from five percent to six percent under a calculation procedure and  
6.31 the tables adopted by the board and approved by the actuary retained under section 356.214.

7.1 Sec. 7. Minnesota Statutes 2016, section 352B.08, is amended by adding a subdivision to  
7.2 read:

7.3 Subd. 2b. **Computation of deferred annuity.** (a) The deferred annuity of any former  
7.4 member must be augmented from the first day of the month following the termination of  
7.5 active service, or July 1, 1971, whichever is later, to the effective date of retirement.

7.6 (b) For a person who became an employee before July 1, 2006, the annuity must be  
7.7 augmented at the following rate or rates, compounded annually:

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

7.9 (2) three percent from January 1, 1981, until December 31, 2011;

7.10 (3) two percent from January 1, 2012, until December 31, 2018; and

7.11 (4) after December 31, 2018, the deferred annuity must not be augmented.

7.12 (c) For a person who became an employee after June 30, 2006, the annuity must be  
7.13 augmented at the following rate or rates, compounded annually:

7.14 (1) 2.5 percent until December 31, 2011;

7.15 (2) two percent from January 1, 2012, until December 31, 2018; and

7.16 (3) after December 31, 2018, the deferred annuity must not be augmented.

7.17 (d) The mortality table and interest assumption used to compute the annuity must be  
7.18 those in effect when the member files application for annuity.

7.19 Sec. 8. Minnesota Statutes 2016, section 352D.085, subdivision 1, is amended to read:

7.20 Subdivision 1. **Combined service.** Except as provided in section 356.30, 356.302, or  
7.21 356.303, service under the unclassified program ~~for~~ during which the employee ~~has been~~  
7.22 ~~credited with employee shares~~ contributed to the program under section 352D.04, subdivision  
7.23 2, may be used for the limited purpose of qualifying for benefits under sections 352.115,  
7.24 ~~352.72, subdivision 1,~~ 352.113, 354.44, 354.45, 354.48, and ~~354.60~~ 356.311. The service  
7.25 ~~also~~ may not be used to qualify for a disability benefit under section 352.113 or 354.48 if  
7.26 a participant was under the unclassified program at the time of the disability. Also, the years  
7.27 of service and salary paid while the participant was in the unclassified program may not be  
7.28 used in determining the amount of benefits.

8.1 Sec. 9. Minnesota Statutes 2016, section 490.121, subdivision 25, is amended to read:

8.2 Subd. 25. **Tier I.** "Tier I" is the benefit program of the retirement plan with a membership  
 8.3 specified by section 490.1221, paragraph (b), and governed by sections 356.415, ~~subdivisions~~  
 8.4 ~~1 and~~ subdivision 1f; and 490.121 to 490.133, except as modified in sections 490.121,  
 8.5 subdivision 21f, paragraph (b); 490.1222; 490.123, subdivision 1a, paragraph (b); and  
 8.6 490.124, subdivision 1, paragraphs (c) and (d).

8.7 Sec. 10. Minnesota Statutes 2016, section 490.121, subdivision 26, is amended to read:

8.8 Subd. 26. **Tier II.** "Tier II" is the benefit program of the retirement plan with a  
 8.9 membership specified by section 490.1221, paragraph (c), and governed by sections 356.415,  
 8.10 ~~subdivisions 1 and~~ subdivision 1f; 490.121 to 490.133, as modified in section 490.121,  
 8.11 subdivision 21f, paragraph (b); 490.1222; 490.123, subdivision 1a, paragraph (b); and  
 8.12 490.124, subdivision 1, paragraphs (c) and (d).

8.13 Sec. 11. **REPEALER.**

8.14 Minnesota Statutes 2016, sections 3A.12; 352.045; 352.72; and 352B.30, are repealed.

8.15 Sec. 12. **EFFECTIVE DATE.**

8.16 Sections 1 to 11 are effective June 30, 2018.

## 8.17 **ARTICLE 2**

### 8.18 **PUBLIC EMPLOYEES RETIREMENT ASSOCIATION** 8.19 **BENEFIT CHANGES**

8.20 Section 1. Minnesota Statutes 2016, section 353.30, subdivision 5, is amended to read:

8.21 Subd. 5. **Actuarial reduction for early retirement.** (a) This subdivision applies to a  
 8.22 member who has become at least 55 years old and first became a public employee after  
 8.23 June 30, 1989, and to any other member who has become at least 55 years old and whose  
 8.24 annuity is higher when calculated under section 353.29, subdivision 3, paragraph (b), in  
 8.25 conjunction with this subdivision than when calculated under section 353.29, subdivision  
 8.26 3, paragraph (a), in conjunction with subdivision 1, 1a, 1b, or 1c. An employee who retires  
 8.27 before normal retirement age shall be paid the retirement annuity provided in section 353.29,  
 8.28 subdivision 3, paragraph (b), reduced ~~so that~~ as described in paragraph (b) or (c), as  
 8.29 applicable.

8.30 (b) For members who begin to receive an annuity on or after July 1, 2019, the reduced  
 8.31 annuity is the actuarial equivalent of the annuity that would be payable to the employee if



9.1 the employee deferred receipt of the annuity until normal retirement age and the annuity  
 9.2 amount were augmented at an the applicable annual rate of three percent, compounded  
 9.3 annually, from the ~~day the annuity begins to accrue~~ starting date until ~~the~~ normal retirement  
 9.4 age. The applicable annual rate is the rate in effect on the employee's effective date of  
 9.5 retirement and shall be considered as fixed for the employee for the period until the employee  
 9.6 reaches normal retirement age. The applicable annual rates are the following:

9.7 (1) until June 30, 2019, three percent if the employee became an employee before July  
 9.8 1, 2006, and 2.5 percent if the employee became an employee after June 30, 2006;

9.9 (2) beginning July 1, 2019, through June 30, 2024, a rate that changes each month, on  
 9.10 the first day of the month, starting with the rate in clause (1), as applicable to the employee,  
 9.11 and reducing the rate to zero in equal monthly increments over the five-year period; and

9.12 (3) after June 30, 2024, zero percent.

9.13 After June 30, 2024, actuarial equivalent, for the purpose of determining the reduced  
 9.14 annuity commencing before normal retirement age under this paragraph, shall not take into  
 9.15 account any augmentation.

9.16 (c) For members who begin to receive an annuity before July 1, 2019, the reduced annuity  
 9.17 is the actuarial equivalent of the annuity that would be payable to the employee if the  
 9.18 employee deferred receipt of the annuity until normal retirement age and the annuity amount  
 9.19 were augmented at an annual rate of three percent, compounded annually, from the annuity  
 9.20 starting date until normal retirement age if the employee became an employee before July  
 9.21 1, 2006, and at 2.5 percent, compounded annually, from the ~~day the annuity begins to accrue~~  
 9.22 starting date until ~~the~~ normal retirement age if the employee ~~initially becomes~~ became an  
 9.23 employee after June 30, 2006.

9.24 Sec. 2. Minnesota Statutes 2016, section 353.34, subdivision 2, is amended to read:

9.25 Subd. 2. **Refund with interest.** (a) Except as provided in subdivision 1, any person who  
 9.26 ceases to be a ~~public employee member~~ member is entitled to receive a refund in an amount equal  
 9.27 to accumulated deductions with annual compound interest to the first day of the month in  
 9.28 which the refund is processed.

9.29 (b) Annual compound interest rates on a refund under paragraph (a) shall be as follows:

9.30 (1) ~~for a person who ceases to be a public employee before July 1, 2011, the refund~~  
 9.31 interest is at the rate of six percent to June 30, 2011;

9.32 (2) four percent after June 30, 2011, to June 30, 2018; and ~~at the rate of four~~

10.1 (3) three percent after June 30, 2011; 2018.

10.2 ~~for a person who ceases to be a public employee after July 1, 2011, the refund interest~~  
10.3 ~~is at the rate of four percent.~~

10.4 (c) If a person repays a refund and subsequently applies for another refund, the repayment  
10.5 amount, including interest, is added to the fiscal year balance in which the repayment was  
10.6 made.

10.7 (d) If the refund payable to a member is based on employee deductions that are  
10.8 determined to be invalid under section 353.27, subdivision 7, the interest payable on the  
10.9 invalid employee deductions is four percent.

10.10 Sec. 3. Minnesota Statutes 2016, section 353.34, subdivision 3, is amended to read:

10.11 Subd. 3. **Deferred annuity; eligibility; computation.** (a) A member who is vested  
10.12 under section 353.01, subdivision 47, when termination of public service or termination of  
10.13 membership occurs has the option of leaving the accumulated deductions in the fund and  
10.14 being entitled to a deferred retirement annuity commencing at normal retirement age or to  
10.15 a deferred early retirement annuity under section 353.30, subdivision 1a, 1b, 1c, or 5.

10.16 (b) The deferred annuity must be computed under section 353.29, subdivision 3, on the  
10.17 basis of the law in effect on the date of termination of public service or termination of  
10.18 membership, whichever is earlier, and must be augmented as provided in ~~section 353.71,~~  
10.19 ~~subdivision 2~~ paragraph (c).

10.20 (c) The deferred annuity of any former member must be augmented from the first day  
10.21 of the month following the termination of active service, or July 1, 1971, whichever is later,  
10.22 to the effective date of retirement.

10.23 (d) For a person who became a public employee before July 1, 2006, and who has a  
10.24 termination of public service before January 1, 2012, the deferred annuity must be augmented  
10.25 at the following rate or rates, compounded annually:

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

10.27 (2) three percent from January 1, 1981, until January 1 of the year following the year in  
10.28 which the former member attains age 55 or December 31, 2011, whichever is earlier;

10.29 (3) five percent from January 1 of the year following the year in which the former member  
10.30 attains age 55, or December 31, 2011, whichever is earlier;

10.31 (4) one percent from January 1, 2012, until December 31, 2018; and

11.1 (5) after December 31, 2018, the deferred annuity must not be augmented.

11.2 (e) For a person who became a public employee after June 30, 2006, and who has a  
11.3 termination of public service before January 1, 2012, the deferred annuity must be augmented  
11.4 at the following rate or rates, compounded annually:

11.5 (1) 2.5 percent until December 31, 2011;

11.6 (2) one percent from January 1, 2012, until December 31, 2018; and

11.7 (3) after December 31, 2018, the deferred annuity must not be augmented.

11.8 (f) For a person who has a termination of public service after December 31, 2011, the  
11.9 deferred annuity must not be augmented.

11.10 (g) The retirement annuity or disability benefit of, or the survivor benefit payable on  
11.11 behalf of, a former member who terminated service before July 1, 1997, or the survivor  
11.12 benefit payable on behalf of a basic or police and fire member who was receiving disability  
11.13 benefits before July 1, 1997, which is first payable after June 30, 1997, must be increased  
11.14 on an actuarial equivalent basis to reflect the change in the postretirement interest rate  
11.15 actuarial assumption under section 356.215, subdivision 8, from five percent to six percent  
11.16 under a calculation procedure and tables adopted by the board and approved by the actuary  
11.17 retained under section 356.214.

11.18 ~~(e)~~ (h) A former member qualified to apply for a deferred retirement annuity may revoke  
11.19 this option at any time before the commencement of deferred annuity payments by making  
11.20 application for a refund. The person is entitled to a refund of accumulated member  
11.21 contributions within 30 days following date of receipt of the application by the executive  
11.22 director.

11.23 Sec. 4. **REPEALER.**

11.24 Minnesota Statutes 2016, sections 353.27, subdivision 3b; and 353.71, are repealed.

11.25 Sec. 5. **EFFECTIVE DATE.**

11.26 (a) Section 1 is effective for annuities with an annuity starting date that is on or after  
11.27 July 1, 2019, notwithstanding the member's date of termination of public service.

11.28 (b) Sections 2 to 4 are effective June 30, 2018.

12.1

**ARTICLE 3**

12.2

**TEACHERS RETIREMENT ASSOCIATION**

12.3

**BENEFIT CHANGES**

12.4 Section 1. Minnesota Statutes 2016, section 354.44, subdivision 6, is amended to read:

12.5 Subd. 6. **Computation of formula program retirement annuity.** (a) The formula  
12.6 retirement annuity must be computed in accordance with the applicable provisions of the  
12.7 formulas stated in paragraph (b) or (d) on the basis of each member's average salary under  
12.8 section 354.05, subdivision 13a, for the period of the member's formula service credit.

12.9 (b) This paragraph, in conjunction with paragraph (c), applies to a person who first  
12.10 became a member of the association or a member of a pension fund listed in section 356.30,  
12.11 subdivision 3, before July 1, 1989, unless paragraph (d), in conjunction with paragraph (e),  
12.12 produces a higher annuity amount, in which case paragraph (d) applies. The average salary  
12.13 as defined in section 354.05, subdivision 13a, multiplied by the following percentages per  
12.14 year of formula service credit shall determine the amount of the annuity to which the member  
12.15 qualifying therefor is entitled for service rendered before July 1, 2006:

12.16	Period	Coordinated Member	Basic Member
12.17	Each year of service	1.2 percent per year	2.2 percent per year
12.18	during first ten		
12.19	Each year of service	1.7 percent per year	2.7 percent per year
12.20	thereafter		

12.21 For service rendered on or after July 1, 2006, by a member other than a member who  
12.22 was a member of the former Duluth Teachers Retirement Fund Association between January  
12.23 1, 2006, and June 30, 2015, and for service rendered on or after July 1, 2013, by a member  
12.24 who was a member of the former Duluth Teachers Retirement Fund Association between  
12.25 January 1, 2013, and June 30, 2015, the average salary as defined in section 354.05,  
12.26 subdivision 13a, multiplied by the following percentages per year of service credit, determines  
12.27 the amount the annuity to which the member qualifying therefor is entitled:

12.28	Period	Coordinated Member	Basic Member
12.29	Each year of service	1.4 percent per year	2.2 percent per year
12.30	during first ten		
12.31	Each year of service after	1.9 percent per year	2.7 percent per year
12.32	ten years of service		

12.33 (c)(1) This paragraph applies only to a person who first became a member of the  
12.34 association or a member of a pension fund listed in section 356.30, subdivision 3, before  
12.35 July 1, 1989, and whose annuity is higher when calculated under paragraph (b), in conjunction

13.1 with this paragraph than when calculated under paragraph (d), in conjunction with paragraph  
13.2 (e).

13.3 ~~(ii)~~ (2) Where any member retires prior to normal retirement age under a formula annuity,  
13.4 the member shall be paid a retirement annuity in an amount equal to the normal annuity  
13.5 provided in paragraph (b) reduced by one-quarter of one percent for each month that the  
13.6 member is under normal retirement age at the time of retirement except that for any member  
13.7 who has 30 or more years of allowable service credit, the reduction shall be applied only  
13.8 for each month that the member is under age 62.

13.9 ~~(iii)~~ (3) Any member whose attained age plus credited allowable service totals 90 years  
13.10 is entitled, upon application, to a retirement annuity in an amount equal to the normal annuity  
13.11 provided in paragraph (b), without any reduction by reason of early retirement.

13.12 (d) This paragraph applies to a member who has become at least 55 years old and first  
13.13 became a member of the association after June 30, 1989, and to any other member who has  
13.14 become at least 55 years old and whose annuity amount when calculated under this paragraph  
13.15 and in conjunction with paragraph (e), is higher than it is when calculated under paragraph  
13.16 (b), in conjunction with paragraph (c).

13.17 (1) For a basic member, the average salary, as defined in section 354.05, subdivision  
13.18 13a, multiplied by 2.7 percent for each year of service for a basic member determines the  
13.19 amount of the retirement annuity to which the basic member is entitled. The annuity of a  
13.20 basic member who was a member of the former Minneapolis Teachers Retirement Fund  
13.21 Association as of June 30, 2006, must be determined according to the annuity formula under  
13.22 the articles of incorporation of the former Minneapolis Teachers Retirement Fund Association  
13.23 in effect as of that date.

13.24 (2) For a coordinated member, the average salary, as defined in section 354.05,  
13.25 subdivision 13a, multiplied by 1.7 percent for each year of service rendered before July 1,  
13.26 2006, and by 1.9 percent for each year of service rendered on or after July 1, 2006, for a  
13.27 member other than a member who was a member of the former Duluth Teachers Retirement  
13.28 Fund Association between January 1, 2006, and June 30, 2015, and by 1.9 percent for each  
13.29 year of service rendered on or after July 1, 2013, for a member of the former Duluth Teachers  
13.30 Retirement Fund Association between January 1, 2013, and June 30, 2015, determines the  
13.31 amount of the retirement annuity to which the coordinated member is entitled.

13.32 (e) This paragraph applies to a ~~person~~ member who has become at least 55 years old  
13.33 and first becomes a member of the association after June 30, 1989, and to any other member  
13.34 who has become at least 55 years old and whose annuity is higher when calculated under

14.1 paragraph (d) in conjunction with this paragraph than when calculated under paragraph (b),  
 14.2 in conjunction with paragraph (c). An employee who retires under the formula annuity  
 14.3 before the normal retirement age shall be paid the normal annuity provided in paragraph  
 14.4 (d) reduced so that the reduced annuity is the actuarial equivalent of the annuity that would  
 14.5 be payable to the employee if the employee deferred receipt of the annuity and the annuity  
 14.6 amount were augmented at an annual rate of three percent compounded annually from the  
 14.7 day the annuity begins to accrue until the normal retirement age if the employee became  
 14.8 an employee before July 1, 2006, and at 2.5 percent compounded annually if the employee  
 14.9 becomes an employee after June 30, 2006. Except in regards to section 354.46, this paragraph  
 14.10 remains in effect until June 30, 2015.

14.11 (f) ~~After~~ Until June 30, 2020 ~~2019~~, this paragraph applies to a ~~person~~ member who has  
 14.12 become at least 55 years old and first becomes a member of the association after June 30,  
 14.13 1989, and to any other member who has become at least 55 years old and whose annuity is  
 14.14 higher when calculated under paragraph (d) in conjunction with this paragraph than when  
 14.15 calculated under paragraph (b) in conjunction with paragraph (c). An employee who retires  
 14.16 under the formula annuity before the normal retirement age is entitled to receive the normal  
 14.17 annuity provided in paragraph (d), reduced as described in clause (1) or (2), as applicable.

14.18 (1) For a ~~person~~ member who is at least age 62 ~~or older~~ and has at least 30 years of  
 14.19 service, the annuity ~~must~~ shall be reduced by an early reduction factor of six percent ~~per~~  
 14.20 for each year of the annuity that the member's age of retirement precedes normal retirement  
 14.21 age. The resulting reduced annuity shall be further adjusted to take into account the increase  
 14.22 in the monthly amount that would be payable to the employee if the employee have occurred  
 14.23 had the member retired early and deferred receipt of the annuity until normal retirement  
 14.24 age and the annuity amount were was augmented at an annual rate of three percent  
 14.25 compounded annually from the day the annuity begins to accrue until the normal retirement  
 14.26 age if the employee became an employee before July 1, 2006, and during the deferral period  
 14.27 at 2.5 percent compounded annually, if the employee became an employee member  
 14.28 commenced employment after June 30, 2006, or at three percent, if the member commenced  
 14.29 employment before July 1, 2006, compounded annually.

14.30 (2) For a ~~person~~ member who is has not at least attained age 62 ~~or older~~ and does not  
 14.31 ~~have at least~~ or has fewer than 30 years of service, the annuity ~~would~~ shall be reduced for  
 14.32 each year that the member's age of retirement precedes the normal retirement age by an the  
 14.33 following early reduction factor of factors:

14.34 (i) for the period during which the member is age 55 through age 59, the factor is four  
 14.35 percent per year for ages 55 through 59; and

15.1 (ii) for the period during which the member is age 60 but not yet normal retirement age,  
15.2 the factor is seven percent per year of the annuity that would be payable to the employee if  
15.3 the employee.

15.4 The resulting reduced annuity shall be further adjusted to take into account the increase  
15.5 in the monthly amount that would have occurred had the member retired early and deferred  
15.6 receipt of the annuity until normal retirement age and the annuity amount were was  
15.7 augmented at an annual rate of three percent compounded annually from the day the annuity  
15.8 begins to accrue until the normal retirement age if the employee became an employee before  
15.9 July 1, 2006, and during the deferral period at 2.5 percent compounded annually, if the  
15.10 employee became an employee member commenced employment after June 30, 2006, or  
15.11 at three percent, if the member commenced employment before July 1, 2006, compounded  
15.12 annually.

15.13 (g) For members who retire on or after July 1, 2019, this paragraph applies to a person  
15.14 who has become at least 55 years old and first becomes a member of the association after  
15.15 June 30, 1989, and to any other member who has become at least 55 years old and whose  
15.16 annuity is higher when calculated under paragraph (d) in conjunction with this paragraph  
15.17 than when calculated under paragraph (b) in conjunction with paragraph (c). An employee  
15.18 who retires under the formula annuity before the normal retirement age is entitled to receive  
15.19 the normal annuity provided in paragraph (d), reduced as described in clause (1) or (2), as  
15.20 applicable.

15.21 (1) For a member who is at least age 62 and has at least 30 years of service, the annuity  
15.22 shall be reduced by an early reduction factor of six percent for each year that the member's  
15.23 age of retirement precedes the normal retirement age. The resulting reduced annuity shall  
15.24 be further adjusted to take into account the increase in the monthly amount that would have  
15.25 occurred had the member retired early and deferred receipt of the annuity until normal  
15.26 retirement age and the annuity was augmented during the deferral period at 2.5 percent, if  
15.27 the member commenced employment after June 30, 2006, or at three percent, if the member  
15.28 commenced employment before July 1, 2006, compounded annually.

15.29 (2) For a member who has not attained age 62 or has fewer than 30 years of service, the  
15.30 annuity shall be reduced for each year that the member's age of retirement precedes normal  
15.31 retirement age by the following early reduction factors:

15.32 (i) for the period during which the member is age 55 through age 59, the factor is four  
15.33 percent; and

16.1 (ii) for the period during which the member is age 60 but not yet normal retirement age,  
 16.2 the factor is seven percent.

16.3 The resulting annuity shall be further adjusted to take into account the increase in the  
 16.4 monthly amount that would have occurred had the member retired early and deferred receipt  
 16.5 of the annuity until normal retirement age and the annuity was augmented during the deferral  
 16.6 period at the applicable annual rate, compounded annually. The applicable annual rate is  
 16.7 the rate in effect for the month that includes the member's effective date of retirement and  
 16.8 shall be considered as fixed for the member for the period until the member reaches normal  
 16.9 retirement age. The applicable annual rate for June 2019 is 2.5 percent, if the member  
 16.10 commenced employment after June 30, 2006, or three percent, if the member commenced  
 16.11 employment before July 1, 2006, compounded annually, and decreases each month beginning  
 16.12 July 2019 in equal monthly increments over the five-year period that begins July 1, 2019,  
 16.13 and ends June 30, 2024, to zero percent effective for July 2024 and thereafter.

16.14 After June 30, 2024, the reduced annuity commencing before normal retirement age  
 16.15 under this clause shall not take into account any augmentation.

16.16 (h) After June 30, 2015, and before July 1, 2020 2019, for a person who would have a  
 16.17 reduced retirement annuity under either paragraph (e) or (f) if they were applicable, the  
 16.18 employee is entitled to receive a reduced annuity which must be calculated using a blended  
 16.19 reduction factor augmented monthly by 1/60 of the difference between the reduction required  
 16.20 under paragraph (e) and the reduction required under paragraph (f).

16.21 ~~(h)~~ (i) No retirement annuity is payable to a former employee with a salary that exceeds  
 16.22 95 percent of the governor's salary unless and until the salary figures used in computing the  
 16.23 highest five successive years average salary under paragraph (a) have been audited by the  
 16.24 Teachers Retirement Association and determined by the executive director to comply with  
 16.25 the requirements and limitations of section 354.05, subdivisions 35 and 35a.

16.26 Sec. 2. Minnesota Statutes 2016, section 354.49, subdivision 2, is amended to read:

16.27 Subd. 2. **Calculation.** (a) Except as provided in section 354.44, subdivision 1, any person  
 16.28 who ceases to be a member by reason of termination of teaching service, is entitled to receive  
 16.29 a refund in an amount equal to the accumulated deductions credited to the account plus  
 16.30 interest compounded annually using the following interest rates:

16.31 (1) before July 1, 1957, no interest accrues;

16.32 (2) July 1, 1957, to June 30, 2011, six percent; ~~and~~

16.33 (3) ~~after June 30~~ after June 30 July 1, 2011, to June 30, 2018, four percent; and



17.1 (4) after June 30, 2018, three percent.

17.2 For the purpose of this subdivision, interest must be computed on fiscal year end balances  
17.3 to the first day of the month in which the refund is issued.

17.4 (b) If the person has received permanent disability payments under section 354.48, the  
17.5 refund amount must be reduced by the amount of those payments.

17.6 Sec. 3. Minnesota Statutes 2016, section 354.55, subdivision 11, is amended to read:

17.7 Subd. 11. **Deferred annuity; augmentation.** (a) Any person covered under section  
17.8 354.44, subdivision 6, who ceases to render teaching service, may leave the person's  
17.9 accumulated deductions in the fund for the purpose of receiving a deferred annuity at  
17.10 retirement.

17.11 (b) ~~The amount of the deferred retirement annuity is determined by section 354.44,~~  
17.12 ~~subdivision 6, and of any former member must be augmented as provided in this subdivision.~~  
17.13 ~~The required reserves for the annuity which had accrued when the member ceased to render~~  
17.14 ~~teaching service must be augmented, as further specified in this subdivision, by the applicable~~  
17.15 ~~interest rate compounded annually from the first day of the month following the month~~  
17.16 ~~during which the member ceased to render teaching~~ termination of active service to the  
17.17 effective date of retirement.

17.18 (c) No augmentation is ~~not~~ creditable if the deferral period is less than three months or  
17.19 if deferral commenced before July 1, 1971.

17.20 (d) For persons who became covered employees before July 1, 2006, ~~with a deferral~~  
17.21 ~~period commencing after June 30, 1971,~~ the annuity must be augmented as follows at the  
17.22 following rate or rates, compounded annually:

17.23 (1) five percent ~~interest compounded annually~~ until January 1, 1981;

17.24 (2) three percent ~~interest compounded annually~~ from January 1, 1981, until January 1  
17.25 of the year following the year in which the deferred annuitant attains age 55 or June 30,  
17.26 2012, whichever is earlier;

17.27 (3) five percent ~~interest compounded annually~~ from the date established in clause (2) ~~to~~  
17.28 ~~the effective date of retirement or until June 30, 2012, whichever is earlier; and~~

17.29 (4) two percent ~~interest compounded annually after June 30, 2012~~ from July 1, 2012,  
17.30 until June 30, 2019; and

17.31 (5) after June 30, 2019, the deferred annuity must not be augmented.

18.1 (e) For persons who become covered employees after June 30, 2006, the interest rate  
18.2 ~~used to augment the deferred annuity is~~ must be augmented at the following rate or rates,  
18.3 compounded annually:

18.4 ~~(1) 2.5 percent interest compounded annually until June 30, 2012, or until the effective~~  
18.5 ~~date of retirement, whichever is earlier, and;~~

18.6 ~~(2) two percent interest compounded annually after June 30~~ from July 1, 2012, until  
18.7 June 30, 2019; and

18.8 ~~(3) after June 30, 2019, the deferred annuity must not be augmented.~~

18.9 ~~(f) If a person has more than one period of uninterrupted service, a separate average~~  
18.10 ~~salary determined under section 354.44, subdivision 6, must be used for each period and~~  
18.11 ~~the required reserves related to each period must be augmented as specified in this~~  
18.12 ~~subdivision. The sum of the augmented required reserves is the present value of the annuity.~~  
18.13 ~~For the purposes of this subdivision, "period of uninterrupted service" means a period of~~  
18.14 ~~covered teaching service during which the member has not been separated from active~~  
18.15 ~~service for more than one fiscal year.~~

18.16 ~~(g) If a person repays a refund, the service restored by the repayment must be considered~~  
18.17 ~~as continuous with the next period of service for which the person has allowable service~~  
18.18 ~~credit in the Teachers Retirement Association.~~

18.19 ~~(h) If a person does not render teaching service in any one fiscal year or more consecutive~~  
18.20 ~~fiscal years and then resumes teaching service, the formula percentages used from the date~~  
18.21 ~~of the resumption of teaching service must be those applicable to new members.~~

18.22 ~~(i) The mortality table and interest rate actuarial assumption used to compute the annuity~~  
18.23 ~~must be the applicable mortality table established by the board under section 354.07,~~  
18.24 ~~subdivision 1, and the interest rate actuarial assumption under section 356.215 in effect~~  
18.25 ~~when the member retires.~~

18.26 ~~(j)~~ (f) In no case may the annuity payable under this subdivision be less than the amount  
18.27 of annuity payable under section 354.44, subdivision 6.

18.28 ~~(k)~~ (g) The requirements and provisions for retirement before normal retirement age  
18.29 contained in section 354.44, subdivision 6, also apply to an employee fulfilling the  
18.30 requirements with a combination of service as provided in section ~~354.60~~ 356.311.

18.31 ~~(l)~~ (h) The augmentation provided by this subdivision applies to the benefit provided in  
18.32 section 354.46, subdivision 2.

19.1 ~~(m)~~ (i) The augmentation provided by this subdivision does not apply to any period in  
 19.2 which a person is on an approved leave of absence from an employer unit covered by the  
 19.3 provisions of this chapter.

19.4 ~~(n)~~ (j) The retirement annuity or disability benefit of, or the survivor benefit payable on  
 19.5 behalf of, a former teacher who terminated service before July 1, 1997, which is not first  
 19.6 payable until after June 30, 1997, must be increased on an actuarial equivalent basis to  
 19.7 reflect the change in the postretirement interest rate actuarial assumption under section  
 19.8 356.215, subdivision 8, from five percent to six percent under a calculation procedure and  
 19.9 tables adopted by the board as recommended by an approved actuary and approved by the  
 19.10 actuary retained under section 356.214.

19.11 Sec. 4. **REPEALER.**

19.12 Minnesota Statutes 2016, sections 354.42, subdivisions 4a, 4b, 4c, and 4d; and 354.60,  
 19.13 are repealed.

19.14 Sec. 5. **EFFECTIVE DATE.**

19.15 Sections 1 to 4 are effective June 30, 2018.

19.16 **ARTICLE 4**

19.17 **ST. PAUL TEACHERS RETIREMENT FUND ASSOCIATION**  
 19.18 **BENEFIT CHANGES**

19.19 Section 1. Minnesota Statutes 2016, section 354A.011, subdivision 3a, is amended to read:

19.20 Subd. 3a. **Actuarial equivalent.** "Actuarial equivalent" means the condition of one  
 19.21 annuity or benefit having an equal actuarial present value as another annuity or benefit,  
 19.22 determined as of a given date with each actuarial present value based on the appropriate  
 19.23 mortality table adopted by the appropriate board of trustees based on the experience of that  
 19.24 retirement fund association as recommended by the actuary retained under section 356.214,  
 19.25 and approved under section 356.215, subdivision 18, and using the applicable ~~preretirement~~  
 19.26 ~~or postretirement interest rate~~ investment return assumption specified in section 356.215,  
 19.27 subdivision 8.

19.28 Sec. 2. Minnesota Statutes 2016, section 354A.29, subdivision 7, is amended to read:

19.29 Subd. 7. ~~Eligibility for payment of Postretirement adjustments. (a) Annually, after~~  
 19.30 ~~June 30, the board of trustees of the St. Paul Teachers Retirement Fund Association must~~

20.1 ~~determine the amount of any postretirement adjustment using the procedures in this~~  
20.2 ~~subdivision and subdivision 8 or 9, whichever is applicable.~~

20.3 ~~(b) On January 1~~ (a) Except as set forth in paragraph (c), each person who has been  
20.4 receiving an annuity or benefit under the articles of incorporation, the bylaws, or this chapter,  
20.5 whose effective date of benefit commencement occurred on or before July 1 of the calendar  
20.6 year immediately before the adjustment, is eligible to receive a an annual postretirement  
20.7 increase as specified in subdivision 8 or 9. adjustment, effective as of each January 1, as  
20.8 follows:

20.9 (1) there shall be no postretirement adjustment on January 1, 2019, and January 1, 2020;  
20.10 and

20.11 (2) the postretirement adjustment shall be one percent on January 1, 2021, and each  
20.12 January 1 thereafter.

20.13 (b) A postretirement adjustment is to be applied as a permanent increase to the regular  
20.14 payment of each eligible member on January 1. For any eligible member whose effective  
20.15 date of benefit commencement occurred after January 1 of the immediately preceding  
20.16 calendar year, the amount of the postretirement adjustment must be reduced by 50 percent.

20.17 (c) Each person who retires on or after July 1, 2024, is entitled to an annual postretirement  
20.18 adjustment, effective as of each January 1, beginning with the year following the year in  
20.19 which the member attains normal retirement age.

20.20 (d) Paragraph (c) does not apply to members who retire under section 354A.31,  
20.21 subdivision 6, paragraph (b), or who retire when the member is at least age 62 and has at  
20.22 least 30 years of service under section 354A.31, subdivision 7.

20.23 Sec. 3. Minnesota Statutes 2016, section 354A.31, subdivision 7, is amended to read:

20.24 Subd. 7. **Reduction for early retirement.** (a) This subdivision applies to a person who  
20.25 has become at least 55 years old and first becomes a coordinated member after June 30,  
20.26 1989, and to any other coordinated member who has become at least 55 years old and whose  
20.27 annuity is higher when calculated using the retirement annuity formula percentage in  
20.28 subdivision 4, paragraph (d), ~~or subdivision 4a, paragraph (d), as applicable,~~ in conjunction  
20.29 with this subdivision than when calculated under subdivision 4, paragraph (c), ~~or subdivision~~  
20.30 ~~4a, paragraph (e),~~ in conjunction with subdivision 6. An employee who retires under the  
20.31 formula annuity before the normal retirement age shall be paid the normal annuity reduced  
20.32 as described in paragraph (b) if the person retires on or after July 1, 2019, or in paragraph  
20.33 (c) if the person retires before July 1, 2019, as applicable.

21.1 (b) A coordinated member who retires before the normal retirement age and on or after  
 21.2 July 1, 2019, is entitled to receive a retirement annuity calculated using the retirement  
 21.3 annuity formula percentage in subdivision 4, paragraph (d), ~~or subdivision 4a, paragraph~~  
 21.4 ~~(d), whichever applies,~~ reduced as described in clause (1) or (2), as applicable.

21.5 (1) If the member retires when the member is younger than age 62 or with fewer than  
 21.6 30 years of service, the annuity must be reduced by an early reduction factor for each year  
 21.7 that the member's age of retirement precedes normal retirement age. The early reduction  
 21.8 factors are four percent per year for ages 55 through 59 and seven percent per year for ages  
 21.9 60 through normal retirement age. The resulting annuity must be further adjusted to take  
 21.10 into account augmentation as if the employee had deferred receipt of the annuity until normal  
 21.11 retirement age and the annuity were augmented at the applicable annual rate, compounded  
 21.12 annually, from the day the annuity begins to accrue until normal retirement age. The  
 21.13 applicable annual rate is the rate in effect on the employee's effective date of retirement and  
 21.14 shall be considered as fixed for the employee. The applicable annual rates are the following:

21.15 (i) until June 30, 2019, 2.5 percent;

21.16 (ii) a rate that changes each month, beginning July 1, 2019, through June 30, 2024, which  
 21.17 is determined by reducing the rate in item (i) to zero in equal monthly increments over the  
 21.18 five-year period; and

21.19 (iii) after June 30, 2024, zero percent.

21.20 After June 30, 2024, the reduced annuity commencing before normal retirement age  
 21.21 under this clause shall not take into account any augmentation.

21.22 (2) If the member retires when the member is at least age 62 or older and has at least 30  
 21.23 years of service, the member is entitled to receive a retirement annuity calculated using the  
 21.24 retirement annuity formula percentage in subdivision 4, paragraph (d), multiplied by the  
 21.25 applicable early retirement factor specified for members "Age 62 or older with 30 years of  
 21.26 service" in the table in paragraph (c).

21.27 (c) A coordinated member who retires before the normal retirement age and before July  
 21.28 1, 2019, is entitled to receive a retirement annuity calculated using the retirement annuity  
 21.29 formula percentage in subdivision 4, paragraph (d), multiplied by the applicable early  
 21.30 retirement factor specified below:

	Under age 62		Age 62 or older	
	or less than 30 years of service		with 30 years of service	
21.33 Normal retirement age:	65	66	65	66

22.1	Age at retirement				
22.2	55	0.5376	0.4592		
22.3	56	0.5745	0.4992		
22.4	57	0.6092	0.5370		
22.5	58	0.6419	0.5726		
22.6	59	0.6726	0.6062		
22.7	60	0.7354	0.6726		
22.8	61	0.7947	0.7354		
22.9	62	0.8507	0.7947	0.8831	0.8389
22.10	63	0.9035	0.8507	0.9246	0.8831
22.11	64	0.9533	0.9035	0.9635	0.9246
22.12	65	1.0000	0.9533	1.0000	0.9635
22.13	66		1.0000		1.0000

22.14 For normal retirement ages between ages 65 and 66, the early retirement factors must  
 22.15 be determined by linear interpolation between the early retirement factors applicable for  
 22.16 normal retirement ages 65 and 66.

22.17 Sec. 4. Minnesota Statutes 2016, section 354A.37, subdivision 2, is amended to read:

22.18 Subd. 2. **Eligibility for deferred retirement annuity.** (a) Any coordinated member  
 22.19 who ceases to render teaching services for the school district in which the teachers retirement  
 22.20 fund association is located, with sufficient allowable service credit to meet the minimum  
 22.21 service requirements specified in section 354A.31, subdivision 1, shall be entitled to a  
 22.22 deferred retirement annuity in lieu of a refund under subdivision 1.

22.23 (b) The deferred retirement annuity must be computed under section 354A.31 and shall  
 22.24 be augmented as provided in this subdivision from the first day of the month following the  
 22.25 termination of active service to the effective date of retirement. There is no augmentation  
 22.26 if this period is less than three months.

22.27 (c) The deferred annuity commences upon application after the person on deferred status  
 22.28 attains at least the minimum age specified in section 354A.31, subdivision 1.

22.29 ~~(b) The monthly annuity amount that had accrued when the member ceased to render~~  
 22.30 ~~teaching service must be augmented from the first day of the month following the month~~  
 22.31 ~~during which the member ceased to render teaching service to the effective date of retirement.~~  
 22.32 ~~There is no augmentation if this period is less than three months. The rate of augmentation~~  
 22.33 ~~is~~

23.1 (d) For a person who became a covered employee before July 1, 2006, the annuity must  
23.2 be augmented at the following rate or rates, compounded annually:

23.3 (1) three percent compounded annually until January 1 of the year following the year  
23.4 in which the former member attains age 55; or June 30, 2012, whichever is earlier;

23.5 (2) five percent compounded annually after that date to July 1 from the January 1 next  
23.6 following the attainment of age 55 or until June 30, 2012; and;

23.7 (3) two percent compounded annually after that date to the effective date of retirement  
23.8 if the employee became an employee before July 1, 2006, and at from July 1, 2012, until  
23.9 June 30, 2019; and

23.10 (4) after June 30, 2019, the deferred annuity must not be augmented.

23.11 (e) For a person who became a covered employee after June 30, 2006, the annuity must  
23.12 be augmented at the following rate or rates, compounded annually:

23.13 (1) 2.5 percent compounded annually to July 1, 2012, and until June 30, 2012;

23.14 (2) two percent compounded annually after that date to the effective date of retirement  
23.15 if the employee became an employee after June 30, 2006. If a person has more than one  
23.16 period of uninterrupted service, a separate average salary determined under section 354A.31  
23.17 must be used for each period, and the monthly annuity amount related to each period must  
23.18 be augmented as provided in this subdivision. The sum of the augmented monthly annuity  
23.19 amounts determines the total deferred annuity payable. If a person repays a refund, the  
23.20 service restored by the repayment must be considered as continuous with the next period  
23.21 of service for which the person has credit with the fund. If a person does not render teaching  
23.22 services in any one fiscal year or more consecutive fiscal years and then resumes teaching  
23.23 service, the formula percentages used from the date of resumption of teaching service are  
23.24 those applicable to new members. The mortality table and interest assumption used to  
23.25 compute the annuity are the table established by the fund to compute other annuities, and  
23.26 the interest assumption under section 356.215 in effect when the member retires. A period  
23.27 of uninterrupted service for the purpose of this subdivision means a period of covered  
23.28 teaching service during which the member has not been separated from active service for  
23.29 more than one fiscal year. from July 1, 2012, until June 30, 2019; and

23.30 (3) after June 30, 2019, the deferred annuity must not be augmented.

23.31 (e) (f) The augmentation provided by this subdivision applies to the benefit provided in  
23.32 section 354A.35, subdivision 2. The augmentation provided by this subdivision does not

24.1 apply to any period in which a person is on an approved leave of absence from an employer  
24.2 unit.

24.3 Sec. 5. Minnesota Statutes 2016, section 354A.37, subdivision 3, is amended to read:

24.4 Subd. 3. **Computation of refund amount.** A former coordinated member who qualifies  
24.5 for a refund under subdivision 1 is entitled to receive a refund equal to the amount of the  
24.6 former coordinated member's accumulated employee contributions with interest at the ~~rate~~  
24.7 of following rates for the applicable period:

24.8 (1) Six percent per annum compounded annually to July 1, 2011, if the person is a former  
24.9 member of the St. Paul Teachers Retirement Fund Association, and;

24.10 (2) four percent per annum compounded annually to July 1, 2018; and

24.11 (3) three percent per annum compounded annually thereafter.

24.12 Sec. 6. **REPEALER.**

24.13 Minnesota Statutes 2016, sections 354A.29, subdivisions 8 and 9; and 354A.39, are  
24.14 repealed.

24.15 Sec. 7. **EFFECTIVE DATE.**

24.16 Sections 1 to 6 are effective June 30, 2018.

24.17 **ARTICLE 5**

24.18 **ACTUARIAL ASSUMPTIONS AND**  
24.19 **POSTRETIREMENT ADJUSTMENTS FOR STATEWIDE PLANS**

24.20 Section 1. Minnesota Statutes 2017 Supplement, section 356.215, subdivision 8, is amended  
24.21 to read:

24.22 Subd. 8. ~~Interest and salary~~ **Actuarial assumptions.** (a) The actuarial valuation must  
24.23 use the applicable following ~~interest~~ investment return assumption:

24.24 ~~(1) select and ultimate interest rate assumption~~

24.25		ultimate interest rate
24.26	plan	assumption
24.27	teachers retirement plan	8.5%

24.28 ~~The select preretirement interest rate assumption for the period through June 30, 2017,~~  
24.29 ~~is eight percent.~~

24.30 ~~(2) single rate interest rate assumption~~



	<u>interest rate</u> <u>investment return</u> assumption
25.1	
25.2	
25.3	plan
25.4	general state employees retirement plan      & 7.5%
25.5	correctional state employees retirement plan      & 7.5
25.6	State Patrol retirement plan      & 7.5
25.7	legislators retirement plan, and for the      0
25.8	constitutional officers calculation of total plan
25.9	liabilities
25.10	judges retirement plan      & 7.5
25.11	general public employees retirement plan      & 7.5
25.12	public employees police and fire retirement plan      & 7.5
25.13	local government correctional service retirement
25.14	plan      & 7.5
25.15	<u>teachers retirement plan</u> 7.5
25.16	St. Paul teachers retirement plan      & 7.5
25.17	Bloomington Fire Department Relief Association      6
25.18	local monthly benefit volunteer firefighter relief
25.19	associations      5
25.20	monthly benefit retirement plans in the statewide      6
25.21	volunteer firefighter retirement plan

25.22      ~~(b)(1) If funding stability has been attained, The~~ actuarial valuation for each of the  
 25.23 covered retirement plans listed in section 356.415, subdivision 2, and the St. Paul Teachers  
 25.24 Retirement Fund Association must use a take into account the postretirement adjustment  
 25.25 rate actuarial assumption equal to the postretirement adjustment rate or rates applicable to  
 25.26 the plan as specified in section 354A.29, subdivision 9 7, or 356.415, subdivision 1,  
 25.27 whichever applies.

25.28      ~~(2) If funding stability has not been attained, the valuation must use a select postretirement~~  
 25.29 ~~adjustment rate actuarial assumption equal to the postretirement adjustment rate specified~~  
 25.30 ~~in section 354A.29, subdivision 8, or 356.415, subdivision 1a, 1b, 1c, 1d, 1e, or 1f, whichever~~  
 25.31 ~~applies, for a period ending when the approved actuary estimates that the plan will attain~~  
 25.32 ~~the defined funding stability measure, and thereafter an ultimate postretirement adjustment~~  
 25.33 ~~rate actuarial assumption equal to the postretirement adjustment rate under section 354A.29,~~  
 25.34 ~~subdivision 9, or 356.415, subdivision 1, for the applicable period or periods beginning~~  
 25.35 ~~when funding stability is projected to be attained.~~

25.36      ~~(c) The actuarial valuation must use the applicable following single rate future salary~~  
 25.37 ~~increase assumption, the applicable following modified single rate future salary increase~~  
 25.38 ~~assumption, or the applicable following graded rate future salary increase assumption; and~~

26.1 payroll growth assumptions found in the appendix to the standards for actuarial work adopted  
 26.2 by the Legislative Commission on Pensions and Retirement pursuant to section 3.85,  
 26.3 subdivision 10. The appendix must be updated whenever new assumptions have been  
 26.4 approved or deemed approved under subdivision 18.

26.5 ~~(1) single rate future salary increase assumption~~

<del>plan</del>	<del>future salary increase assumption</del>
26.6 <del>legislators retirement plan</del>	<del>5%</del>
26.7 <del>judges retirement plan</del>	<del>2.75</del>
26.8 <del>Bloomington Fire Department Relief Association</del>	<del>4</del>

26.10 ~~(2) age-related future salary increase age-related select and ultimate future salary increase~~  
 26.11 ~~assumption or graded rate future salary increase assumption~~

<del>plan</del>	<del>future salary increase assumption</del>
26.12 <del>local government correctional service retirement plan</del>	<del>assumption B</del>
26.13 <del>St. Paul teachers retirement plan</del>	<del>assumption A</del>

26.15 ~~For plans other than the St. Paul teachers~~  
 26.16 ~~retirement plan and the local government~~  
 26.17 ~~correctional service retirement plan, the select~~  
 26.18 ~~calculation is: during the designated select~~  
 26.19 ~~period, a designated percentage rate is~~  
 26.20 ~~multiplied by the result of the designated~~  
 26.21 ~~integer minus T, where T is the number of~~  
 26.22 ~~completed years of service, and is added to~~  
 26.23 ~~the applicable future salary increase~~  
 26.24 ~~assumption. The designated select period is~~  
 26.25 ~~ten years and the designated integer is ten for~~  
 26.26 ~~the local government correctional service~~  
 26.27 ~~retirement plan and 15 for the St. Paul~~  
 26.28 ~~Teachers Retirement Fund Association. The~~  
 26.29 ~~designated percentage rate is 0.2 percent for~~  
 26.30 ~~the St. Paul Teachers Retirement Fund~~  
 26.31 ~~Association.~~

26.32 ~~The ultimate future salary increase assumption is:~~

<del>age</del>	<del>A</del>	<del>B</del>
26.33 <del>16</del>	<del>5.9%</del>	<del>8.75%</del>
26.34 <del>17</del>	<del>5.9</del>	<del>8.75</del>

27.1	18	5.9	8.75
27.2	19	5.9	8.75
27.3	20	5.9	8.75
27.4	21	5.9	8.5
27.5	22	5.9	8.25
27.6	23	5.85	8
27.7	24	5.8	7.75
27.8	25	5.75	7.5
27.9	26	5.7	7.25
27.10	27	5.65	7
27.11	28	5.6	6.75
27.12	29	5.55	6.5
27.13	30	5.5	6.5
27.14	31	5.45	6.25
27.15	32	5.4	6.25
27.16	33	5.35	6.25
27.17	34	5.3	6
27.18	35	5.25	6
27.19	36	5.2	5.75
27.20	37	5.15	5.75
27.21	38	5.1	5.75
27.22	39	5.05	5.5
27.23	40	5	5.5
27.24	41	4.95	5.5
27.25	42	4.9	5.25
27.26	43	4.85	5
27.27	44	4.8	5
27.28	45	4.75	4.75
27.29	46	4.7	4.75
27.30	47	4.65	4.75
27.31	48	4.6	4.75
27.32	49	4.55	4.75
27.33	50	4.5	4.75
27.34	51	4.45	4.75
27.35	52	4.4	4.75
27.36	53	4.35	4.75
27.37	54	4.3	4.75
27.38	55	4.25	4.5

28.1	56	4.2	4.5
28.2	57	4.15	4.25
28.3	58	4.1	4
28.4	59	4.05	4
28.5	60	4	4
28.6	61	4	4
28.7	62	4	4
28.8	63	4	4
28.9	64	4	4
28.10	65	4	3.75
28.11	66	4	3.75
28.12	67	4	3.75
28.13	68	4	3.75
28.14	69	4	3.75
28.15	70	4	3.75

28.16 ~~(3) service-related ultimate future salary increase assumption~~

28.17	<del>general state employees retirement plan of the Minnesota</del>	assumption A
28.18	<del>State Retirement System</del>	
28.19	<del>general employees retirement plan of the Public</del>	assumption B
28.20	<del>Employees Retirement Association</del>	
28.21	<del>Teachers Retirement Association</del>	assumption C
28.22	<del>public employees police and fire retirement plan</del>	assumption D
28.23	<del>State Patrol retirement plan</del>	assumption E
28.24	<del>correctional state employees retirement plan of the</del>	assumption F
28.25	<del>Minnesota State Retirement System</del>	

28.26	service						
28.27	length	A	B	C	D	E	F
28.28	1	10.25%	11.78%	12%	12.75%	7.75%	5.75%
28.29	2	7.85	8.65	9	10.75	7.25	5.6
28.30	3	6.65	7.21	8	8.75	6.75	5.45
28.31	4	5.95	6.33	7.5	7.75	6.5	5.3
28.32	5	5.45	5.72	7.25	6.25	6.25	5.15
28.33	6	5.05	5.27	7	5.85	6	5
28.34	7	4.75	4.91	6.85	5.55	5.75	4.85
28.35	8	4.45	4.62	6.7	5.35	5.6	4.7
28.36	9	4.25	4.38	6.55	5.15	5.45	4.55
28.37	10	4.15	4.17	6.4	5.05	5.3	4.4
28.38	11	3.95	3.99	6.25	4.95	5.15	4.3

29.1	<del>12</del>	<del>3.85</del>	<del>3.83</del>	<del>6</del>	<del>4.85</del>	<del>5</del>	<del>4.2</del>
29.2	<del>13</del>	<del>3.75</del>	<del>3.69</del>	<del>5.75</del>	<del>4.75</del>	<del>4.85</del>	<del>4.1</del>
29.3	<del>14</del>	<del>3.55</del>	<del>3.57</del>	<del>5.5</del>	<del>4.65</del>	<del>4.7</del>	<del>4</del>
29.4	<del>15</del>	<del>3.45</del>	<del>3.45</del>	<del>5.25</del>	<del>4.55</del>	<del>4.55</del>	<del>3.9</del>
29.5	<del>16</del>	<del>3.35</del>	<del>3.35</del>	<del>5</del>	<del>4.55</del>	<del>4.4</del>	<del>3.8</del>
29.6	<del>17</del>	<del>3.25</del>	<del>3.26</del>	<del>4.75</del>	<del>4.55</del>	<del>4.25</del>	<del>3.7</del>
29.7	<del>18</del>	<del>3.25</del>	<del>3.25</del>	<del>4.5</del>	<del>4.55</del>	<del>4.1</del>	<del>3.6</del>
29.8	<del>19</del>	<del>3.25</del>	<del>3.25</del>	<del>4.25</del>	<del>4.55</del>	<del>3.95</del>	<del>3.5</del>
29.9	<del>20</del>	<del>3.25</del>	<del>3.25</del>	<del>4</del>	<del>4.55</del>	<del>3.8</del>	<del>3.5</del>
29.10	<del>21</del>	<del>3.25</del>	<del>3.25</del>	<del>3.9</del>	<del>4.45</del>	<del>3.75</del>	<del>3.5</del>
29.11	<del>22</del>	<del>3.25</del>	<del>3.25</del>	<del>3.8</del>	<del>4.35</del>	<del>3.75</del>	<del>3.5</del>
29.12	<del>23</del>	<del>3.25</del>	<del>3.25</del>	<del>3.7</del>	<del>4.25</del>	<del>3.75</del>	<del>3.5</del>
29.13	<del>24</del>	<del>3.25</del>	<del>3.25</del>	<del>3.6</del>	<del>4.25</del>	<del>3.75</del>	<del>3.5</del>
29.14	<del>25</del>	<del>3.25</del>	<del>3.25</del>	<del>3.5</del>	<del>4.25</del>	<del>3.75</del>	<del>3.5</del>
29.15	<del>26</del>	<del>3.25</del>	<del>3.25</del>	<del>3.5</del>	<del>4.25</del>	<del>3.75</del>	<del>3.5</del>
29.16	<del>27</del>	<del>3.25</del>	<del>3.25</del>	<del>3.5</del>	<del>4.25</del>	<del>3.75</del>	<del>3.5</del>
29.17	<del>28</del>	<del>3.25</del>	<del>3.25</del>	<del>3.5</del>	<del>4.25</del>	<del>3.75</del>	<del>3.5</del>
29.18	<del>29</del>	<del>3.25</del>	<del>3.25</del>	<del>3.5</del>	<del>4.25</del>	<del>3.75</del>	<del>3.5</del>
29.19	<del>30 or more</del>	<del>3.25</del>	<del>3.25</del>	<del>3.5</del>	<del>4.25</del>	<del>3.75</del>	<del>3.5</del>

29.20 ~~(d) The actuarial valuation must use the applicable following payroll growth assumption~~  
 29.21 ~~for calculating the amortization requirement for the unfunded actuarial accrued liability~~  
 29.22 ~~where the amortization retirement is calculated as a level percentage of an increasing payroll:~~

29.23	plan	payroll growth assumption
29.24	<del>general state employees retirement plan of the Minnesota</del>	<del>3.5%</del>
29.25	<del>State Retirement System</del>	
29.26	<del>correctional state employees retirement plan</del>	<del>3.5</del>
29.27	<del>State Patrol retirement plan</del>	<del>3.5</del>
29.28	<del>judges retirement plan</del>	<del>2.75</del>
29.29	<del>general employees retirement plan of the Public</del>	<del>3.5</del>
29.30	<del>Employees Retirement Association</del>	
29.31	<del>public employees police and fire retirement plan</del>	<del>3.5</del>
29.32	<del>local government correctional service retirement plan</del>	<del>3.5</del>
29.33	<del>teachers retirement plan</del>	<del>3.75</del>
29.34	<del>St. Paul teachers retirement plan</del>	<del>4</del>

29.35 ~~(e) (d) The assumptions set forth in paragraphs (e) and (d) the appendix to the standards~~  
 29.36 ~~for actuarial work continue to apply, unless a different salary assumption or a different~~  
 29.37 ~~payroll increase assumption:~~

30.1 (1) has been proposed by the governing board of the applicable retirement plan;

30.2 (2) is accompanied by the concurring recommendation of the actuary retained under  
30.3 section 356.214, subdivision 1, if applicable, or by the approved actuary preparing the most  
30.4 recent actuarial valuation report if section 356.214 does not apply; and

30.5 (3) has been approved or deemed approved under subdivision 18.

30.6 Sec. 2. Minnesota Statutes 2016, section 356.215, subdivision 9, is amended to read:

30.7 Subd. 9. **Other assumptions.** ~~The~~ (a) Each plan's actuarial valuation must use  
30.8 assumptions concerning base mortality rates, disability, retirement, withdrawal, retirement  
30.9 age, and any other relevant demographic or economic factor. These assumptions must be  
30.10 set at levels consistent with those determined in the most recent quadrennial experience  
30.11 study completed under subdivision 16, if required, or ~~representative of the best estimate of~~  
30.12 ~~future experience~~ as recommended by the plan's approved actuary, if a quadrennial experience  
30.13 study is not required.

30.14 (b) The actuarial valuation may use an assumption concerning future mortality  
30.15 improvement. This assumption may be set at levels consistent with those determined in the  
30.16 most recent mortality improvement scale published by the Society of Actuaries or as  
30.17 otherwise recommended by the plan's approved actuary.

30.18 (c) The actuarial valuation must contain an exhibit indicating ~~any~~ the actuarial  
30.19 assumptions used in preparing the valuation report.

30.20 Sec. 3. Minnesota Statutes 2016, section 356.215, subdivision 11, is amended to read:

30.21 Subd. 11. **Amortization contributions.** (a) In addition to the exhibit indicating the level  
30.22 normal cost, the actuarial valuation of the retirement plan must contain an exhibit for financial  
30.23 reporting purposes indicating the additional annual contribution sufficient to amortize the  
30.24 unfunded actuarial accrued liability and must contain an exhibit for contribution  
30.25 determination purposes indicating the additional contribution sufficient to amortize the  
30.26 unfunded actuarial accrued liability. For the retirement plans listed in subdivision 8, paragraph  
30.27 (c), but excluding the legislators retirement plan, the additional contribution must be  
30.28 calculated on a level percentage of covered payroll basis by the established date for full  
30.29 funding in effect when the valuation is prepared, assuming annual payroll growth at the  
30.30 applicable percentage rate set forth in subdivision 8, paragraph (d). For all other retirement  
30.31 plans and for the legislators retirement plan, the additional annual contribution must be  
30.32 calculated on a level annual dollar amount basis.

31.1 (b) For any retirement plan other than a retirement plan governed by paragraph (d), (e),  
31.2 (f), (g), (h), (i), or (j), if there has not been a change in the actuarial assumptions used for  
31.3 calculating the actuarial accrued liability of the fund, a change in the benefit plan governing  
31.4 annuities and benefits payable from the fund, a change in the actuarial cost method used in  
31.5 calculating the actuarial accrued liability of all or a portion of the fund, or a combination  
31.6 of the three, which change or changes by itself or by themselves without inclusion of any  
31.7 other items of increase or decrease produce a net increase in the unfunded actuarial accrued  
31.8 liability of the fund, the established date for full funding is the first actuarial valuation date  
31.9 occurring after June 1, 2020.

31.10 (c) For any retirement plan, if there has been a change in any or all of the actuarial  
31.11 assumptions used for calculating the actuarial accrued liability of the fund, a change in the  
31.12 benefit plan governing annuities and benefits payable from the fund, a change in the actuarial  
31.13 cost method used in calculating the actuarial accrued liability of all or a portion of the fund,  
31.14 or a combination of the three, and the change or changes, by itself or by themselves and  
31.15 without inclusion of any other items of increase or decrease, produce a net increase in the  
31.16 unfunded actuarial accrued liability in the fund, the established date for full funding must  
31.17 be determined using the following procedure:

31.18 (i) the unfunded actuarial accrued liability of the fund must be determined in accordance  
31.19 with the plan provisions governing annuities and retirement benefits and the actuarial  
31.20 assumptions in effect before an applicable change;

31.21 (ii) the level annual dollar contribution or level percentage, whichever is applicable,  
31.22 needed to amortize the unfunded actuarial accrued liability amount determined under item  
31.23 (i) by the established date for full funding in effect before the change must be calculated  
31.24 using the interest assumption specified in subdivision 8 in effect before the change;

31.25 (iii) the unfunded actuarial accrued liability of the fund must be determined in accordance  
31.26 with any new plan provisions governing annuities and benefits payable from the fund and  
31.27 any new actuarial assumptions and the remaining plan provisions governing annuities and  
31.28 benefits payable from the fund and actuarial assumptions in effect before the change;

31.29 (iv) the level annual dollar contribution or level percentage, whichever is applicable,  
31.30 needed to amortize the difference between the unfunded actuarial accrued liability amount  
31.31 calculated under item (i) and the unfunded actuarial accrued liability amount calculated  
31.32 under item (iii) over a period of 30 years from the end of the plan year in which the applicable  
31.33 change is effective must be calculated using the applicable interest assumption specified in  
31.34 subdivision 8 in effect after any applicable change;

32.1 (v) the level annual dollar or level percentage amortization contribution under item (iv)  
32.2 must be added to the level annual dollar amortization contribution or level percentage  
32.3 calculated under item (ii);

32.4 (vi) the period in which the unfunded actuarial accrued liability amount determined in  
32.5 item (iii) is amortized by the total level annual dollar or level percentage amortization  
32.6 contribution computed under item (v) must be calculated using the interest assumption  
32.7 specified in subdivision 8 in effect after any applicable change, rounded to the nearest  
32.8 integral number of years, but not to exceed 30 years from the end of the plan year in which  
32.9 the determination of the established date for full funding using the procedure set forth in  
32.10 this clause is made and not to be less than the period of years beginning in the plan year in  
32.11 which the determination of the established date for full funding using the procedure set forth  
32.12 in this clause is made and ending by the date for full funding in effect before the change;  
32.13 and

32.14 (vii) the period determined under item (vi) must be added to the date as of which the  
32.15 actuarial valuation was prepared and the date obtained is the new established date for full  
32.16 funding.

32.17 (d) For the general employees retirement plan of the Public Employees Retirement  
32.18 Association, the established date for full funding is June 30, ~~2034~~ 2048.

32.19 (e) For the Teachers Retirement Association, the established date for full funding is June  
32.20 30, ~~2037~~ 2048.

32.21 (f) For the correctional state employees retirement plan and the State Patrol retirement  
32.22 plan of the Minnesota State Retirement System, the established date for full funding is June  
32.23 30, ~~2038~~ 2048.

32.24 (g) For the judges retirement plan, the established date for full funding is June 30, ~~2038~~  
32.25 2048.

32.26 (h) For the local government correctional service retirement plan and the public employees  
32.27 police and fire retirement plan, the established date for full funding is June 30, ~~2038~~ 2048.

32.28 (i) For the St. Paul Teachers Retirement Fund Association, the established date for full  
32.29 funding is June 30, ~~2042~~. ~~In addition to other requirements of this chapter, the annual~~  
32.30 ~~actuarial valuation must contain an exhibit indicating the funded ratio and the deficiency~~  
32.31 ~~or sufficiency in annual contributions when comparing liabilities to the market value of the~~  
32.32 ~~assets of the fund as of the close of the most recent fiscal year~~ 2048.



33.1 (j) For the general state employees retirement plan of the Minnesota State Retirement  
33.2 System, the established date for full funding is June 30, ~~2040~~ 2048.

33.3 (k) For the retirement plans for which the annual actuarial valuation indicates an excess  
33.4 of valuation assets over the actuarial accrued liability, the valuation assets in excess of the  
33.5 actuarial accrued liability must be recognized as a reduction in the current contribution  
33.6 requirements by an amount equal to the amortization of the excess expressed as a level  
33.7 percentage of pay over a 30-year period beginning anew with each annual actuarial valuation  
33.8 of the plan.

33.9 Sec. 4. Minnesota Statutes 2016, section 356.30, subdivision 1, is amended to read:

33.10 Subdivision 1. **Eligibility; computation of annuity.** (a) Notwithstanding any provisions  
33.11 of the laws governing the covered retirement plans ~~enumerated~~ listed in subdivision 3, a  
33.12 person ~~who has met the qualifications of paragraph (b)~~ may elect to receive, upon retirement,  
33.13 a retirement annuity from each ~~enumerated~~ covered retirement plan ~~in which the person has~~  
33.14 ~~at least one-half year of allowable service, based on the allowable service in each plan,~~  
33.15 subject to the provisions of paragraph ~~(e)~~. (b), if the person has:

33.16 (1) allowable service in any two or more of the covered plans;

33.17 (2) at least one-half year of allowable service in each covered plan, based on the allowable  
33.18 service in each plan;

33.19 (3) total allowable service that equals or exceeds the longest service credit vesting  
33.20 requirement of the applicable retirement plan; and

33.21 (4) not begun to receive an annuity from any covered plan or made application for  
33.22 benefits from each applicable plan and the retirement annuity effective dates of each plan  
33.23 are within a one-year period.

33.24 ~~(b) A person may receive, upon retirement, a retirement annuity from each enumerated~~  
33.25 ~~retirement plan in which the person has at least one-half year of allowable service, and~~  
33.26 ~~augmentation of a deferred annuity calculated at the appropriate rate under the laws governing~~  
33.27 ~~each public pension plan or fund named in subdivision 3, based on the date of the person's~~  
33.28 ~~initial entry into public employment from the date the person terminated all public service~~  
33.29 ~~if:~~

33.30 ~~(1) the person has allowable service in any two or more of the enumerated plans;~~

34.1 ~~(2) the person has sufficient allowable service in total that equals or exceeds the applicable~~  
34.2 ~~service credit vesting requirement of the retirement plan with the longest applicable service~~  
34.3 ~~credit vesting requirement; and~~

34.4 ~~(3) the person has not begun to receive an annuity from any enumerated plan or the~~  
34.5 ~~person has made application for benefits from each applicable plan and the effective dates~~  
34.6 ~~of the retirement annuity with each plan under which the person chooses to receive an~~  
34.7 ~~annuity are within a one-year period.~~

34.8 (e) (b) If all requirements in paragraph (a) have been satisfied, the retirement annuity  
34.9 from each plan must be based upon the allowable service, accrual rates, and average salary  
34.10 in the applicable plan except as further specified or modified in the following clauses:

34.11 (1) the laws governing annuities must be the law in effect on the date of termination  
34.12 from the last period of public service under a covered retirement plan with which the person  
34.13 earned a minimum of one-half year of allowable service credit during that employment;

34.14 (2) the "average salary" ~~on which the annuity from each covered plan in which the~~  
34.15 ~~employee has credit in a~~ used to calculate the annuity for each formula plan must be based  
34.16 on the employee's highest five successive years of covered salary during the entire service  
34.17 in covered plans;

34.18 (3) the accrual rates ~~to be used by~~ under each plan must be ~~those~~ the percentages  
34.19 prescribed by each plan's formula ~~as continued in effect~~ in effect for the respective years of allowable  
34.20 service from one plan to the next, recognizing all previous allowable service with the other  
34.21 covered plans;

34.22 (4) the allowable service in all the covered plans must be combined in determining  
34.23 eligibility for and the application of each plan's provisions ~~in~~ with respect to reduction in  
34.24 the annuity amount for retirement prior to normal retirement age; and

34.25 (5) the annuity amount payable for any allowable service under a nonformula plan ~~of~~  
34.26 that is a covered plan must not be affected, but such service and covered salary must be  
34.27 used in the above calculation.

34.28 (c) If a person eligible for an annuity under paragraph (a) from each covered plan  
34.29 terminates all public service, the deferred annuity must be augmented from the date of  
34.30 termination until the earlier of:

34.31 (1) the effective date of retirement; or

35.1 (2) December 31, 2018, for the Minnesota State Retirement System and the Public  
35.2 Employees Retirement Association or June 30, 2019, for the Teachers Retirement Association  
35.3 and the St. Paul Teachers Retirement Association.

35.4 A deferred annuity must not be augmented after the applicable dates under clause (2).  
35.5 The appropriate rate of augmentation is the rate in effect on the date on which the person  
35.6 entered into public employment and subsequently adjusted according to the laws governing  
35.7 each covered plan, as applicable.

35.8 (d) This section does not apply to any person whose final termination from the last public  
35.9 service under a covered plan was before May 1, 1975.

35.10 (e) For the purpose of computing annuities under this section, ~~the accrual rates used by~~  
35.11 ~~any covered plan, except the public employees police and fire plan, the judges retirement~~  
35.12 ~~fund, and the State Patrol retirement plan, must not exceed 2.7 percent per year of service~~  
35.13 ~~for any year of service or fraction thereof. The formula percentage used by:~~

35.14 (1) the judges retirement fund accrual rate must not exceed 3.2 percent per year of service  
35.15 for any year of service or fraction thereof. ~~The accrual rate used by;~~

35.16 (2) the public employees police and fire plan and the State Patrol retirement plan accrual  
35.17 rate must not exceed 3.0 percent per year of service for any year of service or fraction  
35.18 thereof. ~~The accrual rate or rates used by;~~

35.19 (3) the legislators retirement plan accrual rate must not exceed 2.5 percent, but this limit  
35.20 does not apply to the adjustment provided under section 3A.02, subdivision 1, paragraph  
35.21 (c); and

35.22 (4) any other covered plan's accrual rate must not exceed 2.7 percent per year of service  
35.23 for any year of service or fraction thereof.

35.24 (f) Any period of time for which a person has credit in more than one of the covered  
35.25 plans must be used only once for the purpose of determining total allowable service.

35.26 (g) If the period of duplicated service credit is more than one-half year, or the person  
35.27 has credit for more than one-half year, with each of the plans, each plan must apply its  
35.28 formula to a prorated service credit for the period of duplicated service based on a fraction  
35.29 of the salary on which deductions were paid to that fund for the period divided by the total  
35.30 salary on which deductions were paid to all plans for the period.

35.31 (h) If the period of duplicated service credit is less than one-half year, or when added  
35.32 to other service credit with that plan is less than one-half year, the service credit must be

36.1 ignored and a refund of contributions made to the person in accord with that plan's refund  
36.2 provisions.

36.3 **Sec. 5. [356.311] COVERAGE BY MORE THAN ONE PLAN.**

36.4 (a) Any person who has been a member of two or more of the retirement plans listed in  
36.5 paragraph (b) is entitled, when qualified, to an annuity from each fund if:

36.6 (1) the person's combined service in any two or more retirement plans equals or exceeds  
36.7 the vesting requirement of the fund with the longest vesting requirement; and

36.8 (2) the person has not taken a refund from any of the retirement plans.

36.9 (b) This section applies to any defined benefit plan administered by the Minnesota State  
36.10 Retirement System, including the State Patrol Retirement Plan; the Public Employees  
36.11 Retirement Association, including the public employees police and fire plan; the Teachers  
36.12 Retirement Association; and the St. Paul Teachers Retirement Fund Association, except as  
36.13 noted in paragraph (c).

36.14 (c) This section does not apply to plans providing benefits for police officers or  
36.15 firefighters under sections 424A.091 to 424A.096 or the Bloomington Fire Department  
36.16 Relief Association.

36.17 (d) No portion of the service upon which the retirement annuity from one retirement  
36.18 plan is based shall be again used in the computation of a retirement annuity from another  
36.19 plan. The annuity from each plan must be determined under the laws applicable to that plan  
36.20 except that the requirement that a person meet the vesting requirement in any particular  
36.21 plan shall not apply, provided the combined service in any two or more plans equals or  
36.22 exceeds the vesting requirement of the plan with the longest vesting requirement.

36.23 (e) Any deferred annuity payable under this section shall be subject to augmentation  
36.24 under the laws applicable to the deferred annuity.

36.25 (f) Any person to whom an annuity is not payable under this section because the person  
36.26 took a refund from one of the funds shall be entitled to repay the refund in accordance with  
36.27 the laws governing the refund. Upon repayment, the person is entitled to annuities under  
36.28 this section, if the person would otherwise be entitled.

36.29 Sec. 6. Minnesota Statutes 2016, section 356.415, subdivision 1, is amended to read:

36.30 Subdivision 1. **Annual postretirement adjustments; ~~generally~~ Minnesota State**  
36.31 **Retirement System general state employees retirement plan, legislators retirement**

37.1 **plan, and unclassified state employees retirement program.** (a) Except as otherwise  
37.2 ~~provided in subdivision 1a, 1b, 1c, 1d, 1e, or 1f~~ set forth in paragraph (c), recipients of a  
37.3 retirement annuity, disability benefit, or survivor benefit ~~recipients of a covered~~ from the  
37.4 general state employees retirement plan, the legislators retirement plan, or the unclassified  
37.5 state employees retirement program are entitled to a an annual postretirement adjustment  
37.6 ~~annually on,~~ effective as of each January 1, as follows:

37.7 (1) effective January 1, 2019, through December 31, 2023, a postretirement increase of  
37.8 ~~2.5 one~~ percent must be applied each year, ~~effective January 1,~~ to the amount of the monthly  
37.9 annuity or benefit of each annuitant or benefit recipient who has been receiving an annuity  
37.10 or a benefit for at least 12 full months as of the June 30 of the calendar year immediately  
37.11 before the adjustment; ~~and~~

37.12 (2) effective January 1, 2019, through December 31, 2023, for each annuitant or benefit  
37.13 recipient who has been receiving an annuity or a benefit ~~amount~~ for at least one full month,  
37.14 but less than 12 full months as of the June 30 of the calendar year immediately before the  
37.15 adjustment, ~~an annual~~ a postretirement increase of 1/12 of ~~2.5 one~~ percent for each month  
37.16 that the person has been receiving an annuity or benefit must be applied ~~to the amount of~~  
37.17 the monthly annuity or benefit of the annuitant or benefit recipient;

37.18 (3) effective January 1, 2024, and thereafter, a postretirement increase of 1.5 percent  
37.19 must be applied each year to the amount of the monthly annuity or benefit of each annuitant  
37.20 or benefit recipient who has been receiving an annuity or a benefit for at least 12 full months  
37.21 as of the June 30 of the calendar year immediately before the adjustment; and

37.22 (4) effective January 1, 2024, and thereafter, for each annuitant or benefit recipient who  
37.23 has been receiving an annuity or a benefit for at least one full month, but less than 12 full  
37.24 months as of the June 30 of the calendar year immediately before the adjustment, an annual  
37.25 postretirement increase of 1/12 of 1.5 percent for each month that the person has been  
37.26 receiving an annuity or benefit must be applied to the amount of the monthly annuity or  
37.27 benefit of the annuitant or benefit recipient.

37.28 (b) An increase in annuity or benefit payments under this ~~section~~ subdivision must be  
37.29 made automatically unless written notice is filed by the annuitant or benefit recipient with  
37.30 the executive director of the covered retirement plan requesting that the increase not be  
37.31 made.

37.32 (c) Members who retire on or after January 1, 2024, under the general state employees  
37.33 retirement plan, the legislators retirement plan, or the unclassified state employees retirement  
37.34 program are entitled to an annual postretirement adjustment of the member's retirement

38.1 annuity, effective as of each January 1, beginning with the year following the year in which  
 38.2 the member attains normal retirement age, as follows:

38.3 (1) if a member has been receiving an annuity for at least 12 full months as of the June  
 38.4 30 of the calendar year immediately before the date of the adjustment, a postretirement  
 38.5 increase equal to the percentage specified in paragraph (a), clause (3), must be applied,  
 38.6 effective on January 1, to the amount of the member's monthly annuity;

38.7 (2) if a member has been receiving an annuity for at least one full month, but less than  
 38.8 12 full months as of the June 30 of the calendar year immediately before the date of  
 38.9 adjustment, a postretirement increase of 1/12 of the percentage specified in paragraph (a),  
 38.10 clause (4), for each month that the member has been receiving an annuity must be applied,  
 38.11 effective on January 1, to the amount of the member's monthly annuity; or

38.12 (3) if a member has been receiving an annuity for fewer than seven months before the  
 38.13 date of adjustment, a postretirement increase shall not be applied until the next January 1  
 38.14 and the amount of the adjustment shall be the amount determined under clause (2).

38.15 (d) Paragraph (c) does not apply to members who retire under section 352.116,  
 38.16 subdivision 1, paragraph (c).

38.17 Sec. 7. Minnesota Statutes 2016, section 356.415, subdivision 1a, is amended to read:

38.18 Subd. 1a. **Annual postretirement adjustments; Minnesota State Retirement System**  
 38.19 **~~plans other than State Patrol~~ correctional state employees retirement plan. (a)**  
 38.20 Retirement annuity, disability benefit, or survivor benefit recipients of the ~~legislators~~  
 38.21 ~~retirement plan, including constitutional officers as specified in chapter 3A, the general~~  
 38.22 ~~state employees retirement plan, the correctional state employees retirement plan, and the~~  
 38.23 ~~unclassified state employees retirement program~~ are entitled to a an annual postretirement  
 38.24 ~~adjustment annually on,~~ effective as of each January 1, as follows:

38.25 ~~(1) for each successive January 1, if the definition of funding stability under paragraph~~  
 38.26 ~~(b) has not been met as of the prior July 1 for or with respect to the applicable retirement~~  
 38.27 ~~plan,~~ a postretirement increase of ~~two~~ 1.5 percent must be applied each year, ~~effective on~~  
 38.28 ~~January 1,~~ to the monthly annuity or benefit of each annuitant or benefit recipient who has  
 38.29 been receiving an annuity or a benefit for at least 12 full months as of the June 30 of the  
 38.30 calendar year immediately before the adjustment; and

38.31 ~~(2) for each successive January 1, if the definition of funding stability under paragraph~~  
 38.32 ~~(b) has not been met as of the prior July 1 for or with respect to the applicable retirement~~  
 38.33 ~~plan,~~ for each annuitant or benefit recipient who has been receiving an annuity or a benefit

39.1 for at least one full month, but less than 12 full months as of the June 30 of the calendar  
 39.2 year immediately before the adjustment, an annual postretirement increase of 1/12 of two  
 39.3 1.5 percent for each month that the person has been receiving an annuity or benefit must  
 39.4 be applied to the amount of the monthly annuity or benefit of each annuitant or benefit  
 39.5 recipient.

39.6 ~~(b) Increases under this subdivision for the general state employees retirement plan or~~  
 39.7 ~~the correctional state employees retirement plan terminate on December 31 of the calendar~~  
 39.8 ~~year in which two prior consecutive actuarial valuations prepared by the approved actuary~~  
 39.9 ~~under sections 356.214 and 356.215 and the standards for actuarial work promulgated by~~  
 39.10 ~~the Legislative Commission on Pensions and Retirement indicate that the market value of~~  
 39.11 ~~assets of the retirement plan equals or exceeds 90 percent of the actuarial accrued liability~~  
 39.12 ~~of the retirement plan and increases under subdivision 1 recommence after that date. Increases~~  
 39.13 ~~under this subdivision for the legislators retirement plan established under chapter 3A,~~  
 39.14 ~~including the constitutional officers specified in that chapter, and for the unclassified state~~  
 39.15 ~~employees retirement program, terminate on December 31 of the calendar year in which~~  
 39.16 ~~two prior consecutive actuarial valuations prepared by the approved actuary under sections~~  
 39.17 ~~356.214 and 356.215 and the standards for actuarial work promulgated by the Legislative~~  
 39.18 ~~Commission on Pensions and Retirement indicate that the market value of assets of the~~  
 39.19 ~~general state employees retirement plan equals or exceeds 90 percent of the actuarial accrued~~  
 39.20 ~~liability of the retirement plan and increases under subdivision 1 recommence after that~~  
 39.21 ~~date.~~

39.22 ~~(c) After having met the definition of funding stability under paragraph (b), the increase~~  
 39.23 ~~provided in paragraph (a), clauses (1) and (2), rather than an increase under subdivision 1,~~  
 39.24 ~~for the general state employees retirement plan or the correctional state employees retirement~~  
 39.25 ~~plan, is again to be applied in a subsequent year or years if the market value of assets of the~~  
 39.26 ~~applicable plan equals or is less than:~~

39.27 ~~(1) 85 percent of the actuarial accrued liabilities of the applicable plan for two consecutive~~  
 39.28 ~~actuarial valuations; or~~

39.29 ~~(2) 80 percent of the actuarial accrued liabilities of the applicable plan for the most recent~~  
 39.30 ~~actuarial valuation.~~

39.31 ~~(d) After having met the definition of funding stability under paragraph (b), the increase~~  
 39.32 ~~provided in paragraph (a), clauses (1) and (2), rather than an increase under subdivision 1,~~  
 39.33 ~~for the legislators retirement plan, including the constitutional officers, and for the~~  
 39.34 ~~unclassified state employees retirement program, is again to be applied in a subsequent year~~

40.1 ~~or years if the market value of assets of the general state employees retirement plan equals~~  
 40.2 ~~or is less than:~~

40.3 ~~(1) 85 percent of the actuarial accrued liabilities of the applicable plan for two consecutive~~  
 40.4 ~~actuarial valuations; or~~

40.5 ~~(2) 80 percent of the actuarial accrued liabilities of the applicable plan for the most recent~~  
 40.6 ~~actuarial valuation.~~

40.7 ~~(e) (b)~~ An increase in annuity or benefit payments under this subdivision must be made  
 40.8 automatically unless written notice is filed by the annuitant or benefit recipient with the  
 40.9 executive director of the applicable covered retirement plan requesting that the increase not  
 40.10 be made.

40.11 Sec. 8. Minnesota Statutes 2016, section 356.415, subdivision 1b, is amended to read:

40.12 Subd. 1b. **Annual postretirement adjustments; PERA; general employees retirement**  
 40.13 **plan and local government correctional retirement plan.** (a) Retirement annuity, disability  
 40.14 benefit, or survivor benefit recipients of Annuities, disability benefits, and survivor benefits  
 40.15 being paid from the general employees retirement plan of the Public Employees Retirement  
 40.16 Association and the local government correctional service retirement plan are entitled to a  
 40.17 postretirement adjustment annually on shall be increased effective each January 1, as follows:  
 40.18 by the percentage of increase determined under this subdivision. The increase to the annuity  
 40.19 or benefit shall be determined by multiplying the monthly amount of the annuity or benefit  
 40.20 by the percentage of increase specified in paragraph (b), after taking into account any  
 40.21 reduction to the percentage of increase required under paragraph (c).

40.22 ~~(1) for each successive January 1 until funding stability is restored for the applicable~~  
 40.23 ~~retirement plan, a postretirement increase of one percent must be applied each year, effective~~  
 40.24 ~~on January 1, to the monthly annuity or benefit amount of each annuitant or benefit recipient~~  
 40.25 ~~who has been receiving an annuity or benefit for at least 12 full months as of the June 30~~  
 40.26 ~~of the calendar year immediately before the adjustment;~~

40.27 ~~(2) for each successive January 1 until funding stability is restored for the applicable~~  
 40.28 ~~retirement plan, for each annuitant or benefit recipient who has been receiving an annuity~~  
 40.29 ~~or a benefit for at least one full month, but less than 12 full months as of the June 30 of the~~  
 40.30 ~~calendar year immediately before the adjustment, an annual postretirement increase of 1/12~~  
 40.31 ~~of one percent for each month the person has been receiving an annuity or benefit must be~~  
 40.32 ~~applied;~~



41.1 ~~(3) for each January 1 following the restoration of funding stability for the applicable~~  
41.2 ~~retirement plan, a postretirement increase of 2.5 percent must be applied each year, effective~~  
41.3 ~~January 1, to the monthly annuity or benefit amount of each annuitant or benefit recipient~~  
41.4 ~~who has been receiving an annuity or benefit for at least 12 full months as of the June 30~~  
41.5 ~~of the calendar year immediately before the adjustment; and~~

41.6 ~~(4) for each January 1 following restoration of funding stability for the applicable~~  
41.7 ~~retirement plan, for each annuity or benefit recipient who has been receiving an annuity or~~  
41.8 ~~a benefit for at least one full month, but less than 12 full months as of the June 30 of the~~  
41.9 ~~calendar year immediately before the adjustment, an annual postretirement increase of 1/12~~  
41.10 ~~of 2.5 percent for each month the person has been receiving an annuity or benefit must be~~  
41.11 ~~applied.~~

41.12 ~~(b) Funding stability is restored when the market value of assets of the applicable~~  
41.13 ~~retirement plan equals or exceeds 90 percent of the actuarial accrued liabilities of the~~  
41.14 ~~applicable plan in the two most recent consecutive actuarial valuations prepared under~~  
41.15 ~~section 356.215 and the standards for actuarial work by the approved actuary retained by~~  
41.16 ~~the Public Employees Retirement Association under section 356.214.~~

41.17 ~~(c) After having met the definition of funding stability under paragraph (b), the increase~~  
41.18 ~~provided in paragraph (a), clauses (1) and (2), rather than an increase under subdivision 1,~~  
41.19 ~~is again to be applied in a subsequent year or years if the market value of assets of the~~  
41.20 ~~applicable plan equals or is less than:~~

41.21 ~~(1) 85 percent of the actuarial accrued liabilities of the applicable plan for two consecutive~~  
41.22 ~~actuarial valuations; or~~

41.23 ~~(2) 80 percent of the actuarial accrued liabilities of the applicable plan for the most recent~~  
41.24 ~~actuarial valuation.~~

41.25 ~~(b) The percentage of increase shall be one percent unless the federal Social Security~~  
41.26 ~~Administration has announced a cost-of-living adjustment pursuant to United States Code,~~  
41.27 ~~title 42, section 415(i), in the last quarter of the preceding calendar year that is greater than~~  
41.28 ~~two percent. If the cost-of-living adjustment announced by the federal Social Security~~  
41.29 ~~Administration is greater than two percent, the percentage of increase shall be 50 percent~~  
41.30 ~~of the cost-of-living adjustment announced by the federal Social Security Administration,~~  
41.31 ~~but in no event may the percentage of increase exceed 1.5 percent.~~

41.32 ~~(c)(1) If the recipient of an annuity, disability benefit, or survivor's benefit has been~~  
41.33 ~~receiving the annuity or benefit for at least 12 full months as of the June 30 of the calendar~~

42.1 year immediately before the effective date of the increase, there is no reduction in the  
 42.2 percentage of increase.

42.3 (2) If the recipient of an annuity, disability benefit, or survivor's benefit has been receiving  
 42.4 the annuity or benefit for at least one month, but less than 12 full months, as of the June 30  
 42.5 of the calendar year immediately preceding the effective date of the increase, the percentage  
 42.6 of increase is multiplied by a fraction, the numerator of which is the number of months the  
 42.7 annuity or benefit was received as of June 30 of the preceding calendar year and the  
 42.8 denominator of which is 12.

42.9 (d) Effective for members who retire on or after January 1, 2024, annuities shall not be  
 42.10 increased under paragraphs (a) to (c) until January 1 of the year following the year in which  
 42.11 the member reaches normal retirement age. January 1 of the year following the year in  
 42.12 which the member reaches normal retirement age shall be considered the effective date of  
 42.13 the increase under paragraph (c). If a member has been receiving an annuity for fewer than  
 42.14 seven months as of the January 1 of the year following the year in which the member reaches  
 42.15 normal retirement age, no increase shall be paid until January 1 of the next year.

42.16 ~~(d)~~ (e) An increase in annuity or benefit payments under this section must be made  
 42.17 automatically unless written notice is filed by the ~~annuitant or benefit~~ recipient with the  
 42.18 executive director of the Public Employees Retirement Association requesting that the  
 42.19 increase not be made.

42.20 (f) Paragraph (d) does not apply to members who retire under section 353.30, subdivision  
 42.21 1a.

42.22 Sec. 9. Minnesota Statutes 2016, section 356.415, subdivision 1c, is amended to read:

42.23 **Subd. 1c. Annual postretirement adjustments; PERA-police and fire.** (a) Retirement  
 42.24 annuity, disability benefit, or survivor benefit recipients of the public employees police and  
 42.25 fire retirement plan are entitled to a an annual postretirement adjustment ~~annually on,~~  
 42.26 effective as of each January 1, if the definition of funding stability under paragraph (c) has  
 42.27 not been met, as follows:

42.28 ~~(1) for each annuitant or benefit recipient whose annuity or benefit effective date is on~~  
 42.29 ~~or before June 1, 2014, who has been receiving the annuity or benefit for at least 12 full~~  
 42.30 ~~months as of the immediate preceding June 30, an amount equal to one percent in each year;~~  
 42.31 ~~or~~

42.32 ~~(2) for each annuitant or benefit recipient whose annuity or benefit effective date is on~~  
 42.33 ~~or before June 1, 2014, who has been receiving the annuity or benefit for at least one full~~

43.1 ~~month, but less than 12 months, as of the immediate preceding June 30, an amount equal~~  
43.2 ~~to 1/12 of one percent for each month of annuity or benefit receipt; and~~

43.3 ~~(3) (1) for each annuitant or benefit recipient whose annuity or benefit effective date is~~  
43.4 ~~after June 1, 2014, who will have been receiving an annuity or benefit for at least 36 full~~  
43.5 ~~months as of the immediate preceding June 30, an amount equal to a postretirement increase~~  
43.6 ~~of one percent must be applied each year to the amount of the monthly annuity or benefit~~  
43.7 ~~of the annuitant or benefit recipient; or~~

43.8 ~~(4) (2) for each annuitant or benefit recipient whose annuity or benefit effective date is~~  
43.9 ~~after June 1, 2014, who has been receiving the annuity or benefit for at least 25 full months,~~  
43.10 ~~but less than 36 months as of the immediate preceding June 30, an amount equal to a~~  
43.11 ~~postretirement increase of 1/12 of one percent for each full month of that the person has~~  
43.12 ~~been receiving an annuity or benefit receipt during the fiscal year in which the annuity or~~  
43.13 ~~benefit was effective must be applied each year to the amount of the monthly annuity or~~  
43.14 ~~benefit of the annuitant or benefit recipient.~~

43.15 ~~(b) Retirement annuity, disability benefit, or survivor benefit recipients of the public~~  
43.16 ~~employees police and fire retirement plan are entitled to a postretirement adjustment annually~~  
43.17 ~~on each January 1 following the restoration of funding stability as defined under paragraph~~  
43.18 ~~(c) and during the continuation of funding stability as defined under paragraph (c), as follows:~~

43.19 ~~(1) for each annuitant or benefit recipient who has been receiving the annuity or benefit~~  
43.20 ~~for at least 36 full months as of the immediate preceding June 30, an amount equal to 2.5~~  
43.21 ~~percent; and~~

43.22 ~~(2) for each annuitant or benefit recipient who has been receiving the annuity or benefit~~  
43.23 ~~for at least 25 full months, but less than 36 full months, as of the immediate preceding June~~  
43.24 ~~30, an amount equal to 1/12 of 2.5 percent for each full month of annuity or benefit receipt~~  
43.25 ~~during the fiscal year in which the annuity or benefit was effective.~~

43.26 ~~(c) Funding stability is restored when the market value of assets of the public employees~~  
43.27 ~~police and fire retirement plan equals or exceeds 90 percent of the actuarial accrued liabilities~~  
43.28 ~~of the applicable plan in the two most recent consecutive actuarial valuations prepared under~~  
43.29 ~~section 356.215 and under the standards for actuarial work of the Legislative Commission~~  
43.30 ~~on Pensions and Retirement by the approved actuary retained by the Public Employees~~  
43.31 ~~Retirement Association under section 356.214.~~

43.32 ~~(d) After having met the definition of funding stability under paragraph (c), a full or~~  
43.33 ~~prorated increase, as provided in paragraph (a), clause (1), (2), (3), or (4), whichever applies,~~  
43.34 ~~rather than adjustments under paragraph (b), is again applied in a subsequent year or years~~

44.1 ~~if the market value of assets of the public employees police and fire retirement plan equals~~  
 44.2 ~~or is less than:~~

44.3 ~~(1) 85 percent of the actuarial accrued liabilities of the applicable plan for two consecutive~~  
 44.4 ~~actuarial valuations; or~~

44.5 ~~(2) 80 percent of the actuarial accrued liabilities of the applicable plan for the most recent~~  
 44.6 ~~actuarial valuation.~~

44.7 ~~(e)~~ (b) An increase in annuity or benefit payments under this section must be made  
 44.8 automatically unless written notice is filed by the annuitant or benefit recipient with the  
 44.9 executive director of the Public Employees Retirement Association requesting that the  
 44.10 increase not be made.

44.11 Sec. 10. Minnesota Statutes 2016, section 356.415, subdivision 1d, is amended to read:

44.12 Subd. 1d. **Teachers Retirement Association annual postretirement adjustments.** (a)  
 44.13 Except as set forth in paragraph (d), recipients of a retirement annuity, disability benefit,  
 44.14 or survivor benefit recipients of from the Teachers Retirement Association are entitled to  
 44.15 a an annual postretirement adjustment annually on, effective as of each January 1, as follows:

44.16 (1) ~~for each effective January 1 until funding stability is restored, 2019, through December~~  
 44.17 31, 2023, a postretirement increase of two one percent must be applied each year, effective  
 44.18 on January 1, to the amount of the monthly annuity or benefit amount of each annuitant or  
 44.19 benefit recipient who has been receiving an annuity or a benefit for at least 12 full months  
 44.20 as of the June 30 of the calendar year immediately before the adjustment;

44.21 (2) ~~for each effective January 1 until funding stability is restored, 2019, through December~~  
 44.22 31, 2023, for each annuitant or benefit recipient who has been receiving an annuity or a  
 44.23 benefit for at least one full month, but less than 12 full months as of the June 30 of the  
 44.24 calendar year immediately before the adjustment, an annual a postretirement increase of  
 44.25 1/12 of two one percent for each month the person has been receiving an annuity or benefit  
 44.26 must be applied; to the amount of the monthly annuity or benefit of the annuitant or benefit  
 44.27 recipient;

44.28 (3) ~~for each January 1 following the restoration of funding stability, a postretirement~~  
 44.29 increase of 2.5 percent must be applied each year, effective January 1, to the monthly annuity  
 44.30 or benefit amount of each annuitant or benefit recipient who has been receiving an annuity  
 44.31 or a benefit for at least 12 full months as of the June 30 of the calendar year immediately  
 44.32 before the adjustment; and

45.1 ~~(4) for each January 1 following the restoration of funding stability, for each annuitant~~  
 45.2 ~~or benefit recipient who has been receiving an annuity or a benefit for at least one month,~~  
 45.3 ~~but less than 12 full months as of the June 30 of the calendar year immediately before the~~  
 45.4 ~~adjustment, an annual postretirement increase of 1/12 of 2.5 percent for each month the~~  
 45.5 ~~person has been receiving an annuity or benefit must be applied.~~

45.6 ~~(b) Funding stability is restored when the market value of assets of the Teachers~~  
 45.7 ~~Retirement Association equals or exceeds 90 percent of the actuarial accrued liabilities of~~  
 45.8 ~~the Teachers Retirement Association in the two most recent prior actuarial valuations~~  
 45.9 ~~prepared under section 356.215 and the standards for actuarial work by the approved actuary~~  
 45.10 ~~retained by the Teachers Retirement Association under section 356.214.~~

45.11 ~~(c) After having met the definition of funding stability under paragraph (b), the increase~~  
 45.12 ~~provided in paragraph (a), clauses (1) and (2), rather than an increase under subdivision 1,~~  
 45.13 ~~or the increase under paragraph (a), clauses (3) and (4), is again to be applied in a subsequent~~  
 45.14 ~~year or years if the market value of assets of the plan equals or is less than:~~

45.15 ~~(1) 85 percent of the actuarial accrued liabilities of the plan for two consecutive actuarial~~  
 45.16 ~~valuations; or~~

45.17 ~~(2) 80 percent of the actuarial accrued liabilities of the plan for the most recent actuarial~~  
 45.18 ~~valuation.~~

45.19 (3) effective January 1, 2024, and thereafter, a postretirement increase must be applied  
 45.20 each year to the amount of the monthly annuity or benefit of each annuitant or benefit  
 45.21 recipient who has been receiving an annuity or a benefit for at least 12 full months as of the  
 45.22 June 30 of the calendar year immediately before the adjustment, at the following rates:

45.23	<u>from January 1, 2024, through December 31, 2024</u>	<u>1.1 percent</u>
45.24	<u>from January 1, 2025, through December 31, 2025</u>	<u>1.2 percent</u>
45.25	<u>from January 1, 2026, through December 31, 2026</u>	<u>1.3 percent</u>
45.26	<u>from January 1, 2027, through December 31, 2027</u>	<u>1.4 percent</u>
45.27	<u>from January 1, 2028, and thereafter</u>	<u>1.5 percent</u>

45.28 (4) effective January 1, 2024, and thereafter, for each annuitant or benefit recipient who  
 45.29 has been receiving an annuity or a benefit for at least one full month, but less than 12 full  
 45.30 months, as of the June 30 of the calendar year immediately before the adjustment, an annual  
 45.31 postretirement increase of 1/12 of the applicable percentage for each month that the person  
 45.32 has been receiving an annuity or benefit must be applied to the amount of the monthly  
 45.33 annuity or benefit of the annuitant or benefit recipient. The applicable percentages are the  
 45.34 following:

46.1	<u>from January 1, 2024, through December 31, 2024</u>	<u>1.1 percent</u>
46.2	<u>from January 1, 2025, through December 31, 2025</u>	<u>1.2 percent</u>
46.3	<u>from January 1, 2026, through December 31, 2026</u>	<u>1.3 percent</u>
46.4	<u>from January 1, 2027, through December 31, 2027</u>	<u>1.4 percent</u>
46.5	<u>from January 1, 2028, and thereafter</u>	<u>1.5 percent</u>

46.6 ~~(d)~~ (b) An increase in annuity or benefit payments under this section must be made  
 46.7 automatically unless written notice is filed by the annuitant or benefit recipient with the  
 46.8 executive director of the Teachers Retirement Association requesting that the increase not  
 46.9 be made.

46.10 ~~(e)~~ (c) The retirement annuity payable to a person who retires before becoming eligible  
 46.11 for Social Security benefits and who has elected the optional payment as provided in section  
 46.12 354.35 must be treated as the sum of a period-certain retirement annuity and a life retirement  
 46.13 annuity for the purposes of any postretirement adjustment. The period-certain retirement  
 46.14 annuity plus the life retirement annuity must be the annuity amount payable until age 62,  
 46.15 65, or normal retirement age, as selected by the member at retirement, for an annuity amount  
 46.16 payable under section 354.35. A postretirement adjustment granted on the period-certain  
 46.17 retirement annuity must terminate when the period-certain retirement annuity terminates.

46.18 (d) Members who retire on or after July 1, 2024, are entitled to an annual postretirement  
 46.19 adjustment of the member's retirement annuity, effective as of each January 1, beginning  
 46.20 with the year following the year in which the member attains normal retirement age, as  
 46.21 follows:

46.22 (1) if a member has been receiving an annuity for at least 12 full months as of the June  
 46.23 30 of the calendar year immediately before the date of the adjustment, a postretirement  
 46.24 increase equal to the percentage specified in paragraph (a), clause (3), must be applied,  
 46.25 effective on January 1, to the amount of the member's monthly annuity;

46.26 (2) if a member has been receiving an annuity for at least one full month, but less than  
 46.27 12 full months as of the June 30 of the calendar year immediately before the date of  
 46.28 adjustment, a postretirement increase of 1/12 of the applicable percentage specified in  
 46.29 paragraph (a), clause (4), for each month that the member has been receiving an annuity  
 46.30 must be applied, effective on January 1, to the amount of the member's monthly annuity;  
 46.31 or

46.32 (3) if a member has been receiving an annuity for fewer than seven months as of the  
 46.33 January 1 of the year following the year in which the member attains normal retirement

47.1 age, a postretirement adjustment shall be applied effective as of the next January 1. The  
47.2 amount of the adjustment shall be determined under clause (2).

47.3 (e) Paragraph (d) does not apply to members who retire under section 354.44, subdivision  
47.4 6, paragraph (c), clause (3), or who retire when the member is at least age 62 and has at  
47.5 least 30 years of service under section 354.44, subdivision 6, paragraph (c), (d), (e), or (f),  
47.6 as applicable.

47.7 Sec. 11. Minnesota Statutes 2016, section 356.415, subdivision 1e, is amended to read:

47.8 Subd. 1e. **Annual postretirement adjustments; State Patrol retirement plan.** (a)  
47.9 Retirement annuity, disability benefit, or survivor benefit recipients of the State Patrol  
47.10 retirement plan are entitled to a an annual postretirement adjustment annually on, effective  
47.11 as of each January 1 if the definition of funding stability under paragraph (b) has not been  
47.12 met, as follows:

47.13 (1) a postretirement increase of one percent must be applied each year, ~~effective on~~  
47.14 ~~January 1~~, to the monthly annuity or benefit of each annuitant or benefit recipient who has  
47.15 been receiving an annuity or a benefit for at least 12 full months as of the June 30 of the  
47.16 calendar year immediately before the adjustment; and

47.17 (2) for each annuitant or benefit recipient who has been receiving an annuity or a benefit  
47.18 for at least one full month, but less than 12 full months as of the June 30 of the calendar  
47.19 year immediately before the adjustment, an annual postretirement increase of 1/12 of one  
47.20 percent for each month that the person has been receiving an annuity or benefit must be  
47.21 applied to the amount of the monthly annuity or benefit of each annuitant or benefit recipient.

47.22 ~~(b) Increases under paragraph (a) for the State Patrol retirement plan terminate on~~  
47.23 ~~December 31 of the calendar year in which two prior consecutive actuarial valuations for~~  
47.24 ~~the plan prepared by the approved actuary under sections 356.214 and 356.215 and the~~  
47.25 ~~standards for actuarial work promulgated by the Legislative Commission on Pensions and~~  
47.26 ~~Retirement indicates that the market value of assets of the retirement plan equals or exceeds~~  
47.27 ~~85 percent of the actuarial accrued liability of the retirement plan. Thereafter, increases~~  
47.28 ~~under paragraph (a) become effective again on the December 31 of the calendar year in~~  
47.29 ~~which the actuarial valuation, or prior consecutive actuarial valuations for the plan prepared~~  
47.30 ~~by the approved actuary under sections 356.214 and 356.215 and the standards for actuarial~~  
47.31 ~~work promulgated by the Legislative Commission on Pensions and Retirement indicates~~  
47.32 ~~that the market value of the assets of the retirement plan equals or is less than 80 percent~~  
47.33 ~~of the actuarial accrued liability of the retirement plan for two years, or equals or is less~~

48.1 ~~than 75 percent of the actuarial accrued liability of the retirement plan for one year and~~  
 48.2 ~~increases under paragraph (c) commence after that date.~~

48.3 ~~(c) Retirement annuity, disability benefit, or survivor benefit recipients of the State Patrol~~  
 48.4 ~~retirement plan are entitled to a postretirement adjustment annually on January 1, as follows:~~

48.5 ~~(1) a postretirement increase of 1.5 percent must be applied each year, effective on~~  
 48.6 ~~January 1, to the monthly annuity or benefit of each annuitant or benefit recipient who has~~  
 48.7 ~~been receiving an annuity or a benefit for at least 12 full months as of the June 30 of the~~  
 48.8 ~~calendar year immediately before the adjustment; and~~

48.9 ~~(2) for each annuitant or benefit recipient who has been receiving an annuity or a benefit~~  
 48.10 ~~for at least one full month, but less than 12 full months as of the June 30 of the calendar~~  
 48.11 ~~year immediately before the adjustment, an annual postretirement increase of 1/12 of 1.5~~  
 48.12 ~~percent for each month that the person has been receiving an annuity or benefit must be~~  
 48.13 ~~applied.~~

48.14 ~~(d) Increases under paragraph (c) for the State Patrol retirement plan terminate on~~  
 48.15 ~~December 31 of the calendar year in which two prior consecutive actuarial valuations~~  
 48.16 ~~prepared by the approved actuary under sections 356.214 and 356.215 and the standards~~  
 48.17 ~~for actuarial work adopted by the Legislative Commission on Pensions and Retirement~~  
 48.18 ~~indicates that the market value of assets of the retirement plan equals or exceeds 90 percent~~  
 48.19 ~~of the actuarial accrued liability of the retirement plan and increases under subdivision 1~~  
 48.20 ~~recommence after that date.~~

48.21 ~~(e) (b)~~ An increase in annuity or benefit payments under this subdivision must be made  
 48.22 automatically unless written notice is filed by the annuitant or benefit recipient with the  
 48.23 executive director of the applicable covered retirement plan requesting that the increase not  
 48.24 be made.

48.25 Sec. 12. Minnesota Statutes 2016, section 356.415, subdivision 1f, is amended to read:

48.26 Subd. 1f. **Annual postretirement adjustments; Minnesota State Retirement System**  
 48.27 **judges retirement plan.** ~~(a) The increases provided under this subdivision are in lieu of~~  
 48.28 ~~increases under subdivision 1 or 1a for retirement annuity, disability benefit, or survivor~~  
 48.29 ~~benefit recipients of the judges retirement plan.~~

48.30 ~~(b) (a)~~ Retirement annuity, disability benefit, or survivor benefit recipients of the judges  
 48.31 retirement plan are entitled to a an annual postretirement adjustment annually on, effective  
 48.32 as of each January 1; if the definition of funding stability under paragraph (b) has not been  
 48.33 met, as follows:



49.1 (1) a postretirement increase of 1.75 percent must be applied each year, ~~effective on~~  
49.2 ~~January 1~~, to the monthly annuity or benefit of each annuitant or benefit recipient who has  
49.3 been receiving an annuity or a benefit for at least 12 full months as of the June 30 of the  
49.4 calendar year immediately before the adjustment; and

49.5 (2) for each annuitant or benefit recipient who has been receiving an annuity or a benefit  
49.6 for at least one full month, but less than 12 full months as of the June 30 of the calendar  
49.7 year immediately before the adjustment, an annual postretirement increase of 1/12 of 1.75  
49.8 percent for each month that the person has been receiving an annuity or benefit must be  
49.9 applied to the amount of the monthly annuity or benefit of each annuitant or benefit recipient.

49.10 ~~(e) (b)~~ Increases under this subdivision paragraph (a) terminate on December 31 of the  
49.11 calendar year in which two prior consecutive actuarial valuations prepared by the approved  
49.12 actuary under sections 356.214 and 356.215 and the standards for actuarial work promulgated  
49.13 by the Legislative Commission on Pensions and Retirement indicates that the market value  
49.14 of assets of the judges retirement plan equals or exceeds 70 percent of the actuarial accrued  
49.15 liability of the retirement plan; and increases under subdivision 1 or 1a, whichever is  
49.16 applicable, paragraph (c) begin on the January 1 next following after that date.

49.17 (c) Retirement annuity, disability benefit, or survivor benefit recipients of the judges  
49.18 retirement plan are entitled to a postretirement adjustment annually, effective as of each  
49.19 January 1 if the definition of funding stability under paragraph (d) has not been met, as  
49.20 follows:

49.21 (1) a postretirement increase of two percent must be applied each year to the monthly  
49.22 annuity or benefit of each annuitant or benefit recipient who has been receiving an annuity  
49.23 or a benefit for at least 12 full months as of the June 30 of the calendar year immediately  
49.24 before the adjustment; and

49.25 (2) for each annuitant or benefit recipient who has been receiving an annuity or a benefit  
49.26 for at least one full month, but less than 12 full months as of the June 30 of the calendar  
49.27 year immediately before the adjustment, an annual postretirement increase of 1/12 of two  
49.28 percent for each month that the person has been receiving an annuity or benefit must be  
49.29 applied to the amount of the monthly annuity or benefit of the annuitant or benefit recipient.

49.30 (d) Increases under paragraph (c) terminate on December 31 of the calendar year in  
49.31 which two prior consecutive actuarial valuations prepared by the approved actuary under  
49.32 section 356.214 and the standards for actuarial work promulgated by the Legislative  
49.33 Commission on Pensions and Retirement indicate that the market value of assets of the

50.1 judges retirement plan equals or exceeds 90 percent of the actuarial accrued liability of the  
50.2 retirement plan and increases under paragraph (e) begin after that date.

50.3 (e) Retirement annuity, disability benefit, or survivor benefit recipients of the judges  
50.4 retirement plan are entitled to a postretirement adjustment annually, effective as of each  
50.5 January 1, as follows:

50.6 (1) a postretirement increase of 2.5 percent must be applied each year to the monthly  
50.7 annuity or benefit of each annuitant or benefit recipient who has been receiving an annuity  
50.8 or a benefit for at least 12 full months as of the June 30 of the calendar year immediately  
50.9 before the adjustment; and

50.10 (2) for each annuitant or benefit recipient who has been receiving an annuity or a benefit  
50.11 for at least one full month, but less than 12 full months as of the June 30 of the calendar  
50.12 year immediately before the adjustment, an annual postretirement increase of 1/12 of 2.5  
50.13 percent for each month that the person has been receiving an annuity or benefit must be  
50.14 applied to the amount of the monthly annuity or benefit of the annuitant or benefit recipient.

50.15 ~~(d)~~ (f) An increase in annuity or benefit payments under this subdivision must be made  
50.16 automatically unless written notice is filed by the annuitant or benefit recipient with the  
50.17 executive director of the applicable covered retirement plan requesting that the increase not  
50.18 be made.

50.19 Sec. 13. Minnesota Statutes 2016, section 356.415, is amended by adding a subdivision  
50.20 to read:

50.21 Subd. 1g. **Annual postretirement adjustments; PERA local government correctional**  
50.22 **retirement plan.** (a) Annuities, disability benefits, and survivor benefits being paid from  
50.23 the local government correctional retirement plan of the Public Employees Retirement  
50.24 Association shall be increased effective each January 1 by the percentage of increase  
50.25 determined under this subdivision. The increase to the annuity or benefit shall be determined  
50.26 by multiplying the monthly amount of the annuity or benefit by the percentage of increase  
50.27 specified in paragraph (b), after taking into account any reduction to the percentage of  
50.28 increase required under paragraph (c).

50.29 (b) The percentage of increase shall be one percent unless the federal Social Security  
50.30 Administration has announced a cost-of-living adjustment pursuant to United States Code,  
50.31 title 42, section 415(i), in the last quarter of the preceding calendar year that is greater than  
50.32 one percent. If the cost-of-living adjustment announced by the federal Social Security  
50.33 Administration is greater than one percent, the percentage of increase shall be the same as

51.1 the cost-of-living adjustment announced by the federal Social Security Administration, but  
51.2 in no event may the percentage of increase exceed the applicable maximum percentage.  
51.3 The applicable maximum percentage is 2.5 percent, until either of the following occurs, in  
51.4 which case the applicable maximum percentage is 1.5 percent and remains at 1.5 percent  
51.5 thereafter:

51.6 (1) the market value of assets equals or is less than 85 percent of the actuarial accrued  
51.7 liabilities as reported by the plan's actuary in two consecutive annual actuarial valuations;  
51.8 or

51.9 (2) the market value of assets equals or is less than 80 percent of the actuarial accrued  
51.10 liabilities as reported by the plan's actuary in the most recent annual actuarial valuation.

51.11 (c)(1) If the recipient of an annuity, disability benefit, or survivor's benefit has been  
51.12 receiving the annuity or benefit for at least 12 full months as of the June 30 of the calendar  
51.13 year immediately before the effective date of the increase, there is no reduction in the  
51.14 percentage of increase.

51.15 (2) If the recipient of an annuity, disability benefit, or survivor's benefit has been receiving  
51.16 the annuity or benefit for at least one month, but less than 12 full months, as of the June 30  
51.17 of the calendar year immediately preceding the effective date of the increase, the percentage  
51.18 of increase is multiplied by a fraction, the numerator of which is the number of months the  
51.19 annuity or benefit was received as of June 30 of the preceding calendar year and the  
51.20 denominator of which is 12.

51.21 (d) An increase in annuity or benefit payments under this section must be made  
51.22 automatically unless written notice is filed by the recipient with the executive director of  
51.23 the Public Employees Retirement Association requesting that the increase not be made.

51.24 **Sec. 14. STUDY.**

51.25 Before December 31, 2020, the Legislative Commission on Pensions and Retirement  
51.26 must conduct a study of postretirement adjustments for the covered plans as defined in  
51.27 Minnesota Statutes, section 356.415, subdivision 2, and the St. Paul Teachers Retirement  
51.28 Fund Association. The study shall take into account the purpose of postretirement adjustments  
51.29 and whether governing statutes are consistent with the purpose of postretirement adjustments.  
51.30 The study shall also consider alternative methodologies for determining postretirement  
51.31 adjustments and evaluate the new methodology to be used by the Public Employees  
51.32 Retirement Association under this act. The Legislative Commission on Pensions and  
51.33 Retirement shall report its conclusions based on the study during the 2021 legislative session.

52.1 Sec. 15. **EFFECTIVE DATE.**52.2 Sections 1 to 14 are effective June 30, 2018.52.3 **ARTICLE 6**52.4 **INTEREST RATE CONFORMING CHANGES**

52.5 Section 1. Minnesota Statutes 2016, section 3A.03, subdivision 2, is amended to read:

52.6 Subd. 2. **Refund.** (a) A former member who has made contributions under subdivision  
 52.7 1 and who is no longer a member of the legislature is entitled to receive, upon written  
 52.8 application to the executive director on a form prescribed by the executive director, a refund  
 52.9 from the general fund of all contributions credited to the member's account with interest  
 52.10 computed as provided in section 352.22, subdivision 2.

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

52.13 (c) If the former member of the legislature again becomes a member of the legislature  
 52.14 after having taken a refund as provided in paragraph (a), the member is a member of the  
 52.15 unclassified employees retirement program of the Minnesota State Retirement System.

52.16 (d) However, the member may reinstate the rights and credit for service previously  
 52.17 forfeited under this chapter if the member repays all refunds taken, plus interest at the ~~rate~~  
 52.18 ~~of 8.5 percent until June 30, 2015, and eight percent thereafter~~ applicable annual rate or  
 52.19 rates specified in section 356.59, subdivision 2, compounded annually, from the date on  
 52.20 which the refund was taken to the date on which the refund is repaid.

52.21 (e) A member of the legislature who has received a refund from any of the retirement  
 52.22 plans specified in section 356.311, paragraph (b), may repay the refund to the respective  
 52.23 plan under such terms and conditions consistent with the law governing the retirement plan  
 52.24 if the law governing the plan permits the repayment of refunds. If the total amount to be  
 52.25 repaid, including principal and interest exceeds \$2,000, repayment may be made in three  
 52.26 equal installments over a period of 18 months, with the interest accrued during the period  
 52.27 of the repayment added to the final installment.

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

52.29 Sec. 2. Minnesota Statutes 2016, section 352.01, subdivision 13a, is amended to read:

52.30 Subd. 13a. **Reduced salary during period of workers' compensation.** An employee  
 52.31 on leave of absence receiving temporary workers' compensation payments and a reduced

53.1 salary or no salary from the employer who is entitled to allowable service credit for the  
53.2 period of absence, may make payment to the fund for the difference between salary received,  
53.3 if any, and the salary the employee would normally receive if not on leave of absence during  
53.4 the period. The employee shall pay an amount equal to the employee and employer  
53.5 contribution rate under section 352.04, subdivisions 2 and 3, on the differential salary amount  
53.6 for the period of the leave of absence.

53.7 The employing department, at its option, may pay the employer amount on behalf of its  
53.8 employees. Payment made under this subdivision must include interest at the ~~rate of 8.5~~  
53.9 ~~percent until June 30, 2015, and eight percent thereafter per year~~ applicable annual rate or  
53.10 rates specified in section 356.59, subdivision 2, and must be completed within one year of  
53.11 the return from leave of absence.

53.12 Sec. 3. Minnesota Statutes 2016, section 352.017, subdivision 2, is amended to read:

53.13 Subd. 2. **Purchase procedure.** (a) An employee covered by a plan specified in this  
53.14 chapter may purchase credit for allowable service in that plan for a period specified in  
53.15 subdivision 1 if the employee makes a payment as specified in paragraph (b) or (c), whichever  
53.16 applies. The employing unit, at its option, may pay the employer portion of the amount  
53.17 specified in paragraph (b) on behalf of its employees.

53.18 (b) If payment is received by the executive director within one year from the date the  
53.19 employee returned to work following the authorized leave, the payment amount is equal to  
53.20 the employee and employer contribution rates specified in law for the applicable plan at the  
53.21 end of the leave period multiplied by the employee's hourly rate of salary on the date of  
53.22 return from the leave of absence and by the days and months of the leave of absence for  
53.23 which the employee is eligible for allowable service credit. The payment must include  
53.24 compound interest at the ~~monthly rate of 0.71 percent until June 30, 2015, and 0.667 percent~~  
53.25 ~~per month thereafter~~ applicable monthly rate or rates specified in section 356.59, subdivision  
53.26 2, from the last day of the leave period until the last day of the month in which payment is  
53.27 received. If payment is received by the executive director after one year, the payment amount  
53.28 is the amount determined under section 356.551. Payment under this paragraph must be  
53.29 made before the date of termination from public employment covered under this chapter.

53.30 (c) If the employee terminates employment covered by this chapter during the leave or  
53.31 following the leave rather than returning to covered employment, payment must be received  
53.32 by the executive director within 30 days after the termination date. The payment amount is  
53.33 equal to the employee and employer contribution rates specified in law for the applicable

54.1 plan on the day prior to the termination date, multiplied by the employee's hourly rate of  
54.2 salary on that date and by the days and months of the leave of absence prior to termination.

54.3 Sec. 4. Minnesota Statutes 2016, section 352.04, subdivision 8, is amended to read:

54.4 Subd. 8. **Department required to pay omitted salary deductions.** (a) If a department  
54.5 fails to take deductions past due for a period of 60 days or less from an employee's salary  
54.6 as provided in this section, those deductions must be taken on later payroll abstracts.

54.7 (b) If a department fails to take deductions past due for a period in excess of 60 days  
54.8 from an employee's salary as provided in this section, the department, and not the employee,  
54.9 must pay on later payroll abstracts the employee and employer contributions and ~~an amount~~  
54.10 ~~equivalent to 8.5 percent until June 30, 2015, and eight percent thereafter of the total amount~~  
54.11 ~~due in lieu of interest, or if the delay in payment exceeds one year, 8.5 percent until June~~  
54.12 ~~30, 2015, and eight percent thereafter compound annual interest.~~ at the applicable annual  
54.13 rate or rates specified in section 356.59, subdivision 2, compounded annually, from the date  
54.14 the employee and employer contributions should have been deducted to the date payment  
54.15 of the total amount due is paid by the department.

54.16 (c) If a department fails to take deductions past due for a period of 60 days or less and  
54.17 the employee is no longer in state service so that the required deductions cannot be taken  
54.18 from the salary of the employee, the department must nevertheless pay the required employer  
54.19 contributions. If any department fails to take deductions past due for a period in excess of  
54.20 60 days and the employee is no longer in state service, the omitted contributions must be  
54.21 recovered under paragraph (b).

54.22 (d) If an employee from whose salary required deductions were past due for a period of  
54.23 60 days or less leaves state service before the payment of the omitted deductions and  
54.24 subsequently returns to state service, the unpaid amount is considered the equivalent of a  
54.25 refund. The employee accrues no right by reason of the unpaid amount, except that the  
54.26 employee may pay the amount of omitted deductions as provided in section 352.23.

54.27 Sec. 5. Minnesota Statutes 2016, section 352.04, subdivision 9, is amended to read:

54.28 Subd. 9. **Erroneous deductions, canceled warrants.** (a) Deductions taken from the  
54.29 salary of an employee for the retirement fund in excess of required amounts must, upon  
54.30 discovery and verification by the department making the deduction, be refunded to the  
54.31 employee.

55.1 (b) If a deduction for the retirement fund is taken from a salary warrant or check, and  
55.2 the check is canceled or the amount of the warrant or check returned to the funds of the  
55.3 department making the payment, the sum deducted, or the part of it required to adjust the  
55.4 deductions, must be refunded to the department or institution if the department applies for  
55.5 the refund on a form furnished by the director. The department's payments must likewise  
55.6 be refunded to the department.

55.7 (c) If erroneous employee deductions and employer contributions are caused by an error  
55.8 in plan coverage involving the plan and any other plans specified in section 356.99, that  
55.9 section applies. If the employee should have been covered by the plan governed by chapter  
55.10 352D, 353D, 354B, or 354D, the employee deductions and employer contributions taken  
55.11 in error must be directly transferred to the applicable employee's account in the correct  
55.12 retirement plan, with interest at the ~~rate of 0.71 percent per month until June 30, 2015, and~~  
55.13 ~~0.667 percent per month thereafter~~ applicable monthly rate or rates specified in section  
55.14 356.59, subdivision 2, compounded annually, from the first day of the month following the  
55.15 month in which coverage should have commenced in the correct defined contribution plan  
55.16 until the end of the month in which the transfer occurs.

55.17 Sec. 6. Minnesota Statutes 2016, section 352.23, is amended to read:

55.18 **352.23 TERMINATION OF RIGHTS; REPAYMENT OF REFUND.**

55.19 (a) When any employee accepts a refund as provided in section 352.22, all existing  
55.20 allowable service credits and all rights and benefits to which the employee was entitled  
55.21 before accepting the refund terminate.

55.22 (b) Terminated service credits and rights must not again be restored until the former  
55.23 employee acquires at least six months of allowable service credit after taking the last refund.  
55.24 In that event, the employee may repay all refunds previously taken from the retirement fund.

55.25 (c) Repayment of refunds entitles the employee only to credit for service covered by (1)  
55.26 salary deductions; (2) payments previously made in lieu of salary deductions as permitted  
55.27 under law in effect when the payment in lieu of deductions was made; (3) payments made  
55.28 to obtain credit for service as permitted by laws in effect when payment was made; and (4)  
55.29 allowable service previously credited while receiving temporary workers' compensation as  
55.30 provided in section 352.01, subdivision 11, paragraph (a), clause (3).

55.31 (d) Payments under this section for repayment of refunds are to be paid with interest at  
55.32 the ~~rate of 8.5 percent until June 30, 2015, and eight percent thereafter~~ applicable annual  
55.33 rate or rates specified in section 356.59, subdivision 2, compounded annually<sub>2</sub> from the date

56.1 the refund was taken until the date the refund is repaid. They may be paid in a lump sum  
56.2 or by payroll deduction in the manner provided in section 352.04. Payment may be made  
56.3 in a lump sum up to six months after termination from service.

56.4 Sec. 7. Minnesota Statutes 2016, section 352.27, is amended to read:

56.5 **352.27 CREDIT FOR BREAK IN SERVICE TO PROVIDE UNIFORMED**  
56.6 **SERVICE.**

56.7 (a) An employee who is absent from employment by reason of service in the uniformed  
56.8 services, as defined in United States Code, title 38, section 4303(13), and who returns to  
56.9 state service upon discharge from service in the uniformed service within the time frames  
56.10 required in United States Code, title 38, section 4312(e), may obtain service credit for the  
56.11 period of the uniformed service as further specified in this section, provided that the employee  
56.12 did not separate from uniformed service with a dishonorable or bad conduct discharge or  
56.13 under other than honorable conditions.

56.14 (b) The employee may obtain credit by paying into the fund an equivalent employee  
56.15 contribution based upon the contribution rate or rates in effect at the time that the uniformed  
56.16 service was performed multiplied by the full and fractional years being purchased and  
56.17 applied to the annual salary rate. The annual salary rate is the average annual salary during  
56.18 the purchase period that the employee would have received if the employee had continued  
56.19 to be employed in covered employment rather than to provide uniformed service, or, if the  
56.20 determination of that rate is not reasonably certain, the annual salary rate is the employee's  
56.21 average salary rate during the 12-month period of covered employment rendered immediately  
56.22 preceding the period of the uniformed service.

56.23 (c) The equivalent employer contribution and, if applicable, the equivalent additional  
56.24 employer contribution provided in this chapter must be paid by the department employing  
56.25 the employee from funds available to the department at the time and in the manner provided  
56.26 in this chapter, using the employer and additional employer contribution rate or rates in  
56.27 effect at the time that the uniformed service was performed, applied to the same annual  
56.28 salary rate or rates used to compute the equivalent employee contribution.

56.29 (d) If the employee equivalent contributions provided in this section are not paid in full,  
56.30 the employee's allowable service credit must be prorated by multiplying the full and fractional  
56.31 number of years of uniformed service eligible for purchase by the ratio obtained by dividing  
56.32 the total employee contribution received by the total employee contribution otherwise  
56.33 required under this section.



57.1 (e) To receive service credit under this section, the contributions specified in this section  
57.2 must be transmitted to the Minnesota State Retirement System during the period which  
57.3 begins with the date on which the individual returns to state service and which has a duration  
57.4 of three times the length of the uniformed service period, but not to exceed five years. If  
57.5 the determined payment period is less than one year, the contributions required under this  
57.6 section to receive service credit may be made within one year of the discharge date.

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

57.9 (g) The employing unit shall pay interest on all equivalent employee and employer  
57.10 contribution amounts payable under this section. Interest must be ~~computed at the rate of~~  
57.11 ~~8.5 percent until June 30, 2015, and eight percent thereafter~~ at the applicable annual rate or  
57.12 rates specified in section 356.59, subdivision 2, compounded annually, from the end of each  
57.13 fiscal year of the leave or the break in service to the end of the month in which the payment  
57.14 is received.

57.15 Sec. 8. Minnesota Statutes 2016, section 352.955, subdivision 3, is amended to read:

57.16 Subd. 3. **Payment of additional equivalent contributions.** (a) An eligible employee  
57.17 who is transferred to plan coverage and who elects to transfer past service credit under this  
57.18 section must pay an additional member contribution for that prior service period. The  
57.19 additional member contribution is the amount computed under paragraph (b), plus the greater  
57.20 of the amount computed under paragraph (c), or 40 percent of the unfunded actuarial accrued  
57.21 liability attributable to the past service credit transfer.

57.22 (b) The executive director shall compute, for the most recent 12 months of service credit  
57.23 eligible for transfer, or for the entire period eligible for transfer if less than 12 months, the  
57.24 difference between the employee contribution rate or rates for the general state employees  
57.25 retirement plan and the employee contribution rate or rates for the correctional state  
57.26 employees retirement plan applied to the eligible employee's salary during that transfer  
57.27 period, plus compound interest at the applicable monthly rate of ~~0.71 percent until June 30,~~  
57.28 ~~2015, and 0.667 percent per month thereafter~~ or rates specified in section 356.59, subdivision  
57.29 2.

57.30 (c) The executive director shall compute, for any service credit being transferred on  
57.31 behalf of the eligible employee and not included under paragraph (b), the difference between  
57.32 the employee contribution rate or rates for the general state employees retirement plan and  
57.33 the employee contribution rate or rates for the correctional state employees retirement plan  
57.34 applied to the eligible employee's salary during that transfer period, plus compound interest

58.1 at the ~~monthly rate of 0.71 percent until June 30, 2015, and 0.667 percent per month thereafter~~  
58.2 applicable monthly rate or rates specified in section 356.59, subdivision 2.

58.3 (d) The executive director shall compute an amount using the process specified in  
58.4 paragraph (b), but based on differences in employer contribution rates between the general  
58.5 state employees retirement plan and the correctional state employees retirement plan rather  
58.6 than employee contribution rates.

58.7 (e) The executive director shall compute an amount using the process specified in  
58.8 paragraph (c), but based on differences in employer contribution rates between the general  
58.9 state employees retirement plan and the correctional state employees retirement plan rather  
58.10 than employee contribution rates.

58.11 (f) The additional equivalent member contribution under this subdivision must be paid  
58.12 in a lump sum. Payment must accompany the election to transfer the prior service credit.  
58.13 No transfer election or additional equivalent member contribution payment may be made  
58.14 by a person or accepted by the executive director after the one year anniversary date of the  
58.15 effective date of the retirement coverage transfer, or the date on which the eligible employee  
58.16 terminates state employment, whichever is earlier.

58.17 (g) If an eligible employee elects to transfer past service credit under this section and  
58.18 pays the additional equivalent member contribution amount under paragraph (a), the  
58.19 applicable department shall pay an additional equivalent employer contribution amount.  
58.20 The additional employer contribution is the amount computed under paragraph (d), plus the  
58.21 greater of the amount computed under paragraph (e), or 60 percent of the unfunded actuarial  
58.22 accrued liability attributable to the past service credit transfer.

58.23 (h) The unfunded actuarial accrued liability attributable to the past service credit transfer  
58.24 is the present value of the benefit obtained by the transfer of the service credit to the  
58.25 correctional state employees retirement plan reduced by the amount of the asset transfer  
58.26 under subdivision 4, by the amount of the member contribution equivalent payment computed  
58.27 under paragraph (b), and by the amount of the employer contribution equivalent payment  
58.28 computed under paragraph (d).

58.29 (i) The additional equivalent employer contribution under this subdivision must be paid  
58.30 in a lump sum and must be paid within 30 days of the date on which the executive director  
58.31 of the Minnesota State Retirement System certifies to the applicable department that the  
58.32 employee paid the additional equivalent member contribution.

59.1 Sec. 9. Minnesota Statutes 2016, section 352B.013, subdivision 2, is amended to read:

59.2 Subd. 2. **Purchase procedure.** (a) An employee covered by the plan specified in this  
59.3 chapter may purchase credit for allowable service in the plan for a period specified in  
59.4 subdivision 1 if the employee makes a payment as specified in paragraph (b) or (c), whichever  
59.5 applies. The employing unit, at its option, may pay the employer portion of the amount  
59.6 specified in paragraph (b) on behalf of its employees.

59.7 (b) If payment is received by the executive director within one year from the date the  
59.8 employee returned to work following the authorized leave, the payment amount is equal to  
59.9 the employee and employer contribution rates specified in section 352B.02 at the end of  
59.10 the leave period multiplied by the employee's hourly rate of salary on the date of return  
59.11 from the leave of absence and by the days and months of the leave of absence for which  
59.12 the employee is eligible for allowable service credit. The payment must include compound  
59.13 interest at the ~~monthly rate of 0.71 percent until June 30, 2015, and 0.667 percent per month~~  
59.14 ~~thereafter~~ applicable monthly rate or rates specified in section 356.59, subdivision 2, from  
59.15 the last day of the leave period until the last day of the month in which payment is received.  
59.16 If payment is received by the executive director after one year from the date the employee  
59.17 returned to work following the authorized leave, the payment amount is the amount  
59.18 determined under section 356.551. Payment under this paragraph must be made before the  
59.19 date of termination from public employment covered under this chapter.

59.20 (c) If the employee terminates employment covered by this chapter during the leave or  
59.21 following the leave rather than returning to covered employment, payment must be received  
59.22 by the executive director within 30 days after the termination date. The payment amount is  
59.23 equal to the employee and employer contribution rates specified in section 352B.02 on the  
59.24 day prior to the termination date, multiplied by the employee's hourly rate of salary on that  
59.25 date and by the days and months of the leave of absence prior to termination.

59.26 Sec. 10. Minnesota Statutes 2016, section 352B.085, is amended to read:

59.27 **352B.085 SERVICE CREDIT FOR CERTAIN DISABILITY LEAVES OF**  
59.28 **ABSENCE.**

59.29 A member on leave of absence receiving temporary workers' compensation payments  
59.30 and a reduced salary or no salary from the employer who is entitled to allowable service  
59.31 credit for the period of absence under section 352B.011, subdivision 3, paragraph (b), may  
59.32 make payment to the fund for the difference between salary received, if any, and the salary  
59.33 that the member would normally receive if the member was not on leave of absence during  
59.34 the period. The member shall pay an amount equal to the member and employer contribution

60.1 rate under section 352B.02, subdivisions 1b and 1c, on the differential salary amount for  
60.2 the period of the leave of absence. The employing department, at its option, may pay the  
60.3 employer amount on behalf of the member. Payment made under this subdivision must  
60.4 include interest at the ~~rate of 8.5 percent until June 30, 2015, and eight percent thereafter~~  
60.5 ~~per year~~ applicable annual rate or rates specified in section 356.59, subdivision 2, and must  
60.6 be completed within one year of the member's return from the leave of absence.

60.7 Sec. 11. Minnesota Statutes 2016, section 352B.086, is amended to read:

60.8 **352B.086 SERVICE CREDIT FOR UNIFORMED SERVICE.**

60.9 (a) A member who is absent from employment by reason of service in the uniformed  
60.10 services, as defined in United States Code, title 38, section 4303(13), and who returns to  
60.11 state employment in a position covered by the plan upon discharge from service in the  
60.12 uniformed services within the time frame required in United States Code, title 38, section  
60.13 4312(e), may obtain service credit for the period of the uniformed service, provided that  
60.14 the member did not separate from uniformed service with a dishonorable or bad conduct  
60.15 discharge or under other than honorable conditions.

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

60.25 (c) The equivalent employer contribution and, if applicable, the equivalent employer  
60.26 additional contribution, must be paid by the employing unit, using the employer and employer  
60.27 additional contribution rate or rates in effect at the time that the uniformed service was  
60.28 performed, applied to the same annual salary rate or rates used to compute the equivalent  
60.29 member contribution.

60.30 (d) If the member equivalent contributions provided for in this section are not paid in  
60.31 full, the member's allowable service credit must be prorated by multiplying the full and  
60.32 fractional number of years of uniformed service eligible for purchase by the ratio obtained  
60.33 by dividing the total member contributions received by the total member contributions  
60.34 otherwise required under this section.

61.1 (e) To receive allowable service credit under this section, the contributions specified in  
61.2 this section must be transmitted to the fund during the period which begins with the date  
61.3 on which the individual returns to state employment covered by the plan and which has a  
61.4 duration of three times the length of the uniformed service period, but not to exceed five  
61.5 years. If the determined payment period is calculated to be less than one year, the  
61.6 contributions required under this section to receive service credit must be transmitted to the  
61.7 fund within one year from the discharge date.

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

61.11 (g) The employing unit shall pay interest on all equivalent member and employer  
61.12 contribution amounts payable under this section. Interest must be computed at the ~~rate of~~  
61.13 ~~8.5 percent until June 30, 2015, and eight percent thereafter~~ applicable annual rate or rates  
61.14 specified in section 356.59, subdivision 2, compounded annually, from the end of each  
61.15 fiscal year of the leave or break in service to the end of the month in which payment is  
61.16 received.

61.17 Sec. 12. Minnesota Statutes 2016, section 352B.11, subdivision 4, is amended to read:

61.18 Subd. 4. **Reentry into state service; refund repayment.** (a) When a former member,  
61.19 who has become separated from state service that entitled the member to membership and  
61.20 has received a refund of retirement payments, reenters the state service in a position that  
61.21 entitles the member to membership, that member shall receive credit for the period of prior  
61.22 allowable state service if the member repays into the fund the amount of the refund, plus  
61.23 ~~interest on it at the rate of 8.5 percent until June 30, 2015, and eight percent thereafter~~ at  
61.24 the applicable annual rate or rates specified in section 356.59, subdivision 2, compounded  
61.25 annually, at any time before subsequent retirement. Repayment may be made in installments  
61.26 or in a lump sum.

61.27 (b) A person who has received a refund from the State Patrol retirement fund who is a  
61.28 member of another public retirement system included in section 356.311 may repay the  
61.29 refund with interest to the State Patrol retirement fund as provided in paragraph (a).

61.30 Sec. 13. Minnesota Statutes 2016, section 352D.05, subdivision 4, is amended to read:

61.31 Subd. 4. **Repayment of refund.** (a) A participant in the unclassified program may repay  
61.32 regular refunds taken under section 352.22, as provided in section 352.23.

62.1 (b) A participant in the unclassified program or an employee covered by the general  
62.2 employees retirement plan who has withdrawn the value of the total shares may repay the  
62.3 refund taken and thereupon restore the service credit, rights and benefits forfeited by paying  
62.4 into the fund the amount refunded plus interest at the ~~rate of 8.5 percent until June 30, 2015,~~  
62.5 ~~and eight percent thereafter~~ applicable annual rate or rates specified in section 356.59,  
62.6 subdivision 2, compounded annually, from the date that the refund was taken until the date  
62.7 that the refund is repaid. If the participant had withdrawn only the employee shares as  
62.8 permitted under prior laws, repayment must be pro rata.

62.9 (c) Except as provided in section 356.441, the repayment of a refund under this section  
62.10 must be made in a lump sum.

62.11 Sec. 14. Minnesota Statutes 2016, section 352D.11, subdivision 2, is amended to read:

62.12 Subd. 2. **Payments by employee.** An employee entitled to purchase service credit may  
62.13 make the purchase by paying to the state retirement system an amount equal to the current  
62.14 employee contribution rate in effect for the state retirement system applied to the current  
62.15 or final salary rate multiplied by the months and days of prior temporary, intermittent, or  
62.16 contract legislative service. Payment shall be made in one lump sum unless the executive  
62.17 director of the state retirement system agrees to accept payment in installments over a period  
62.18 of not more than three years from the date of the agreement. Installment payments shall be  
62.19 charged interest at the ~~rate of 8.5 percent until June 30, 2015, and eight percent thereafter~~  
62.20 applicable annual rate or rates specified in section 356.59, subdivision 2, compounded  
62.21 annually.

62.22 Sec. 15. Minnesota Statutes 2016, section 352D.12, is amended to read:

62.23 **352D.12 TRANSFER OF PRIOR SERVICE CONTRIBUTIONS.**

62.24 (a) An employee who is a participant in the unclassified program and who has prior  
62.25 service credit in a covered plan under chapter 352, 353, 354, 354A, or 422A may, within  
62.26 the time limits specified in this section, elect to transfer to the unclassified program prior  
62.27 service contributions to one or more of those plans.

62.28 (b) For participants with prior service credit in a plan governed by chapter 352, 353,  
62.29 354, 354A, or 422A, "prior service contributions" means the accumulated employee and  
62.30 equal employer contributions with interest at the ~~rate of 8.5 percent until June 30, 2015,~~  
62.31 ~~and eight percent thereafter~~ applicable annual rate or rates specified in section 356.59,  
62.32 subdivision 2, compounded annually, based on fiscal year balances.

63.1 (c) If a participant has taken a refund from a retirement plan listed in this section, the  
63.2 participant may repay the refund to that plan, notwithstanding any restrictions on repayment  
63.3 to that plan, ~~plus 8.5 percent interest until June 30, 2015, and eight percent interest thereafter~~  
63.4 with interest at the applicable annual rate or rates specified in section 356.59, subdivision  
63.5 2, compounded annually, and have the accumulated employee and equal employer  
63.6 contributions transferred to the unclassified program with interest at the rate of 8.5 percent  
63.7 until June 30, 2015, and eight percent thereafter compounded annually based on fiscal year  
63.8 balances. If a person repays a refund and subsequently elects to have the money transferred  
63.9 to the unclassified program, the repayment amount, including interest, is added to the fiscal  
63.10 year balance in the year which the repayment was made.

63.11 (d) A participant electing to transfer prior service contributions credited to a retirement  
63.12 plan governed by chapter 352, 353, 354, 354A, or 422A as provided under this section must  
63.13 complete a written application for the transfer and repay any refund within one year of the  
63.14 commencement of the employee's participation in the unclassified program.

63.15 Sec. 16. Minnesota Statutes 2016, section 353.01, subdivision 16, is amended to read:

63.16 Subd. 16. **Allowable service; limits and computation.** (a) "Allowable service" means:

63.17 (1) service during years of actual membership in the course of which employee deductions  
63.18 were withheld from salary and contributions were made at the applicable rates under section  
63.19 353.27, 353.65, or 353E.03;

63.20 (2) periods of service covered by payments in lieu of salary deductions under sections  
63.21 353.27, subdivisions 12 and 12a, and 353.35;

63.22 (3) service in years during which the public employee was not a member but for which  
63.23 the member later elected, while a member, to obtain credit by making payments to the fund  
63.24 as permitted by any law then in effect;

63.25 (4) a period of authorized leave of absence during which the employee receives pay as  
63.26 specified in subdivision 10, paragraph (a), clause (4) or (5), from which deductions for  
63.27 employee contributions are made, deposited, and credited to the fund;

63.28 (5) a period of authorized leave of absence without pay, or with pay that is not included  
63.29 in the definition of salary under subdivision 10, paragraph (a), clause (4) or (5), for which  
63.30 salary deductions are not authorized, and for which a member obtained service credit for  
63.31 up to 12 months of the authorized leave period by payment under section 353.0161 or  
63.32 353.0162, to the fund made in place of salary deductions;

64.1 (6) a periodic, repetitive leave that is offered to all employees of a governmental  
64.2 subdivision. The leave program may not exceed 208 hours per annual normal work cycle  
64.3 as certified to the association by the employer. A participating member obtains service credit  
64.4 by making employee contributions in an amount or amounts based on the member's average  
64.5 salary, excluding overtime pay, that would have been paid if the leave had not been taken.  
64.6 The employer shall pay the employer and additional employer contributions on behalf of  
64.7 the participating member. The employee and the employer are responsible to pay interest  
64.8 on their respective shares at the ~~rate of 8.5 percent until June 30, 2015, and eight percent~~  
64.9 ~~thereafter~~ applicable rate or rates specified in section 356.59, subdivision 3, compounded  
64.10 annually, from the end of the normal cycle until full payment is made. An employer shall  
64.11 also make the employer and additional employer contributions, plus ~~8.5 percent interest~~  
64.12 ~~until June 30, 2015, and eight percent interest thereafter~~ at the applicable rate or rates  
64.13 specified in section 356.59, subdivision 3, compounded annually, on behalf of an employee  
64.14 who makes employee contributions but terminates public service. The employee contributions  
64.15 must be made within one year after the end of the annual normal working cycle or within  
64.16 30 days after termination of public service, whichever is sooner. The executive director  
64.17 shall prescribe the manner and forms to be used by a governmental subdivision in  
64.18 administering a periodic, repetitive leave. Upon payment, the member must be granted  
64.19 allowable service credit for the purchased period;

64.20 (7) an authorized temporary or seasonal layoff under subdivision 12, limited to three  
64.21 months allowable service per authorized temporary or seasonal layoff in one calendar year.  
64.22 An employee who has received the maximum service credit allowed for an authorized  
64.23 temporary or seasonal layoff must return to public service and must obtain a minimum of  
64.24 three months of allowable service subsequent to the layoff in order to receive allowable  
64.25 service for a subsequent authorized temporary or seasonal layoff;

64.26 (8) a period during which a member is absent from employment by a governmental  
64.27 subdivision by reason of service in the uniformed services, as defined in United States Code,  
64.28 title 38, section 4303(13), if the member returns to public service with the same governmental  
64.29 subdivision upon discharge from service in the uniformed service within the time frames  
64.30 required under United States Code, title 38, section 4312(e), provided that the member did  
64.31 not separate from uniformed service with a dishonorable or bad conduct discharge or under  
64.32 other than honorable conditions. The service must be credited if the member pays into the  
64.33 fund equivalent employee contributions based upon the contribution rate or rates in effect  
64.34 at the time that the uniformed service was performed multiplied by the full and fractional  
64.35 years being purchased and applied to the annual salary rate. The annual salary rate is the



65.1 average annual salary during the purchase period that the member would have received if  
65.2 the member had continued to be employed in covered employment rather than to provide  
65.3 uniformed service, or, if the determination of that rate is not reasonably certain, the annual  
65.4 salary rate is the member's average salary rate during the 12-month period of covered  
65.5 employment rendered immediately preceding the period of the uniformed service. Payment  
65.6 of the member equivalent contributions must be made during a period that begins with the  
65.7 date on which the individual returns to public employment and that is three times the length  
65.8 of the military leave period, or within five years of the date of discharge from the military  
65.9 service, whichever is less. If the determined payment period is less than one year, the  
65.10 contributions required under this clause to receive service credit may be made within one  
65.11 year of the discharge date. Payment may not be accepted following 30 days after termination  
65.12 of public service under subdivision 11a. If the member equivalent contributions provided  
65.13 for in this clause are not paid in full, the member's allowable service credit must be prorated  
65.14 by multiplying the full and fractional number of years of uniformed service eligible for  
65.15 purchase by the ratio obtained by dividing the total member contributions received by the  
65.16 total member contributions otherwise required under this clause. The equivalent employer  
65.17 contribution, and, if applicable, the equivalent additional employer contribution must be  
65.18 paid by the governmental subdivision employing the member if the member makes the  
65.19 equivalent employee contributions. The employer payments must be made from funds  
65.20 available to the employing unit, using the employer and additional employer contribution  
65.21 rate or rates in effect at the time that the uniformed service was performed, applied to the  
65.22 same annual salary rate or rates used to compute the equivalent member contribution. The  
65.23 governmental subdivision involved may appropriate money for those payments. The amount  
65.24 of service credit obtainable under this section may not exceed five years unless a longer  
65.25 purchase period is required under United States Code, title 38, section 4312. The employing  
65.26 unit shall pay interest on all equivalent member and employer contribution amounts payable  
65.27 under this clause. Interest must be computed at the ~~rate of 8.5 percent until June 30, 2015,~~  
65.28 ~~and eight percent thereafter~~ applicable rate or rates specified in section 356.59, subdivision  
65.29 3, compounded annually, from the end of each fiscal year of the leave or the break in service  
65.30 to the end of the month in which the payment is received. Upon payment, the employee  
65.31 must be granted allowable service credit for the purchased period; or

65.32 (9) a period specified under section 353.0162.

65.33 (b) No member may receive more than 12 months of allowable service credit in a year  
65.34 either for vesting purposes or for benefit calculation purposes.

66.1 (c) For an active member who was an active member of the former Minneapolis  
66.2 Firefighters Relief Association on December 29, 2011, "allowable service" is the period of  
66.3 service credited by the Minneapolis Firefighters Relief Association as reflected in the  
66.4 transferred records of the association up to December 30, 2011, and the period of service  
66.5 credited under paragraph (a), clause (1), after December 30, 2011. For an active member  
66.6 who was an active member of the former Minneapolis Police Relief Association on December  
66.7 29, 2011, "allowable service" is the period of service credited by the Minneapolis Police  
66.8 Relief Association as reflected in the transferred records of the association up to December  
66.9 30, 2011, and the period of service credited under paragraph (a), clause (1), after December  
66.10 30, 2011.

66.11 Sec. 17. Minnesota Statutes 2016, section 353.0162, is amended to read:

66.12 **353.0162 REDUCED SALARY PERIODS SALARY CREDIT PURCHASE.**

66.13 (a) A member may purchase additional salary credit for a period specified in this section.

66.14 (b) The applicable period is a period during which the member is receiving a reduced  
66.15 salary from the employer while the member is:

66.16 (1) receiving temporary workers' compensation payments related to the member's service  
66.17 to the public employer;

66.18 (2) on an authorized leave of absence; or

66.19 (3) on an authorized partial paid leave of absence as a result of a budgetary or salary  
66.20 savings program offered or mandated by a governmental subdivision.

66.21 (c) The differential salary amount is the difference between the average monthly salary  
66.22 received by the member during the period of reduced salary under this section and the  
66.23 average monthly salary of the member, excluding overtime, on which contributions to the  
66.24 applicable plan were made during the period of the last six months of covered employment  
66.25 occurring immediately before the period of reduced salary, applied to the member's normal  
66.26 employment period, measured in hours or otherwise, as applicable.

66.27 (d) To receive eligible salary credit, the member shall pay an amount equal to:

66.28 (1) the applicable employee contribution rate under section 353.27, subdivision 2; 353.65,  
66.29 subdivision 2; or 353E.03, subdivision 1, as applicable, multiplied by the differential salary  
66.30 amount;

67.1 (2) plus an employer equivalent payment equal to the applicable employer contribution  
67.2 rate in section 353.27, subdivision 3; 353.65, subdivision 3; or 353E.03, subdivision 2, as  
67.3 applicable, multiplied by the differential salary amount;

67.4 (3) plus, if applicable, an equivalent employer additional amount equal to the additional  
67.5 employer contribution rate in section 353.27, subdivision 3a, multiplied by the differential  
67.6 salary amount.

67.7 (e) The employer, by appropriate action of its governing body and documented in its  
67.8 official records, may pay the employer equivalent contributions and, as applicable, the  
67.9 equivalent employer additional contributions on behalf of the member.

67.10 (f) Payment under this section must include interest on the contribution amount or  
67.11 amounts, whichever applies, at ~~an 8.5 percent annual rate until June 30, 2015, and at an~~  
67.12 ~~eight percent annual rate thereafter~~ the applicable rate or rates specified in section 356.59,  
67.13 subdivision 3, compounded annually, prorated for applicable the number of months, if less  
67.14 than 12 months, from the date on which the period of reduced salary specified under this  
67.15 section terminates to the date on which the payment or payments are received by the  
67.16 executive director. Payment under this section must be completed within the earlier of 30  
67.17 days from termination of public service by the employee under section 353.01, subdivision  
67.18 11a, or one year after the termination of the period specified in paragraph (b), as further  
67.19 restricted under this section.

67.20 (g) The period for which additional allowable salary credit may be purchased is limited  
67.21 to the period during which the person receives temporary workers' compensation payments  
67.22 or for those business years in which the governmental subdivision offers or mandates a  
67.23 budget or salary savings program, as certified to the executive director by a resolution of  
67.24 the governing body of the governmental subdivision. For an authorized leave of absence,  
67.25 the period for which allowable salary credit may be purchased may not exceed 12 months  
67.26 of authorized leave.

67.27 (h) To purchase salary credit for a subsequent period of temporary workers' compensation  
67.28 benefits or subsequent authorized medical leave of absence, the member must return to  
67.29 public service and render a minimum of three months of allowable service.

67.30 Sec. 18. Minnesota Statutes 2017 Supplement, section 353.27, subdivision 3c, is amended  
67.31 to read:

67.32 Subd. 3c. **Former MERF members; member and employer contributions.** (a) For  
67.33 the period July 1, 2015, through December 31, 2031, the member contributions for former

68.1 members of the Minneapolis Employees Retirement Fund and by the former Minneapolis  
68.2 Employees Retirement Fund-covered employing units are governed by this subdivision.

68.3 (b) The member contribution for a public employee who was a member of the former  
68.4 Minneapolis Employees Retirement Fund on June 29, 2010, is 9.75 percent of the salary of  
68.5 the employee.

68.6 (c) The employer regular contribution with respect to a public employee who was a  
68.7 member of the former Minneapolis Employees Retirement Fund on June 29, 2010, is 9.75  
68.8 percent of the salary of the employee.

68.9 (d) The annual employer supplemental contribution is the employing unit's share of  
68.10 \$31,000,000. For calendar years 2017 and 2018, the employer supplemental contribution  
68.11 is the employing unit's share of \$21,000,000.

68.12 (e) Each employing unit's share under paragraph (d) is the amount determined from an  
68.13 allocation between each employing unit in the portion equal to the unit's employer  
68.14 supplemental contribution paid or payable under Minnesota Statutes 2012, section 353.50,  
68.15 during calendar year 2014.

68.16 (f) The employer supplemental contribution amount under paragraph (d) for calendar  
68.17 year 2015 must be invoiced by the executive director of the Public Employees Retirement  
68.18 Association by July 1, 2015. The calendar year 2015 payment is payable in a single amount  
68.19 on or before September 30, 2015. For subsequent calendar years, the employer supplemental  
68.20 contribution under paragraph (d) must be invoiced on January 31 of each year and is payable  
68.21 in two parts, with the first half payable on or before July 31 and with the second half payable  
68.22 on or before December 15. Late payments are payable with ~~compound~~ interest, compounded  
68.23 annually, at the rate of 0.71 percent applicable rate or rates specified in section 356.59,  
68.24 subdivision 3, per month for each month or portion of a month that has elapsed after the  
68.25 due date.

68.26 (g) The employer supplemental contribution under paragraph (d) terminates on December  
68.27 31, 2031.

68.28 Sec. 19. Minnesota Statutes 2016, section 353.27, subdivision 7a, is amended to read:

68.29 Subd. 7a. **Deductions or contributions transmitted by error.** (a) If employee deductions  
68.30 and employer contributions under this section, section 353.50, 353.65, or 353E.03 were  
68.31 erroneously transmitted to the association, but should have been transmitted to a plan covered  
68.32 by chapter 352D, 353D, 354B, or 354D, the executive director shall transfer the erroneous  
68.33 employee deductions and employer contributions to the appropriate retirement fund or

69.1 individual account, as applicable. The time limitations specified in subdivisions 7 and 12  
69.2 do not apply. The transfer to the applicable defined contribution plan account must include  
69.3 interest at the ~~rate of 0.71 percent per month until June 30, 2015, and 0.667 percent~~ applicable  
69.4 rate or rates specified in section 356.59, subdivision 3, per month ~~thereafter~~, compounded  
69.5 annually, from the first day of the month following the month in which coverage should  
69.6 have commenced in the defined contribution plan until the end of the month in which the  
69.7 transfer occurs.

69.8 (b) A potential transfer under paragraph (a) that is reasonably determined to cause the  
69.9 plan to fail to be a qualified plan under section 401(a) of the federal Internal Revenue Code,  
69.10 as amended, must not be made by the executive director of the association. Within 30 days  
69.11 after being notified by the Public Employees Retirement Association of an unmade potential  
69.12 transfer under this paragraph, the employer of the affected person must transmit an amount  
69.13 representing the applicable salary deductions and employer contributions, without interest,  
69.14 to the retirement fund of the appropriate Minnesota public pension plan, or to the applicable  
69.15 individual account if the proper coverage is by a defined contribution plan. The association  
69.16 must provide the employing unit a credit for the amount of the erroneous salary deductions  
69.17 and employer contributions against future contributions from the employer. If the employing  
69.18 unit receives a credit under this paragraph, the employing unit is responsible for refunding  
69.19 to the applicable employee any amount that had been erroneously deducted from the person's  
69.20 salary.

69.21 (c) If erroneous employee deductions and employer contributions reflect a plan coverage  
69.22 error involving any Public Employees Retirement Association plan specified in section  
69.23 356.99 and any other plan specified in that section, section 356.99 applies.

69.24 Sec. 20. Minnesota Statutes 2016, section 353.27, subdivision 12, is amended to read:

69.25 Subd. 12. **Omitted salary deductions; obligations.** (a) In the case of omission of  
69.26 required deductions for the general employees retirement plan, the public employees police  
69.27 and fire retirement plan, or the local government correctional employees retirement plan  
69.28 from the salary of an employee, the department head or designee shall immediately, upon  
69.29 discovery, report the employee for membership and deduct the employee deductions under  
69.30 subdivision 4 during the current pay period or during the pay period immediately following  
69.31 the discovery of the omission. Payment for the omitted obligations may only be made in  
69.32 accordance with reporting procedures and methods established by the executive director.

69.33 (b) When the entire omission period of an employee does not exceed 60 days, the  
69.34 governmental subdivision may report and submit payment of the omitted employee

70.1 deductions and the omitted employer contributions through the reporting processes under  
70.2 subdivision 4.

70.3 (c) When the omission period of an employee exceeds 60 days, the governmental  
70.4 subdivision shall furnish to the association sufficient data and documentation upon which  
70.5 the obligation for omitted employee and employer contributions can be calculated. The  
70.6 omitted employee deductions must be deducted from the employee's subsequent salary  
70.7 payment or payments and remitted to the association for deposit in the applicable retirement  
70.8 fund. The employee shall pay omitted employee deductions due for the 60 days prior to the  
70.9 end of the last pay period in the omission period during which salary was earned. The  
70.10 employer shall pay any remaining omitted employee deductions and any omitted employer  
70.11 contributions, plus cumulative interest at the annual rate of 8.5 percent until June 30, 2015,  
70.12 and eight percent thereafter compounded annually, from the date or dates each omitted  
70.13 employee contribution was first payable.

70.14 (d) An employer shall not hold an employee liable for omitted employee deductions  
70.15 beyond the pay period dates under paragraph (c), nor attempt to recover from the employee  
70.16 those employee deductions paid by the employer on behalf of the employee. Omitted  
70.17 deductions due under paragraph (c) which are not paid by the employee constitute a liability  
70.18 of the employer that failed to deduct the omitted deductions from the employee's salary.  
70.19 The employer shall make payment with interest at the ~~annual rate of 8.5 percent until June~~  
70.20 ~~30, 2015, and eight percent thereafter~~ applicable rate or rates specified in section 356.59,  
70.21 subdivision 3, compounded annually. Omitted employee deductions are no longer due if an  
70.22 employee terminates public service before making payment of omitted employee deductions  
70.23 to the association, but the employer remains liable to pay omitted employer contributions  
70.24 plus interest at the ~~annual rate of 8.5 percent until June 30, 2015, and eight percent thereafter~~  
70.25 applicable rate or rates specified in section 356.59, subdivision 3, compounded annually,  
70.26 from the date the contributions were first payable.

70.27 (e) The association may not commence action for the recovery of omitted employee  
70.28 deductions and employer contributions after the expiration of three calendar years after the  
70.29 calendar year in which the contributions and deductions were omitted. Except as provided  
70.30 under paragraph (b), no payment may be made or accepted unless the association has already  
70.31 commenced action for recovery of omitted deductions. An action for recovery commences  
70.32 on the date of the mailing of any written correspondence from the association requesting  
70.33 information from the governmental subdivision upon which to determine whether or not  
70.34 omitted deductions occurred.

71.1 Sec. 21. Minnesota Statutes 2016, section 353.27, subdivision 12a, is amended to read:

71.2 Subd. 12a. **Terminated employees: omitted deductions.** A terminated employee who  
71.3 was a member of the general employees retirement plan of the Public Employees Retirement  
71.4 Association, the public employees police and fire retirement plan, or the local government  
71.5 correctional employees retirement plan and who has a period of employment in which  
71.6 previously omitted employer contributions were made under subdivision 12 but for whom  
71.7 no, or only partial, omitted employee contributions have been made, or a member who had  
71.8 prior coverage in the association for which previously omitted employer contributions were  
71.9 made under subdivision 12 but who terminated service before required omitted employee  
71.10 deductions could be withheld from salary, may pay the omitted employee deductions for  
71.11 the period on which omitted employer contributions were previously paid plus interest at  
71.12 ~~the annual rate of 8.5 percent until June 30, 2015, and eight percent thereafter~~ applicable  
71.13 rate or rates specified in section 356.59, subdivision 3, compounded annually. A terminated  
71.14 employee may pay the omitted employee deductions plus interest within six months of an  
71.15 initial notification from the association of eligibility to pay those omitted deductions. If a  
71.16 terminated employee is reemployed in a position covered under a public pension fund under  
71.17 section 356.30, subdivision 3, and elects to pay omitted employee deductions, payment  
71.18 must be made no later than six months after a subsequent termination of public service.

71.19 Sec. 22. Minnesota Statutes 2016, section 353.27, subdivision 12b, is amended to read:

71.20 Subd. 12b. **Terminated employees: immediate eligibility.** If deductions were omitted  
71.21 from salary adjustments or final salary of a terminated employee who was a member of the  
71.22 general employees retirement plan, the public employees police and fire retirement plan,  
71.23 or the local government correctional employees retirement plan and who is immediately  
71.24 eligible to draw a monthly benefit, the employer shall pay the omitted employer and employer  
71.25 additional contributions plus interest on both the employer and employee amounts due at  
71.26 ~~an annual rate of 8.5 percent~~ the applicable rate or rates specified in section 356.59,  
71.27 subdivision 3, compounded annually. The employee shall pay the employee deductions  
71.28 within six months of an initial notification from the association of eligibility to pay omitted  
71.29 deductions or the employee forfeits the right to make the payment.

71.30 Sec. 23. Minnesota Statutes 2016, section 353.28, subdivision 5, is amended to read:

71.31 Subd. 5. **Interest chargeable on amounts due.** Any amount due under this section or  
71.32 section 353.27, subdivision 4, is payable with interest at the ~~annual compound rate of 8.5~~  
71.33 ~~percent until June 30, 2015, and eight percent thereafter~~ applicable rate or rates specified

72.1 in section 356.59, subdivision 3, compounded annually, from the date due until the date  
72.2 payment is received by the association, with a minimum interest charge of \$10.

72.3 Sec. 24. Minnesota Statutes 2016, section 353.35, subdivision 1, is amended to read:

72.4 Subdivision 1. **Refund rights.** (a) Except as provided in paragraph (b), when any former  
72.5 member accepts a refund, all existing service credits and all rights and benefits to which  
72.6 the person was entitled prior to the acceptance of the refund must terminate.

72.7 (b) A refund under section 353.651, subdivision 3, paragraph (c), does not result in a  
72.8 forfeiture of salary credit for the allowable service credit covered by the refund.

72.9 (c) The rights and benefits of a former member must not be restored until the person  
72.10 returns to active service and acquires at least six months of allowable service credit after  
72.11 taking the last refund and repays the refund or refunds taken and interest received under  
72.12 section 353.34, subdivisions 1 and 2, plus interest at the ~~annual rate of 8.5 percent until June~~  
72.13 ~~30, 2015, and eight percent thereafter~~ applicable rate or rates specified in section 356.59,  
72.14 subdivision 3, compounded annually. If the person elects to restore service credit in a  
72.15 particular fund from which the person has taken more than one refund, the person must  
72.16 repay all refunds to that fund. All refunds must be repaid within six months of the last date  
72.17 of termination of public service.

72.18 Sec. 25. Minnesota Statutes 2016, section 354.50, subdivision 2, is amended to read:

72.19 Subd. 2. **Interest charge.** If a member desires to repay the refunds, payment shall include  
72.20 interest at ~~an annual rate of 8.5 percent~~ the applicable annual rate or rates specified in section  
72.21 356.59, subdivision 4, compounded annually, from date of withdrawal to the date payment  
72.22 is made and shall be credited to the fund.

72.23 Sec. 26. Minnesota Statutes 2016, section 354.51, subdivision 5, is amended to read:

72.24 Subd. 5. **Payment of shortages.** (a) Except as provided in paragraph (b), in the event  
72.25 that full required member contributions are not deducted from the salary of a teacher,  
72.26 payment of shortages in member deductions on salary earned are the sole obligation of the  
72.27 employing unit and are payable by the employing unit upon notification by the executive  
72.28 director of the shortage. The amount of the shortage shall be paid with interest at ~~an annual~~  
72.29 ~~rate of 8.5 percent~~ the applicable annual rate or rates specified in section 356.59, subdivision  
72.30 4, compounded annually, from the end of the fiscal year in which the shortage occurred to  
72.31 the end of the month in which payment is made and the interest must be credited to the  
72.32 fund. The employing unit shall also pay the employer contributions as specified in section



73.1 354.42, subdivisions 3 and 5 for the shortages. If the shortage payment is not paid by the  
73.2 employing unit within 60 days of notification, and if the executive director does not use the  
73.3 recovery procedure in section 354.512, the executive director shall certify the amount of  
73.4 the shortage to the applicable county auditor, who shall spread a levy in the amount of the  
73.5 shortage payment over the taxable property of the taxing district of the employing unit if  
73.6 the employing unit is supported by property taxes. Payment may not be made for shortages  
73.7 in member deductions on salary paid or payable under paragraph (b) or for shortages in  
73.8 member deductions for persons employed by the Minnesota State Colleges and Universities  
73.9 system in a faculty position or in an eligible unclassified administrative position and whose  
73.10 employment was less than 25 percent of a full academic year, exclusive of the summer  
73.11 session, for the applicable institution that exceeds the most recent 36 months.

73.12 (b) For a person who is employed by the Minnesota State Colleges and Universities  
73.13 system in a faculty position or in an eligible unclassified administrative position and whose  
73.14 employment was less than 25 percent of a full academic year, exclusive of the summer  
73.15 session, for the applicable institution, upon the person's election under section 354B.21 of  
73.16 retirement coverage under this chapter, the shortage in member deductions on the salary  
73.17 for employment by the Minnesota State Colleges and Universities system institution of less  
73.18 than 25 percent of a full academic year, exclusive of the summer session, for the applicable  
73.19 institution for the most recent 36 months and the associated employer contributions must  
73.20 be paid by the Minnesota State Colleges and Universities system institution, plus ~~annual~~  
73.21 ~~compound~~ interest at the ~~rate of 8.5 percent~~ applicable annual rate or rates specified in  
73.22 section 356.59, subdivision 4, compounded annually, from the end of the fiscal year in  
73.23 which the shortage occurred to the end of the month in which the Teachers Retirement  
73.24 Association coverage election is made. An individual electing coverage under this paragraph  
73.25 shall repay the amount of the shortage in member deductions, plus interest, through deduction  
73.26 from salary or compensation payments within the first year of employment after the election  
73.27 under section 354B.21, subject to the limitations in section 16D.16. The Minnesota State  
73.28 Colleges and Universities system may use any means available to recover amounts which  
73.29 were not recovered through deductions from salary or compensation payments. No payment  
73.30 of the shortage in member deductions under this paragraph may be made for a period longer  
73.31 than the most recent 36 months.

73.32 Sec. 27. Minnesota Statutes 2016, section 354.52, subdivision 4, is amended to read:

73.33 Subd. 4. **Reporting and remittance requirements.** An employer shall remit all amounts  
73.34 due to the association and furnish a statement indicating the amount due and transmitted  
73.35 with any other information required by the executive director. If an amount due is not

74.1 received by the association within 14 calendar days of the payroll warrant, the amount  
74.2 ~~accrues interest at an annual rate of 8.5 percent~~ employer shall pay interest on the amount  
74.3 due at the applicable annual rate or rates specified in section 356.59, subdivision 4,  
74.4 compounded annually, from the due date until the amount is received by the association.  
74.5 All amounts due and other employer obligations not remitted within 60 days of notification  
74.6 by the association must be certified to the commissioner of management and budget who  
74.7 shall deduct the amount from any state aid or appropriation amount applicable to the  
74.8 employing unit.

74.9 Sec. 28. Minnesota Statutes 2016, section 354.53, subdivision 5, is amended to read:

74.10 Subd. 5. **Interest requirements.** The employer shall pay interest on all equivalent  
74.11 employee and employer contribution amounts payable under this section. ~~Interest must be~~  
74.12 ~~computed at a rate of 8.5 percent~~ at the applicable annual rate or rates specified in section  
74.13 356.59, subdivision 4, compounded annually, from the end of each fiscal year of the leave  
74.14 or the break in service to the end of the month in which the payment is received.

74.15 Sec. 29. Minnesota Statutes 2016, section 354.72, subdivision 2, is amended to read:

74.16 Subd. 2. **Purchase procedure.** (a) A teacher may purchase credit for allowable and  
74.17 formula service in the plan for a period specified in subdivision 1 if the teacher makes a  
74.18 payment as specified in paragraph (b), (c), or (d), whichever applies. The employing unit,  
74.19 at its option, may pay the employer portion of the amount on behalf of its employees.

74.20 (b) If payment is received by the executive director by June 30 of the fiscal year of the  
74.21 strike period or by December 31 of the fiscal year following an authorized leave included  
74.22 under section 354.093, 354.095, or 354.096, payment must equal the total employee and  
74.23 employer contribution rates, including amortization contribution rates if applicable, multiplied  
74.24 by the member's average monthly salary rate on the date the leave or strike period  
74.25 commenced, multiplied by the months and portions of a month of the leave or strike period  
74.26 for which the teacher seeks allowable service credit. This paragraph also applies to an  
74.27 extended leave under section 354.094, except that payment must be received by June 30 of  
74.28 the year of the leave, and the salary used in the computation is the salary received during  
74.29 the year immediately preceding the initial year of the leave.

74.30 (c) If payment is made after June 30 and before the following June 30 for a strike period,  
74.31 or after December 31 of the fiscal year following a leave of absence under section 354.093,  
74.32 354.095, or 354.096, and before July 1, the payment must include the amount determined  
74.33 in paragraph (b) plus compound interest at a the applicable monthly rate ~~of 0.71 percent~~ or

75.1 rates specified in section 356.59, subdivision 4, from June 30 for a strike period, or from  
75.2 December 31 for a leave under section 354.093, 354.095, or 354.096, until the last day of  
75.3 the month in which payment is received. If payment is made on or after July 1 and before  
75.4 the following July 1 for an extended leave of absence under section 354.094, the payment  
75.5 must include the amount determined in paragraph (b) plus compound interest at a monthly  
75.6 rate of 0.71 percent the applicable monthly rate or rates specified in section 356.59,  
75.7 subdivision 4, from June 30 until the last day of the month in which payment is received.

75.8 (d) If payment is received by the executive director after the applicable last permitted  
75.9 date under paragraph (c), the payment amount is the amount determined under section  
75.10 356.551. Notwithstanding payment deadlines specified in section 356.551, payment under  
75.11 this section may be made anytime before the effective date of retirement.

75.12 Sec. 30. Minnesota Statutes 2016, section 354A.093, subdivision 6, is amended to read:

75.13 Subd. 6. **Interest requirements.** The employer shall pay interest on all equivalent  
75.14 employee and employer contribution amounts payable under this section. Interest must be  
75.15 computed at the ~~rate of 8.5 percent until June 30, 2015, and eight percent thereafter~~ applicable  
75.16 annual rate or rates specified in section 356.59, subdivision 5, compounded annually, from  
75.17 the end of each fiscal year of the leave or break in service to the end of the month in which  
75.18 payment is received.

75.19 Sec. 31. Minnesota Statutes 2016, section 354A.096, is amended to read:

75.20 **354A.096 MEDICAL LEAVE.**

75.21 Any teacher in the coordinated program of the St. Paul Teachers Retirement Fund  
75.22 Association who is on an authorized medical leave of absence and subsequently returns to  
75.23 teaching service is entitled to receive allowable service credit, not to exceed one year, for  
75.24 the period of leave, upon making the prescribed payment to the fund. This payment must  
75.25 include the required employee and employer contributions at the rates specified in section  
75.26 354A.12, subdivisions 1 and 2a, as applied to the member's average full-time monthly salary  
75.27 rate on the date the leave of absence commenced plus ~~annual~~ interest at the ~~rate of 8.5~~  
75.28 ~~percent until June 30, 2015, and eight percent thereafter per year~~ applicable annual rate or  
75.29 rates specified in section 356.59, subdivision 5, compounded annually, from the end of the  
75.30 fiscal year during which the leave terminates to the end of the month during which payment  
75.31 is made. The member must pay the total amount required unless the employing unit, at its  
75.32 option, pays the employer contributions. The total amount required must be paid by the end  
75.33 of the fiscal year following the fiscal year in which the leave of absence terminated or before

76.1 the member retires, whichever is earlier. Payment must be accompanied by a copy of the  
76.2 resolution or action of the employing authority granting the leave and the employing  
76.3 authority, upon granting the leave, must certify the leave to the association in a manner  
76.4 specified by the executive director. A member may not receive more than one year of  
76.5 allowable service credit during any fiscal year by making payment under this section. A  
76.6 member may not receive disability benefits under section 354A.36 and receive allowable  
76.7 service credit under this section for the same period of time.

76.8 Sec. 32. Minnesota Statutes 2016, section 354A.12, subdivision 1a, is amended to read:

76.9 Subd. 1a. **Obligation for omitted salary deductions.** If the full required contributions  
76.10 are not deducted from the salary of a teacher, payment of the shortage in such deductions  
76.11 is the sole obligation of the employing unit during the three-year period following the end  
76.12 of the fiscal year in which the shortage occurred. The shortage is payable by the employing  
76.13 unit upon notification of the shortage by the executive director of the applicable retirement  
76.14 fund association. The employing unit shall also pay any employer contributions related to  
76.15 the shortage. The amount of the shortage in employee contributions and associated employer  
76.16 contributions is payable with interest at the ~~preretirement interest assumption for the~~  
76.17 ~~retirement fund as specified in section 356.215, subdivision 8, stated as a monthly rate~~  
76.18 applicable annual rate or rates specified in section 356.59, subdivision 5, from the date due  
76.19 until the date payment is received in the office of the association, compounded annually,  
76.20 with a minimum interest charge of \$10. If the shortage payment and interest is not paid by  
76.21 the employing unit within 60 days of notification, the executive director shall certify the  
76.22 amount of the shortage payment and interest to the commissioner of management and budget,  
76.23 who shall deduct the amount from any state aid or appropriation amount applicable to the  
76.24 employing unit.

76.25 Sec. 33. Minnesota Statutes 2016, section 354A.12, subdivision 7, is amended to read:

76.26 Subd. 7. **Recovery of benefit overpayments.** (a) If the executive director discovers,  
76.27 within the time period specified in subdivision 8 following the payment of a refund or the  
76.28 accrual date of any retirement annuity, survivor benefit, or disability benefit, that benefit  
76.29 overpayment has occurred due to using invalid service or salary, or due to any erroneous  
76.30 calculation procedure, the executive director must recalculate the annuity or benefit payable  
76.31 and recover any overpayment. The executive director shall recover the overpayment by  
76.32 requiring direct repayment or by suspending or reducing the payment of a retirement annuity  
76.33 or other benefit payable under this chapter to the applicable person or the person's estate,  
76.34 whichever applies, until all outstanding amounts have been recovered. If a benefit

77.1 overpayment or improper payment of benefits occurred caused by a failure of the person  
77.2 to satisfy length of separation requirements for retirement under section 354A.011,  
77.3 subdivision 21, the executive director shall recover the improper payments by requiring  
77.4 direct repayment. The repayment must include interest at the ~~rate of 0.71 percent per month~~  
77.5 applicable annual rate or rates specified in section 356.59, subdivision 5, from the first of  
77.6 the month in which a monthly benefit amount was paid to the first of the month in which  
77.7 the amount is repaid, with annual compounding.

77.8 (b) In the event the executive director determines that an overpaid annuity or benefit  
77.9 that is the result of invalid salary included in the average salary used to calculate the payment  
77.10 amount must be recovered, the executive director must determine the amount of the employee  
77.11 deductions taken in error on the invalid salary, with interest as determined under 354A.37,  
77.12 subdivision 3, and must subtract that amount from the total annuity or benefit overpayment,  
77.13 and the remaining balance of the overpaid annuity or benefit, if any, must be recovered.

77.14 (c) If the invalid employee deductions plus interest exceed the amount of the overpaid  
77.15 benefits, the balance must be refunded to the person to whom the benefit or annuity is being  
77.16 paid.

77.17 (d) Any invalid employer contributions reported on the invalid salary must be credited  
77.18 against future contributions payable by the employer.

77.19 (e) If a member or former member, who is receiving a retirement annuity or disability  
77.20 benefit for which an overpayment is being recovered, dies before recovery of the overpayment  
77.21 is completed and an optional annuity or refund is payable, the remaining balance of the  
77.22 overpaid annuity or benefit must continue to be recovered from the payment to the optional  
77.23 annuity beneficiary or refund recipient.

77.24 (f) The board of trustees shall adopt policies directing the period of time and manner  
77.25 for the collection of any overpaid retirement or optional annuity, and survivor or disability  
77.26 benefit, or a refund that the executive director determines must be recovered as provided  
77.27 under this section.

77.28 Sec. 34. Minnesota Statutes 2016, section 354A.34, is amended to read:

77.29 **354A.34 DISPOSITION OF UNPAID PERIOD CERTAIN FOR LIFE OR**  
77.30 **GUARANTEED REFUND OPTIONAL ANNUITIES.**

77.31 If a retiree from a coordinated program who has elected a period certain and for life  
77.32 thereafter or a guaranteed refund optional annuity form dies without having a designated  
77.33 beneficiary who has survived the retiree, any remaining unpaid guaranteed annuity payments

78.1 shall be computed at the rate of interest specified in section 356.215, subdivision 8, and  
78.2 paid in one lump sum to the estate of the retiree. If a retiree from a coordinated program  
78.3 who has elected a period certain and for life or a guaranteed refund optional annuity form  
78.4 dies with a designated beneficiary who has survived the retiree but the designated beneficiary  
78.5 dies without there existing another designated beneficiary, any remaining unpaid guaranteed  
78.6 annuity payments shall be computed ~~at the rate of~~ with interest at the applicable annual rate  
78.7 or rates specified in section ~~356.215, subdivision 8~~ 356.59, subdivision 5, and paid in one  
78.8 lump sum to the estate of the designated beneficiary.

78.9 Sec. 35. Minnesota Statutes 2016, section 356.195, subdivision 2, is amended to read:

78.10 Subd. 2. **Purchase procedure for strike periods.** (a) An employee covered by a plan  
78.11 specified in subdivision 1 may purchase allowable service credit in the applicable plan for  
78.12 any period of time during which the employee was on a public employee strike without  
78.13 pay, not to exceed a period of one year, if the employee makes a payment in lieu of salary  
78.14 deductions as specified in paragraph (b) or (c), whichever applies. The employing unit, at  
78.15 its option, may pay the employer portion of the amount specified in paragraph (b) on behalf  
78.16 of its employees.

78.17 (b) If payment is received by the applicable pension plan executive director within one  
78.18 year from the end of the strike, the payment amount is equal to the applicable employee  
78.19 and employer contribution rates specified in law for the applicable plan during the strike  
78.20 period, applied to the employee's rate of salary in effect at the conclusion of the strike for  
78.21 the period of the strike without pay, plus compound interest at the ~~monthly rate of 0.71~~  
78.22 ~~percent for any period for the Teachers Retirement Association and at the monthly rate of~~  
78.23 ~~0.71 percent until June 30, 2015, and 0.667 percent thereafter for any other retirement plan~~  
78.24 ~~listed in section 356.30, subdivision 3~~ applicable monthly rate or rates specified in section  
78.25 356.59, subdivision 2, 3, 4, or 5, whichever applies, from the last day of the strike period  
78.26 until the date payment is received.

78.27 (c) If payment is received by the applicable pension fund director after one year and  
78.28 before five years from the end of the strike, the payment amount is the amount determined  
78.29 under section 356.551.

78.30 (d) Payments may not be made more than five years after the end of the strike.

78.31 Sec. 36. Minnesota Statutes 2016, section 356.44, is amended to read:

78.32 **356.44 PARTIAL PAYMENT OF PENSION PLAN REFUND.**

79.1 (a) Notwithstanding any provision of law to the contrary, a member of a pension plan  
79.2 listed in section 356.30, subdivision 3, with at least two years of forfeited service taken  
79.3 from a single pension plan, may repay a portion of all refunds. A partial refund repayment  
79.4 must comply with this section.

79.5 (b) The minimum portion of a refund repayment is one-third of the total service credit  
79.6 period of all refunds taken from a single plan.

79.7 (c) The cost of the partial refund repayment is the product of the cost of the total  
79.8 repayment multiplied by the ratio of the restored service credit to the total forfeited service  
79.9 credit. The total repayment amount includes interest at the ~~annual rate of 8.5 percent for~~  
79.10 ~~any period for the Teachers Retirement Association and is 8.5 percent until June 30, 2015,~~  
79.11 ~~and eight percent thereafter for any other retirement plan listed in section 356.30, subdivision~~  
79.12 ~~3~~ applicable annual rate or rates specified in section 356.59, subdivision 2, 3, 4, or 5,  
79.13 whichever applies, compounded annually, from the refund date to the date repayment is  
79.14 received.

79.15 (d) The restored service credit must be allocated based on the relationship the restored  
79.16 service bears to the total service credit period for all refunds taken from a single pension  
79.17 plan.

79.18 (e) This section does not authorize a public pension plan member to repay a refund if  
79.19 the law governing the plan does not authorize the repayment of a refund of member  
79.20 contributions.

79.21 Sec. 37. Minnesota Statutes 2016, section 356.50, subdivision 2, is amended to read:

79.22 Subd. 2. **Service credit procedure.** (a) To obtain the public pension plan allowable  
79.23 service credit, the eligible person under subdivision 1 shall pay the required member  
79.24 contribution amount. The required member contribution amount is the member contribution  
79.25 rate or rates in effect for the pension plan during the period of service covered by the back  
79.26 pay award, applied to the unpaid gross salary amounts of the back pay award including  
79.27 unemployment insurance, workers' compensation, or wages from other sources which  
79.28 reduced the back award. No contributions may be made under this clause for compensation  
79.29 covered by a public pension plan listed in section 356.30, subdivision 3, for employment  
79.30 during the removal period. The person shall pay the required member contribution amount  
79.31 within 60 days of the date of receipt of the back pay award or within 60 days of a billing  
79.32 from the retirement fund, whichever is later.

80.1 (b) The public employer who wrongfully discharged the public employee must pay an  
80.2 employer contribution on the back pay award. The employer contribution must be based  
80.3 on the employer contribution rate or rates in effect for the pension plan during the period  
80.4 of service covered by the back pay award, applied to the salary amount on which the member  
80.5 contribution amount was determined under paragraph (a). ~~Interest on both the required~~  
80.6 ~~member and employer contribution amount must be paid by the employer at the annual~~  
80.7 ~~compound rate of 8.5 percent for any period for the Teachers Retirement Association and~~  
80.8 ~~8.5 percent until June 30, 2015, and eight percent thereafter, for any other retirement plan~~  
80.9 ~~listed in section 356.30, subdivision 3, per year, expressed monthly~~ The employer must pay  
80.10 compound interest on both the required member and employer contribution amounts at the  
80.11 applicable monthly rate or rates specified in section 356.59, subdivision 2, 3, 4, or 5,  
80.12 whichever applies, between the date the contribution amount would have been paid to the  
80.13 date of actual payment. The employer payment must be made within 30 days of the payment  
80.14 under paragraph (a).

80.15 Sec. 38. Minnesota Statutes 2016, section 356.551, subdivision 2, is amended to read:

80.16 Subd. 2. **Determination.** (a) Unless the minimum purchase amount set forth in paragraph  
80.17 (c) applies, the prior service credit purchase amount is an amount equal to the actuarial  
80.18 present value, on the date of payment, as calculated by the chief administrative officer of  
80.19 the pension plan and reviewed by the actuary retained under section 356.214, of the amount  
80.20 of the additional retirement annuity obtained by the acquisition of the additional service  
80.21 credit in this section.

80.22 (b) Calculation of this amount must be made using the preretirement interest rate  
80.23 applicable to the public pension plan specified in section 356.215, subdivision 8, and the  
80.24 mortality table adopted for the public pension plan. The calculation must assume continuous  
80.25 future service in the public pension plan until, and retirement at, the age at which the  
80.26 minimum requirements of the fund for normal retirement or retirement with an annuity  
80.27 unreduced for retirement at an early age, including section 356.30, are met with the additional  
80.28 service credit purchased. The calculation must also assume a full-time equivalent salary, or  
80.29 actual salary, whichever is greater, and a future salary history that includes annual salary  
80.30 increases at the applicable salary increase rate for the plan specified in section 356.215,  
80.31 subdivision ~~4d~~ 8.

80.32 (c) The prior service credit purchase amount may not be less than the amount determined  
80.33 by applying, for each year or fraction of a year being purchased, the sum of the employee  
80.34 contribution rate, the employer contribution rate, and the additional employer contribution



81.1 rate, if any, applicable during that period, to the person's annual salary during that period,  
 81.2 or fractional portion of a year's salary, if applicable, plus interest at the ~~annual rate of 8.5~~  
 81.3 ~~percent until June 30, 2015, and eight percent thereafter~~ applicable annual rate or rates  
 81.4 specified in section 356.59, subdivision 2, 3, 4, or 5, whichever applies, compounded  
 81.5 annually, from the end of the year in which contributions would otherwise have been made  
 81.6 to the date on which the payment is received.

81.7 (d) Unless otherwise provided by statutes governing a specific plan, payment must be  
 81.8 made in one lump sum within one year of the prior service credit authorization or prior to  
 81.9 the member's effective date of retirement, whichever is earlier. Payment of the amount  
 81.10 calculated under this section must be made by the applicable eligible person.

81.11 (e) However, the current employer or the prior employer may, at its discretion, pay all  
 81.12 or any portion of the payment amount that exceeds an amount equal to the employee  
 81.13 contribution rates in effect during the period or periods of prior service applied to the actual  
 81.14 salary rates in effect during the period or periods of prior service, plus interest at the  
 81.15 applicable annual rate of 8.5 percent a year or rates specified in section 356.59, subdivision  
 81.16 2, 3, 4, or 5, whichever applies, compounded annually, from the date on which the  
 81.17 contributions would otherwise have been made to the date on which the payment is made.  
 81.18 If the employer agrees to payments under this subdivision, the purchaser must make the  
 81.19 employee payments required under this subdivision within 90 days of the prior service credit  
 81.20 authorization. If that employee payment is made, the employer payment under this  
 81.21 subdivision must be remitted to the chief administrative officer of the public pension plan  
 81.22 within 60 days of receipt by the chief administrative officer of the employee payments  
 81.23 specified under this subdivision.

81.24 Sec. 39. **[356.59] INTEREST RATES.**

81.25 Subdivision 1. **Applicable interest rates.** Whenever the payment of interest is required  
 81.26 with respect to any payment, including refunds, remittances, shortages, contributions, or  
 81.27 repayments, the rate of interest is the rate or rates specified in subdivisions 2 to 5 for each  
 81.28 public retirement plan.

81.29 Subd. 2. **Minnesota State Retirement System.** The interest rates for all retirement plans  
 81.30 administered by the Minnesota State Retirement System are as follows:

	<u>Annual</u>	<u>Monthly</u>
81.31 <u>before July 1, 2015</u>	<u>8.5 percent</u>	<u>0.71 percent</u>
81.32 <u>from July 1, 2015, to June 30, 2018</u>	<u>8.0 percent</u>	<u>0.667 percent</u>
81.33 <u>after June 30, 2018</u>	<u>7.5 percent</u>	<u>0.625 percent</u>

82.1 Subd. 3. **Public Employees Retirement Association.** The interest rates for all retirement  
 82.2 plans administered by the Public Employees Retirement Association are as follows:

82.3	<u>before July 1, 2015</u>	<u>8.5 percent</u>
82.4	<u>from July 1, 2015, to June 30, 2018</u>	<u>8.0 percent</u>
82.5	<u>after June 30, 2018</u>	<u>7.5 percent</u>

82.6 Subd. 4. **Teachers Retirement Association.** The interest rates for the retirement plan  
 82.7 administered by the Teachers Retirement Association are as follows:

	<u>Annual</u>	<u>Monthly</u>
82.8		
82.9	<u>before July 1, 2018</u>	<u>8.5 percent</u>
82.10	<u>after June 30, 2018</u>	<u>7.5 percent</u>
		<u>0.71 percent</u>
		<u>0.625 percent</u>

82.11 Subd. 5. **St. Paul Teachers Retirement Fund Association.** The interest rates for the  
 82.12 retirement plan administered by the St. Paul Teachers Retirement Fund Association are as  
 82.13 follows:

	<u>Annual</u>	<u>Monthly</u>
82.14		
82.15	<u>before July 1, 2015</u>	<u>8.5 percent</u>
82.16	<u>from July 1, 2015, to June 30, 2018</u>	<u>8.0 percent</u>
82.17	<u>after June 30, 2018</u>	<u>7.5 percent</u>
		<u>0.71 percent</u>
		<u>0.667 percent</u>
		<u>0.625 percent</u>

82.18 Sec. 40. Minnesota Statutes 2016, section 490.121, subdivision 4, is amended to read:

82.19 **Subd. 4. Allowable service.** (a) "Allowable service" means any calendar month, subject  
 82.20 to the service credit limit in subdivision 22, served as a judge at any time, during which the  
 82.21 judge received compensation for that service from the state, municipality, or county,  
 82.22 whichever applies, and for which the judge made any required member contribution. It also  
 82.23 includes any month served as a referee in probate for all referees in probate who were in  
 82.24 office before January 1, 1974.

82.25 (b) "Allowable service" also means a period of authorized leave of absence for which  
 82.26 the judge has made a payment in lieu of contributions, not in an amount in excess of the  
 82.27 service credit limit under subdivision 22. To obtain the service credit, the judge shall pay  
 82.28 an amount equal to the normal cost of the judges retirement plan on the date of return from  
 82.29 the leave of absence, as determined in the most recent actuarial report for the plan filed with  
 82.30 the Legislative Commission on Pensions and Retirement, multiplied by the judge's average  
 82.31 monthly salary rate during the authorized leave of absence and multiplied by the number  
 82.32 of months of the authorized leave of absence, plus ~~annual compound interest at the rate of~~  
 82.33 ~~8.5 percent until June 30, 2015, and eight percent thereafter~~ interest at the applicable annual  
 82.34 rate or rates specified in section 356.59, subdivision 2, compounded annually, from the date

83.1 of the termination of the leave to the date on which payment is made. The payment must  
83.2 be made within one year of the date on which the authorized leave of absence terminated.  
83.3 Service credit for an authorized leave of absence is in addition to a uniformed service leave  
83.4 under section 490.1211.

83.5 (c) "Allowable service" does not mean service as a retired judge.

83.6 Sec. 41. Minnesota Statutes 2016, section 490.1211, is amended to read:

83.7 **490.1211 UNIFORMED SERVICE.**

83.8 (a) A judge who is absent from employment by reason of service in the uniformed  
83.9 services, as defined in United States Code, title 38, section 4303(13), and who returns to  
83.10 state employment as a judge upon discharge from service in the uniformed service within  
83.11 the time frame required in United States Code, title 38, section 4312(e), may obtain service  
83.12 credit for the period of the uniformed service, provided that the judge did not separate from  
83.13 uniformed service with a dishonorable or bad conduct discharge or under other than honorable  
83.14 conditions.

83.15 (b) The judge may obtain credit by paying into the fund equivalent member contribution  
83.16 based on the contribution rate or rates in effect at the time that the uniformed service was  
83.17 performed multiplied by the full and fractional years being purchased and applied to the  
83.18 annual salary rate. The annual salary rate is the average annual salary during the purchase  
83.19 period that the judge would have received if the judge had continued to provide employment  
83.20 services to the state rather than to provide uniformed service, or if the determination of that  
83.21 rate is not reasonably certain, the annual salary rate is the judge's average salary rate during  
83.22 the 12-month period of judicial employment rendered immediately preceding the purchase  
83.23 period.

83.24 (c) The equivalent employer contribution and, if applicable, the equivalent employer  
83.25 additional contribution, must be paid by the employing unit, using the employer and employer  
83.26 additional contribution rate or rates in effect at the time that the uniformed service was  
83.27 performed, applied to the same annual salary rate or rates used to compute the equivalent  
83.28 member contribution.

83.29 (d) If the member equivalent contributions provided for in this section are not paid in  
83.30 full, the judge's allowable service credit must be prorated by multiplying the full and  
83.31 fractional number of years of uniformed service eligible for purchase by the ratio obtained  
83.32 by dividing the total member contributions received by the total member contributions  
83.33 otherwise required under this section.

84.1 (e) To receive allowable service credit under this section, the contributions specified in  
84.2 this section and section 490.121 must be transmitted to the fund during the period which  
84.3 begins with the date on which the individual returns to judicial employment and which has  
84.4 a duration of three times the length of the uniformed service period, but not to exceed five  
84.5 years. If the determined payment period is calculated to be less than one year, the  
84.6 contributions required under this section to receive service credit may be within one year  
84.7 from the discharge date.

84.8 (f) The amount of allowable service credit obtainable under this section and section  
84.9 490.121 may not exceed five years, unless a longer purchase period is required under United  
84.10 States Code, title 38, section 4312.

84.11 (g) The state court administrator shall pay interest on all equivalent member and employer  
84.12 contribution amounts payable under this section. Interest must be ~~computed at the rate of~~  
84.13 ~~8.5 percent until June 30, 2015, and eight percent thereafter~~ at the applicable annual rate or  
84.14 rates specified in section 356.59, subdivision 2, compounded annually, from the end of each  
84.15 fiscal year of the leave or break in service to the end of the month in which payment is  
84.16 received.

84.17 Sec. 42. Minnesota Statutes 2016, section 490.124, subdivision 12, is amended to read:

84.18 Subd. 12. **Refund.** (a) A person who ceases to be a judge is entitled to a refund in an  
84.19 amount that is equal to all of the member's employee contributions to the judges' retirement  
84.20 fund plus interest computed under section 352.22, subdivision 2.

84.21 (b) A refund of contributions under paragraph (a) terminates all service credits and all  
84.22 rights and benefits of the judge and the judge's survivors under this chapter.

84.23 (c) A person who becomes a judge again after taking a refund under paragraph (a) may  
84.24 reinstate the previously terminated allowable service credit, rights, and benefits by repaying  
84.25 the total amount of the previously received refund. The refund repayment must include  
84.26 ~~interest on the total amount previously received at the annual rate of 8.5 percent until June~~  
84.27 ~~30, 2015, and eight percent thereafter~~ at the applicable annual rate or rates specified in  
84.28 section 356.59, subdivision 2, compounded annually, from the date on which the refund  
84.29 was received until the date on which the refund is repaid.

84.30 Sec. 43. **EFFECTIVE DATE.**

84.31 Sections 1 to 42 are effective June 30, 2018.

85.1 **ARTICLE 7**

85.2 **CONTRIBUTION RATES**

85.3 Section 1. Minnesota Statutes 2016, section 352.04, subdivision 2, is amended to read:

85.4 Subd. 2. **Employee contributions.** (a) The employee contribution to the fund must be  
85.5 equal to the following percent of salary:

85.6	<del>from July 1, 2010, to June 30, 2014</del>	<del>5</del>
85.7	from July 1, 2014, <del>and thereafter</del> <u>to June 30, 2018</u>	5.5
85.8	<u>from July 1, 2018, to June 30, 2019</u>	<u>5.75</u>
85.9	<u>after June 30, 2019</u>	<u>6</u>

85.10 (b) These contributions must be made by deduction from salary as provided in subdivision  
85.11 4.

85.12 (c) Contribution increases under paragraph (a) must be paid starting the first day of the  
85.13 first full pay period after the effective date of the increase.

85.14 Sec. 2. Minnesota Statutes 2016, section 352.04, subdivision 3, is amended to read:

85.15 Subd. 3. **Employer contributions.** (a) The employer contribution to the fund must be  
85.16 equal to the following percent of salary:

85.17	<del>from July 1, 2010, to June 30, 2014</del>	<del>5</del>
85.18	from July 1, 2014, <del>and thereafter</del> <u>to June 30, 2018</u>	5.5
85.19	<u>from July 1, 2018, to June 30, 2019</u>	<u>5.875</u>
85.20	<u>after June 30, 2019</u>	<u>6.25</u>

85.21 (b) Contribution increases under paragraph (a) must be paid starting the first day of the  
85.22 first full pay period after the effective date of the increase.

85.23 Sec. 3. Minnesota Statutes 2016, section 352.92, subdivision 1, is amended to read:

85.24 Subdivision 1. **Employee contributions.** (a) Employee contributions of covered  
85.25 correctional employees must be in an amount equal to the following percent of salary:

85.26	<del>from July 1, 2010, to June 30, 2014</del>	<del>8.6</del>
85.27	from July 1, 2014, <del>and thereafter</del> <u>to June 30, 2018</u>	9.1
85.28	<u>after June 30, 2018</u>	<u>9.6</u>

85.29 (b) These contributions must be made by deduction from salary as provided in section  
85.30 352.04, subdivision 4.

86.1 (c) Contribution increases under paragraph (a) must be paid starting the first day of the  
 86.2 first full pay period after the effective date of the increase.

86.3 Sec. 4. Minnesota Statutes 2016, section 352.92, subdivision 2, is amended to read:

86.4 Subd. 2. **Employer contributions.** (a) The employer shall contribute for covered  
 86.5 correctional employees an amount equal to the following percent of salary:

86.6 ~~from July 1, 2010, to June 30, 2014~~ 12.1

86.7 from July 1, 2014, ~~and thereafter~~ to June 30, 2018 12.85

86.8 after June 30, 2018 14.4

86.9 (b) Contribution increases under paragraph (a) must be paid starting the first day of the  
 86.10 first full pay period after the effective date of the increase.

86.11 Sec. 5. Minnesota Statutes 2016, section 352.92, is amended by adding a subdivision to  
 86.12 read:

86.13 Subd. 2a. **Supplemental employer contribution.** (a) Effective July 1, 2019, the employer  
 86.14 shall pay a supplemental contribution. The supplemental contribution is 1.45 percent of  
 86.15 salary for covered correctional employees from July 1, 2019, through June 30, 2020; 2.95  
 86.16 percent of salary for covered correctional employees from July 1, 2020, through June 30,  
 86.17 2021; and 4.45 percent of salary for covered correctional employees thereafter. The  
 86.18 supplemental contribution rate of 4.45 percent remains in effect until the market value of  
 86.19 the assets of the correctional state employees retirement plan of the Minnesota State  
 86.20 Retirement System equals or exceeds the actuarial accrued liability of the plan as determined  
 86.21 by the actuary retained under section 356.214. The expiration of the supplemental employer  
 86.22 contribution is effective the first day of the first full pay period of the fiscal year immediately  
 86.23 following the issuance of the actuarial valuation upon which the expiration is based.

86.24 (b) The supplemental contribution under paragraph (a) must be paid starting the first  
 86.25 day of the first full pay period after the effective date of this subdivision.

86.26 Sec. 6. Minnesota Statutes 2016, section 352B.02, subdivision 1a, is amended to read:

86.27 Subd. 1a. **Member contributions.** (a) The member contribution is the following  
 86.28 percentage of the member's salary:

86.29 ~~(1) before the first day of the first pay period beginning~~  
 86.30 ~~after July 1, 2014~~ 12.4 percent

86.31 ~~(2) on or after the first day of the first pay period~~  
 86.32 ~~beginning after~~ from July 1, 2014, to June 30, 2016 13.4 percent

87.1	<del>(3) after June 30, 2016</del> <u>from July 1, 2016, to June 30,</u>	
87.2	<u>2018</u>	14.4 percent
87.3	<u>from July 1, 2018, to June 30, 2020</u>	14.9
87.4	<u>after June 30, 2020</u>	15.4

87.5 (b) These contributions must be made by deduction from salary as provided in section  
87.6 352.04, subdivision 4.

87.7 (c) Contribution increases under paragraph (a) must be paid starting the first day of the  
87.8 first full pay period after the effective date of the increase.

87.9 Sec. 7. Minnesota Statutes 2016, section 352B.02, subdivision 1c, is amended to read:

87.10 Subd. 1c. **Employer contributions and supplemental employer contribution.** (a) In  
87.11 addition to member contributions, department heads shall pay a sum equal to the specified  
87.12 percentage of the salary upon which deductions were made, which constitutes the employer  
87.13 contribution to the fund as follows:

87.14	<del>(1) before the first day of the first pay period beginning</del>	
87.15	<del>after July 1, 2014</del>	<del>18.6 percent</del>
87.16	<del>(2) on or after the first day of the first pay period</del>	
87.17	<del>beginning after</del> <u>from July 1, 2014, to June 30, 2016</u>	20.1 percent
87.18	<del>(3) after June 30, 2016</del> <u>from July 1, 2016, to June 30,</u>	
87.19	<u>2018</u>	21.6 percent
87.20	<u>from July 1, 2018, to June 30, 2019</u>	22.35
87.21	<u>after June 30, 2019</u>	23.1

87.22 (b) Department contributions must be paid out of money appropriated to departments  
87.23 for this purpose.

87.24 (c) Contribution increases under paragraph (a) must be paid starting the first day of the  
87.25 first full pay period after the effective date of the increase.

87.26 (d) Effective July 1, 2018, department heads shall pay a supplemental employer  
87.27 contribution. The supplemental contribution is 1.75 percent of the salary upon which  
87.28 deductions are made from July 1, 2018, through June 30, 2019; three percent of the salary  
87.29 upon which deductions are made from July 1, 2019, through June 30, 2020; five percent of  
87.30 the salary which deductions are made from July 1, 2020, through June 30, 2021; and seven  
87.31 percent of the salary upon which deductions are made thereafter. The supplemental  
87.32 contribution must be paid starting the first day of the first full pay period after the effective  
87.33 date of this subdivision. The supplemental contribution rate of seven percent remains in  
87.34 effect until the market value of the assets of the State Patrol retirement plan of the Minnesota  
87.35 State Retirement System equals or exceeds the actuarial accrued liability of the plan as

88.1 determined by the actuary retained under section 356.214. The expiration of the supplemental  
 88.2 employer contribution is effective the first day of the first full pay period of the fiscal year  
 88.3 immediately following the issuance of the actuarial valuation upon which the expiration is  
 88.4 based.

88.5 Sec. 8. Minnesota Statutes 2016, section 352D.04, subdivision 2, is amended to read:

88.6 Subd. 2. **Contribution rates.** (a) The money used to purchase shares under this section  
 88.7 is the employee and employer contributions provided in this subdivision.

88.8 (b) The employee contribution is an amount equal to the percent of salary specified in  
 88.9 section 352.04, subdivision 2, or 352.045, subdivision 3a.

88.10 (c) The employer contribution is an amount equal to ~~six percent~~ the following percentage  
 88.11 of salary:

88.12 <u>from July 1, 2018, through June 30, 2019</u>	<u>6 percent</u>
88.13 <u>after June 30, 2019</u>	<u>6.25 percent</u>

88.14 (d) For members of the legislature, the contributions under this subdivision also must  
 88.15 be made on per diem payments received during a regular or special legislative session, but  
 88.16 may not be made on per diem payments received outside of a regular or special legislative  
 88.17 session, on the additional compensation attributable to a leadership position under section  
 88.18 3.099, subdivision 3, living expense payments under section 3.101, or special session living  
 88.19 expense payments under section 3.103.

88.20 (e) For a judge who is a member of the unclassified plan under section 352D.02,  
 88.21 subdivision 1, paragraph (c), clause (16), the employee contribution rate is eight percent of  
 88.22 salary, and there is no employer contribution.

88.23 (f) These contributions must be made in the manner provided in section 352.04,  
 88.24 subdivisions 4, 5, and 6.

88.25 Sec. 9. Minnesota Statutes 2016, section 353.65, subdivision 2, is amended to read:

88.26 Subd. 2. **Employee contribution.** (a) For members other than members who were active  
 88.27 members of the former Minneapolis Firefighters Relief Association on December 29, 2011,  
 88.28 or for members other than members who were active members of the former Minneapolis  
 88.29 Police Relief Association on December 29, 2011, the employee contribution is an amount  
 88.30 equal to the following percentage of the total salary of each member, as follows: ~~9.6 percent~~  
 88.31 ~~before calendar year 2014; 10.2 percent in calendar year 2014; and 10.8 percent in calendar~~  
 88.32 ~~year 2015 and thereafter.~~



89.1	<u>before January 1, 2019</u>	<u>10.8 percent</u>
89.2	<u>from January 1, 2019, through December 31, 2019</u>	<u>11.3 percent</u>
89.3	<u>from January 1, 2020, and thereafter</u>	<u>11.8 percent</u>

89.4 (b) For members who were active members of the former Minneapolis Firefighters Relief  
 89.5 Association on December 29, 2011, the employee contribution is an amount equal to eight  
 89.6 percent of the monthly unit value under section 353.01, subdivision 10a, multiplied by 80  
 89.7 and expressed as a biweekly amount for each member. The employee contribution made  
 89.8 by a member with at least 25 years of service credit as an active member of the former  
 89.9 Minneapolis Firefighters Relief Association must be deposited in the postretirement health  
 89.10 care savings account established under section 352.98.

89.11 (c) For members who were active members of the former Minneapolis Police Relief  
 89.12 Association on December 29, 2011, the employee contribution is an amount equal to eight  
 89.13 percent of the monthly unit value under section 353.01, subdivision 10b, multiplied by 80  
 89.14 and expressed as a biweekly amount for each member. The employee contribution made  
 89.15 by a member with at least 25 years of service credit as an active member of the former  
 89.16 Minneapolis Police Relief Association must be deposited in the postretirement health care  
 89.17 savings account established under section 352.98.

89.18 (d) Contributions under this section must be made by deduction from salary in the manner  
 89.19 provided in subdivision 4. Where any portion of a member's salary is paid from other than  
 89.20 public funds, the member's employee contribution is based on the total salary received from  
 89.21 all sources.

89.22 Sec. 10. Minnesota Statutes 2016, section 353.65, subdivision 3, is amended to read:

89.23 Subd. 3. **Employer contribution.** (a) With respect to members other than members who  
 89.24 were active members of the former Minneapolis Firefighters Relief Association on December  
 89.25 29, 2011, or for members other than members who were active members of the former  
 89.26 Minneapolis Police Relief Association on December 29, 2011, the employer contribution  
 89.27 is an amount equal to the following percentage of the total salary of each member, as follows:  
 89.28 ~~14.4 percent before calendar year 2014; 15.3 percent in calendar year 2014; and 16.2 percent~~  
 89.29 ~~in calendar year 2015 and thereafter.~~

89.30	<u>before January 1, 2019</u>	<u>16.2 percent</u>
89.31	<u>from January 1, 2019, through December 31, 2019</u>	<u>16.95 percent</u>
89.32	<u>from January 1, 2020, and thereafter</u>	<u>17.7 percent</u>

89.33 (b) With respect to members who were active members of the former Minneapolis  
 89.34 Firefighters Relief Association on December 29, 2011, the employer contribution is an

90.1 amount equal to the amount of the member contributions under subdivision 2, paragraph  
90.2 (b).

90.3 (c) With respect to members who were active members of the former Minneapolis Police  
90.4 Relief Association on December 29, 2011, the employer contribution is an amount equal  
90.5 to the amount of the member contributions under subdivision 2, paragraph (c).

90.6 (d) Contributions under this subdivision must be made from funds available to the  
90.7 employing subdivision by the means and in the manner provided in section 353.28.

90.8 Sec. 11. Minnesota Statutes 2016, section 354.42, subdivision 2, is amended to read:

90.9 Subd. 2. **Employee contribution.** (a) The employee contribution to the fund is the  
90.10 following percentage of the member's salary:

90.11	Period	Basic Program	Coordinated Program
90.12	<del>from July 1, 2013, until June 30, 2014</del>	<del>10.5 percent</del>	<del>7 percent</del>
90.13	<del>after June 30, 2014</del> from July 1, 2014,		
90.14	<u>through June 30, 2023</u>	11 percent	7.5 percent
90.15	<u>after June 30, 2023</u>	<u>11.25 percent</u>	<u>7.75 percent</u>

90.16 (b) When an employee contribution rate changes for a fiscal year, the new contribution  
90.17 rate is effective for the entire salary paid for each employer unit with the first payroll cycle  
90.18 reported.

90.19 (c) After June 30, 2015, if a contribution rate revision is required under subdivisions 4a,  
90.20 4b, and 4c, the employee contributions under paragraphs (a) and (b) must be adjusted  
90.21 accordingly.

90.22 (d) This contribution must be made by deduction from salary. Where any portion of a  
90.23 member's salary is paid from other than public funds, the member's employee contribution  
90.24 must be based on the entire salary received.

90.25 Sec. 12. Minnesota Statutes 2016, section 354.42, subdivision 3, is amended to read:

90.26 Subd. 3. **Employer.** (a) The regular employer contribution to the fund by Special School  
90.27 District No. 1, Minneapolis, is an amount equal to the applicable following percentage of  
90.28 salary of each coordinated member and the applicable percentage of salary of each basic  
90.29 member specified in paragraph (c).

90.30 The additional employer contribution to the fund by Special School District No. 1,  
90.31 Minneapolis, is an amount equal to 3.64 percent of the salary of each teacher who is a  
90.32 coordinated member or who is a basic member.

91.1 (b) The regular employer contribution to the fund by Independent School District No.  
91.2 709, Duluth, is an amount equal to the applicable percentage of salary of each old law or  
91.3 new law coordinated member specified for the coordinated program in paragraph (c).

91.4 (c) The employer contribution to the fund for every other employer is an amount equal  
91.5 to the applicable following percentage of the salary of each coordinated member and the  
91.6 applicable following percentage of the salary of each basic member:

91.7	Period	Coordinated Member	Basic Member
91.8	<del>from July 1, 2013, until June 30, 2014</del>	<del>7 percent</del>	<del>11 percent</del>
91.9	<u>after June 30, 2014 from July 1, 2014,</u>		
91.10	<u>through June 30, 2018</u>	7.5 percent	11.5 percent
91.11	<u>from July 1, 2018, through June 30, 2019</u>	<u>7.71 percent</u>	<u>11.71 percent</u>
91.12	<u>from July 1, 2019, through June 30, 2020</u>	<u>7.92 percent</u>	<u>11.92 percent</u>
91.13	<u>from July 1, 2020, through June 30, 2021</u>	<u>8.13 percent</u>	<u>12.13 percent</u>
91.14	<u>from July 1, 2021, through June 30, 2022</u>	<u>8.34 percent</u>	<u>12.34 percent</u>
91.15	<u>from July 1, 2022, through June 30, 2023</u>	<u>8.55 percent</u>	<u>12.55 percent</u>
91.16	<u>after June 30, 2023</u>	<u>8.75 percent</u>	<u>12.75 percent</u>

91.17 (d) When an employer contribution rate changes for a fiscal year, the new contribution  
91.18 rate is effective for the entire salary paid for each employer unit with the first payroll cycle  
91.19 reported.

91.20 (e) After June 30, 2015, if a contribution rate revision is made under subdivisions 4a,  
91.21 4b, and 4c, the employer contributions under paragraphs (a), (b), and (c) must be adjusted  
91.22 accordingly.

91.23 Sec. 13. Minnesota Statutes 2016, section 354A.12, subdivision 1, is amended to read:

91.24 Subdivision 1. **Employee contributions.** (a) The contribution required to be paid by  
91.25 each member of the St. Paul Teachers Retirement Fund Association is the percentage of  
91.26 total salary specified below for the applicable association and program:

91.27	Program	Percentage of Total Salary
91.28	St. Paul Teachers Retirement Fund Association	
91.29	<del>basic program after June 30, 2014</del>	<del>9 percent</del>
91.30	<del>basic program after June 30, 2015</del>	<del>9.5 percent</del>
91.31	basic program after June 30, 2016	10 percent
91.32	<u>basic program after June 30, 2022</u>	<u>10.25 percent</u>
91.33	<del>coordinated program after June 30, 2014</del>	<del>6.5 percent</del>
91.34	<del>coordinated program after June 30, 2015</del>	<del>7 percent</del>
91.35	coordinated program after June 30, 2016	7.5 percent

92.1 coordinated program after June 30, 2022 7.75 percent

92.2 (b) Contributions must be made by deduction from salary and must be remitted directly  
92.3 to the St. Paul Teachers Retirement Fund Association at least once each month.

92.4 (c) When an employee contribution rate changes for a fiscal year, the new contribution  
92.5 rate is effective for the entire salary paid by the employer with the first payroll cycle reported.

92.6 Sec. 14. Minnesota Statutes 2016, section 354A.12, subdivision 2a, is amended to read:

92.7 Subd. 2a. **Employer regular and additional contributions.** (a) The employing units  
92.8 shall make the following employer contributions to the teachers retirement fund association:

92.9 (1) for ~~any~~ each coordinated member of the St. Paul Teachers Retirement Fund  
92.10 Association, the employing unit shall make a regular employer contribution to the retirement  
92.11 fund association in an amount equal to the designated percentage of the salary of the  
92.12 coordinated member as provided below:

92.13	<del>after June 30, 2014</del>	<del>5.5 percent</del>
92.14	<del>after June 30, 2015</del>	<del>6 percent</del>
92.15	after June 30, 2016	6.25 percent
92.16	after June 30, 2017	6.5 percent
92.17	<u>after June 30, 2018</u>	<u>7.335 percent</u>
92.18	<u>after June 30, 2019</u>	<u>8.17 percent</u>
92.19	<u>after June 30, 2020</u>	<u>8.38 percent</u>
92.20	<u>after June 30, 2021</u>	<u>8.59 percent</u>
92.21	<u>after June 30, 2022</u>	<u>8.8 percent</u>
92.22	<u>after June 30, 2023</u>	<u>9 percent</u>

92.23 (2) for ~~any~~ each basic member of the St. Paul Teachers Retirement Fund Association,  
92.24 the employing unit shall make a regular employer contribution to the respective retirement  
92.25 fund in an amount according to the schedule below:

92.26	<del>after June 30, 2014</del>	<del>9 percent of salary</del>
92.27	<del>after June 30, 2015</del>	<del>9.5 percent of salary</del>
92.28	after June 30, 2016	9.75 percent of salary
92.29	after June 30, 2017	10 percent of salary
92.30	<u>after June 30, 2018</u>	<u>10.835 percent of salary</u>
92.31	<u>after June 30, 2019</u>	<u>11.67 percent of salary</u>
92.32	<u>after June 30, 2020</u>	<u>11.88 percent of salary</u>
92.33	<u>after June 30, 2021</u>	<u>12.09 percent of salary</u>
92.34	<u>after June 30, 2022</u>	<u>12.3 percent of salary</u>

93.1 after June 30, 2023 12.5 percent of salary

93.2 (3) for a each basic member of the St. Paul Teachers Retirement Fund Association, the  
 93.3 employing unit shall make an additional employer contribution to the respective fund in an  
 93.4 amount equal to 3.64 percent of the salary of the basic member;

93.5 (4) for a each coordinated member of the St. Paul Teachers Retirement Fund Association,  
 93.6 the employing unit shall make an additional employer contribution to the respective fund  
 93.7 in an amount equal to 3.84 percent of the coordinated member's salary.

93.8 (b) The regular and additional employer contributions must be remitted directly to the  
 93.9 St. Paul Teachers Retirement Fund Association at least once each month. Delinquent amounts  
 93.10 are payable with interest under the procedure in subdivision 1a.

93.11 (c) Payments of regular and additional employer contributions for school district or  
 93.12 technical college employees who are paid from normal operating funds must be made from  
 93.13 the appropriate fund of the district or technical college.

93.14 (d) When an employer contribution rate changes for a fiscal year, the new contribution  
 93.15 rate is effective for the entire salary paid by the employer with the first payroll cycle reported.

93.16 Sec. 15. **EFFECTIVE DATE.**

93.17 Sections 1 to 14 are effective June 30, 2018.

## 93.18 **ARTICLE 8**

### 93.19 **DIRECT STATE AID**

93.20 Section 1. Minnesota Statutes 2016, section 353.65, is amended by adding a subdivision  
 93.21 to read:

93.22 Subd. 3b. **Direct state aid.** (a) The state shall pay \$4,500,000 on October 1, 2018, and  
 93.23 October 1, 2019, to the public employees police and fire retirement plan. By October 1 of  
 93.24 each year after 2019, the state shall pay \$9,000,000 to the public employees police and fire  
 93.25 retirement plan. The commissioner of management and budget shall pay the aid specified  
 93.26 in this subdivision. The amount required is annually appropriated from the general fund to  
 93.27 the commissioner of management and budget.

93.28 (b) The aid under paragraph (a) continues until the earlier of:

93.29 (1) the first day of the fiscal year following the fiscal year in which the actuarial value  
 93.30 of assets of the fund equals or exceeds 100 percent of the actuarial accrued liabilities as

94.1 reported by the actuary retained under section 356.214 in the annual actuarial valuation  
 94.2 prepared under section 356.215; or

94.3 (2) July 1, 2048.

94.4 Sec. 2. Minnesota Statutes 2016, section 354.435, subdivision 4, is amended to read:

94.5 Subd. 4. **Expiration.** ~~This~~ The aid amounts specified in this section expires effective  
 94.6 shall continue until the earlier of:

94.7 (1) the first day of the fiscal year next following the fiscal year in which the Teachers  
 94.8 Retirement Association has no unfunded actuarial value of assets of the fund equals or  
 94.9 exceeds 100 percent of the actuarial accrued liability liabilities as determined by the reported  
 94.10 by the actuary retained under section 356.214 in the annual actuarial valuation prepared  
 94.11 under section 356.215 by the approved actuary retained under section 356.214.; or

94.12 (2) July 1, 2048.

94.13 Sec. 3. Minnesota Statutes 2016, section 354.436, subdivision 3, is amended to read:

94.14 Subd. 3. **Aid expiration.** ~~The aid amounts specified in this section terminate and this~~  
 94.15 ~~section expires on the October 1 next following the later of the following dates: (1) when~~  
 94.16 ~~the current assets of the Teachers Retirement Association fund equal or exceed~~ continue  
 94.17 until the earlier of:

94.18 (1) the first day of the fiscal year following the fiscal year in which the actuarial value  
 94.19 of assets of the fund equals or exceeds 100 percent of the actuarial accrued liabilities of the  
 94.20 ~~fund as determined in the most recent actuarial valuation report for the Teachers Retirement~~  
 94.21 ~~Association fund reported~~ by the actuary retained under section 356.214 in the annual  
 94.22 actuarial valuation prepared under section 356.215; or

94.23 ~~(2) when the member and employer contribution rates are first determined to be eligible~~  
 94.24 ~~for a reduction under section 354.42, subdivisions 4a, 4b, 4c, and 4d~~ July 1, 2048.

94.25 Sec. 4. Minnesota Statutes 2016, section 354A.12, subdivision 3a, is amended to read:

94.26 Subd. 3a. **Direct state aid to first class city teachers retirement fund associations.**

94.27 (a) The state shall pay \$2,827,000 to the St. Paul Teachers Retirement Fund Association.

94.28 (b) In addition to other amounts specified in this subdivision, the state shall pay  
 94.29 \$7,000,000 as state aid to the St. Paul Teachers Retirement Fund Association.

95.1 (c) In addition to the amounts specified in paragraphs (a) and (b), the state shall pay  
 95.2 \$5,000,000 as state aid to the St. Paul Teachers Retirement Fund Association.

95.3 ~~(e)~~ (d) The aid under this subdivision is payable October 1 annually. The commissioner  
 95.4 of management and budget shall pay the aid specified in this subdivision. The amount  
 95.5 required is appropriated annually from the general fund to the commissioner of management  
 95.6 and budget.

95.7 Sec. 5. Minnesota Statutes 2016, section 354A.12, subdivision 3c, is amended to read:

95.8 Subd. 3c. **Termination of supplemental contributions and direct matching and state**  
 95.9 **aid.** (a) The supplemental contributions payable to the St. Paul Teachers Retirement Fund  
 95.10 Association by Independent School District No. 625 under section 423A.02, subdivision 3,  
 95.11 and ~~all forms of the~~ aid under subdivision 3a to the ~~St. Paul Teachers Retirement Fund~~  
 95.12 ~~Association must,~~ paragraphs (a) and (b), continue until the actuarial earlier of:

95.13 (1) the first day of the fiscal year following the year in which the actuarial value of assets  
 95.14 of the fund equal equals or exceed exceeds 100 percent of the actuarial accrued liability of  
 95.15 the fund as determined in the most recent actuarial report for the fund reported by the actuary  
 95.16 retained under section 356.214 or until the established date for full funding under section  
 95.17 356.215, subdivision 11, whichever occurs earlier in the most recent annual actuarial  
 95.18 valuation prepared under section 356.215; or

95.19 (2) July 1, 2048.

95.20 ~~(b) The aid to the Duluth Teachers Retirement Fund Association under section 423A.02,~~  
 95.21 ~~subdivision 3, and all forms of state aid under subdivision 3a to the Duluth Teachers~~  
 95.22 ~~Retirement Fund Association must continue until the current assets of the fund equal or~~  
 95.23 ~~exceed the actuarial accrued liability of the fund as determined in the most recent actuarial~~  
 95.24 ~~report for the fund by the actuary retained under section 356.214 or until the established~~  
 95.25 ~~date for full funding under section 356.215, subdivision 11, whichever occurs earlier.~~

95.26 (b) The aid under subdivision 3a, paragraph (c), continues until the earlier of:

95.27 (1) the first day of the fiscal year following the fiscal year in which the actuarial value  
 95.28 of assets of the fund equals or exceeds 100 percent of the actuarial accrued liabilities as  
 95.29 reported by the actuary retained under section 356.214 in the annual actuarial valuation  
 95.30 prepared under section 356.215; or

95.31 (2) July 1, 2048.

96.1 Sec. 6. Minnesota Statutes 2016, section 423A.02, subdivision 3, is amended to read:

96.2 Subd. 3. **Reallocation of amortization state aid.** (a) Seventy percent of the difference  
96.3 between \$5,720,000 and the current year amortization aid distributed under subdivision 1  
96.4 that is not distributed for any reason to a municipality must be distributed by the  
96.5 commissioner of revenue according to this paragraph. The commissioner shall distribute  
96.6 60 percent of the amounts derived under this paragraph to the Teachers Retirement  
96.7 Association, and 40 percent to the St. Paul Teachers Retirement Fund Association to fund  
96.8 the unfunded actuarial accrued liabilities of the respective funds. These payments must be  
96.9 made on July 15 each fiscal year. If the St. Paul Teachers Retirement Fund Association or  
96.10 the ~~Duluth Teachers Retirement Fund Association becomes fully funded, the association's~~  
96.11 satisfies subdivision 5, eligibility for its portion of this aid ceases. Amounts remaining in  
96.12 the undistributed balance account at the end of the biennium if aid eligibility ceases cancel  
96.13 to the general fund.

96.14 (b) In order to receive amortization aid under paragraph (a), before June 30 annually  
96.15 Independent School District No. 625, St. Paul, must make an additional contribution of  
96.16 \$800,000 each year to the St. Paul Teachers Retirement Fund Association.

96.17 (c) Thirty percent of the difference between \$5,720,000 and the current year amortization  
96.18 aid under subdivision 1 that is not distributed for any reason to a municipality must be  
96.19 distributed under section 69.021, subdivision 7, paragraph (d), as additional funding to  
96.20 support a minimum fire state aid amount for volunteer firefighter relief associations.

96.21 Sec. 7. Minnesota Statutes 2016, section 423A.02, subdivision 5, is amended to read:

96.22 Subd. 5. **Termination of state aid programs.** The amortization state aid and additional  
96.23 amortization state aid programs ~~terminate as~~ continue until the earlier of:

96.24 (1) the December 31, next following the date of the actuarial valuation when end of the  
96.25 fiscal year in which the actuarial value of assets of the St. Paul Teachers Retirement Fund  
96.26 Association ~~equal~~ or the Teachers Retirement Association equals or exceeds 100 percent  
96.27 of the actuarial accrued liability of that plan or when the assets of the Duluth Teachers  
96.28 ~~Retirement Fund Association equal the actuarial accrued liability of that plan, whichever~~  
96.29 ~~is later.~~ liabilities as reported by the actuary retained under section 356.214 in the annual  
96.30 actuarial valuation report prepared under section 356.215; or

96.31 (2) July 1, 2048.



97.1 Sec. 8. Minnesota Statutes 2016, section 423A.022, subdivision 5, is amended to read:

97.2 Subd. 5. **Aid termination.** (a) The aid under subdivision 2, paragraph (a), clauses (1)  
97.3 and (3), ~~ends on~~ continues until the earlier of:

97.4 (1) the December 1 next following the ~~actuarial valuation date on~~ end of the fiscal year  
97.5 in which the actuarial value of assets of both the State Patrol retirement plan and the public  
97.6 employees police and fire retirement plan ~~on a market value basis~~ equals or exceeds 90  
97.7 percent of the total actuarial accrued liabilities of the retirement plan as disclosed in an  
97.8 reported by the actuary retained under section 356.214 in the annual actuarial valuation  
97.9 prepared under section 356.215 and the Standards for Actuarial Work promulgated by the  
97.10 Legislative Commission on Pensions and Retirement, for the State Patrol retirement plan  
97.11 or the public employees police and fire retirement plan, whichever occurs last; or

97.12 (2) July 1, 2048.

97.13 (b) The aid under subdivision 2, paragraph (a), clause (2), does not terminate.

97.14 Sec. 9. Minnesota Statutes 2016, section 490.123, is amended by adding a subdivision to  
97.15 read:

97.16 Subd. 5. **Direct state aid.** (a) The state shall pay \$6,000,000 annually to the judges'  
97.17 retirement fund. The aid is payable each October 1. The commissioner of management and  
97.18 budget shall pay the aid specified in this subdivision. The amount required is annually  
97.19 appropriated from the general fund to the commissioner of management and budget.

97.20 (b) The aid under paragraph (a) continues until the earlier of:

97.21 (1) the first day of the fiscal year following the fiscal year in which the actuarial value  
97.22 of assets of the fund equals or exceeds 100 percent of the actuarial accrued liabilities as  
97.23 reported by the actuary retained under section 356.214 in the annual actuarial valuation  
97.24 prepared under section 356.215; or

97.25 (2) July 1, 2048.

97.26 Sec. 10. **REPEALER.**

97.27 Laws 2008, chapter 349, article 8, section 4, is repealed.

97.28 Sec. 11. **EFFECTIVE DATE.**

97.29 Sections 1 to 10 are effective June 30, 2018.

## ARTICLE 9

MINNESOTA STATE RETIREMENT SYSTEM  
ADMINISTRATIVE PROVISIONS

98.1

98.2

98.3

98.4 Section 1. Minnesota Statutes 2016, section 3A.03, subdivision 2, is amended to read:

98.5 Subd. 2. **Refund.** (a) A former member who has made contributions under subdivision  
98.6 1 and who is no longer a member of the legislature is entitled to receive, upon written  
98.7 application to the executive director on a form prescribed by the executive director, a refund  
98.8 from the general fund of all contributions credited to the member's account with interest  
98.9 computed as provided in section 352.22, subdivision 2.

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

98.12 (c) If the former member of the legislature again becomes a member of the legislature  
98.13 after having taken a refund as provided in paragraph (a), the member is a member of the  
98.14 unclassified employees retirement program of the Minnesota State Retirement System.

98.15 (d) However, the member may reinstate the rights and credit for service previously  
98.16 forfeited under this chapter if the member repays all refunds taken, plus interest at the rate  
98.17 of 8.5 percent until June 30, 2015, and eight percent thereafter compounded annually from  
98.18 the date on which the refund was taken to the date on which the refund is repaid. Repayment  
98.19 must be made as provided in section 352.23, paragraph (d).

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

98.21 Sec. 2. Minnesota Statutes 2016, section 3A.03, subdivision 3, is amended to read:

98.22 Subd. 3. **Legislators retirement fund.** (a) The legislators retirement fund, a special  
98.23 retirement fund, is created within the state treasury. The legislators retirement fund must  
98.24 be credited with any investment proceeds on the assets of the retirement fund.

98.25 (b) The payment of annuities under section 3A.115, paragraph (b), is appropriated from  
98.26 the legislators retirement fund.

98.27 (c) The legislators retirement fund may receive transfers of general fund proceeds.

98.28 Sec. 3. Minnesota Statutes 2016, section 16A.14, subdivision 2a, is amended to read:

98.29 Subd. 2a. **Exceptions.** The allotment and encumbrance system does not apply to:

98.30 (1) appropriations for the courts or the legislature;

- 99.1 (2) payment of unemployment benefits; and  
99.2 (3) transactions within the defined contribution funds administered by the Minnesota  
99.3 State Retirement System.

99.4 Sec. 4. Minnesota Statutes 2016, section 352.01, subdivision 2a, is amended to read:

99.5 Subd. 2a. **Included employees.** (a) "State employee" includes:

99.6 (1) employees of the Minnesota Historical Society;

99.7 (2) employees of the State Horticultural Society;

99.8 (3) employees of the Minnesota Crop Improvement Association;

99.9 (4) employees of the adjutant general whose salaries are paid from federal funds and  
99.10 who are not covered by any federal civilian employees retirement system;

99.11 (5) employees of the Minnesota State Colleges and Universities who are employed under  
99.12 the university or college activities program;

99.13 (6) currently contributing employees covered by the system who are temporarily  
99.14 employed by the legislature during a legislative session or any currently contributing  
99.15 employee employed for any special service as defined in subdivision 2b, clause (6);

99.16 (7) employees of the legislature who are appointed without a limit on the duration of  
99.17 their employment;

99.18 (8) trainees who are employed on a full-time established training program performing  
99.19 the duties of the classified position for which they will be eligible to receive immediate  
99.20 appointment at the completion of the training period;

99.21 (9) employees of the Minnesota Safety Council;

99.22 (10) any employees who are on authorized leave of absence from the Transit Operating  
99.23 Division of the former Metropolitan Transit Commission and who are employed by the  
99.24 labor organization which is the exclusive bargaining agent representing employees of the  
99.25 Transit Operating Division;

99.26 (11) employees of the Metropolitan Council, Metropolitan Parks and Open Space  
99.27 Commission, Metropolitan Sports Facilities Commission, or Metropolitan Mosquito Control  
99.28 Commission unless excluded under subdivision 2b or are covered by another public pension  
99.29 fund or plan under section 473.415, subdivision 3;

99.30 (12) judges of the Tax Court;

100.1 (13) personnel who were employed on June 30, 1992, by the University of Minnesota  
100.2 in the management, operation, or maintenance of its heating plant facilities, whose  
100.3 employment transfers to an employer assuming operation of the heating plant facilities, so  
100.4 long as the person is employed at the University of Minnesota heating plant by that employer  
100.5 or by its successor organization;

100.6 (14) personnel who are employed as seasonal employees in the classified or unclassified  
100.7 service;

100.8 (15) persons who are employed by the Department of Commerce as a peace officer in  
100.9 the Commerce Fraud Bureau under section 45.0135 who have attained the mandatory  
100.10 retirement age specified in section 43A.34, subdivision 4;

100.11 (16) employees of the University of Minnesota unless excluded under subdivision 2b,  
100.12 clause (3);

100.13 (17) employees of the Middle Management Association whose employment began after  
100.14 July 1, 2007, and to whom section 352.029 does not apply;

100.15 (18) employees of the Minnesota Government Engineers Council to whom section  
100.16 352.029 does not apply;

100.17 (19) employees of the Minnesota Sports Facilities Authority;

100.18 (20) employees of the Minnesota Association of Professional Employees;

100.19 (21) employees of the Minnesota State Retirement System;

100.20 (22) employees of the State Agricultural Society;

100.21 (23) employees of the Gillette Children's Hospital Board who were employed in the  
100.22 state unclassified service at the former Gillette Children's Hospital on March 28, 1974; ~~and~~

100.23 (24) if approved for coverage by the Board of Directors of Conservation Corps Minnesota,  
100.24 employees of Conservation Corps Minnesota so employed on June 30, 2003-; and

100.25 (25) employees of the Perpich Center for Arts Education who are covered by the general  
100.26 state employees retirement plan of the Minnesota State Retirement System as of July 1,  
100.27 2016.

100.28 (b) Employees specified in paragraph (a), clause (13), are included employees under  
100.29 paragraph (a) if employer and employee contributions are made in a timely manner in the  
100.30 amounts required by section 352.04. Employee contributions must be deducted from salary.  
100.31 Employer contributions are the sole obligation of the employer assuming operation of the

101.1 University of Minnesota heating plant facilities or any successor organizations to that  
101.2 employer.

101.3 Sec. 5. Minnesota Statutes 2016, section 352.03, subdivision 5, is amended to read:

101.4 Subd. 5. **Executive director, deputy director, and assistant director.** (a) The board  
101.5 shall appoint an executive director, in this chapter called the director, of the system must  
101.6 be appointed by the board on the basis of fitness education, experience in the retirement  
101.7 field, and leadership ability to manage and lead system staff, and ability to assist the board  
101.8 in setting a vision for the system. The director must have had at least five years' experience  
101.9 on the administrative staff of a major retirement system in either an executive level  
101.10 management position or in a position with responsibility for the governance, management,  
101.11 or administration of a retirement plan.

101.12 (b) The executive director, deputy director, and assistant director must be in the  
101.13 unclassified service but appointees may be selected from civil service lists if desired.  
101.14 Notwithstanding any law to the contrary, the board must set the salary of the executive  
101.15 director. The salary of the executive director must not exceed the limit for a position listed  
101.16 in section 15A.0815, subdivision 2. The salary of the deputy director and assistant director  
101.17 must be set in accordance with section 43A.18, subdivision 3.

101.18 Sec. 6. Minnesota Statutes 2016, section 352.03, subdivision 6, is amended to read:

101.19 Subd. 6. **Duties and powers of executive director.** The management of the system is  
101.20 vested in the director, who is the executive and administrative head of the system. The  
101.21 director may appoint a deputy director and an assistant director with the approval of the  
101.22 board. The director shall be advisor to the board on matters pertaining to the system and  
101.23 shall also act as the secretary of the board. The director shall:

101.24 (1) attend meetings of the board;

101.25 (2) prepare and recommend to the board appropriate rules to carry out this chapter;

101.26 (3) establish and maintain an adequate system of records and accounts following  
101.27 recognized accounting principles and controls;

101.28 ~~(4) designate an assistant director with the approval of the board;~~

101.29 ~~(5)~~ (4) appoint any employees, both permanent and temporary, that are necessary to  
101.30 carry out the provisions of this chapter;

102.1 ~~(6)~~ (5) organize the work of the system as the director deems necessary to fulfill the  
102.2 functions of the system, and define the duties of its employees and delegate to them any  
102.3 powers or duties, subject to the control of the director and under conditions the director may  
102.4 prescribe. Appointments to exercise delegated power must be by written order and shall be  
102.5 filed with the secretary of state;

102.6 ~~(7)~~ (6) with the advice and consent of the board, contract for the services of an approved  
102.7 actuary, professional management services, and any other consulting services as necessary  
102.8 and fix the compensation for those services. The contracts are not subject to competitive  
102.9 bidding under chapter 16C. Any approved actuary retained by the executive director shall  
102.10 function as the actuarial advisor of the board and the executive director, and may perform  
102.11 actuarial valuations and experience studies to supplement those performed by the actuary  
102.12 retained under section 356.214. Any supplemental actuarial valuations or experience studies  
102.13 shall be filed with the executive director of the Legislative Commission on Pensions and  
102.14 Retirement. Professional management services may not be contracted for more often than  
102.15 once in six years. Copies of professional management survey reports must be transmitted  
102.16 to the secretary of the senate, the chief clerk of the house of representatives, and the  
102.17 Legislative Reference Library as provided by section 3.195, and to the executive director  
102.18 of the commission at the time as reports are furnished to the board. Only management firms  
102.19 experienced in conducting management surveys of federal, state, or local public retirement  
102.20 systems are qualified to contract with the director;

102.21 ~~(8)~~ (7) with the advice and consent of the board provide in-service training for the  
102.22 employees of the system;

102.23 ~~(9)~~ (8) make refunds of accumulated contributions to former state employees and to the  
102.24 designated beneficiary, surviving spouse, legal representative, or next of kin of deceased  
102.25 state employees or deceased former state employees, as provided in this chapter;

102.26 ~~(10)~~ (9) determine the amount of the annuities and disability benefits of employees  
102.27 covered by the system and authorize payment of the annuities and benefits beginning as of  
102.28 the dates on which the annuities and benefits begin to accrue, in accordance with the  
102.29 provisions of this chapter;

102.30 ~~(11)~~ (10) pay annuities, refunds, survivor benefits, salaries, and necessary operating  
102.31 expenses of the system;

102.32 ~~(12)~~ (11) certify funds available for investment to the State Board of Investment;

102.33 ~~(13)~~ (12) with the advice and approval of the board request the State Board of Investment  
102.34 to sell securities when the director determines that funds are needed for the system;

103.1 ~~(14)~~ (13) prepare and submit to the board and the legislature an annual financial report  
103.2 covering the operation of the system, as required by section 356.20;

103.3 ~~(15)~~ (14) prepare and submit biennial and annual budgets to the board and with the  
103.4 approval of the board submit the budgets to the Department of Management and Budget;  
103.5 and

103.6 ~~(16)~~ (15) with the approval of the board, perform other duties required to administer the  
103.7 retirement and other provisions of this chapter and to do its business.

103.8 Sec. 7. Minnesota Statutes 2016, section 352.113, subdivision 4, is amended to read:

103.9 Subd. 4. **Medical or psychological examinations; authorization for payment of**  
103.10 **benefit.** (a) Any physician, psychologist, chiropractor, ~~or~~ physician assistant, or nurse  
103.11 practitioner providing any service specified in this section must be licensed.

103.12 (b) An applicant shall provide a detailed report signed by a physician, and at least one  
103.13 additional report signed by a physician, ~~chiropractor~~, psychologist, ~~or~~ chiropractor, physician  
103.14 assistant, or nurse practitioner with evidence to support an application for total and permanent  
103.15 disability. The reports must include an expert opinion regarding whether the employee is  
103.16 permanently and totally disabled within the meaning of section 352.01, subdivision 17, and  
103.17 that the disability arose before the employee was placed on any paid or unpaid leave of  
103.18 absence or terminated public service.

103.19 (c) If there is medical evidence that supports the expectation that at some point the person  
103.20 applying for the disability benefit will no longer be disabled, the decision granting the  
103.21 disability benefit may provide for a termination date upon which the total and permanent  
103.22 disability can be expected to no longer exist. When a termination date is part of the decision  
103.23 granting benefits, prior to the benefit termination the executive director shall review any  
103.24 evidence provided by the disabled employee to show that the disabling condition for which  
103.25 benefits were initially granted continues. If the benefits cease, the disabled employee may  
103.26 follow the appeal procedures described in section 356.96 or may reapply for disability  
103.27 benefits using the process described in this subdivision.

103.28 (d) Any claim to disability must be supported by a report from the employer indicating  
103.29 that there is no available work that the employee can perform with the disabling condition  
103.30 and that all reasonable accommodations have been considered. Upon request of the executive  
103.31 director, an employer shall provide evidence of the steps the employer has taken to attempt  
103.32 to provide reasonable accommodations and continued employment to the claimant.

104.1 (e) The director shall also obtain written certification from the employer stating whether  
104.2 the employment has ceased or whether the employee is on sick leave of absence because  
104.3 of a disability that will prevent further service to the employer and that the employee is not  
104.4 entitled to compensation from the employer.

104.5 (f) The medical adviser shall consider the reports of the ~~physicians, physician assistants,~~  
104.6 ~~psychologists, and chiropractors~~ physician, psychologist, chiropractor, physician assistant,  
104.7 or nurse practitioner and any other evidence supplied by the employee or other interested  
104.8 parties. If the medical adviser finds the employee totally and permanently disabled, the  
104.9 adviser shall make appropriate recommendation to the director in writing together with the  
104.10 date from which the employee has been totally disabled. The director shall then determine  
104.11 if the disability occurred ~~within 18 months of filing the application,~~ while still in the  
104.12 employment of the state, ~~and the propriety of authorizing payment of a disability benefit as~~  
104.13 ~~provided in this section~~ and constitutes a total and permanent disability as defined in section  
104.14 352.01, subdivision 17.

104.15 (g) A terminated employee may apply for a disability benefit within 18 months of  
104.16 termination as long as the disability occurred while in the employment of the state. The fact  
104.17 that an employee is placed on leave of absence without compensation because of disability  
104.18 does not bar that employee from receiving a disability benefit.

104.19 (h) Upon appeal, the board of directors may extend the disability benefit application  
104.20 deadline in paragraph (g) by an additional 18 months if the terminated employee is  
104.21 determined by the board of directors to have a cognitive impairment that made it unlikely  
104.22 that the terminated employee understood that there was an application deadline or that the  
104.23 terminated employee was able to meet the application deadline.

104.24 ~~(h)~~ (i) Unless the payment of a disability benefit has terminated because the employee  
104.25 is no longer totally disabled, or because the employee has reached normal retirement age  
104.26 as provided in this section, the disability benefit must cease with the last payment received  
104.27 by the disabled employee or which had accrued during the lifetime of the employee unless  
104.28 there is a spouse surviving. In that event, the surviving spouse is entitled to the disability  
104.29 benefit for the calendar month in which the disabled employee died.

104.30 Sec. 8. Minnesota Statutes 2016, section 352.113, subdivision 14, is amended to read:

104.31 Subd. 14. **Disabilitant earnings reports.** Disability benefit recipients must report all  
104.32 earnings from reemployment and income from workers' compensation to the system annually  
104.33 by May 15 in a format prescribed by the executive director. The executive director may  
104.34 waive the earnings report requirement for any disabled employee who is not required to



105.1 undergo regular medical or psychological examinations under subdivision 6. If the form is  
105.2 not submitted by June 15, benefits must be suspended effective July 1. If the form deemed  
105.3 acceptable by the executive director is received after the June 15 deadline, benefits shall be  
105.4 reinstated retroactive to July 1.

105.5 Sec. 9. Minnesota Statutes 2016, section 352.23, is amended to read:

105.6 **352.23 TERMINATION OF RIGHTS; REPAYMENT OF REFUND.**

105.7 (a) When any employee accepts a refund as provided in section 352.22, all existing  
105.8 allowable service credits and all rights and benefits to which the employee was entitled  
105.9 before accepting the refund terminate.

105.10 (b) Terminated service credits and rights must not again be restored until the former  
105.11 employee acquires at least six months of allowable service credit after taking the last refund.  
105.12 ~~In that event, the employee may repay~~ and repays all refunds previously taken from the  
105.13 retirement fund with interest as provided in paragraph (d).

105.14 (c) Repayment of refunds entitles the employee only to credit for service covered by (1)  
105.15 salary deductions; (2) payments previously made in lieu of salary deductions as permitted  
105.16 under law in effect when the payment in lieu of deductions was made; (3) payments made  
105.17 to obtain credit for service as permitted by laws in effect when payment was made; and (4)  
105.18 allowable service previously credited while receiving temporary workers' compensation as  
105.19 provided in section 352.01, subdivision 11, paragraph (a), clause (3).

105.20 (d) Payments under this section for repayment of refunds are to be paid with interest at  
105.21 the rate of 8.5 percent until June 30, 2015, and eight percent thereafter compounded annually  
105.22 from the date the refund was taken until the date the refund is repaid. ~~They~~ Repayment may  
105.23 ~~be paid in a lump sum or by payroll deduction in the manner provided in section 352.04.~~  
105.24 Payment may be made in partial payments consistent with section 356.44 during employment  
105.25 or in a lump sum up to six months after termination from service.

105.26 Sec. 10. Minnesota Statutes 2016, section 352B.11, subdivision 4, is amended to read:

105.27 Subd. 4. **Reentry into state service.** When a former member, who has become separated  
105.28 from state service that entitled the member to membership and has received a refund of  
105.29 retirement payments, reenters the state service in a position that entitles the member to  
105.30 membership, that member shall receive credit for the period of prior allowable state service  
105.31 if the member repays into the fund the amount of the refund, plus interest on it at the rate  
105.32 of 8.5 percent until June 30, 2015, and eight percent thereafter compounded annually, ~~at~~

106.1 ~~any time before subsequent retirement. Repayment may be made in installments or in a~~  
106.2 ~~lump sum.~~ Repayment must be made as provided in section 352.23, paragraph (d).

106.3 Sec. 11. Minnesota Statutes 2016, section 352D.02, subdivision 1, is amended to read:

106.4 Subdivision 1. **Coverage.** (a) Employees enumerated in paragraph (c), clauses (2), (3),  
106.5 (4), (6) to (14), and (16) to (18), if they are in the unclassified service of the state or  
106.6 Metropolitan Council and are eligible for coverage under the general state employees  
106.7 retirement plan under chapter 352, are participants in the unclassified program under this  
106.8 chapter ~~unless the employee gives notice to the executive director of the Minnesota State~~  
106.9 ~~Retirement System within one year following the commencement of employment in the~~  
106.10 ~~unclassified service that the employee desires coverage under the general state employees~~  
106.11 ~~retirement plan. For the purposes of this chapter, an employee who does not file notice with~~  
106.12 ~~the executive director is deemed to have exercised the option to participate in the unclassified~~  
106.13 ~~program.~~

106.14 (b) Persons referenced in paragraph (c), clause (5), are participants in the unclassified  
106.15 program under this chapter unless the person was eligible to elect different coverage under  
106.16 section 3A.07 and elected retirement coverage by the applicable alternative retirement plan.  
106.17 Persons referenced in paragraph (c), clause (15), are participants in the unclassified program  
106.18 under this chapter for judicial employment in excess of the service credit limit in section  
106.19 490.121, subdivision 22.

106.20 (c) Enumerated employees and referenced persons are:

106.21 (1) the governor, the lieutenant governor, the secretary of state, the state auditor, and  
106.22 the attorney general;

106.23 (2) an employee in the Office of the Governor, Lieutenant Governor, Secretary of State,  
106.24 State Auditor, Attorney General;

106.25 (3) an employee of the State Board of Investment;

106.26 (4) the head of a department, division, or agency created by statute in the unclassified  
106.27 service, an acting department head subsequently appointed to the position, or an employee  
106.28 enumerated in section 15A.0815 or 15A.083, subdivision 4;

106.29 (5) a member of the legislature;

106.30 (6) an unclassified employee of the legislature or a commission or agency of the  
106.31 legislature who is appointed without a limit on the duration of the employment or a temporary  
106.32 legislative employee having shares in the supplemental retirement fund as a result of former

107.1 employment covered by this chapter, whether or not eligible for coverage under the  
107.2 Minnesota State Retirement System;

107.3 (7) a person who is employed in a position established under section 43A.08, subdivision  
107.4 1, clause (3), or in a position authorized under a statute creating or establishing a department  
107.5 or agency of the state, which is at the deputy or assistant head of department or agency or  
107.6 director level;

107.7 (8) the regional administrator, or executive director of the Metropolitan Council, general  
107.8 counsel, division directors, operations managers, and other positions as designated by the  
107.9 council, all of which may not exceed 27 positions at the council and the chair;

107.10 (9) the commissioner, deputy commissioner, and not to exceed nine positions of the  
107.11 Minnesota Office of Higher Education in the unclassified service, as designated by the  
107.12 Minnesota Office of Higher Education before January 1, 1992, or subsequently redesignated  
107.13 with the approval of the board of directors of the Minnesota State Retirement System, unless  
107.14 the person has elected coverage by the individual retirement account plan under chapter  
107.15 354B;

107.16 (10) the clerk of the appellate courts appointed under article VI, section 2, of the  
107.17 Constitution of the state of Minnesota, the state court administrator and judicial district  
107.18 administrators;

107.19 (11) the chief executive officers of correctional facilities operated by the Department of  
107.20 Corrections and of hospitals and nursing homes operated by the Department of Human  
107.21 Services;

107.22 (12) an employee whose principal employment is at the state ceremonial house;

107.23 (13) an employee of the Agricultural Utilization Research Institute;

107.24 (14) an employee of the State Lottery who is covered by the managerial plan established  
107.25 under section 43A.18, subdivision 3;

107.26 (15) a judge who has exceeded the service credit limit in section 490.121, subdivision  
107.27 22;

107.28 (16) an employee of Enterprise Minnesota, Inc.;

107.29 (17) a person employed by the Minnesota State Colleges and Universities as faculty or  
107.30 in an eligible unclassified administrative position as defined in section 354B.20, subdivision  
107.31 6, who was employed by the former state university or the former community college system  
107.32 before May 1, 1995, and elected unclassified program coverage prior to May 1, 1995; and

108.1 (18) a person employed by the Minnesota State Colleges and Universities who was  
108.2 employed in state service before July 1, 1995, who subsequently is employed in an eligible  
108.3 unclassified administrative position as defined in section 354B.20, subdivision 6, and who  
108.4 elects coverage by the unclassified program.

108.5 Sec. 12. Minnesota Statutes 2016, section 352D.02, subdivision 3, is amended to read:

108.6 Subd. 3. **Transfer to general employees retirement plan.** (a) ~~If permitted under~~  
108.7 ~~paragraph (b), an employee~~ A person in the unclassified program and referred to in  
108.8 subdivision 1, paragraph (c), clauses (2) to (4), (6) to (14), and (16) to (18), who is credited  
108.9 ~~with shares in the unclassified program and has credit for allowable service~~ may elect to  
108.10 terminate participation in the unclassified program and be covered by the general state  
108.11 employees retirement plan. ~~(b) An employee specified in paragraph (a) is permitted to~~  
108.12 ~~terminate participation in the unclassified program and be covered by~~ if the person files an  
108.13 election to transfer to the general state employees retirement plan if the employee with the  
108.14 executive director of the Minnesota State Retirement System as provided in paragraph (b)  
108.15 and the person's current employment or appointment:

108.16 (1) ~~was employed~~ began before July 1, 2010, and the person has at least ten years of  
108.17 ~~allowable service~~ covered employment; or

108.18 (2) ~~was first employed~~ began after June 30, 2010, and the person has no more than seven  
108.19 years of allowable service in the unclassified program.

108.20 ~~The (b) An~~ election to transfer must be in writing, on a form provided by the executive  
108.21 director, and ~~can be made no later than one month following the termination of covered~~  
108.22 ~~employment.~~ delivered to the executive director:

108.23 (1) for persons described in paragraph (a), clause (1), no later than one month following  
108.24 the termination of covered employment; or

108.25 (2) for persons described in paragraph (a), clause (2), by the earlier of (i) the end of the  
108.26 month following the termination of employment in a position covered by the unclassified  
108.27 program, and (ii) the last day of the seventh year of allowable service in the unclassified  
108.28 program.

108.29 For purposes of this chapter, an employee who does not file an election to transfer with  
108.30 the executive director is deemed to have exercised the option to participate in the unclassified  
108.31 program.

108.32 (c) If the transfer election is made, the executive director shall redeem the employee's  
108.33 total shares and credit to the employee's account in the general employees retirement plan

109.1 the amount of contributions that would have been credited had the employee been covered  
109.2 by the general employees retirement plan during the employee's entire covered employment.  
109.3 The balance of money redeemed and not credited to the employee's account must be  
109.4 transferred to the general employees retirement plan, except that the executive director must  
109.5 determine:

109.6 (1) the employee contributions paid to the unclassified program; and

109.7 (2) the employee contributions that would have been paid to the general employees  
109.8 retirement plan for the comparable period, if the individual had been covered by that plan.

109.9 If clause (1) is greater than clause (2), the difference must be refunded to the employee  
109.10 as provided in section 352.22. If clause (2) is greater than clause (1), the difference must  
109.11 be paid by the employee within six months of electing general employees retirement plan  
109.12 coverage or before the effective date of the annuity, whichever is sooner.

109.13 (d) An election under paragraph (b) to transfer coverage to the general employees  
109.14 retirement plan is irrevocable during any period of covered employment.

109.15 (e) A person referenced in subdivision 1, paragraph (c), clause (1), (5), or (15), who is  
109.16 credited with employee shares in the unclassified program is not permitted to terminate  
109.17 participation in the unclassified program and be covered by the general employees retirement  
109.18 plan.

109.19 Sec. 13. Minnesota Statutes 2016, section 352D.05, subdivision 4, is amended to read:

109.20 Subd. 4. **Repayment of refund.** (a) A participant in the unclassified program may repay  
109.21 regular refunds taken under section 352.22, as provided in section 352.23.

109.22 (b) A participant in the unclassified program or an employee covered by the general  
109.23 employees retirement plan who has withdrawn the value of the total shares may repay the  
109.24 refund taken and thereupon restore the service credit, rights and benefits forfeited by paying  
109.25 into the fund the amount refunded plus interest at the rate of 8.5 percent until June 30, 2015,  
109.26 and eight percent thereafter compounded annually from the date that the refund was taken  
109.27 until the date that the refund is repaid. If the participant had withdrawn only the employee  
109.28 shares as permitted under prior laws, repayment must be pro rata.

109.29 (c) ~~Except as provided in section 356.441, the repayment of a refund under this section~~  
109.30 ~~must be made in a lump sum~~ Repayment must be made as provided in section 352.23,  
109.31 paragraph (d).

110.1 Sec. 14. Minnesota Statutes 2016, section 490.124, subdivision 12, is amended to read:

110.2 Subd. 12. **Refund.** (a) A person who ceases to be a judge is entitled to a refund in an  
110.3 amount that is equal to all of the member's employee contributions to the judges' retirement  
110.4 fund plus interest computed under section 352.22, subdivision 2.

110.5 (b) A refund of contributions under paragraph (a) terminates all service credits and all  
110.6 rights and benefits of the judge and the judge's survivors under this chapter.

110.7 (c) A person who becomes a judge again after taking a refund under paragraph (a) may  
110.8 reinstate the previously terminated allowable service credit, rights, and benefits by repaying  
110.9 the total amount of the previously received refund. The refund repayment must include  
110.10 interest on the total amount previously received at the annual rate of 8.5 percent until June  
110.11 30, 2015, and eight percent thereafter, compounded annually, from the date on which the  
110.12 refund was received until the date on which the refund is repaid. Repayment must be made  
110.13 as provided in section 352.23, paragraph (d).

110.14 Sec. 15. **EFFECTIVE DATE.**

110.15 Sections 1 to 14 are effective June 30, 2018.

110.16

## ARTICLE 10

110.17

### PUBLIC EMPLOYEES RETIREMENT ASSOCIATION ADMINISTRATIVE PROVISIONS

110.18

110.19 Section 1. Minnesota Statutes 2016, section 353.01, subdivision 2b, is amended to read:

110.20 Subd. 2b. **Excluded employees.** (a) The following public employees are not eligible to  
110.21 participate as members of the association with retirement coverage by the general employees  
110.22 retirement plan, the local government correctional employees retirement plan under chapter  
110.23 353E, or the public employees police and fire retirement plan:

110.24 (1) persons whose annual salary from one governmental subdivision never exceeds an  
110.25 amount, stipulated in writing in advance, of \$5,100 if the person is not a school district  
110.26 employee or \$3,800 if the person is a school year employee. If annual compensation from  
110.27 one governmental subdivision to an employee exceeds the stipulated amount in a calendar  
110.28 year or a school year, whichever applies, after being stipulated in advance not to exceed the  
110.29 applicable amount, the stipulation is no longer valid and contributions must be made on  
110.30 behalf of the employee under section 353.27, subdivision 12, from the first month in which  
110.31 the employee received salary exceeding \$425 in a month;

111.1 (2) public officers who are elected to a governing body, city mayors, or persons who  
111.2 are appointed to fill a vacancy in an ~~elective~~ elected office of a governing body, whose term  
111.3 of office commences on or after July 1, 2002, for the service to be rendered in that ~~elective~~  
111.4 elected position;

111.5 (3) election judges and persons employed solely to administer elections;

111.6 (4) patient and inmate personnel who perform services for a governmental subdivision;

111.7 (5) except as otherwise specified in subdivision 12a, employees who are employed solely  
111.8 in a temporary position as defined under subdivision 12a, and employees who resign from  
111.9 a nontemporary position and accept a temporary position within 30 days of that resignation  
111.10 in the same governmental subdivision;

111.11 (6) employees who are employed by reason of work emergency caused by fire, flood,  
111.12 storm, or similar disaster, but if the person becomes a probationary or provisional employee  
111.13 within the same pay period, other than on a temporary basis, the person is a "public  
111.14 employee" retroactively to the beginning of the pay period;

111.15 (7) employees who by virtue of their employment in one governmental subdivision are  
111.16 required by law to be a member of and to contribute to any of the plans or funds administered  
111.17 by the Minnesota State Retirement System, the Teachers Retirement Association, or the St.  
111.18 Paul Teachers Retirement Fund Association, but this exclusion must not be construed to  
111.19 prevent a person from being a member of and contributing to the Public Employees  
111.20 Retirement Association and also belonging to and contributing to another public pension  
111.21 plan or fund for other service occurring during the same period of time, and a person who  
111.22 meets the definition of "public employee" in subdivision 2 by virtue of other service occurring  
111.23 during the same period of time becomes a member of the association unless contributions  
111.24 are made to another public retirement plan on the salary based on the other service or to the  
111.25 Teachers Retirement Association by a teacher as defined in section 354.05, subdivision 2;

111.26 (8) persons who are members of a religious order and are excluded from coverage under  
111.27 the federal Old Age, Survivors, Disability, and Health Insurance Program for the performance  
111.28 of service as specified in United States Code, title 42, section 410(a)(8)(A), as amended, if  
111.29 no irrevocable election of coverage has been made under section 3121(r) of the Internal  
111.30 Revenue Code of 1954, as amended;

111.31 (9) persons who are:

111.32 (i) employed by a governmental subdivision who have not reached the age of 23 and  
111.33 who are enrolled on a full-time basis to attend or are attending classes on a full-time basis

- 112.1 at an accredited school, college, or university in an undergraduate, graduate, or  
112.2 professional-technical program, or at a public or charter high school;
- 112.3 (ii) employed as resident physicians, medical interns, pharmacist residents, or pharmacist  
112.4 interns and are serving in a degree or residency program in a public hospital or in a public  
112.5 clinic; or
- 112.6 (iii) students who are serving for a period not to exceed five years in an internship or a  
112.7 residency program that is sponsored by a governmental subdivision, including an accredited  
112.8 educational institution;
- 112.9 (10) persons who hold a part-time adult supplementary technical college license who  
112.10 render part-time teaching service in a technical college;
- 112.11 (11) ~~except for employees of~~ for the first three years of employment, foreign citizens  
112.12 who are employed by a governmental subdivision, other than Hennepin County or employees  
112.13 ~~of Hennepin Healthcare System, Inc., foreign citizens who are employed by a governmental~~  
112.14 ~~subdivision~~ under a one or more work permit permits or under an H-1b visa initially issued  
112.15 or extended for a combined period of less than three years of employment but upon extension  
112.16 ~~of the employment of the visa beyond the three-year period, the foreign citizen must be~~  
112.17 ~~reported for membership beginning on the first of the month following the extension if the~~  
112.18 ~~monthly earnings threshold as provided under subdivision 2a, paragraph (a), is met~~ work  
112.19 visas;
- 112.20 (12) public hospital employees who elected not to participate as members of the  
112.21 association before 1972 and who did not elect to participate from July 1, 1988, to October  
112.22 1, 1988;
- 112.23 (13) except as provided in section 353.86, volunteer ambulance service personnel, as  
112.24 defined in subdivision 35, but persons who serve as volunteer ambulance service personnel  
112.25 may still qualify as public employees under subdivision 2 and may be members of the Public  
112.26 Employees Retirement Association and participants in the general employees retirement  
112.27 plan or the public employees police and fire plan, whichever applies, on the basis of  
112.28 compensation received from public employment service other than service as volunteer  
112.29 ambulance service personnel;
- 112.30 (14) except as provided in section 353.87, volunteer firefighters, as defined in subdivision  
112.31 36, engaging in activities undertaken as part of volunteer firefighter duties, but a person  
112.32 who is a volunteer firefighter may still qualify as a public employee under subdivision 2  
112.33 and may be a member of the Public Employees Retirement Association and a participant  
112.34 in the general employees retirement plan or the public employees police and fire plan,



113.1 whichever applies, on the basis of compensation received from public employment activities  
113.2 other than those as a volunteer firefighter;

113.3 (15) pipefitters and associated trades personnel employed by Independent School District  
113.4 No. 625, St. Paul, with coverage under a collective bargaining agreement by the pipefitters  
113.5 local 455 pension plan who were either first employed after May 1, 1997, or, if first employed  
113.6 before May 2, 1997, elected to be excluded under Laws 1997, chapter 241, article 2, section  
113.7 12;

113.8 (16) electrical workers, plumbers, carpenters, and associated trades personnel who are  
113.9 employed by Independent School District No. 625, St. Paul, or the city of St. Paul, who  
113.10 have retirement coverage under a collective bargaining agreement by the Electrical Workers  
113.11 Local 110 pension plan, the United Association Plumbers Local 34 pension plan, or the  
113.12 pension plan applicable to Carpenters Local 322 who were either first employed after May  
113.13 1, 2000, or, if first employed before May 2, 2000, elected to be excluded under Laws 2000,  
113.14 chapter 461, article 7, section 5;

113.15 (17) bricklayers, allied craftworkers, cement masons, glaziers, glassworkers, painters,  
113.16 allied tradesworkers, and plasterers who are employed by the city of St. Paul or Independent  
113.17 School District No. 625, St. Paul, with coverage under a collective bargaining agreement  
113.18 by the Bricklayers and Allied Craftworkers Local 1 pension plan, the Cement Masons Local  
113.19 633 pension plan, the Glaziers and Glassworkers Local L-1324 pension plan, the Painters  
113.20 and Allied Trades Local 61 pension plan, or the Twin Cities Plasterers Local 265 pension  
113.21 plan who were either first employed after May 1, 2001, or if first employed before May 2,  
113.22 2001, elected to be excluded under Laws 2001, First Special Session chapter 10, article 10,  
113.23 section 6;

113.24 (18) plumbers who are employed by the Metropolitan Airports Commission, with  
113.25 coverage under a collective bargaining agreement by the Plumbers Local 34 pension plan,  
113.26 who either were first employed after May 1, 2001, or if first employed before May 2, 2001,  
113.27 elected to be excluded under Laws 2001, First Special Session chapter 10, article 10, section  
113.28 6;

113.29 (19) employees who are hired after June 30, 2002, solely to fill seasonal positions under  
113.30 subdivision 12b which are limited in duration by the employer to 185 consecutive calendar  
113.31 days or less in each year of employment with the governmental subdivision;

113.32 (20) persons who are provided supported employment or work-study positions by a  
113.33 governmental subdivision and who participate in an employment or industries program  
113.34 maintained for the benefit of these persons where the governmental subdivision limits the

114.1 position's duration to up to five years, including persons participating in a federal or state  
114.2 subsidized on-the-job training, work experience, senior citizen, youth, or unemployment  
114.3 relief program where the training or work experience is not provided as a part of, or for,  
114.4 future permanent public employment;

114.5 (21) independent contractors and the employees of independent contractors;

114.6 (22) reemployed annuitants of the association during the course of that reemployment;

114.7 (23) persons appointed to serve on a board or commission of a governmental subdivision  
114.8 or an instrumentality thereof;

114.9 (24) persons employed as full-time fixed-route bus drivers by the St. Cloud Metropolitan  
114.10 Transit Commission who are members of the International Brotherhood of Teamsters Local  
114.11 638 and who are, by virtue of that employment, members of the International Brotherhood  
114.12 of Teamsters Central States pension plan; and

114.13 (25) electricians or pipefitters employed by the Minneapolis Park and Recreation Board,  
114.14 with coverage under a collective bargaining agreement by the IBEW local 292, or pipefitters  
114.15 local 539 pension plan, who were first employed before May 2, 2015, and who elected to  
114.16 be excluded under Laws 2015, chapter 68, article 11, section 5.

114.17 (b) Any person performing the duties of a public officer in a position defined in  
114.18 subdivision 2a, paragraph (a), clause (3), is not an independent contractor and is not an  
114.19 employee of an independent contractor.

114.20 Sec. 2. Minnesota Statutes 2016, section 353.01, subdivision 10, is amended to read:

114.21 Subd. 10. **Salary.** (a) Subject to the limitations of section 356.611, "salary" means:

114.22 (1) the wages or periodic compensation payable to a public employee by the employing  
114.23 governmental subdivision before:

114.24 (i) employee retirement deductions that are designated as picked-up contributions under  
114.25 section 356.62;

114.26 (ii) any employee-elected deductions for deferred compensation, supplemental retirement  
114.27 plans, or other voluntary salary reduction programs that would have otherwise been available  
114.28 as a cash payment to the employee; and

114.29 (iii) employee deductions for contributions to a supplemental plan or to a governmental  
114.30 trust established under section 356.24, subdivision 1, clause (7), to save for postretirement  
114.31 health care expenses, unless otherwise excluded under paragraph (b);

115.1 (2) for a public employee who is covered by a supplemental retirement plan under section  
115.2 356.24, subdivision 1, clause (8), (9), (10), or (12), the employer contributions to the  
115.3 applicable supplemental retirement plan when an agreement between the parties establishes  
115.4 that the contributions will either result in a mandatory reduction of employees' wages through  
115.5 payroll withholdings, or be made in lieu of an amount that would otherwise be paid as  
115.6 wages;

115.7 (3) a payment from a public employer through a grievance proceeding, settlement, or  
115.8 court order that is attached to a specific earnings period in which the employee's regular  
115.9 salary was not earned or paid to the member due to a suspension or a period of involuntary  
115.10 termination that is not a wrongful discharge under section 356.50; provided the amount is  
115.11 not less than the equivalent of the average of the hourly base salary rate in effect during the  
115.12 last six months of allowable service prior to the suspension or period of involuntary  
115.13 termination, plus any applicable increases awarded during the period that would have been  
115.14 paid under a collective bargaining agreement or personnel policy but for the suspension or  
115.15 involuntary termination, multiplied by the average number of regular hours for which the  
115.16 employee was compensated during the six months of allowable service prior to the suspension  
115.17 or period of involuntary termination, but not to exceed the compensation that the public  
115.18 employee would have earned if regularly employed during the applicable period;

115.19 (4) ~~for a member who is absent from employment due to~~ compensation paid during an  
115.20 authorized leave of absence, other than an authorized medical leave of absence, as long as  
115.21 the compensation paid during the leave if equivalent to a pay period is not less than the  
115.22 lesser of:

115.23 (i) the product of the average hourly base salary rate in effect during the six months of  
115.24 allowable service, ~~or portions thereof, prior to~~ immediately preceding the leave, multiplied  
115.25 by the average number of regular hours for which the employee was compensated each pay  
115.26 period during the six months of allowable service ~~prior to~~ immediately preceding the  
115.27 ~~applicable~~ leave of absence; or

115.28 (ii) compensation equal to the value of the employee's total available accrued leave  
115.29 hours;

115.30 (5) ~~for a member who is absent from employment by reason of~~ compensation paid during  
115.31 an authorized medical leave of absence, other than a workers' compensation leave, as long  
115.32 as the compensation paid during the leave if specified in advance to be at least a pay period  
115.33 is not less than the lesser of:

116.1 ~~(i) the product of one-half of, but no more than equal to, the earnings the member~~  
116.2 ~~received, on which contributions were reported and allowable service credited and the~~  
116.3 ~~average hourly base salary rate in effect during the six months of allowable service~~  
116.4 ~~immediately preceding the medical leave of absence; and or~~

116.5 (ii) compensation equal to the value of the employee's total available accrued leave  
116.6 hours; and

116.7 (6) for a public employee who receives performance or merit bonus payment under a  
116.8 written compensation plan, policy, or collective bargaining agreement in addition to regular  
116.9 salary or in lieu of regular salary increases, the compensation paid to the employee for  
116.10 attaining or exceeding performance goals, duties, or measures during a specified period of  
116.11 employment.

116.12 (b) Salary does not mean:

116.13 (1) fees paid to district court reporters;

116.14 (2) unused annual leave, vacation, or sick leave payments, in the form of lump-sum or  
116.15 periodic payments;

116.16 (3) for the donor, payment to another person of the value of hours donated under a  
116.17 benevolent vacation, personal, or sick leave donation program;

116.18 (4) any form of severance or retirement incentive payments;

116.19 (5) an allowance payment or per diem payments for or reimbursement of expenses;

116.20 (6) lump-sum settlements not attached to a specific earnings period;

116.21 (7) workers' compensation payments or disability insurance payments, including payments  
116.22 from employer self-insurance arrangements;

116.23 (8) employer-paid amounts used by an employee toward the cost of insurance coverage,  
116.24 flexible spending accounts, cafeteria plans, health care expense accounts, day care expenses,  
116.25 or any payments in lieu of any employer-paid group insurance coverage, including the  
116.26 difference between single and family rates that may be paid to a member with single coverage  
116.27 and certain amounts determined by the executive director to be ineligible;

116.28 (9) employer-paid fringe benefits, including, but not limited to:

116.29 (i) employer-paid premiums or supplemental contributions for employees for all types  
116.30 of insurance;

116.31 (ii) membership dues or fees for the use of fitness or recreational facilities;

- 117.1 (iii) incentive payments or cash awards relating to a wellness program;
- 117.2 (iv) the value of any nonmonetary benefits;
- 117.3 (v) any form of payment made in lieu of an employer-paid fringe benefit;
- 117.4 (vi) an employer-paid amount made to a deferred compensation or tax-sheltered annuity
- 117.5 program; and
- 117.6 (vii) any amount paid by the employer as a supplement to salary, either as a lump-sum
- 117.7 amount or a fixed or matching amount paid on a recurring basis, that is not available to the
- 117.8 employee as cash;
- 117.9 (10) the amount equal to that which the employing governmental subdivision would
- 117.10 otherwise pay toward single or family insurance coverage for a covered employee when,
- 117.11 through a contract or agreement with some but not all employees, the employer:
- 117.12 (i) discontinues, or for new hires does not provide, payment toward the cost of the
- 117.13 employee's selected insurance coverages under a group plan offered by the employer;
- 117.14 (ii) makes the employee solely responsible for all contributions toward the cost of the
- 117.15 employee's selected insurance coverages under a group plan offered by the employer,
- 117.16 including any amount the employer makes toward other employees' selected insurance
- 117.17 coverages under a group plan offered by the employer; and
- 117.18 (iii) provides increased salary rates for employees who do not have any employer-paid
- 117.19 group insurance coverages;
- 117.20 (11) except as provided in section 353.86 or 353.87, compensation of any kind paid to
- 117.21 volunteer ambulance service personnel or volunteer firefighters, as defined in subdivision
- 117.22 35 or 36;
- 117.23 (12) the amount of compensation that exceeds the limitation provided in section 356.611;
- 117.24 (13) amounts paid by a federal or state grant for which the grant specifically prohibits
- 117.25 grant proceeds from being used to make pension plan contributions, unless the contributions
- 117.26 to the plan are made from sources other than the federal or state grant; and
- 117.27 (14) bonus pay that is not performance or merit pay under paragraph (a), clause (6).
- 117.28 (c) Amounts, other than those provided under paragraph (a), clause (3), provided to an
- 117.29 employee by the employer through a grievance proceeding, a court order, or a legal settlement
- 117.30 are salary only if the settlement or court order is reviewed by the executive director and the
- 117.31 amounts are determined by the executive director to be consistent with paragraph (a) and
- 117.32 prior determinations.

118.1 Sec. 3. Minnesota Statutes 2016, section 353.01, subdivision 47, is amended to read:

118.2 Subd. 47. **Vesting.** (a) "Vesting" means obtaining a nonforfeitable entitlement to an  
118.3 annuity or benefit from a retirement plan administered by the Public Employees Retirement  
118.4 Association by having credit for sufficient allowable service under paragraph (b), (c), or  
118.5 (d), whichever applies.

118.6 (b) For purposes of qualifying for an annuity or benefit as a basic or coordinated plan  
118.7 member of the general employees retirement plan of the Public Employees Retirement  
118.8 Association:

118.9 (1) a public employee who first became a member of the association before July 1, 2010,  
118.10 is 100 percent vested when the person has accrued credit for not less than three years of  
118.11 allowable service ~~as defined under subdivision 16~~ in the general employees retirement plan;  
118.12 and

118.13 (2) a public employee who first becomes a member of the association after June 30,  
118.14 2010, is 100 percent vested when the person has accrued credit for not less than five years  
118.15 of allowable service ~~as defined under subdivision 16~~ in the general employees retirement  
118.16 plan.

118.17 (c) For purposes of qualifying for an annuity or benefit as a member of the local  
118.18 government correctional ~~employees~~ service retirement plan:

118.19 (1) a public employee who first became a member of the association before July 1, 2010,  
118.20 is 100 percent vested when the person has accrued credit for not less than three years of  
118.21 allowable service ~~as defined under subdivision 16~~ in the local government correctional  
118.22 service retirement plan; and

118.23 (2) a public employee who first becomes a member of the association after June 30,  
118.24 2010, is vested at the following percentages when the person has accrued ~~credited~~ credit  
118.25 for allowable service as defined under subdivision 16, in the local government correctional  
118.26 service retirement plan, as follows:

118.27 (i) 50 percent after five years;

118.28 (ii) 60 percent after six years;

118.29 (iii) 70 percent after seven years;

118.30 (iv) 80 percent after eight years;

118.31 (v) 90 percent after nine years; and

118.32 (vi) 100 percent after ten years.

119.1 (d) For purposes of qualifying for an annuity or benefit as a member of the public  
119.2 employees police and fire retirement plan:

119.3 (1) a public employee who first became a member of the association before July 1, 2010,  
119.4 is 100 percent vested when the person has accrued credit for not less than three years of  
119.5 allowable service ~~as defined under subdivision 16~~ in the public employees police and fire  
119.6 retirement plan;

119.7 (2) a public employee who first becomes a member of the association after June 30,  
119.8 2010, and before July 1, 2014, is vested at the following percentages when the person has  
119.9 accrued credited allowable service ~~as defined under subdivision 16~~ in the public employees  
119.10 police and fire retirement plan, as follows:

119.11 (i) 50 percent after five years;

119.12 (ii) 60 percent after six years;

119.13 (iii) 70 percent after seven years;

119.14 (iv) 80 percent after eight years;

119.15 (v) 90 percent after nine years; and

119.16 (vi) 100 percent after ten years; and

119.17 (3) a public employee who first becomes a member of the association after June 30,  
119.18 2014, is vested at the following percentages when the person has accrued ~~credited~~ credit  
119.19 for allowable service as defined under subdivision 16 in the public employees police and  
119.20 fire retirement plan, as follows:

119.21 (i) 50 percent after ten years;

119.22 (ii) 55 percent after 11 years;

119.23 (iii) 60 percent after 12 years;

119.24 (iv) 65 percent after 13 years;

119.25 (v) 70 percent after 14 years;

119.26 (vi) 75 percent after 15 years;

119.27 (vii) 80 percent after 16 years;

119.28 (viii) 85 percent after 17 years;

119.29 (ix) 90 percent after 18 years;

119.30 (x) 95 percent after 19 years; and

120.1 (xi) 100 percent after 20 or more years.

120.2 Sec. 4. Minnesota Statutes 2016, section 353.0162, is amended to read:

120.3 **353.0162 ~~REDUCED SALARY PERIODS~~ SALARY CREDIT PURCHASE FOR**  
120.4 **PERIODS OF REDUCED SALARY.**

120.5 (a) A member may purchase ~~additional~~ differential salary credit as described in paragraph  
120.6 (c) for a period specified in ~~this section~~ paragraph (b).

120.7 (b) The applicable period is a period during which the member is receiving no or a  
120.8 reduced salary from the employer while the member is:

120.9 (1) receiving ~~temporary~~ workers' compensation payments related to the member's service  
120.10 to the public employer;

120.11 (2) on an authorized leave of absence, except that if the authorized leave of absence  
120.12 exceeds 12 months, the period of leave for which differential salary credit may be purchased  
120.13 is limited to 12 months; or

120.14 (3) on an authorized ~~partial-paid~~ leave of absence as a result of a budgetary or salary  
120.15 savings program offered or mandated by a governmental subdivision, if certified to the  
120.16 executive director by the governmental subdivision.

120.17 (c) ~~The~~ Differential salary ~~amount~~ credit is the difference between the ~~average monthly~~  
120.18 salary received by the member during ~~the a period of reduced salary under this section~~  
120.19 specified in paragraph (b) and the ~~average monthly~~ salary of the member, excluding overtime,  
120.20 on which contributions to the applicable plan ~~were~~ would have been made during the period  
120.21 ~~of the last six months of covered employment occurring immediately before the period of~~  
120.22 ~~reduced salary, applied to~~ based on the member's normal employment period, measured in  
120.23 hours or otherwise, as applicable, and rate of pay.

120.24 (d) To receive ~~eligible~~ differential salary credit, the member shall pay the plan, by  
120.25 delivering payment to the executive director, an amount equal to:

120.26 (1) the applicable employee contribution rate under section 353.27, subdivision 2; 353.65,  
120.27 subdivision 2; or 353E.03, subdivision 1, as applicable, multiplied by the differential salary  
120.28 amount;

120.29 (2) plus an employer equivalent payment equal to the applicable employer contribution  
120.30 rate in section 353.27, subdivision 3; 353.65, subdivision 3; or 353E.03, subdivision 2, as  
120.31 applicable, multiplied by the differential salary amount;



121.1 (3) plus, if applicable, an equivalent employer additional amount equal to the additional  
 121.2 employer contribution rate in section 353.27, subdivision 3a, multiplied by the differential  
 121.3 salary amount.

121.4 (e) The employer, by appropriate action of its governing body and documented in its  
 121.5 official records, may pay the employer equivalent contributions and, as applicable, the  
 121.6 equivalent employer additional contributions on behalf of the member.

121.7 (f) Payment under this section must include interest on the contribution amount or  
 121.8 amounts, whichever applies, at an 8.5 percent annual rate until June 30, 2015, and at an  
 121.9 eight percent annual rate thereafter, prorated for applicable months from the date on which  
 121.10 the period of reduced salary specified ~~under this section~~ in paragraph (b) terminates to the  
 121.11 date on which the payment or payments are received by the executive director. Payment  
 121.12 under this section must be completed ~~within~~ by the earlier earliest of:

121.13 (1) 30 days from after termination of public service by the employee under section  
 121.14 353.01, subdivision 11a, ~~or;~~

121.15 (2) one year after the termination of the period specified in paragraph (b), ~~as further~~  
 121.16 ~~restricted under this section;~~ or

121.17 (3) 30 days after the commencement of a disability benefit.

121.18 ~~(g) The period for which additional allowable salary credit may be purchased is limited~~  
 121.19 ~~to the period during which the person receives temporary workers' compensation payments~~  
 121.20 ~~or for those business years in which the governmental subdivision offers or mandates a~~  
 121.21 ~~budget or salary savings program, as certified to the executive director by a resolution of~~  
 121.22 ~~the governing body of the governmental subdivision. For an authorized leave of absence,~~  
 121.23 ~~the period for which allowable salary credit may be purchased may not exceed 12 months~~  
 121.24 ~~of authorized leave.~~

121.25 ~~(h) To purchase~~ (g) If the member has purchased 12 months of differential salary credit  
 121.26 ~~for a subsequent period of temporary workers' compensation benefits or subsequent~~  
 121.27 ~~authorized medical leave of absence, the member must return to public service and render~~  
 121.28 ~~a minimum of three months of allowable service~~ to purchase differential salary credit for a  
 121.29 subsequent leave of absence.

121.30 Sec. 5. Minnesota Statutes 2016, section 353.03, subdivision 3, is amended to read:

121.31 Subd. 3. **Duties and powers.** (a) The board shall:

121.32 (1) elect a president and vice-president;

122.1 (2) approve the staffing complement, as recommended by the executive director,  
122.2 necessary to administer the fund;

122.3 (3) adopt bylaws for its own government and for the management of the fund consistent  
122.4 with the laws of the state and may modify them at pleasure;

122.5 (4) adopt, alter, and enforce reasonable rules consistent with the laws of the state and  
122.6 the terms of the applicable benefit plans for the administration and management of the fund,  
122.7 for the payment and collection of payments from members and for the payment of  
122.8 withdrawals and benefits, and that are necessary in order to comply with the applicable  
122.9 federal Internal Revenue Service and Department of Labor requirements;

122.10 (5) pass upon and allow or disallow all applications for membership in the fund and  
122.11 allow or disallow claims for withdrawals, pensions, or benefits payable from the fund;

122.12 ~~(6) authorize procedures for use of electronic signatures as defined in section 325L.02,~~  
122.13 ~~paragraph (h), on applications and forms required by the association;~~

122.14 ~~(7)~~ (6) adopt an appropriate mortality table based on experience of the fund as  
122.15 recommended by the association actuary and approved under section 356.215, subdivision  
122.16 18, with interest set at the rate specified in section 356.215, subdivision 8;

122.17 ~~(8)~~ (7) provide for the payment out of the fund of the cost of administering this chapter,  
122.18 of all necessary expenses for the administration of the fund and of all claims for withdrawals,  
122.19 pensions, or benefits allowed;

122.20 ~~(9)~~ (8) approve or disapprove all recommendations and actions of the executive director  
122.21 made subject to its approval or disapproval by subdivision 3a; and

122.22 ~~(10)~~ (9) approve early retirement and optional annuity factors, subject to review by the  
122.23 actuary retained by the Legislative Commission on Pensions and Retirement; establish the  
122.24 schedule for implementation of the approved factors; and notify the Legislative Commission  
122.25 on Pensions and Retirement of the implementation schedule.

122.26 (b) In passing upon all applications and claims, the board may summon, swear, hear,  
122.27 and examine witnesses and, in the case of claims for disability benefits, may require the  
122.28 claimant to submit to a medical examination by a physician of the board's choice, at the  
122.29 expense of the fund, as a condition precedent to the passing on the claim, and, in the case  
122.30 of all applications and claims, may conduct investigations necessary to determine their  
122.31 validity and merit.

122.32 (c) The board may continue to authorize the sale of life insurance to members under the  
122.33 insurance program in effect on January 1, 1985, but must not change that program without

123.1 the approval of the commissioner of management and budget. The association shall not  
123.2 receive any financial benefit from the life insurance program beyond the amount necessary  
123.3 to reimburse the association for costs incurred in administering the program. The association  
123.4 shall not engage directly or indirectly in any other activity involving the sale or promotion  
123.5 of goods or services, or both, whether to members or nonmembers.

123.6 (d) The board shall establish procedures governing reimbursement of expenses to board  
123.7 members. These procedures must define the types of activities and expenses that qualify  
123.8 for reimbursement, must provide that all out-of-state travel be authorized by the board, and  
123.9 must provide for the independent verification of claims for expense reimbursement. The  
123.10 procedures must comply with the applicable rules and policies of the Department of  
123.11 Management and Budget and the Department of Administration.

123.12 (e) The board may purchase fiduciary liability insurance and official bonds for the  
123.13 officers and members of the board of trustees and employees of the association and may  
123.14 purchase property insurance or may establish a self-insurance risk reserve including, but  
123.15 not limited to, data processing insurance and "extra-expense" coverage.

123.16 Sec. 6. Minnesota Statutes 2016, section 353.29, subdivision 4, is amended to read:

123.17 Subd. 4. **Application for annuity.** Application for a retirement annuity or optional  
123.18 annuity may be made by a member or by a person ~~authorized to act~~ acting on behalf of the  
123.19 member, upon proof of authority satisfactory to the executive director. Every application  
123.20 ~~for retirement~~ must be made ~~in writing~~ on a form or in a format prescribed by the executive  
123.21 director and must be substantiated by ~~written~~ proof of the member's age and identity. The  
123.22 notarized signature of a member's spouse on a retirement annuity application acknowledging  
123.23 the member's annuity selection meets the notice requirement to the spouse under section  
123.24 356.46, subdivision 3. An application for a retirement annuity is not complete until all  
123.25 necessary supporting documents are received by the executive director.

123.26 Sec. 7. Minnesota Statutes 2016, section 353.29, subdivision 7, is amended to read:

123.27 Subd. 7. ~~Annuities; accrual~~ **Annuity starting date.** (a) Except as ~~to elected public~~  
123.28 ~~officials~~ specified in paragraph (b), a retirement annuity granted under this chapter begins  
123.29 ~~with~~ on the first day of the first calendar month after the date of termination of public service  
123.30 or up to six months before the first of the month in which a complete application is received  
123.31 by the executive director under subdivision 4, whichever is later. The annuity must be paid  
123.32 in equal monthly installments ~~and does not accrue~~, unless suspended or reduced under

124.1 section 353.37. Annuity payments shall not be paid beyond the end of the month in which  
124.2 entitlement to the annuity has terminated.

124.3 (b) An annuity granted to an ~~elective~~ elected public official ~~accrues~~ may begin on the  
124.4 day following the expiration of the public office ~~or expiration of the right to hold that office~~  
124.5 that qualified the elected official for membership under section 353.01, subdivision 2a or  
124.6 2d, if a complete application is received by the executive director under subdivision 4 within  
124.7 six months of the date of termination of public service. The annuity for the month during  
124.8 which the expiration occurred is prorated accordingly.

124.9 (c) An annuity, once granted, must not be increased, decreased, or revoked except under  
124.10 this chapter.

124.11 ~~(d) An annuity payment may be made retroactive for up to one year prior to that month~~  
124.12 ~~in which a complete application is received by the executive director under subdivision 4.~~

124.13 ~~(e)~~ (d) If an annuitant dies before negotiating the check for the month in which death  
124.14 occurs, payment must first be made to the surviving spouse, or if none, then to the designated  
124.15 beneficiary, or if none, lastly to the estate.

124.16 Sec. 8. Minnesota Statutes 2016, section 353.30, subdivision 3c, is amended to read:

124.17 Subd. 3c. **Effective date of bounce-back annuity.** In the event of the death of the  
124.18 designated optional annuity beneficiary before the retired employee or disabilitant, the  
124.19 restoration of the normal single life annuity under subdivision 3a or 3b will take effect on  
124.20 the first of the month following the date of death of the designated optional annuity  
124.21 beneficiary or on the first of the month following ~~one year~~ six months before ~~the date on~~  
124.22 ~~which a certified copy~~ satisfactory verification of the death ~~record is received in the office~~  
124.23 ~~of the public employees retirement association~~ established by the executive director,  
124.24 whichever date is later.

124.25 Sec. 9. Minnesota Statutes 2016, section 353.32, subdivision 1, is amended to read:

124.26 Subdivision 1. **Before retirement.** If a member or former member ~~who terminated public~~  
124.27 ~~service~~ dies before ~~retirement or before~~ receiving any retirement annuity and no other  
124.28 payment of any kind is or may become payable to any person, a refund is payable to the  
124.29 designated beneficiary or, if there be none, to the surviving spouse, or, if none, to the legal  
124.30 representative of the decedent's estate. The refund must be in an amount equal to accumulated  
124.31 deductions, less the sum of any disability or survivor benefits that have been paid by the  
124.32 fund, plus annual compound interest thereon at the rate specified in section 353.34,

125.1 subdivision 2, ~~and less the sum of any disability or survivor benefits, if any, that may have~~  
125.2 ~~been paid by the fund~~; provided that a survivor who has a right to benefits under section  
125.3 353.31 may waive such benefits in writing, except such benefits for a dependent child under  
125.4 the age of 18 years may only be waived under an order of the district court.

125.5 Sec. 10. Minnesota Statutes 2016, section 353.34, subdivision 2, is amended to read:

125.6 Subd. 2. **Refund with interest.** (a) Except as provided in subdivision 1, any person who  
125.7 ceases to be a public employee is entitled to receive a refund in an amount equal to  
125.8 accumulated deductions ~~with~~, less the sum of any disability benefits that have been paid by  
125.9 the fund, plus annual compound interest to the first day of the month in which the refund  
125.10 is processed.

125.11 (b) For a person who ceases to be a public employee before July 1, 2011, the refund  
125.12 interest is at the rate of six percent to June 30, 2011, and at the rate of four percent after  
125.13 June 30, 2011. For a person who ceases to be a public employee after July 1, 2011, the  
125.14 refund interest is at the rate of four percent.

125.15 (c) If a person repays a refund and subsequently applies for another refund, the repayment  
125.16 amount, including interest, is added to the fiscal year balance in which the repayment was  
125.17 made.

125.18 (d) If the refund payable to a member is based on employee deductions that are  
125.19 determined to be invalid under section 353.27, subdivision 7, the interest payable on the  
125.20 invalid employee deductions is four percent.

125.21 Sec. 11. Minnesota Statutes 2016, section 353.35, subdivision 1, is amended to read:

125.22 Subdivision 1. **Refund rights.** (a) Except as provided in paragraph (b), when any former  
125.23 member accepts a refund, all existing service credits and all rights and benefits to which  
125.24 the person was entitled prior to the acceptance of the refund ~~must~~ terminate.

125.25 (b) A refund under section 353.651, subdivision 3, paragraph (c), does not result in a  
125.26 forfeiture of salary credit for the allowable service credit covered by the refund.

125.27 (c) ~~The~~ If a person forfeits service credits, rights, and benefits under paragraph (a), the  
125.28 person's service credits, rights, and benefits of a former member must not shall be restored  
125.29 until if the person returns to active service and acquires employment covered by the  
125.30 association for at least six months of allowable service credit after taking the last refund  
125.31 and repays the refund or refunds taken and interest all amounts previously received under  
125.32 section 353.34, subdivisions 1 and subdivision 2, plus interest at the annual rate of 8.5

126.1 percent until June 30, 2015, and eight percent thereafter, compounded annually, from the  
 126.2 date each amount was received to the date the amount is repaid. If the person elects to restore  
 126.3 service credit in a particular fund from which the person has taken more than one refund,  
 126.4 the person must repay all refunds to that fund. All refunds The repayment must be repaid  
 126.5 made within six months of the last date of termination day of public service employment.  
 126.6 A person may have service credits, rights, and benefits restored under this paragraph only  
 126.7 one time.

126.8 Sec. 12. Minnesota Statutes 2016, section 353.37, subdivision 1, is amended to read:

126.9 Subdivision 1. **Salary maximums.** ~~(a) The annuity of a person otherwise eligible for~~  
 126.10 If a member who is receiving an annuity from the general employees retirement plan of the  
 126.11 Public Employees Retirement Association, the public employees police and fire retirement  
 126.12 plan, or the local government correctional employees retirement plan must be suspended  
 126.13 under subdivision 2 or reduced under subdivision 3, whichever results in the higher annual  
 126.14 annuity amount, if the person reenters public service as a nonelective employee of a  
 126.15 retirement plan administered by the association is employed by (1) a governmental  
 126.16 subdivision employer in a nonelected position not required by law to be covered by a plan  
 126.17 administered by the Minnesota State Retirement System, the Teachers Retirement  
 126.18 Association, or the St. Paul Teachers Retirement Fund Association, or returns to work as  
 126.19 an employee of (2) by a labor organization that represents public employees who are  
 126.20 association members under this chapter, and the member's salary for the reemployment  
 126.21 service exceeds the annual maximum salary defined in paragraph (b), the annuity shall be  
 126.22 suspended under subdivision 2 or reduced under subdivision 3, whichever results in the  
 126.23 higher annuity amount.

126.24 (b) The annual maximum salary means the annual maximum earnings allowable for that  
 126.25 at the member's age for the continued receipt of full benefit amounts monthly under the  
 126.26 federal Old Age, Survivors and Disability Insurance Program as set by the secretary of  
 126.27 health and human services under United States Code, title 42, section 403, in any effect for  
 126.28 the calendar year. If the person member has not yet reached the minimum age for the receipt  
 126.29 of Social Security benefits, the maximum salary for the person is equal to means the annual  
 126.30 maximum earnings allowable for the minimum age for the receipt of Social Security benefits.

126.31 ~~(b)~~(c) The provisions of paragraph (a) do not apply to the members of the general  
 126.32 employees plan of the Public Employees Retirement Association who were former members  
 126.33 of MERF.

127.1 Sec. 13. Minnesota Statutes 2016, section 353.64, subdivision 10, is amended to read:

127.2 Subd. 10. **Pension coverage for Hennepin Healthcare System, Inc.; paramedics and**  
 127.3 **emergency medical technicians.** An employee of Hennepin Healthcare System, Inc. is a  
 127.4 member of the public employees police and fire retirement plan under sections 353.63 to  
 127.5 353.68 if the person is:

127.6 (1) certified as a paramedic or emergency medical technician by the state under section  
 127.7 144E.28, subdivision 4;

127.8 (2) employed ~~full~~ at least half time by Hennepin Healthcare System, Inc. as:

127.9 (i) a paramedic or;

127.10 (ii) an emergency medical technician by Hennepin County; or

127.11 (iii) a supervisor or manager of paramedics or emergency medical technicians; and

127.12 (3) not eligible for coverage under the agreement signed between the state and the  
 127.13 secretary of the federal Department of Health and Human Services making the provisions  
 127.14 of the federal Old Age, Survivors, and Disability Insurance Act applicable to paramedics  
 127.15 and emergency medical technicians because the person's position is excluded after that date  
 127.16 from application under United States Code, title 42, sections 418(d)(5)(A) and 418(d)(8)(D),  
 127.17 and section 355.07.

127.18 Hennepin Healthcare System, Inc. shall deduct the employee contribution from the salary  
 127.19 of each ~~full-time paramedic and emergency medical technician it employs~~ covered employee,  
 127.20 as required by section 353.65, subdivision 2, shall make the employer contribution for each  
 127.21 ~~full-time paramedic and emergency medical technician it employs~~ covered employee, as  
 127.22 required by section 353.65, subdivision 3, and shall meet the employer recording and  
 127.23 reporting requirements in section 353.65, subdivision 4.

127.24 Sec. 14. Minnesota Statutes 2016, section 353F.02, subdivision 5a, is amended to read:

127.25 Subd. 5a. **Privatized former public employer.** "Privatized former public employer"  
 127.26 means a medical facility that was ~~formerly~~ included in the definition of governmental  
 127.27 subdivision under section 353.01, subdivision 6, on the day before the effective date of  
 127.28 privatization that is privatized and whose employees are certified for participation under  
 127.29 this chapter.

128.1 Sec. 15. Minnesota Statutes 2016, section 353F.025, subdivision 2, is amended to read:

128.2 Subd. 2. **Reporting privatizations.** (a) If the actuarial calculations under subdivision  
128.3 1, paragraph (c), indicate privatization can be approved because a net gain to the general  
128.4 employees retirement plan of the Public Employees Retirement Association is expected, or  
128.5 if paragraph (b) applies, the executive director shall, following acceptance of the actuarial  
128.6 calculations by the board of trustees, forward notice and supporting documentation, including  
128.7 a copy of the actuary's report and findings, to the chair and the executive director of the  
128.8 Legislative Commission on Pensions and Retirement and the chairs and the ranking minority  
128.9 members of the committees with jurisdiction over governmental operations in the house of  
128.10 representatives and senate.

128.11 (b) If the calculations under subdivision 1, paragraph (c), indicate a net loss, the executive  
128.12 director shall recommend to the board of trustees that the privatization be approved if the  
128.13 chief clerical officer of the applicable governmental subdivision submits a resolution from  
128.14 the governing body specifying that a lump sum payment will be made to the Public  
128.15 Employees Retirement Association equal to the net loss, plus interest. The interest must be  
128.16 computed using the applicable ultimate preretirement interest rate assumption under section  
128.17 356.215, subdivision 8, expressed as a monthly rate, from the date of the actuarial valuation  
128.18 from which the actuarial accrued liability data was used to determine the net loss in the  
128.19 actuarial study under subdivision 1, to the date of payment, with annual compounding.  
128.20 Payment must be made on or after the effective date of privatization.

128.21 (c) The Public Employees Retirement Association must maintain a list that includes the  
128.22 names of all privatized former public employers in the association's comprehensive annual  
128.23 financial report and on the association's Web site. ~~Annually by March 1, the association~~  
128.24 ~~must submit to the executive director of the Legislative Commission on Pensions and~~  
128.25 ~~Retirement the names of any privatized former public employers approved since the~~  
128.26 ~~publication of the previous fiscal year's comprehensive annual financial report.~~

128.27 Sec. 16. Minnesota Statutes 2016, section 353F.04, subdivision 2, is amended to read:

128.28 Subd. 2. **Exceptions.** The increased augmentation rates specified in subdivision 1 do  
128.29 not apply to a privatized former public employee:

128.30 (1) beginning the first of the month in which the privatized former public employee  
128.31 becomes covered again by a retirement plan enumerated in section 356.30, subdivision 3,  
128.32 if the employee accrues at least six months of credited service in any single plan enumerated  
128.33 in section 356.30, subdivision 3, except clause (6);



129.1 (2) beginning the first of the month in which the privatized former public employee  
 129.2 becomes covered again by the general employees retirement plan of the Public Employees  
 129.3 Retirement Association;

129.4 (3) beginning the first of the month after a privatized former public employee terminates  
 129.5 service with the ~~successor entity~~ privatized former public employer; or

129.6 (4) if the person begins receipt of a retirement annuity while employed by the employer  
 129.7 which assumed operations of or purchased the privatized former public employer.

129.8 Sec. 17. Minnesota Statutes 2016, section 353F.05, is amended to read:

129.9 **353F.05 AUTHORIZATION FOR ADDITIONAL ALLOWABLE SERVICE FOR**  
 129.10 **EARLY RETIREMENT PURPOSES.**

129.11 (a) For the purpose of determining eligibility for early retirement benefits provided under  
 129.12 section 353.30, subdivision 1a, of the edition of Minnesota Statutes published in the year  
 129.13 before the year in which the privatization occurred, and notwithstanding any provision of  
 129.14 chapter 353, to the contrary, the years of allowable service for a privatized former public  
 129.15 employee who transfers employment on the effective date of privatization and does not  
 129.16 apply for a refund of contributions under section 353.34, subdivision 1, of the edition of  
 129.17 Minnesota Statutes published in the year before the year in which the privatization occurred,  
 129.18 or any similar provision, includes service with the ~~successor employer to the~~ privatized  
 129.19 former public employer following the effective date. The ~~successor~~ privatized former public  
 129.20 employer shall provide any reports that the executive director of the Public Employees  
 129.21 Retirement Association may reasonably request to permit calculation of benefits.

129.22 (b) To be eligible for early retirement benefits under this section, the individual must  
 129.23 separate from service with the ~~successor to the~~ privatized former public employer. The  
 129.24 privatized former public employee, or an individual authorized to act on behalf of that  
 129.25 employee, may apply for an annuity following application procedures under section 353.29,  
 129.26 subdivision 4.

129.27 Sec. 18. Minnesota Statutes 2016, section 353F.057, is amended to read:

129.28 **353F.057 TERMINATION FROM SERVICE REQUIREMENT.**

129.29 Upon termination of service from the privatized former public employer ~~or any successor~~  
 129.30 ~~entity~~ after the effective date of privatization, a privatized former public employee must  
 129.31 separate from any employment relationship with the privatized former public employer ~~or~~

130.1 ~~any successor entity~~ for at least 30 days to qualify to receive a retirement annuity under this  
130.2 chapter.

130.3 Sec. 19. Minnesota Statutes 2016, section 353F.06, is amended to read:

130.4 **353F.06 APPLICATION OF REEMPLOYED ANNUITANT EARNINGS**  
130.5 **LIMITATIONS.**

130.6 If a privatized former public employee satisfies the separation from service requirement  
130.7 in section 353F.057 and thereafter resumes employment with the privatized former public  
130.8 employer or ~~any successor entity~~ or a governmental subdivision under section 353.01,  
130.9 subdivision 6, the reemployed annuitant earnings limitations of section 353.37 apply.

130.10 Sec. 20. Minnesota Statutes 2016, section 353F.07, is amended to read:

130.11 **353F.07 EFFECT ON REFUND.**

130.12 Notwithstanding any provision of chapter 353 to the contrary, privatized former public  
130.13 employees may receive a refund of employee accumulated contributions plus interest as  
130.14 provided in section 353.34, subdivision 2, at any time after the transfer of employment to  
130.15 ~~the successor employer of the~~ privatized former public employer. If a privatized former  
130.16 public employee has received a refund from a pension plan listed in section 356.30,  
130.17 subdivision 3, the person may not repay that refund unless the person again becomes a  
130.18 member of one of those listed plans and complies with section 356.30, subdivision 2.

130.19 Sec. 21. **[353F.09] APPLICATION TO SALES OF PRIVATIZED FORMER PUBLIC**  
130.20 **EMPLOYERS.**

130.21 A medical facility or other employing unit shall cease to be a privatized former public  
130.22 employer and its employees shall cease to be considered privatized former public employees  
130.23 under this chapter upon the sale of the operations of the medical facility or employing unit  
130.24 to another employer or the sale of the medical facility or employing unit to another employer.  
130.25 The privatized former public employees shall be entitled to benefits accrued under this  
130.26 chapter to the date of the sale, but shall not accrue additional benefits after the date of the  
130.27 sale.

130.28 Sec. 22. **REPEALER.**

130.29 Minnesota Statutes 2016, section 353.0161, is repealed.

131.1 Sec. 23. EFFECTIVE DATE.131.2 (a) Sections 1 to 13 and 22 are effective June 30, 2018.131.3 (b) Sections 14 to 21 are effective for privatizations with an effective date of privatization  
131.4 under Minnesota Statutes, section 353F.02, subdivision 3, after June 30, 2018, and for sales  
131.5 of privatized former public employers after June 30, 2018.131.6 **ARTICLE 11**131.7 **TEACHERS RETIREMENT ASSOCIATION**  
131.8 **ADMINISTRATIVE PROVISIONS**

131.9 Section 1. Minnesota Statutes 2016, section 354.05, subdivision 2, is amended to read:

131.10 Subd. 2. **Teacher.** (a) "Teacher" means:131.11 (1) a person who renders service as a teacher, supervisor, principal, superintendent,  
131.12 librarian, nurse, counselor, social worker, therapist, or psychologist in:131.13 (i) a public school of the state other than in Independent School District No. 625 or in  
131.14 Independent School District No. 709, or in any;131.15 (ii) a charter school, irrespective of the location of the school, or in any;131.16 (iii) a charitable, penal, or correctional institutions institution of a governmental  
131.17 subdivision; or131.18 (iv) the Perpich Center for Arts Education, except that any employee of the Perpich  
131.19 Center for Arts Education who was covered by the Minnesota State Retirement System  
131.20 general state employees retirement plan as of July 1, 2018, shall continue to be covered by  
131.21 that plan and not by the Teachers Retirement Association;131.22 (2) a person who is engaged in educational administration in connection with the state  
131.23 public school system, whether the position be a public office or ~~an~~ as employment;131.24 (3) a person who renders service as a charter school director or chief administrative  
131.25 officer; provided, however, that if the charter school director or chief administrative officer  
131.26 is covered by the Public Employees Retirement Association general employees retirement  
131.27 plan on July 1, 2018, the charter school director or chief administrative officer shall continue  
131.28 to be covered by that plan and not by the Teachers Retirement Association;131.29 ~~(2)~~ (4) an employee of the Teachers Retirement Association;131.30 ~~(3)~~ (5) a person who renders teaching service on a part-time basis and who also renders  
131.31 other services for a single employing unit where the teaching service comprises at least 50

132.1 percent of the combined employment salary is a member of the association for all services  
 132.2 with the single employing unit or, if less than 50 percent of the combined employment  
 132.3 salary, the executive director determines all of the combined service is covered by the  
 132.4 association; or

132.5 ~~(4)~~ (6) a person who is not covered by the plans established under chapter 352D, 354A,  
 132.6 or 354B and who is employed by the Board of Trustees of the Minnesota State Colleges  
 132.7 and Universities system in an unclassified position as:

132.8 (i) a president, vice-president, or dean;

132.9 (ii) a manager or a professional in an academic or an academic support program other  
 132.10 than specified in item (i);

132.11 (iii) an administrative or a service support faculty position; or

132.12 (iv) a teacher or a research assistant.

132.13 (b) "Teacher" does not mean:

132.14 (1) a person who works for a school or institution as an independent contractor as defined  
 132.15 by the Internal Revenue Service;

132.16 ~~(2) a person who renders part-time teaching service or who is a customized trainer as~~  
 132.17 ~~defined by the Minnesota State Colleges and Universities system if (i) the service is incidental~~  
 132.18 ~~to the regular nonteaching occupation of the person; and (ii) the employer stipulates annually~~  
 132.19 ~~in advance that the part-time teaching service or customized training service will not exceed~~  
 132.20 ~~300 hours in a fiscal year and retains the stipulation in its records; and (iii) the part-time~~  
 132.21 ~~teaching service or customized training service actually does not exceed 300 hours in a~~  
 132.22 ~~fiscal year;~~

132.23 ~~(3) a person exempt from licensure under section 122A.30;~~

132.24 ~~(4)~~ (2) annuitants of the teachers retirement plan who are employed after retirement by  
 132.25 an employing unit that participates in the teachers retirement plan during the course of that  
 132.26 reemployment;

132.27 ~~(5)~~ (3) a person who is employed by the University of Minnesota;

132.28 ~~(6)~~ (4) a member or an officer of any general governing or managing board or body of  
 132.29 an employing unit that participates in the teachers retirement plan; or

132.30 ~~(7)~~ (5) a person employed by Independent School District No. 625 ~~or Independent School~~  
 132.31 ~~District No. 709~~ as a teacher as defined in section 354A.011, subdivision 27.

133.1 Sec. 2. Minnesota Statutes 2016, section 354.05, is amended by adding a subdivision to  
133.2 read:

133.3 Subd. 17a. **Former spouse.** "Former spouse" means a person who is no longer a spouse  
133.4 of a member due to dissolution of the marriage, legal separation, or annulment.

133.5 Sec. 3. Minnesota Statutes 2016, section 354.06, subdivision 2, is amended to read:

133.6 Subd. 2. **President; executive director.** The board shall annually elect one of its members  
133.7 as president. It shall elect an executive director. Notwithstanding any law to the contrary,  
133.8 the board must set the salary of the executive director. The salary of the executive director  
133.9 must not exceed the limit for a position listed in section 15A.0815, subdivision 2. ~~The salary~~  
133.10 ~~of the assistant executive director who shall be in the unclassified service, shall be set in~~  
133.11 ~~accordance with section 43A.18, subdivision 3.~~ The executive director shall serve during  
133.12 the pleasure of the board and be the executive officer of the board, with such duties as the  
133.13 board shall prescribe. The board shall employ all other clerks and employees necessary to  
133.14 properly administer the association. The cost and expense of administering the provisions  
133.15 of this chapter shall be paid by the association. The board shall appoint an executive director  
133.16 shall be appointed by the board on the basis of fitness education, experience in the retirement  
133.17 field and leadership, ability to manage and lead system staff, and ability to assist the board  
133.18 in setting a vision for the system. The executive director shall have had at least five years  
133.19 of experience on the administrative staff of a major retirement system.

133.20 Sec. 4. Minnesota Statutes 2016, section 354.06, subdivision 2a, is amended to read:

133.21 Subd. 2a. **Duties of executive director.** The management of the association is vested  
133.22 in the executive director who shall be the executive and administrative head of the  
133.23 association. The executive director shall act as advisor to the board on all matters pertaining  
133.24 to the association and shall also act as the secretary of the board. The executive director  
133.25 shall:

133.26 (1) attend all meetings of the board;

133.27 (2) prepare and recommend to the board appropriate rules to carry out the provisions of  
133.28 this chapter;

133.29 (3) establish and maintain an adequate system of records and accounts following  
133.30 recognized accounting principles and controls;

133.31 (4) designate, as necessary, a deputy executive director and an assistant executive director  
133.32 in the unclassified service, as defined in section 43A.08, whose salaries shall be set in

134.1 accordance with section 43A.18, subdivision 3, and two assistant executive directors in the  
134.2 classified service, as defined in section 43A.07, with the approval of the board, and appoint  
134.3 such employees, both permanent and temporary, as are necessary to carry out the provisions  
134.4 of this chapter;

134.5 (5) organize the work of the association as the director deems necessary to fulfill the  
134.6 functions of the association, and define the duties of its employees and delegate to them  
134.7 any powers or duties, subject to the director's control and under such conditions as the  
134.8 director may prescribe;

134.9 (6) with the approval of the board, contract and set the compensation for the services of  
134.10 an approved actuary, professional management services, and any other consulting services.  
134.11 These contracts are not subject to the competitive bidding procedure prescribed by chapter  
134.12 16C. An approved actuary retained by the executive director shall function as the actuarial  
134.13 advisor of the board and the executive director and may perform actuarial valuations and  
134.14 experience studies to supplement those performed by the actuary retained under section  
134.15 356.214. Any supplemental actuarial valuations or experience studies shall be filed with  
134.16 the executive director of the Legislative Commission on Pensions and Retirement. Copies  
134.17 of professional management survey reports must be transmitted to the secretary of the senate,  
134.18 the chief clerk of the house of representatives, and the Legislative Reference Library as  
134.19 provided by section 3.195, and to the executive director of the commission at the same time  
134.20 as reports are furnished to the board. Only management firms experienced in conducting  
134.21 management surveys of federal, state, or local public retirement systems are qualified to  
134.22 contract with the executive director;

134.23 (7) with the approval of the board, provide in-service training for the employees of the  
134.24 association;

134.25 (8) make refunds of accumulated contributions to former members and to the designated  
134.26 beneficiary, surviving spouse, legal representative, or next of kin of deceased members or  
134.27 deceased former members, under this chapter;

134.28 (9) determine the amount of the annuities and disability benefits of members covered  
134.29 by the association and authorize payment of the annuities and benefits beginning as of the  
134.30 dates on which the annuities and benefits begin to accrue, under this chapter;

134.31 (10) pay annuities, refunds, survivor benefits, salaries, and necessary operating expenses  
134.32 of the association;

134.33 (11) prepare and submit to the board and the legislature an annual financial report  
134.34 covering the operation of the association, as required by section 356.20;

- 135.1 (12) certify funds available for investment to the State Board of Investment;
- 135.2 (13) with the advice and approval of the board, request the State Board of Investment  
135.3 to sell securities on determining that funds are needed for the purposes of the association;
- 135.4 (14) prepare and submit biennial and annual budgets to the board and with the approval  
135.5 of the board submit those budgets to the Department of Management and Budget; and
- 135.6 (15) with the approval of the board, perform such other duties as may be required for  
135.7 the administration of the association and the other provisions of this chapter and for the  
135.8 transaction of its business. The executive director may:
- 135.9 (i) reduce all or part of the accrued interest and fines payable by an employing unit for  
135.10 reporting requirements under ~~section 354.52~~ this chapter, based on an evaluation of any  
135.11 extenuating circumstances of the employing unit;
- 135.12 (ii) assign association employees to conduct field audits of an employing unit to ensure  
135.13 compliance with the provisions of this chapter; and
- 135.14 (iii) recover overpayments, if not repaid to the association, by suspending or reducing  
135.15 the payment of a retirement annuity, refund, disability benefit, survivor benefit, or optional  
135.16 annuity under this chapter until the overpayment, plus interest, has been recovered.

135.17 Sec. 5. Minnesota Statutes 2016, section 354.095, is amended to read:

135.18 **354.095 MEDICAL LEAVE.**

135.19 (a) Upon granting a medical leave, an employing unit must certify the leave to the  
135.20 association on a form specified by the executive director. A member of the association who  
135.21 is on an authorized medical leave of absence is entitled to receive allowable service credit,  
135.22 not to exceed ~~one year~~ five years, for the period of leave, upon making the prescribed  
135.23 payment to the fund under section 354.72. A member may not receive more than one year  
135.24 of allowable service credit during any fiscal year by making payment under this section. A  
135.25 member may not receive disability benefits under section 354.48 and receive allowable  
135.26 service credit under this section for the same period of time.

135.27 (b) The executive director shall reject an application for disability benefits under section  
135.28 354.48 if the member is applying only because an employer-sponsored provider of private  
135.29 disability insurance benefits requires the application and the member would not have applied  
135.30 for disability benefits in the absence of the requirement. The member shall submit a copy  
135.31 of the disability insurance policy that requires an application for disability benefits from

136.1 the plan if the member wishes to assert that the application is only being submitted because  
136.2 of the disability insurance policy requirement.

136.3 (c) Notwithstanding the provisions of any agreement to the contrary, employee and  
136.4 employer contributions may not be made to receive allowable service credit under this  
136.5 section if the member does not retain the right to full reinstatement both during and at the  
136.6 end of the medical leave.

136.7 Sec. 6. Minnesota Statutes 2016, section 354.44, subdivision 3, is amended to read:

136.8 Subd. 3. **Application for retirement.** A member or a person authorized to act on behalf  
136.9 of the member may make application for retirement provided the age and service  
136.10 requirements under subdivision 1 are satisfied on or before the member's retirement annuity  
136.11 accrual date under subdivision 4. The application may be made no earlier than ~~120~~ 180 days  
136.12 before the termination of teaching service. The application must be made on a form prescribed  
136.13 by the executive director and is not complete until all necessary supporting documents are  
136.14 received by the executive director.

136.15 Sec. 7. Minnesota Statutes 2016, section 354.44, subdivision 9, is amended to read:

136.16 Subd. 9. **Determining applicable law.** A former teacher who returns to covered service  
136.17 following a termination and who is not receiving a retirement annuity under this section  
136.18 must have earned at least ~~85 days~~ one-half year of credited service following the return to  
136.19 covered service to be eligible for improved benefits resulting from any law change enacted  
136.20 subsequent to that termination.

136.21 Sec. 8. Minnesota Statutes 2016, section 354.45, is amended by adding a subdivision to  
136.22 read:

136.23 Subd. 3. **Payment upon death of former spouse.** Upon the death of the former spouse  
136.24 to whom payments are to be made before the end of the specified payment period, payments  
136.25 shall be made according to the terms of a beneficiary form completed by the former spouse  
136.26 or, if no beneficiary form, to the estate of the former spouse or as otherwise ordered by a  
136.27 court of competent jurisdiction.

136.28 Sec. 9. Minnesota Statutes 2016, section 354.46, subdivision 6, is amended to read:

136.29 Subd. 6. **Application.** (a) A beneficiary designation and an application for benefits under  
136.30 this section must be in writing on a form prescribed by the executive director.



137.1 (b) Sections 354.55, subdivision 11, and 354.60 apply to a deferred annuity payable  
137.2 under this section.

137.3 (c) Unless otherwise specified, the annuity must be computed under section 354.44,  
137.4 subdivision 2 or 6, whichever is applicable.

137.5 (d) Each designated beneficiary eligible for a lifetime benefit under this subdivision may  
137.6 apply for an annuity any time after the member's death. The benefit may not begin to accrue  
137.7 more than six months before the date the application is filed with the executive director and  
137.8 may not accrue before the member's death.

137.9 Sec. 10. Minnesota Statutes 2016, section 354.48, subdivision 1, is amended to read:

137.10 Subdivision 1. **Age, service and salary requirements.** A member who is totally and  
137.11 permanently disabled, who has not reached the normal retirement age as defined in section  
137.12 354.05, subdivision 38, and who has at least three years of credited allowable service at the  
137.13 time that the total and permanent disability begins is entitled to a disability benefit based  
137.14 on this allowable service in an amount provided in subdivision 3. If the disabled member's  
137.15 teaching service has terminated at any time, at least two of the required three years of  
137.16 allowable service must have been rendered after last becoming a member. ~~Any member~~  
137.17 ~~whose average salary is less than \$75 per month is not entitled to disability benefits.~~

137.18 Sec. 11. Minnesota Statutes 2016, section 354.512, is amended to read:

137.19 **354.512 RECOVERY OF DEFICIENCIES.**

137.20 In addition to any other remedies permitted under law, if an employing unit or other  
137.21 entity required by law to make any form of payment to the Teachers Retirement Association  
137.22 fails to make full payment ~~within 60 days of notification,~~ the executive director is authorized  
137.23 to certify the amount of deficiency to the commissioner of management and budget, who  
137.24 shall deduct the amount from any state aid or appropriation applicable to the employing  
137.25 unit or entity, and transmit the withheld aid or appropriation to the executive director for  
137.26 deposit in the fund.

137.27 Sec. 12. Minnesota Statutes 2016, section 354.52, subdivision 4, is amended to read:

137.28 Subd. 4. **Reporting and remittance requirements.** An employer shall remit all amounts  
137.29 due to the association and furnish a statement indicating the amount due and transmitted  
137.30 with any other information required by the executive director. If an amount due is not  
137.31 received by the association within 14 calendar days of the payroll warrant, the amount  
137.32 accrues interest at an annual rate of 8.5 percent compounded annually from the due date

138.1 until the amount is received by the association. All amounts due and other employer  
138.2 obligations not remitted ~~within 60 days of notification by the association must~~ may be  
138.3 certified to the commissioner of management and budget who shall deduct the amount from  
138.4 any state aid or appropriation amount applicable to the employing unit.

138.5 Sec. 13. Minnesota Statutes 2016, section 354.52, subdivision 4d, is amended to read:

138.6 Subd. 4d. **Annual base salary reporting.** An employing unit must provide ~~the following~~  
138.7 annual base salary data, as defined in section 354.05, subdivision 41, to the association on  
138.8 or before June 30 of each fiscal year: ~~(1) annual base salary, as defined in section 354.05,~~  
138.9 ~~subdivision 41; and~~  
138.10 ~~(2) beginning and ending dates for the regular school work year.~~

138.11 Sec. 14. Minnesota Statutes 2016, section 354.66, subdivision 2, is amended to read:

138.12 Subd. 2. **Qualified part-time teacher program participation requirements.** (a) A  
138.13 teacher in a Minnesota public elementary school, a Minnesota secondary school, or the  
138.14 Minnesota State Colleges and Universities system who has three years or more of allowable  
138.15 service in the association or three years or more of full-time teaching service in Minnesota  
138.16 public elementary schools, Minnesota secondary schools, or the Minnesota State Colleges  
138.17 and Universities system, by agreement with the board of the employing district or with the  
138.18 authorized representative of the board, may be assigned to teaching service in a part-time  
138.19 teaching position under subdivision 3. The agreement must be executed before October 1  
138.20 of the school year for which the teacher ~~requests to make retirement contributions under~~  
138.21 ~~subdivision 4~~ has been assigned to teaching service in a part-time teaching position under  
138.22 this section. A copy of the executed agreement must be filed with the executive director of  
138.23 the association. If the copy of the executed agreement is filed with the association after  
138.24 October 1 of the school year for which the teacher ~~requests to make retirement contributions~~  
138.25 ~~under subdivision 4~~ has been assigned to teaching service in a part-time teaching position,  
138.26 the employing unit shall pay the fine specified in section 354.52, subdivision 6, for each  
138.27 calendar day that elapsed since the October 1 due date, unless the association waives the  
138.28 fine. The association may not accept an executed agreement that is received by the association  
138.29 more than 15 months late. ~~The association may not waive the fine required by this section.~~

138.30 (b) Notwithstanding paragraph (a), if the teacher is also a legislator:

138.31 (1) the agreement in paragraph (a) must be executed before March 1 of the school year  
138.32 for which the teacher requests to make retirement contributions under subdivision 4; and

139.1 (2) the fines specified in paragraph (a) apply if the employing unit does not file the  
139.2 executed agreement with the executive director of the association by March 1.

139.3 Sec. 15. Minnesota Statutes 2016, section 354.72, subdivision 1, is amended to read:

139.4 Subdivision 1. **Application.** This section applies to any strike period under section  
139.5 354.05, subdivision 13, clause (6), and to any period of authorized leave of absence ~~without~~  
139.6 ~~pay~~ under sections 354.093, 354.094, 354.095, and 354.096 for which the teacher obtains  
139.7 credit for allowable service by making payment as specified in this section to the Teachers  
139.8 Retirement Association fund. Each year of an extended leave of absence under section  
139.9 354.094 is considered to be a separate leave for purposes of this section.

139.10 Sec. 16. Minnesota Statutes 2016, section 423A.02, subdivision 3, is amended to read:

139.11 Subd. 3. **Reallocation of amortization state aid.** (a) Seventy percent of the difference  
139.12 between \$5,720,000 and the current year amortization aid distributed under subdivision 1  
139.13 that is not distributed for any reason to a municipality must be distributed by the  
139.14 commissioner of revenue according to this paragraph. The commissioner shall distribute  
139.15 60 percent of the amounts derived under this paragraph to the Teachers Retirement  
139.16 Association, and 40 percent to the St. Paul Teachers Retirement Fund Association to fund  
139.17 the unfunded actuarial accrued liabilities of the respective funds. These payments must be  
139.18 made on July 15 each fiscal year. If the St. Paul Teachers Retirement Fund Association ~~or~~  
139.19 ~~the Duluth Teachers Retirement Fund Association~~ becomes fully funded, the association's  
139.20 eligibility for its portion of this aid ceases. Amounts remaining in the undistributed balance  
139.21 account at the end of the biennium if aid eligibility ceases cancel to the general fund.

139.22 (b) In order to receive amortization aid under paragraph (a), before June 30 annually  
139.23 Independent School District No. 625, St. Paul, must make an additional contribution of  
139.24 \$800,000 each year to the St. Paul Teachers Retirement Fund Association.

139.25 (c) Thirty percent of the difference between \$5,720,000 and the current year amortization  
139.26 aid under subdivision 1 that is not distributed for any reason to a municipality must be  
139.27 distributed under section 69.021, subdivision 7, paragraph (d), as additional funding to  
139.28 support a minimum fire state aid amount for volunteer firefighter relief associations.

139.29 Sec. 17. **EFFECTIVE DATE.**

139.30 (a) Sections 1 to 4; 5, paragraphs (b) and (c); and 6 to 16 are effective June 30, 2018.

139.31 (b) Section 5, paragraph (a), is effective June 30, 2019.

140.1

**ARTICLE 12**

140.2

**ST. PAUL TEACHERS RETIREMENT FUND ASSOCIATION**

140.3

**ADMINISTRATIVE PROVISIONS**

140.4

Section 1. Minnesota Statutes 2016, section 354A.093, subdivision 4, is amended to read:

140.5

Subd. 4. **Eligible payment period.** (a) To receive service credit under this section, the

140.6

contributions specified in this section must be transmitted to the ~~applicable first class city~~

140.7

St. Paul Teachers Retirement Fund Association during the period which begins with the

140.8

date the individual returns to teaching service and which has a duration of three times the

140.9

length of the uniformed service period, but not to exceed five years.

140.10

(b) Notwithstanding paragraph (a), if the payment period determined under paragraph

140.11

(a) is less than one year, the contributions required under this section to receive service

140.12

credit may be made within one year from the discharge date.

140.13

Sec. 2. Minnesota Statutes 2016, section 354A.31, subdivision 5, is amended to read:

140.14

Subd. 5. **Unreduced normal retirement annuity.** Upon retirement at normal retirement

140.15

age, a vested coordinated member is entitled to a normal retirement annuity calculated under

140.16

subdivision 4 ~~or 4a, whichever applies.~~

140.17

Sec. 3. Minnesota Statutes 2016, section 354A.31, subdivision 6, is amended to read:

140.18

Subd. 6. **Reduced retirement annuity.** This subdivision applies only to a person who

140.19

first became a coordinated member or a member of a pension fund listed in section 356.30,

140.20

subdivision 3, before July 1, 1989, and whose annuity is higher when calculated using the

140.21

retirement annuity formula percentage in subdivision 4, paragraph (c), ~~or subdivision 4a,~~

140.22

~~paragraph (e),~~ in conjunction with this subdivision than when calculated under subdivision

140.23

4, paragraph (d), ~~or subdivision 4a, paragraph (d),~~ in conjunction with subdivision 7.

140.24

(a) Upon retirement at an age before normal retirement age or prior to age 62 with at

140.25

least 30 years of service credit, a vested coordinated member shall be entitled to a retirement

140.26

annuity in an amount equal to the normal retirement annuity calculated using the retirement

140.27

annuity formula percentage in subdivision 4, paragraph (c), ~~or subdivision 4a, paragraph~~

140.28

~~(e),~~ reduced by one-quarter of one percent for each month that the coordinated member is

140.29

under normal retirement age if the coordinated member has less than 30 years of service

140.30

credit or is under the age of 62 if the coordinated member has at least 30 years of service

140.31

credit.

141.1 (b) Any coordinated member whose attained age plus credited allowable service totals  
141.2 90 years is entitled, upon application, to a retirement annuity in an amount equal to the  
141.3 normal retirement annuity calculated using the retirement annuity formula percentage in  
141.4 subdivision 4, paragraph (c), ~~or subdivision 4a, paragraph (e)~~, without any reduction by  
141.5 reason of early retirement.

141.6 Sec. 4. Minnesota Statutes 2016, section 354A.36, subdivision 4, is amended to read:

141.7 Subd. 4. **Determination of disability.** (a) The board of the teachers retirement fund  
141.8 association shall make the final determination of the existence of a permanent and total  
141.9 disability. The board shall have the coordinated member examined by at least two licensed  
141.10 physicians, licensed chiropractors, or licensed psychologists who are selected by the board.  
141.11 After making any required examinations, each physician, chiropractor, or psychologist with  
141.12 respect to a mental impairment, shall make a written report to the board concerning the  
141.13 coordinated member, which shall include a statement of the expert opinion of the physician,  
141.14 chiropractor, or psychologist as to whether or not the member is permanently and totally  
141.15 disabled within the meaning of section 354A.011, subdivision 14. The board shall also  
141.16 obtain a written statement from the employer as to whether or not the coordinated member  
141.17 was terminated or separated from active employment due to a disability which is deemed  
141.18 by the employer to reasonably prevent further service by the member to the employer and  
141.19 which caused the coordinated member not to be entitled to further compensation from the  
141.20 employer for services rendered by the member. If, after consideration of the reports of the  
141.21 physicians, chiropractors, or psychologists with respect to a mental impairment, and any  
141.22 evidence presented by the member or by any other interested parties, the board determines  
141.23 that the coordinated member is totally and permanently disabled within the meaning of  
141.24 section 354A.011, subdivision 14, it shall grant the coordinated member a disability benefit.  
141.25 A member who is placed on a leave of absence without compensation as a result of the  
141.26 disability is not barred from receiving a disability benefit under this section.

141.27 (b) The executive director shall reject an application for disability benefits under section  
141.28 354A.36 if the member is applying only because an employer-sponsored provider of private  
141.29 disability insurance benefits requires the application and the member would not have applied  
141.30 for disability benefits in the absence of the requirement. The member shall submit a copy  
141.31 of the disability insurance policy that requires an application for disability benefits from  
141.32 the plan if the member wishes to assert that the application is only being submitted because  
141.33 of the disability insurance policy requirement.

142.1 Sec. 5. Minnesota Statutes 2016, section 354A.38, is amended to read:

142.2 **354A.38 EFFECT OF REFUND; REPAYMENT OF REFUND.**

142.3 Subdivision 1. **Effect of refund; termination of service credit.** If a coordinated member  
 142.4 or former coordinated member applies for and ~~accepts~~ is issued a refund pursuant to section  
 142.5 354A.37, all allowable service which was credited to the member or former member shall  
 142.6 be terminated.

142.7 Subd. 2. **Repayment of refund.** A coordinated member with at least two years of  
 142.8 allowable service credited subsequent to the member's last application for and ~~acceptance~~  
 142.9 payment of a refund pursuant to section 354A.37 shall be entitled to repay the refund. The  
 142.10 amount of the refund repayment shall be calculated pursuant to subdivision 3. If the member  
 142.11 has ~~previously applied for and accepted~~ taken more than one refund, and the ~~previous refund~~  
 142.12 ~~or all refunds have not been~~ must be repaid, then the member shall be entitled only to repay  
 142.13 ~~all outstanding refunds and shall not be entitled to repay only the most recent refund~~ pro  
 142.14 rata.

142.15 Subd. 3. **Computation of refund repayment amount.** If the coordinated member elects  
 142.16 to repay a refund under subdivision 2, the repayment to the fund must be in an amount equal  
 142.17 to refunds the member has ~~accepted~~ been issued plus interest at the ~~rate of 8.5 percent until~~  
 142.18 ~~June 30, 2015, and eight percent thereafter~~ applicable annual rate or rates specified in section  
 142.19 356.59, subdivision 5, compounded annually, from the date that the refund was ~~accepted~~  
 142.20 issued to the date that the refund is repaid.

142.21 Sec. 6. **EFFECTIVE DATE.**

142.22 Sections 1 to 5 are effective June 30, 2018.

142.23 **ARTICLE 13**

142.24 **RETIREMENT SYSTEMS, GENERALLY**  
 142.25 **ADMINISTRATIVE PROVISIONS**

142.26 Section 1. Minnesota Statutes 2016, section 356.32, subdivision 2, is amended to read:

142.27 Subd. 2. **Covered retirement plans.** The provisions of this section apply to the following  
 142.28 retirement plans:

142.29 (1) the general state employees retirement plan of the Minnesota State Retirement System,  
 142.30 established under chapter 352;

142.31 (2) the correctional state employees retirement plan of the Minnesota State Retirement  
 142.32 System, established under chapter 352;

- 143.1 (3) the State Patrol retirement plan, established under chapter 352B;
- 143.2 (4) the general employees retirement plan of the Public Employees Retirement  
143.3 Association, established under chapter 353;
- 143.4 (5) the public employees police and fire plan of the Public Employees Retirement  
143.5 Association, established under chapter 353;
- 143.6 (6) the local government correctional service retirement plan of the Public Employees  
143.7 Retirement Association, established under chapter 353E;
- 143.8 (7) the Teachers Retirement Association, established under chapter 354; and
- 143.9 ~~(7)~~ (8) the St. Paul Teachers Retirement Fund Association, established under chapter  
143.10 354A.

143.11 Sec. 2. Minnesota Statutes 2016, section 356.47, subdivision 3, is amended to read:

143.12 Subd. 3. **Payment.** (a) Beginning one year after the reemployment withholding period  
143.13 ends relating to the reemployment that gave rise to the limitation, and the filing of a written  
143.14 application, the retired member is entitled to the payment, in a lump sum, of the value of  
143.15 the person's amount under subdivision 2, plus annual compound interest. For the general  
143.16 state employees retirement plan, the correctional state employees retirement plan, the general  
143.17 employees retirement plan of the Public Employees Retirement Association, the public  
143.18 employees police and fire retirement plan, the local government correctional employees  
143.19 retirement plan, and the teachers retirement plan, the annual interest rate is six percent from  
143.20 the date on which the amount was deducted from the retirement annuity to the date of  
143.21 payment or until January 1, 2011, whichever is earlier, and no interest after January 1, 2011.  
143.22 For the St. Paul Teachers Retirement Fund Association, the annual interest is the rate of six  
143.23 percent from the date that the amount was deducted from the retirement annuity to the date  
143.24 of payment or June 30, 2011, whichever is earlier, and with no interest accrual after June  
143.25 30, 2011.

143.26 (b) The written application must be on a form prescribed by the chief administrative  
143.27 officer of the applicable retirement plan.

143.28 (c) If the retired member dies before the payment provided for in paragraph (a) is made,  
143.29 the amount is payable, upon written application, to the deceased person's surviving spouse,  
143.30 or if none, to the deceased person's designated beneficiary, or if none, to the deceased  
143.31 person's estate.

144.1 (d) If the amount under subdivision 2 is an eligible rollover distribution as defined in  
144.2 section 356.635, subdivisions 4 and 5, the applicable retirement plan shall provide notice  
144.3 and an election:

144.4 (1) to the member regarding the member's right to elect a direct rollover under section  
144.5 356.635, subdivisions 3 to 7, in lieu of the a direct payment of the person's amount under  
144.6 subdivision 2, on or after the payment date under paragraph (a), if the federal Internal  
144.7 Revenue Code so permits, the retired member may elect to have all or any portion of the  
144.8 payment amount under this section paid in the form of a direct rollover to an eligible  
144.9 retirement plan as defined in section 402(e) of the federal Internal Revenue Code that is  
144.10 specified by the retired member. If the retired member dies with a balance remaining payable  
144.11 under this section, the surviving spouse of the retired member, or if none, the deceased  
144.12 person's designated beneficiary, or if none, the administrator of the deceased person's estate  
144.13 may elect a direct rollover under this paragraph.; or

144.14 (2) if paragraph (c) applies and the amount is to be paid to a person who is a distributee  
144.15 as defined in section 356.635, subdivision 7, to the distributee regarding the distributee's  
144.16 right to elect a direct rollover under section 356.635, subdivisions 3 to 7, in lieu of a direct  
144.17 payment.

144.18 Sec. 3. Minnesota Statutes 2016, section 356.635, is amended by adding a subdivision to  
144.19 read:

144.20 Subd. 9a. **Definitions.** (a) The following definitions apply for purposes of this subdivision  
144.21 and subdivisions 10 to 12.

144.22 (b) "Annual addition" means the sum for the limitation year of all pretax and after-tax  
144.23 contributions made by the member or the member's employer and credited to an account in  
144.24 the name of the member in any defined contribution plan maintained by the employer.

144.25 (c) "Compensation" means the compensation actually paid or made available to a member  
144.26 for any limitation year, including all items of remuneration described in Code of Federal  
144.27 Regulations, title 26, section 1.415(c)-2(b), and excluding all items of remuneration described  
144.28 in Code of Federal Regulations, title 26, section 1.415(c)-2(c). Compensation for pension  
144.29 plan purposes for any limitation year shall not exceed the applicable federal compensation  
144.30 limit described in section 356.611, subdivision 2.

144.31 (d) "Limitation year" means the calendar year or fiscal year, whichever is applicable to  
144.32 the particular pension plan.



145.1 (e) "Maximum permissible benefit" means an annual benefit of \$160,000, automatically  
145.2 adjusted under section 415(d) of the Internal Revenue Code for each limitation year ending  
145.3 after December 31, 2001, payable in the form of a single life annuity. The new limitation  
145.4 shall apply to limitation years ending with or within the calendar year of the date of the  
145.5 adjustment, but a member's benefits shall not reflect the adjusted limit prior to January 1 of  
145.6 that calendar year. The maximum permissible benefit amount shall be further adjusted as  
145.7 follows:

145.8 (1) if the member has less than ten years of participation, the maximum permissible  
145.9 benefit shall be multiplied by a fraction, the numerator of which is the number of years, or  
145.10 part thereof, but not less than one year, of participation in the plan, and the denominator of  
145.11 which is ten;

145.12 (2) if the annual benefit begins before the member has attained age 62, the determination  
145.13 as to whether the maximum permissible benefit limit has been satisfied shall be made, in  
145.14 accordance with regulations prescribed by the United States secretary of the treasury, by  
145.15 reducing the limit so that the limit, as so reduced, equals an annual benefit, beginning when  
145.16 the annual benefit actually begins, which is equivalent to a \$160,000, as adjusted, annual  
145.17 benefit beginning at age 62; and

145.18 (3) if the annual benefit begins after the member has attained age 65, the determination  
145.19 as to whether the maximum permissible benefit limit has been satisfied shall be made, in  
145.20 accordance with regulations prescribed by the United States secretary of the treasury, by  
145.21 increasing the limit so that the limit, as so increased, equals an annual benefit, beginning  
145.22 when the annual benefit actually begins, which is equivalent to a \$160,000, as adjusted,  
145.23 annual benefit beginning at age 65.

145.24 Sec. 4. Minnesota Statutes 2016, section 356.635, subdivision 10, is amended to read:

145.25 Subd. 10. **Annual benefit limitations; defined benefit plans.** (a) The annual benefit  
145.26 payable to a member shall not exceed the maximum permissible benefit. If the benefit the  
145.27 member would otherwise receive for a limitation year would result in the payment of an  
145.28 annual benefit in excess of the maximum permissible benefit, the benefit shall be reduced  
145.29 to the extent necessary so the benefit does not exceed the maximum permissible benefit.

145.30 (b) For purposes of applying the limits of section 415(b) of the Internal Revenue Code,  
145.31 a retirement limitation in paragraph (a), an annual benefit that is payable in any form other  
145.32 than a single life annuity and that is subject to section 417(e)(3) of the Internal Revenue  
145.33 Code must shall be adjusted to an actuarially equivalent single life annuity that equals, if  
145.34 the annuity starting date is in a plan year beginning after 2005, the annual amount of the

146.1 single life annuity commencing at the same annuity starting date that has the same actuarial  
146.2 present value as the ~~participant's~~ member's form of benefit, using whichever of the following  
146.3 produces the greatest annual amount:

146.4 (1) the interest rate and the mortality table or other tabular factor specified in the plan  
146.5 for adjusting benefits in the same form;

146.6 (2) a 5.5 percent interest rate assumption and the applicable mortality table; or

146.7 (3) the applicable interest rate under section 417(e)(3) of the Internal Revenue Code and  
146.8 the applicable mortality table, divided by 1.05.

146.9 (c) If a member participated in more than one pension plan in which the employer  
146.10 participates, the benefits under each plan must be reduced proportionately to satisfy the  
146.11 limitation in paragraph (a).

146.12 Sec. 5. Minnesota Statutes 2016, section 356.635, is amended by adding a subdivision to  
146.13 read:

146.14 Subd. 11. **Annual addition limitation; defined contribution plans.** The annual additions  
146.15 by or on behalf of a member to a defined contribution plan for any limitation year shall not  
146.16 exceed the lesser of (1) 100 percent of the member's compensation for the limitation year  
146.17 or (2) the dollar limit in effect for the limitation year under section 415(c)(1)(A) of the  
146.18 Internal Revenue Code, as adjusted by the United States secretary of the treasury under  
146.19 section 415(d)(1)(C) of the Internal Revenue Code.

146.20 Sec. 6. Minnesota Statutes 2016, section 356.635, is amended by adding a subdivision to  
146.21 read:

146.22 Subd. 12. **Incorporation by reference.** Any requirements of section 415(b) and (c) of  
146.23 the Internal Revenue Code and related regulations and agency guidance not addressed by  
146.24 subdivisions 10 and 11 shall be considered incorporated by reference, including provisions  
146.25 applicable to qualified police and firefighters and to survivor and disability benefits.  
146.26 Subdivisions 10 to 12 shall be interpreted in a manner that is consistent with the requirements  
146.27 of section 415(b) and (c) of the Internal Revenue Code and the related regulations.

146.28 Sec. 7. Minnesota Statutes 2016, section 356.635, is amended by adding a subdivision to  
146.29 read:

146.30 Subd. 13. **Correction of errors.** The executive director of each plan may correct an  
146.31 operational, demographic, employer eligibility, or plan document error as the executive

147.1 director deems necessary or appropriate to preserve and protect the plan's tax qualification  
147.2 under section 401(a) of the Internal Revenue Code, including as provided in the Internal  
147.3 Revenue Service's Employee Plans Compliance Resolution System (EPCRS) or any successor  
147.4 thereto. To the extent deemed necessary by the executive director to implement correction,  
147.5 the executive director may:

147.6 (1) make distributions;

147.7 (2) transfer assets; or

147.8 (3) recover an overpayment by reducing future benefit payments or designating  
147.9 appropriate revenue or source of funding that will restore to the plan the amount of the  
147.10 overpayment.

147.11 Sec. 8. Minnesota Statutes 2016, section 356.96, subdivision 1, is amended to read:

147.12 Subdivision 1. **Definitions.** (a) Unless the language or context clearly indicates that a  
147.13 different meaning is intended, for the purpose of this section, the terms in ~~paragraphs (b)~~  
147.14 ~~to (e)~~ this subdivision have the meanings given them.

147.15 (b) ~~"Chief administrative officer"~~ "Executive director" means the executive director of  
147.16 a covered pension plan or the executive director's designee or representative.

147.17 (c) "Covered pension plan" means a plan enumerated in section 356.20, subdivision 2,  
147.18 clauses (1) to (4), (8), and (11) to (14), but does not mean the deferred compensation plan  
147.19 administered under sections 352.965 and 352.97 or to the postretirement health care savings  
147.20 plan administered under section 352.98.

147.21 (d) "Governing board" means the Board of Trustees of the Public Employees Retirement  
147.22 Association, the Board of Trustees of the Teachers Retirement Association, or the Board  
147.23 of Directors of the Minnesota State Retirement System.

147.24 (e) "Person" ~~includes~~ means an active, retired, deferred, or nonvested inactive participant  
147.25 in a covered pension plan or a beneficiary of a participant, or an individual who has applied  
147.26 to be a participant or who is or may be a survivor of a participant, or the representative of  
147.27 a state agency or other governmental unit that employs active participants in a covered  
147.28 pension plan.

147.29 (f) "Petitioner" means a person who has filed a petition for review of an executive  
147.30 director's determination under this section.

148.1 Sec. 9. Minnesota Statutes 2016, section 356.96, subdivision 2, is amended to read:

148.2 Subd. 2. **Right to review appeal to executive director; determination.** A ~~determination~~  
148.3 ~~made by the chief administrative officer~~ person may appeal a decision by the staff of a  
148.4 covered pension plan regarding a the person's eligibility, benefits, or other rights under the  
148.5 plan with which the person does not agree to the executive director of the plan. The appeal  
148.6 must be in writing and be delivered to the executive director no later than 60 days after the  
148.7 date of the written notice of the staff decision. The executive director may overturn, modify,  
148.8 or affirm the staff's decision. The executive director's determination is subject to review  
148.9 under this section.

148.10 Sec. 10. Minnesota Statutes 2016, section 356.96, subdivision 3, is amended to read:

148.11 Subd. 3. **Notice of determination.** ~~If the applicable chief administrative officer denies~~  
148.12 ~~an application or a written request, modifies a benefit, or terminates a benefit of a person~~  
148.13 ~~claiming a right or potential rights under a covered pension plan, the chief administrative~~  
148.14 ~~officer shall notify that person through a written notice containing:~~ The executive director  
148.15 shall issue a written notice of determination to the person who files an appeal under  
148.16 subdivision 2. The notice of determination must be delivered by certified mail to the address  
148.17 to which the most recent benefit payment was sent or, if that address is that of a financial  
148.18 institution, to the last known address of the person. The notice of determination shall include  
148.19 the following:

148.20 (1) a statement of the reasons for the determination;

148.21 (2) a ~~notice~~ statement that the person may petition the governing board of the covered  
148.22 pension plan for a review of the determination and that a person's petition for review must  
148.23 be filed in the administrative office of the covered pension plan ~~within~~ no later than 60 days  
148.24 of the receipt after the date of the written notice of the determination;

148.25 (3) a statement indicating that a failure to petition for review within 60 days precludes  
148.26 the person from ~~contesting in any other~~ further administrative or judicial review or court  
148.27 procedure the issues determined by the chief administrative officer of the executive director's  
148.28 determination;

148.29 (4) a statement indicating that all relevant materials, documents, affidavits, and other  
148.30 records that the person wishes to be reviewed in support of the petition and a list of any  
148.31 witnesses who will testify before the governing board, along with a summary of the witness'  
148.32 testimony, must be filed with and received in the administrative office of the covered pension  
148.33 plan at least 15 days before the date of the hearing under subdivision 10 or as directed by

149.1 the administrative law judge who conducts a fact-finding conference under subdivision 7,  
149.2 paragraph (b), or a contested case hearing under subdivision 12, paragraph (b); and  
149.3 (5) a summary of this section, including all filing requirements and deadlines; and  
149.4 (6) the statement required under subdivision 4, paragraph (a), if applicable.

149.5 Sec. 11. Minnesota Statutes 2016, section 356.96, subdivision 4, is amended to read:

149.6 Subd. 4. **Termination of benefits.** (a) ~~If a covered pension plan decides to~~ the executive  
149.7 director's determination will terminate a benefit that is being paid to a person, before  
149.8 ~~terminating the benefit, the chief administrative officer must, in addition to the other~~  
149.9 ~~procedures prescribed in this section, provide the individual with written notice of the~~  
149.10 ~~pending benefit termination by certified mail. The notice must explain the reason for the~~  
149.11 ~~pending benefit termination. The person must be given an~~ the notice of determination must  
149.12 also state that the person has the opportunity to explain, in writing, in person, by telephone,  
149.13 or by e-mail, the reasons that the benefit should not be terminated.

149.14 (b) ~~If the chief administrative officer is unable to contact the person and~~ notice of  
149.15 determination is returned as undeliverable and the person cannot be reached by any other  
149.16 reasonable means of communication and the executive director determines that a failure to  
149.17 terminate the benefit will result in unauthorized payment by a covered pension plan, the  
149.18 ~~chief administrative officer~~ executive director may terminate the benefit immediately ~~upon~~  
149.19 ~~mailing a written notice containing the information required by subdivision 3 to the address~~  
149.20 ~~to which the most recent benefit payment was sent and, if that address is that of a financial~~  
149.21 ~~institution, to the last known address of the person.~~

149.22 Sec. 12. Minnesota Statutes 2016, section 356.96, subdivision 5, is amended to read:

149.23 Subd. 5. **Petition for review.** (a) Upon receipt of the notice of determination required  
149.24 in subdivision 3, a person who claims a right under subdivision 2 may petition the governing  
149.25 board of the covered pension plan for a review of that decision by the governing board of  
149.26 ~~the covered pension plan~~ the executive director's determination.

149.27 (b) ~~A petition under this section must be sent to the chief administrative officer by mail~~  
149.28 ~~and must be postmarked~~ The petitioner must file the petition for review with the  
149.29 administrative office of the covered pension plan no later than 60 days after the person  
149.30 ~~received~~ date of the notice of determination required by subdivision 3. Filing of the petition  
149.31 is effective upon mailing or personal delivery. The petition must include the ~~person's~~  
149.32 petitioner's statement of the reason or reasons that the ~~person believes the decision of the~~

150.1 ~~chief administrative officer~~ determination of the executive director should be reversed or  
150.2 modified. ~~The petition may include all documentation and written materials that the petitioner~~  
150.3 ~~deems to be relevant. In developing a record for review by the board when a decision is~~  
150.4 ~~appealed, the chief administrative officer may direct that the applicant participate in a~~  
150.5 ~~fact-finding session conducted by an administrative law judge assigned by the Office of~~  
150.6 ~~Administrative Hearings and, as applicable, participate in a vocational assessment conducted~~  
150.7 ~~by a qualified rehabilitation counselor on contract with the applicable retirement system.~~

150.8 Sec. 13. Minnesota Statutes 2016, section 356.96, subdivision 6, is amended to read:

150.9 Subd. 6. **Failure to petition.** If a timely petition for review under subdivision 5 is not  
150.10 filed with the ~~chief administrative officer~~, office of the covered pension plan's plan, the  
150.11 executive director's determination is final and is not subject to further administrative or  
150.12 judicial review.

150.13 Sec. 14. Minnesota Statutes 2016, section 356.96, subdivision 7, is amended to read:

150.14 Subd. 7. **Notice of hearing; fact-finding; filing and timing requirements.** (a) After  
150.15 receiving a petition, the ~~chief administrative officer~~ executive director must schedule a  
150.16 timely hearing to review ~~of~~ the petition before the governing board of the covered pension  
150.17 plan or the executive director may defer the scheduling of a hearing until after a fact-finding  
150.18 conference under paragraph (b). ~~The review must be scheduled to take into consideration~~  
150.19 ~~any necessary accommodations to allow the petitioner to participate in the governing board's~~  
150.20 ~~review.~~

150.21 (b) The executive director may direct the petitioner to participate in a fact-finding  
150.22 conference conducted by an administrative law judge assigned by the Office of  
150.23 Administrative Hearings. The fact-finding conference is an informal proceeding not subject  
150.24 to Minnesota Rules, chapter 1400, except that Minnesota Rules, part 1400.7300, shall govern  
150.25 the admissibility of evidence and Minnesota Rules, part 1400.8603, shall govern how the  
150.26 fact-finding conference is conducted. The administrative law judge must issue a report and  
150.27 a recommendation to the governing board.

150.28 (c) If the petitioner's claim relates to disability benefits, the executive director may direct  
150.29 the petitioner to participate in a vocational assessment conducted by a qualified rehabilitation  
150.30 counselor under contract with the covered pension plan. The counselor must issue a report  
150.31 regarding the assessment to the governing board.

150.32 ~~(b)~~ (d) Not less than 30 calendar days before the date scheduled for the hearing date  
150.33 before the governing board, the ~~chief administrative officer~~ executive director must provide

151.1 ~~by mail to notify~~ the petitioner an ~~acknowledgment of the receipt of the person's petition~~  
 151.2 ~~and a follow-up notice~~ of the time and place of the meeting at which the governing board  
 151.3 is scheduled to ~~consider the petition and~~ conduct the hearing. If there has been no fact-finding  
 151.4 conference under paragraph (b), not less than 15 days before the date scheduled for the  
 151.5 hearing, the petitioner and the executive director must provide a copy to the governing board  
 151.6 and the other party copies of all relevant documents, documentary evidence, summaries,  
 151.7 ~~and recommendations assembled by or on behalf of the plan administration to be considered~~  
 151.8 ~~by the governing board~~ that will be presented and a list of witnesses who will testify, along  
 151.9 with a summary of their testimony.

151.10 ~~(e) All documents and materials that the petitioner wishes to be part of the record for~~  
 151.11 ~~review must be filed with the chief administrative officer and must be received in the offices~~  
 151.12 ~~of the covered pension plan at least 15 days before the date of the meeting at which the~~  
 151.13 ~~petition is scheduled to be heard.~~

151.14 ~~(d) A~~ (e) The petitioner may request a continuance postponement of a the date scheduled  
 151.15 for the hearing if the request is received by the chief administrative officer within before  
 151.16 the governing board within a reasonable time, but no later than ten calendar days of before  
 151.17 the scheduled hearing date of the applicable board meeting. The chief administrative officer  
 151.18 ~~must reschedule the review within a reasonable time. Only one continuance may be granted~~  
 151.19 ~~to any petitioner.~~ A petitioner shall be granted only one postponement unless the applicable  
 151.20 covered pension plan agrees to additional postponements.

151.21 Sec. 15. Minnesota Statutes 2016, section 356.96, subdivision 8, is amended to read:

151.22 Subd. 8. **Record for review.** (a) All evidence, including all records, documents, and  
 151.23 affidavits in the possession of the covered pension plan of which the covered pension plan  
 151.24 desires to avail itself and be considered by the governing board, and all evidence which the  
 151.25 petitioner wishes to present to the governing board, including any evidence which would  
 151.26 otherwise be classified by law as "private," must be made part of the hearing record.

151.27 (b) ~~The chief administrative officer~~ executive director must provide a copy of the record  
 151.28 to each member of the governing board at least ~~seven~~ five days before the scheduled hearing  
 151.29 date.

151.30 (c) ~~Any additional document, affidavit, or other relevant information that the petitioner~~  
 151.31 ~~requests be part of the record may be admitted with the consent of the governing board. If~~  
 151.32 a fact-finding conference under subdivision 7, paragraph (b), is not conducted, the record  
 151.33 is limited to those materials provided to the petitioner in accordance with subdivision 7,  
 151.34 paragraph (d), those filed by the petitioner with the covered pension plan in a timely manner

152.1 in accordance with subdivision 7, paragraph (e), any vocational assessment report under  
152.2 subdivision 7, paragraph (c), and any testimony at the hearing before the governing board.  
152.3 Any additional evidence may be placed in the record pursuant to subdivision 10, paragraph  
152.4 (b).

152.5 (d) If a fact-finding conference under subdivision 7, paragraph (b), or a contested case  
152.6 hearing under subdivision 12, paragraph (b), is conducted, the record before the governing  
152.7 board must be limited to the following:

152.8 (1) the record from the Office of Administrative Hearings;

152.9 (2) seven-page submissions by the petitioner and a representative of the covered pension  
152.10 plan commenting on the administrative law judge's recommendation; and

152.11 (3) any vocational assessment report under subdivision 7, paragraph (c).

152.12 Sec. 16. Minnesota Statutes 2016, section 356.96, subdivision 9, is amended to read:

152.13 Subd. 9. **Amended determination.** At any time before the hearing before the governing  
152.14 board, for good cause shown and made part of the records of the plan, the ~~chief administrative~~  
152.15 ~~officer~~ executive director may reverse, alter, amend, or modify the prior decision which is  
152.16 subject to review under this section by issuing an amended ~~decision~~ determination to the  
152.17 petitioner. Upon doing so, the ~~chief administrative officer~~ executive director may cancel  
152.18 the governing board's scheduled review of the person's petition and ~~shall so~~ notify the  
152.19 petitioner.

152.20 Sec. 17. Minnesota Statutes 2016, section 356.96, subdivision 10, is amended to read:

152.21 Subd. 10. **Board hearing.** (a) The governing board shall hold a timely hearing on a  
152.22 petition for review as part of a regularly scheduled board meeting, or as part of a special  
152.23 meeting if so scheduled. All governing board members who participate in the  
152.24 decision-making process must be familiar with the record. The governing board shall make  
152.25 its decision on a petition solely on the record as submitted and on the proceedings of the  
152.26 hearing.

152.27 (b) At the hearing, the petitioner, the petitioner's attorney, and the chief administrative  
152.28 ~~officer~~ representative, if any, the executive director, and a representative of the covered  
152.29 pension plan who does not also serve as the governing board's legal advisor during the  
152.30 board's decision-making process may state and discuss with the governing board their  
152.31 positions with respect to the petition. If no fact-finding conference under subdivision 7,  
152.32 paragraph (b), or contested case hearing under subdivision 12, paragraph (b), was conducted,



153.1 additional evidence may be received in the form of testimony from previously disclosed  
 153.2 witnesses. The governing board may allow further documentation to be placed in the record  
 153.3 at the board meeting only with the agreement of both the ~~chief administrative officer~~  
 153.4 executive director and the petitioner. The ~~chief administrative officer~~ executive director  
 153.5 may not otherwise participate in the board's decision-making process.

153.6 ~~(b) When a petition presents a contested issue of law, an assistant attorney general may~~  
 153.7 ~~participate and may argue on behalf of the legal position taken by the chief administrative~~  
 153.8 ~~officer if that assistant attorney general does not also serve as the governing board's legal~~  
 153.9 ~~advisor during the board's decision-making process.~~

153.10 ~~(e) A motion by a board member, supported by a summary of the relevant facts,~~  
 153.11 ~~conclusions and reasons, as properly amended and approved by a majority of the governing~~  
 153.12 ~~board, constitutes the board's final decision. A verbatim statement of the board's final~~  
 153.13 ~~decision must be served upon the petitioner. If the decision is contrary to the petitioner's~~  
 153.14 ~~desired outcome, the notice shall inform the petitioner of the appeal rights set forth in~~  
 153.15 ~~subdivision 13.~~

153.16 ~~(d)~~ (c) If a petitioner who received timely notice of a scheduled hearing fails to appear,  
 153.17 the governing board may nevertheless hear the petition and issue a decision.

153.18 (d) The governing board's decision shall be made upon a motion by a board member  
 153.19 and approval by a majority of the governing board. The governing board must issue its  
 153.20 decision as a written order containing findings of fact, conclusions of law, and the board's  
 153.21 decision no later than 30 days after the hearing. If the decision is contrary to the petitioner's  
 153.22 desired outcome, the notice must inform the petitioner of the appeal rights set forth in  
 153.23 subdivision 13.

153.24 Sec. 18. Minnesota Statutes 2016, section 356.96, subdivision 11, is amended to read:

153.25 Subd. 11. **Disability medical issues.** ~~(a) If a person petitions the governing board the~~  
 153.26 petitioner seeks to reverse or modify a determination ~~which found~~ by the executive director  
 153.27 ~~that there exists no~~ was insufficient medical data ~~supporting~~ to support an application for  
 153.28 disability benefits, the governing board may reverse that determination only if there is ~~in~~  
 153.29 ~~fact~~ medical evidence supporting the application. The governing board has the discretion  
 153.30 to resubmit a disability benefit application at any time to a medical advisor for  
 153.31 reconsideration, and the resubmission may include an instruction that further medical  
 153.32 examinations be obtained.

154.1 ~~(b) The governing board may make a determination contrary to the recommendation of~~  
154.2 ~~the medical advisor only if there is expert medical evidence in the record to support its~~  
154.3 ~~contrary decision. If there is no medical evidence contrary to the opinion of the medical~~  
154.4 ~~advisor in the record and the medical advisor attests that the decision was made in accordance~~  
154.5 ~~with the applicable disability standard, the board must follow the decision of the medical~~  
154.6 ~~advisor regarding the cause of the disability.~~

154.7 ~~(c) The obligation of the governing board to follow the decision of the medical advisor~~  
154.8 ~~under paragraph (b) does not apply to instances when the governing board makes a~~  
154.9 ~~determination different from the recommendation of the medical advisor on issues that do~~  
154.10 ~~not involve medical issues.~~

154.11 Sec. 19. Minnesota Statutes 2016, section 356.96, subdivision 12, is amended to read:

154.12 Subd. 12. **Referral for administrative hearing.** ~~(a) Notwithstanding any provision of~~  
154.13 ~~sections 14.03, 14.06, and 14.57 to 14.69 to the contrary, a challenge to a determination of~~  
154.14 ~~the chief administrative officer of a covered pension plan~~ A fact-finding conference under  
154.15 subdivision 7, paragraph (b), must be conducted exclusively under the procedures set forth  
154.16 in this section and is not as a contested case under chapter 14.

154.17 ~~(b) Notwithstanding the provisions of paragraph (a),~~ A governing board, in its sole  
154.18 discretion, may refer a petition brought under this section to the Office of Administrative  
154.19 Hearings for a contested case hearing under sections 14.57 to 14.69.

154.20 Sec. 20. Minnesota Statutes 2016, section 356.96, subdivision 13, is amended to read:

154.21 Subd. 13. **Appeal of the governing board's decision; judicial review.** ~~Within~~ No later  
154.22 than 60 days ~~of~~ after the date of the mailing of the notice of the governing board's decision,  
154.23 the petitioner may appeal the decision by filing a writ of certiorari with the Court of Appeals  
154.24 under section 606.01 and Rule 115 of the Minnesota Rules of Civil Appellate Procedure.  
154.25 Failure by a person to appeal to the Court of Appeals within the 60-day period precludes  
154.26 the person from later raising, in any subsequent administrative hearing or court proceeding,  
154.27 those substantive and procedural issues that reasonably should have been raised upon a  
154.28 timely appeal.

154.29 Sec. 21. **REPEALER.**

154.30 Minnesota Statutes 2016, sections 356.611, subdivisions 3, 3a, 4, and 5; and 356.96,  
154.31 subdivisions 14 and 15, are repealed.

155.1 Sec. 22. **EFFECTIVE DATE.**155.2 Sections 1 to 21 are effective June 30, 2018.155.3 **ARTICLE 14**155.4 **VOLUNTEER FIREFIGHTER RELIEF ASSOCIATIONS MODIFICATIONS**

155.5 Section 1. Minnesota Statutes 2016, section 356A.06, subdivision 7, is amended to read:

155.6 Subd. 7. **Expanded list of authorized investment securities.** (a) **Authority.** A covered  
155.7 pension plan not described by subdivision 6, paragraph (a), is an expanded list plan and  
155.8 shall invest its assets as specified in this subdivision. The governing board of an expanded  
155.9 list plan may select and appoint investment agencies to act for or on its behalf.

155.10 (b) **Securities generally; investment forms.** An expanded list plan is authorized to  
155.11 purchase, sell, lend, and exchange the investment securities authorized under this subdivision,  
155.12 including puts and call options and future contracts traded on a contract market regulated  
155.13 by a governmental agency or by a financial institution regulated by a governmental agency.  
155.14 These securities may be owned directly or through shares in exchange-traded or mutual  
155.15 funds, or as units in commingled trusts, subject to any limitations specified in this subdivision.

155.16 (c) **Government obligations.** An expanded list plan is authorized to invest funds in  
155.17 governmental bonds, notes, bills, mortgages, and other evidences of indebtedness if the  
155.18 issue is backed by the full faith and credit of the issuer or the issue is rated among the top  
155.19 four quality rating categories by a nationally recognized rating agency. The obligations in  
155.20 which funds may be invested under this paragraph are guaranteed or insured issues of:

155.21 (1) the United States, one of its agencies, one of its instrumentalities, or an organization  
155.22 created and regulated by an act of Congress;

155.23 (2) the Dominion of Canada or one of its provinces if the principal and interest are  
155.24 payable in United States dollars;

155.25 (3) a state or one of its municipalities, political subdivisions, agencies, or  
155.26 instrumentalities; and

155.27 (4) a United States government-sponsored organization of which the United States is a  
155.28 member if the principal and interest are payable in United States dollars.

155.29 (d) **Investment-grade corporate obligations.** An expanded list plan is authorized to  
155.30 invest funds in bonds, notes, debentures, transportation equipment obligations, or any other  
155.31 longer term evidences of indebtedness issued or guaranteed by a corporation organized

156.1 under the laws of the United States or any of its states, or the Dominion of Canada or any  
156.2 of its provinces if:

156.3 (1) the principal and interest are payable in United States dollars; and

156.4 (2) the obligations are rated among the top four quality categories by a nationally  
156.5 recognized rating agency.

156.6 (e) **Below-investment-grade corporate obligations.** An expanded list plan is authorized  
156.7 to invest in unrated corporate obligations or in corporate obligations that are not rated among  
156.8 the top four quality categories by a nationally recognized rating agency if:

156.9 (1) the aggregate value of these obligations does not exceed five percent of the covered  
156.10 pension plan's market value;

156.11 (2) the covered pension plan's participation is limited to 50 percent of a single offering  
156.12 subject to this paragraph; and

156.13 (3) the covered pension plan's participation is limited to 25 percent of an issuer's  
156.14 obligations subject to this paragraph.

156.15 (f) **Other obligations.** (1) An expanded list plan is authorized to invest funds in:

156.16 (i) bankers acceptances and deposit notes if issued by a United States bank that is rated  
156.17 in the highest four quality categories by a nationally recognized rating agency;

156.18 (ii) certificates of deposit if issued by a United States bank or savings institution rated  
156.19 in the highest four quality categories by a nationally recognized rating agency or whose  
156.20 certificates of deposit are fully insured by federal agencies, or if issued by a credit union in  
156.21 an amount within the limit of the insurance coverage provided by the National Credit Union  
156.22 Administration;

156.23 (iii) commercial paper if issued by a United States corporation or its Canadian subsidiary  
156.24 and if rated in the highest two quality categories by a nationally recognized rating agency;

156.25 (iv) mortgage securities and asset-backed securities if rated in the top four quality  
156.26 categories by a nationally recognized rating agency;

156.27 (v) repurchase agreements and reverse repurchase agreements if collateralized with  
156.28 letters of credit or securities authorized in this section;

156.29 (vi) guaranteed investment contracts if issued by an insurance company or a bank that  
156.30 is rated in the top four quality categories by a nationally recognized rating agency or  
156.31 alternative guaranteed investment contracts if the underlying assets comply with the  
156.32 requirements of this subdivision;

157.1 (vii) savings accounts if fully insured by a federal agency; and

157.2 (viii) guaranty fund certificates, surplus notes, or debentures if issued by a domestic  
157.3 mutual insurance company.

157.4 (2) Sections 16A.58, 16C.03, subdivision 4, and 16C.05 do not apply to certificates of  
157.5 deposit and collateralization agreements executed by the covered pension plan under clause  
157.6 (1), item (ii).

157.7 (3) In addition to investments authorized by clause (1), item (iv), an expanded list plan  
157.8 is authorized to purchase from the Minnesota Housing Finance Agency all or any part of a  
157.9 pool of residential mortgages, not in default, that has previously been financed by the  
157.10 issuance of bonds or notes of the agency. The covered pension plan may also enter into a  
157.11 commitment with the agency, at the time of any issue of bonds or notes, to purchase at a  
157.12 specified future date, not exceeding 12 years from the date of the issue, the amount of  
157.13 mortgage loans then outstanding and not in default that have been made or purchased from  
157.14 the proceeds of the bonds or notes. The covered pension plan may charge reasonable fees  
157.15 for any such commitment and may agree to purchase the mortgage loans at a price sufficient  
157.16 to produce a yield to the covered pension plan comparable, in its judgment, to the yield  
157.17 available on similar mortgage loans at the date of the bonds or notes. The covered pension  
157.18 plan may also enter into agreements with the agency for the investment of any portion of  
157.19 the funds of the agency. The agreement must cover the period of the investment, withdrawal  
157.20 privileges, and any guaranteed rate of return.

157.21 (g) **Corporate stocks.** An expanded list plan is authorized to invest in stocks or  
157.22 convertible issues of any corporation organized under the laws of the United States or any  
157.23 of its states, any corporation organized under the laws of the Dominion of Canada or any  
157.24 of its provinces, or any corporation listed on an exchange that is regulated by an agency of  
157.25 the United States or of the Canadian national government.

157.26 An investment in any corporation must not exceed five percent of the total outstanding  
157.27 shares of that corporation, except that an expanded list plan may hold up to 20 percent of  
157.28 the shares of a real estate investment trust and up to 20 percent of the shares of a closed  
157.29 mutual fund. Purchase of shares of exchange-traded or mutual funds shall be consistent  
157.30 with paragraph (b).

157.31 (h) **Other investments.** (1) In addition to the investments authorized in paragraphs (b)  
157.32 to (g), and subject to the provisions in clause (2), an expanded list plan is authorized to  
157.33 invest funds in:

158.1 (i) equity and debt investment businesses through participation in limited partnerships,  
158.2 trusts, private placements, limited liability corporations, limited liability companies, limited  
158.3 liability partnerships, and corporations;

158.4 (ii) real estate ownership interests or loans secured by mortgages or deeds of trust or  
158.5 shares of real estate investment trusts, through investment in limited partnerships,  
158.6 bank-sponsored collective funds, trusts, mortgage participation agreements, and insurance  
158.7 company commingled accounts, including separate accounts;

158.8 (iii) resource investments through limited partnerships, trusts, private placements, limited  
158.9 liability corporations, limited liability companies, limited liability partnerships, and  
158.10 corporations; and

158.11 (iv) international securities.

158.12 (2) The investments authorized in clause (1) must conform to the following provisions:

158.13 (i) the aggregate value of all investments made under clause (1), items (i), (ii), and (iii),  
158.14 may not exceed 35 percent of the market value of the fund for which the expanded list plan  
158.15 is investing;

158.16 (ii) there must be at least four unrelated owners of the investment other than the expanded  
158.17 list plan for investments made under clause (1), item (i), (ii), or (iii);

158.18 (iii) the expanded list plan's participation in an investment vehicle is limited to 20 percent  
158.19 thereof for investments made under clause (1), item (i), (ii), or (iii);

158.20 (iv) the expanded list plan's participation in a limited partnership does not include a  
158.21 general partnership interest or other interest involving general liability. The expanded list  
158.22 plan may not engage in any activity as a limited partner which creates general liability;

158.23 (v) the aggregate value of all unrated obligations and obligations that are not rated among  
158.24 the top four quality categories by a nationally recognized rating agency authorized by  
158.25 paragraph (e) and clause (1), item (iv), must not exceed five percent of the covered plan's  
158.26 market value; and

158.27 (vi) for volunteer firefighter relief associations, emerging market equity and international  
158.28 debt investments authorized under clause (1), item (iv), must not exceed 15 percent of the  
158.29 association's special fund market value.

158.30 (i) **Supplemental plan investments.** The governing body of an expanded list plan may  
158.31 certify assets to the State Board of Investment for investment under section 11A.17.

159.1 (j) **Asset mix limitations.** The aggregate value of an expanded list plan's investments  
 159.2 under paragraphs (g) and (h) and equity investments under paragraph (i), regardless of the  
 159.3 form in which these investments are held, must not exceed 85 percent of the covered plan's  
 159.4 market value.

159.5 **EFFECTIVE DATE.** This section is effective January 1, 2019.

159.6 Sec. 2. Minnesota Statutes 2016, section 424A.001, subdivision 2, is amended to read:

159.7 Subd. 2. **Fire department.** "Fire department" includes a municipal fire department ~~or~~  
 159.8 an independent nonprofit firefighting corporation, and a fire department established as or  
 159.9 operated by a joint powers entity under section 471.59.

159.10 **EFFECTIVE DATE.** This section is effective January 1, 2019.

159.11 Sec. 3. Minnesota Statutes 2016, section 424A.001, is amended by adding a subdivision  
 159.12 to read:

159.13 Subd. 2a. **Municipal.** "Municipal" means of a city or township.

159.14 **EFFECTIVE DATE.** This section is effective January 1, 2019.

159.15 Sec. 4. Minnesota Statutes 2016, section 424A.001, subdivision 3, is amended to read:

159.16 Subd. 3. **Municipality.** "Municipality" means a ~~municipality~~ city or township which  
 159.17 has established a fire department with which the relief association is directly associated, ~~or~~  
 159.18 ~~the municipalities~~ a city or township which ~~have~~ has entered into a contract with the  
 159.19 independent nonprofit firefighting corporation of which the relief association is a ~~subsidiary~~  
 159.20 directly associated, or a city or township that has entered into a contract with a joint powers  
 159.21 entity established under section 471.59 of which the relief association is directly associated.

159.22 **EFFECTIVE DATE.** This section is effective January 1, 2019.

159.23 Sec. 5. Minnesota Statutes 2016, section 424A.001, subdivision 10, is amended to read:

159.24 Subd. 10. **Volunteer firefighter.** "Volunteer firefighter" means a person who is a member  
 159.25 of the applicable fire department or the independent nonprofit firefighting corporation and  
 159.26 is eligible for membership in the applicable relief association and:

159.27 (i) is engaged in providing emergency response services or delivering fire education or  
 159.28 prevention services as a member of a ~~municipal~~ fire department, ~~a joint powers entity fire~~  
 159.29 ~~department, or an independent nonprofit firefighting corporation;~~

160.1 (ii) is trained in or is qualified to provide fire suppression duties or to provide fire  
160.2 prevention duties under subdivision 8; and

160.3 (iii) meets any other minimum firefighter and service standards established by the fire  
160.4 department ~~or the independent nonprofit firefighting corporation~~ or specified in the articles  
160.5 of incorporation or bylaws of the relief association.

160.6 **EFFECTIVE DATE.** This section is effective January 1, 2019.

160.7 Sec. 6. Minnesota Statutes 2016, section 424A.002, subdivision 1, is amended to read:

160.8 Subdivision 1. **Authorization.** A ~~municipal~~ fire department ~~or an independent nonprofit~~  
160.9 ~~firefighting corporation~~, with approval by the applicable municipality or municipalities,  
160.10 may establish a new volunteer firefighter relief association or may retain an existing volunteer  
160.11 firefighter relief association. A ~~municipal~~ fire department ~~or an independent nonprofit~~  
160.12 ~~firefighting corporation~~ may be associated with only one volunteer firefighter relief  
160.13 association at one time.

160.14 **EFFECTIVE DATE.** This section is effective January 1, 2019.

160.15 Sec. 7. **[424A.003] CERTIFICATION OF SERVICE CREDIT.**

160.16 (a) When a municipal fire department, a joint powers fire department, or an independent  
160.17 nonprofit firefighting corporation is directly associated with the volunteer firefighters relief  
160.18 association, the fire chief shall certify annually by March 31 the service credit for the  
160.19 previous calendar year of each volunteer firefighter rendering active service with the fire  
160.20 department.

160.21 (b) The certification shall be made to an officer of the relief association's board of trustees  
160.22 and to the municipal clerk or clerk-treasurer of the largest municipality in population served  
160.23 by the associated fire department.

160.24 (c) The fire chief shall notify each volunteer firefighter rendering active service with  
160.25 the fire department of the amount of service credit rendered by the firefighter for the previous  
160.26 calendar year. The service credit notification and a description of the process and deadlines  
160.27 for the firefighter to challenge the fire chief's determination of service credit must be provided  
160.28 to the firefighter 60 days prior to its certification to the relief association and municipality.  
160.29 If the service credit amount is challenged, the fire chief shall accept and consider any  
160.30 additional pertinent information and shall make a final determination of service credit.

160.31 (d) The service credit certification must be expressed as the number of completed months  
160.32 of the previous year during which an active volunteer firefighter rendered at least the



161.1 minimum level of duties as specified and required by the fire department under the rules,  
161.2 regulations, and policies applicable to the fire department. No more than one year of service  
161.3 credit may be certified for a calendar year.

161.4 (e) If a volunteer firefighter who is a member of the relief association leaves active  
161.5 firefighting service to render active military service that is required to be governed by the  
161.6 federal Uniformed Services Employment and Reemployment Rights Act, as amended, the  
161.7 firefighter must be certified as providing service credit for the period of the military service,  
161.8 up to the applicable limit of the federal Uniformed Services Employment and Reemployment  
161.9 Rights Act. If the volunteer firefighter does not return from the military service in compliance  
161.10 with the federal Uniformed Services Employment and Reemployment Rights Act, the service  
161.11 credits applicable to that military service credit period are forfeited and canceled at the end  
161.12 of the calendar year in which the time limit set by federal law occurs.

161.13 **EFFECTIVE DATE.** This section is effective January 1, 2019.

161.14 Sec. 8. Minnesota Statutes 2016, section 424A.01, subdivision 1, is amended to read:

161.15 Subdivision 1. **Minors.** No volunteer firefighters relief association associated with a  
161.16 municipality, a joint powers entity, or an independent nonprofit firefighting corporation  
161.17 may include as a relief association member a minor serving as a volunteer firefighter.

161.18 **EFFECTIVE DATE.** This section is effective January 1, 2019.

161.19 Sec. 9. Minnesota Statutes 2016, section 424A.01, is amended by adding a subdivision to  
161.20 read:

161.21 Subd. 4a. **Prohibition on receipt of concurrent service credit.** No firefighter may be  
161.22 credited with service credit in a volunteer firefighters relief association for the same hours  
161.23 of service for which coverage is already provided in a fund operated pursuant to chapter  
161.24 353.

161.25 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to service  
161.26 rendered on or after that date.

161.27 Sec. 10. Minnesota Statutes 2016, section 424A.01, subdivision 5, is amended to read:

161.28 Subd. 5. **Fire prevention personnel.** (a) ~~If the fire department is a municipal department~~  
161.29 ~~and the applicable municipality approves, or if the fire department is an independent nonprofit~~  
161.30 ~~firefighting corporation and the contracting municipality or municipalities approve, the fire~~

162.1 department may employ or otherwise utilize the services of persons as volunteer firefighters  
162.2 to perform fire prevention duties and to supervise fire prevention activities.

162.3 (b) Personnel serving in fire prevention positions are eligible to be members of the  
162.4 applicable volunteer firefighter relief association and to qualify for service pension or other  
162.5 benefit coverage of the relief association on the same basis as fire department personnel  
162.6 who perform fire suppression duties.

162.7 (c) Personnel serving in fire prevention positions also are eligible to receive any other  
162.8 benefits under the applicable law or practice for services on the same basis as personnel  
162.9 who are employed to perform fire suppression duties.

162.10 **EFFECTIVE DATE.** This section is effective January 1, 2019.

162.11 Sec. 11. Minnesota Statutes 2016, section 424A.01, is amended by adding a subdivision  
162.12 to read:

162.13 **Subd. 5a. Volunteer emergency medical personnel.** Volunteer emergency medical  
162.14 personnel are eligible to be members of the applicable volunteer firefighters relief association  
162.15 and to qualify for service pension or other benefit coverage of the relief association on the  
162.16 same basis as fire department personnel who perform or supervise fire suppression or fire  
162.17 prevention duties if:

162.18 (1) the fire department employs or otherwise uses the services of persons solely as  
162.19 volunteer emergency medical personnel to perform emergency medical response duties or  
162.20 supervise emergency medical response activities;

162.21 (2) the bylaws of the relief association authorize the eligibility; and

162.22 (3) the eligibility is approved by:

162.23 (i) the municipality, if the fire department is a municipal department;

162.24 (ii) the joint powers board, if the fire department is a joint powers entity; or

162.25 (iii) the contracting municipality or municipalities, if the fire department is an independent  
162.26 nonprofit firefighting corporation.

162.27 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to service  
162.28 rendered on or after that date.

163.1 Sec. 12. Minnesota Statutes 2016, section 424A.01, subdivision 6, is amended to read:

163.2 Subd. 6. **Return to active firefighting after break in service.** (a) This subdivision  
163.3 governs the service pension calculation requirements of a firefighter who returns to active  
163.4 service after a break in service and applies to all breaks in service, except that the resumption  
163.5 service requirements of this subdivision do not apply to leaves of absence made available  
163.6 by federal statute, such as the Family Medical Leave Act, United States Code, title 29,  
163.7 section 2691, and the Uniformed Services Employment and Reemployment Rights Act,  
163.8 United States Code, title 38, section 4301, and do not apply to leaves of absence made  
163.9 available by state statute, such as the Parental Leave Act, section 181.941; the Leave for  
163.10 Organ Donation Act, section 181.9456; the Leave for Civil Air Patrol Service Act, section  
163.11 181.946; the Leave for Immediate Family Members of Military Personnel Injured or Killed  
163.12 in Active Service Act, section 181.947; or the Protection of Jurors' Employment Act, section  
163.13 593.50.

163.14 (b)(1) If a firefighter who has ceased to perform or supervise fire suppression and fire  
163.15 prevention duties for at least 60 days resumes performing active firefighting with the fire  
163.16 department associated with the relief association, if the bylaws of the relief association so  
163.17 permit, the firefighter may again become an active member of the relief association. A  
163.18 firefighter who returns to active service and membership is subject to the service pension  
163.19 calculation requirements under this section.

163.20 (2) A firefighter who has been granted an approved leave of absence not exceeding one  
163.21 year by the fire department or by the relief association is exempt from the minimum period  
163.22 of resumption service requirement of this section.

163.23 (3) A person who has a break in service not exceeding one year but has not been granted  
163.24 an approved leave of absence and who has not received a service pension or disability benefit  
163.25 may be made exempt from the minimum period of resumption service requirement of this  
163.26 section by the relief association bylaws.

163.27 (4) If the bylaws so provide, a firefighter who returns to active relief association  
163.28 membership under this paragraph may continue to collect a monthly service pension,  
163.29 notwithstanding the service pension eligibility requirements under chapter 424A.

163.30 (c) If a former firefighter who has received a service pension or disability benefit returns  
163.31 to active relief association membership under paragraph (b), the firefighter may qualify for  
163.32 the receipt of a service pension from the relief association for the resumption service period  
163.33 if the firefighter meets the service requirements of section 424A.016, subdivision 3, or

164.1 424A.02, subdivision 2. No firefighter may be paid a service pension more than once for  
164.2 the same period of service.

164.3 (d) If a former firefighter who has not received a service pension or disability benefit  
164.4 returns to active relief association membership under paragraph (b), the firefighter may  
164.5 qualify for the receipt of a service pension from the relief association for the original and  
164.6 resumption service periods if the firefighter meets the service requirements of section  
164.7 424A.016, subdivision 3, or 424A.02, subdivision 2, based on the original and resumption  
164.8 years of service credit.

164.9 (e) A firefighter who returns to active lump-sum relief association membership under  
164.10 paragraph (b) and who qualifies for a service pension under paragraph (c) must have, upon  
164.11 a subsequent cessation of duties, any service pension for the resumption service period  
164.12 calculated as a separate benefit. If a lump-sum service pension had been paid to the firefighter  
164.13 upon the firefighter's previous cessation of duties, a second lump-sum service pension for  
164.14 the resumption service period must be calculated by applying the service pension amount  
164.15 in effect on the date of the firefighter's termination of the resumption service for all years  
164.16 of the resumption service.

164.17 (f) A firefighter who had not been paid a lump-sum service pension returns to active  
164.18 relief association membership under paragraph (b), who did not meet the minimum period  
164.19 of resumption service requirement specified in the relief association's bylaws, but who does  
164.20 meet the minimum service requirement of section 424A.02, subdivision 2, based on the  
164.21 firefighter's original and resumption years of active service, must have, upon a subsequent  
164.22 cessation of duties, a service pension for the original and resumption service periods  
164.23 calculated by applying the service pension amount in effect on the date of the firefighter's  
164.24 termination of the resumption service, or, if the bylaws so provide, based on the service  
164.25 pension amount in effect on the date of the firefighter's previous cessation of duties. The  
164.26 service pension for a firefighter who returns to active lump-sum relief association membership  
164.27 under this paragraph, but who had met the minimum period of resumption service requirement  
164.28 specified in the relief association's bylaws, must be calculated by applying the service  
164.29 pension amount in effect on the date of the firefighter's termination of the resumption service.

164.30 (g) If a firefighter receiving a monthly benefit service pension returns to active monthly  
164.31 benefit relief association membership under paragraph (b), and if the relief association  
164.32 bylaws do not allow for the firefighter to continue collecting a monthly service pension,  
164.33 any monthly benefit service pension payable to the firefighter is suspended as of the first  
164.34 day of the month next following the date on which the firefighter returns to active  
164.35 membership. If the firefighter was receiving a monthly benefit service pension, and qualifies

165.1 for a service pension under paragraph (c), the firefighter is entitled to an additional monthly  
165.2 benefit service pension upon a subsequent cessation of duties calculated based on the  
165.3 resumption service credit and the service pension accrual amount in effect on the date of  
165.4 the termination of the resumption service. A suspended initial service pension resumes as  
165.5 of the first of the month next following the termination of the resumption service. If the  
165.6 firefighter was not receiving a monthly benefit service pension and meets the minimum  
165.7 service requirement of section 424A.02, subdivision 2, a service pension must be calculated  
165.8 by applying the service pension amount in effect on the date of the firefighter's termination  
165.9 of the resumption service for all years of service credit.

165.10 (h) A firefighter who was not receiving a monthly benefit service pension returns to  
165.11 active relief association membership under paragraph (b), who did not meet the minimum  
165.12 period of resumption service requirement specified in the relief association's bylaws, but  
165.13 who does meet the minimum service requirement of section 424A.02, subdivision 2, based  
165.14 on the firefighter's original and resumption years of active service, must have, upon a  
165.15 subsequent cessation of duties, a service pension for the original and resumption service  
165.16 periods calculated by applying the service pension amount in effect on the date of the  
165.17 firefighter's termination of the resumption service, or, if the bylaws so provide, based on  
165.18 the service pension amount in effect on the date of the firefighter's previous cessation of  
165.19 duties. The service pension for a firefighter who returns to active relief association  
165.20 membership under this paragraph, but who had met the minimum period of resumption  
165.21 service requirement specified in the relief association's bylaws, must be calculated by  
165.22 applying the service pension amount in effect on the date of the firefighter's termination of  
165.23 the resumption service.

165.24 (i) For defined contribution plans, a firefighter who returns to active relief association  
165.25 membership under paragraph (b) and who qualifies for a service pension under paragraph  
165.26 (c) or (d) must have, upon a subsequent cessation of duties, any service pension for the  
165.27 resumption service period calculated as a separate benefit. If a service pension had been  
165.28 paid to the firefighter upon the firefighter's previous cessation of duties, and if the firefighter  
165.29 meets the minimum service requirement of section 424A.016, subdivision 3, based on the  
165.30 resumption years of service, a second service pension for the resumption service period  
165.31 must be calculated to include allocations credited to the firefighter's individual account  
165.32 during the resumption period of service and deductions for administrative expenses, if  
165.33 applicable.

165.34 (j) For defined contribution plans, if a firefighter who had not been paid a service pension  
165.35 returns to active relief association membership under paragraph (b), and who meets the

166.1 minimum service requirement of section 424A.016, subdivision 3, based on the firefighter's  
166.2 original and resumption years of service, must have, upon a subsequent cessation of duties,  
166.3 a service pension for the original and resumption service periods calculated to include  
166.4 allocations credited to the firefighter's individual account during the original and resumption  
166.5 periods of service and deductions for administrative expenses, if applicable, less any amounts  
166.6 previously forfeited under section 424A.016, subdivision 4.

166.7 **EFFECTIVE DATE.** This section is effective January 1, 2019.

166.8 Sec. 13. Minnesota Statutes 2016, section 424A.015, subdivision 1, is amended to read:

166.9 Subdivision 1. **Separation from active service; exception.** (a) No service pension is  
166.10 payable to a person while the person remains an active member of the respective fire  
166.11 department, and a person who is receiving a service pension is not entitled to receive any  
166.12 other benefits from the special fund of the relief association.

166.13 (b) No relief association as defined in section 424A.001, subdivision 4, may pay a service  
166.14 pension or disability benefit to a former member of the relief association if that person has  
166.15 not separated from active service with the fire department to which the relief association is  
166.16 directly associated, unless:

166.17 (1) the person discontinues volunteer firefighter duties with the ~~municipality or the~~  
166.18 ~~independent nonprofit firefighting corporation, whichever applies,~~ fire department and  
166.19 performs duties within the municipal fire department or corporation on a full-time basis;

166.20 (2) the governing body of the municipality ~~or~~ of the independent nonprofit firefighting  
166.21 corporation, or of the joint powers entity has filed its determination with the board of trustees  
166.22 of the relief association that the person's experience with and service to the fire department  
166.23 in that person's full-time capacity would be difficult to replace; and

166.24 (3) the bylaws of the relief association were amended to provide for the payment of a  
166.25 service pension or disability benefit for such full-time employees.

166.26 **EFFECTIVE DATE.** This section is effective January 1, 2019.

166.27 Sec. 14. Minnesota Statutes 2016, section 424A.015, is amended by adding a subdivision  
166.28 to read:

166.29 **Subd. 7. Combined service pensions.** (a) A volunteer firefighter with credit for service  
166.30 as an active firefighter in more than one volunteer firefighters relief association is entitled  
166.31 to a prorated service pension from each relief association if:

167.1 (1) the articles of incorporation or bylaws of the relief associations provide;

167.2 (2) the applicable requirements of paragraphs (b) and (c) are met; and

167.3 (3) the volunteer firefighter otherwise qualifies.

167.4 (b) A volunteer firefighter receiving a prorated service pension under this subdivision  
 167.5 must have a total combined amount of service credit from the two or more relief associations  
 167.6 of ten years or more, unless the bylaws of every affected relief association specify less than  
 167.7 a ten-year service vesting requirement, in which case, the total amount of required service  
 167.8 credit is the longest service vesting requirement of the relief associations. The member must  
 167.9 have one year or more of service credit in each relief association. The prorated service  
 167.10 pension must be based on:

167.11 (1) for defined benefit relief associations, the service pension amount in effect for the  
 167.12 relief association on the date on which active volunteer firefighting services covered by that  
 167.13 relief association terminate; and

167.14 (2) for defined contribution relief associations, the member's individual account balance  
 167.15 on the date on which active volunteer firefighting services covered by that relief association  
 167.16 terminate.

167.17 (c) To receive a prorated service pension under this subdivision, the firefighter must  
 167.18 become a member of the second or succeeding association and must give notice of  
 167.19 membership to the prior association within two years of the date of termination of active  
 167.20 service with the prior association. The second or subsequent relief association secretary  
 167.21 must certify the notice.

167.22 **EFFECTIVE DATE.** This section is effective January 1, 2019.

167.23 Sec. 15. Minnesota Statutes 2016, section 424A.016, subdivision 2, is amended to read:

167.24 Subd. 2. **Defined contribution service pension eligibility.** (a) A relief association,  
 167.25 when its articles of incorporation or bylaws so provide, may pay out of the assets of its  
 167.26 special fund a defined contribution service pension to each of its members who:

167.27 (1) separates from active service with the fire department;

167.28 (2) reaches age 50;

167.29 (3) completes at least five years of active service as an active member of the ~~municipal~~  
 167.30 fire department to which the relief association is associated;

168.1 (4) completes at least five years of active membership with the relief association before  
168.2 separation from active service; and

168.3 (5) complies with any additional conditions as to age, service, and membership that are  
168.4 prescribed by the bylaws of the relief association.

168.5 (b) In the case of a member who has completed at least five years of active service as  
168.6 an active member of the fire department to which the relief association is associated on the  
168.7 date that the relief association is established and incorporated, the requirement that the  
168.8 member complete at least five years of active membership with the relief association before  
168.9 separation from active service may be waived by the board of trustees of the relief association  
168.10 if the member completes at least five years of inactive membership with the relief association  
168.11 before the date of the payment of the service pension. During the period of inactive  
168.12 membership, the member is not entitled to receive any disability benefit coverage, is not  
168.13 entitled to receive additional individual account allocation of fire state aid or municipal  
168.14 contribution towards a service pension, and is considered to have the status of a person  
168.15 entitled to a deferred service pension.

168.16 (c) The service pension earned by a volunteer under this chapter and the articles of  
168.17 incorporation and bylaws of the relief association may be paid whether or not the municipality  
168.18 or independent nonprofit firefighting corporation to which the relief association is associated  
168.19 qualifies for the receipt of fire state aid under chapter 69.

168.20 **EFFECTIVE DATE.** This section is effective January 1, 2019.

168.21 Sec. 16. Minnesota Statutes 2016, section 424A.02, subdivision 1, is amended to read:

168.22 Subdivision 1. **Authorization.** (a) A defined benefit relief association, when its articles  
168.23 of incorporation or bylaws so provide, may pay out of the assets of its special fund a defined  
168.24 benefit service pension to each of its members who: (1) separates from active service with  
168.25 the fire department; (2) reaches age 50; (3) completes at least five years of active service  
168.26 as an active member of the ~~municipal~~ fire department to which the relief association is  
168.27 associated; (4) completes at least five years of active membership with the relief association  
168.28 before separation from active service; and (5) complies with any additional conditions as  
168.29 to age, service, and membership that are prescribed by the bylaws of the relief association.  
168.30 A service pension computed under this section may be prorated monthly for fractional years  
168.31 of service as the bylaws or articles of incorporation of the relief association so provide. The  
168.32 bylaws or articles of incorporation may define a "month," but the definition must require a  
168.33 calendar month to have at least 16 days of active service. If the bylaws or articles of  
168.34 incorporation do not define a "month," a "month" is a completed calendar month of active



169.1 service measured from the member's date of entry to the same date in the subsequent month.  
169.2 The service pension earned by a volunteer firefighter under this chapter and the articles of  
169.3 incorporation and bylaws of the volunteer firefighters relief association may be paid whether  
169.4 or not the municipality or independent nonprofit firefighting corporation to which the relief  
169.5 association is associated qualifies for the receipt of fire state aid under chapter 69.

169.6 (b) In the case of a member who has completed at least five years of active service as  
169.7 an active member of the fire department to which the relief association is associated on the  
169.8 date that the relief association is established and incorporated, the requirement that the  
169.9 member complete at least five years of active membership with the relief association before  
169.10 separation from active service may be waived by the board of trustees of the relief association  
169.11 if the member completes at least five years of inactive membership with the relief association  
169.12 before the date of the payment of the service pension. During the period of inactive  
169.13 membership, the member is not entitled to receive disability benefit coverage, is not entitled  
169.14 to receive additional service credit towards computation of a service pension, and is  
169.15 considered to have the status of a person entitled to a deferred service pension under  
169.16 subdivision 7.

169.17 (c) No municipality ~~or~~, independent nonprofit firefighting corporation, or joint powers  
169.18 entity may delegate the power to take final action in setting a service pension or ancillary  
169.19 benefit amount or level to the board of trustees of the relief association or to approve in  
169.20 advance a service pension or ancillary benefit amount or level equal to the maximum amount  
169.21 or level that this chapter would allow rather than a specific dollar amount or level.

169.22 **EFFECTIVE DATE.** This section is effective January 1, 2019.

169.23 Sec. 17. Minnesota Statutes 2016, section 424A.02, subdivision 3a, is amended to read:

169.24 Subd. 3a. **Penalty for paying pension greater than applicable maximum.** (a) If a  
169.25 defined benefit relief association pays a service pension greater than the maximum service  
169.26 pension associated with the applicable average amount of available financing per active  
169.27 covered firefighter under the table in subdivision 3, paragraph (c) or (d), whichever applies,  
169.28 the maximum service pension under subdivision 3, paragraph (f), or the applicable maximum  
169.29 service pension amount specified in subdivision 3, paragraph (g), whichever is less, the  
169.30 state auditor shall:

169.31 (1) disqualify the municipality or the independent nonprofit firefighting corporation  
169.32 associated with the relief association from receiving fire state aid by making the appropriate  
169.33 notification to the municipality and the commissioner of revenue, with the disqualification  
169.34 applicable for the next apportionment and payment of fire state aid; and

170.1 (2) order the treasurer of the applicable relief association to recover the amount of the  
170.2 overpaid service pension or pensions from any retired firefighter who received an  
170.3 overpayment.

170.4 (b) Fire state aid amounts from disqualified municipalities for the period of  
170.5 disqualifications under paragraph (a), clause (1), must be credited to the amount of fire  
170.6 insurance premium tax proceeds available for the next subsequent fire state aid  
170.7 apportionment.

170.8 (c) The amount of any overpaid service pension recovered under paragraph (a), clause  
170.9 (2), must be credited to the amount of fire insurance premium tax proceeds available for  
170.10 the next subsequent fire state aid apportionment.

170.11 (d) The determination of the state auditor that a relief association has paid a service  
170.12 pension greater than the applicable maximum must be made on the basis of the information  
170.13 filed by the relief association and the municipality with the state auditor under sections  
170.14 69.011, subdivision 2, and 69.051, subdivision 1 or 1a, whichever applies, and any other  
170.15 relevant information that comes to the attention of the state auditor. The determination of  
170.16 the state auditor is final. An aggrieved municipality, relief association, or person may appeal  
170.17 the determination under section 480A.06.

170.18 (e) The state auditor may certify, upon learning that a relief association overpaid a service  
170.19 pension based on an error in the maximum service pension calculation, the municipality or  
170.20 independent nonprofit firefighting corporation associated with the relief association for fire  
170.21 state aid if (1) there is evidence that the error occurred in good faith, and (2) the relief  
170.22 association has initiated recovery of any overpayment amount. Notwithstanding paragraph  
170.23 (c), all overpayments recovered under this paragraph must be credited to the relief  
170.24 association's special fund.

170.25 **EFFECTIVE DATE.** This section is effective January 1, 2019.

170.26 Sec. 18. Minnesota Statutes 2016, section 424A.02, subdivision 7, is amended to read:

170.27 Subd. 7. **Deferred service pensions.** (a) A member of a defined benefit relief association  
170.28 is entitled to a deferred service pension if the member separates from active service and  
170.29 membership and has completed the minimum service and membership requirements in  
170.30 subdivision 1. The requirement that a member separate from active service and membership  
170.31 is waived for persons who have discontinued their volunteer firefighter duties and who are  
170.32 employed on a full-time basis under section 424A.015, subdivision 1.

171.1 (b) The deferred service pension is payable when the former member reaches at least  
171.2 age 50, or at least the minimum age specified in the bylaws governing the relief association  
171.3 if that age is greater than age 50, and when the former member makes a valid written  
171.4 application.

171.5 (c) A defined benefit relief association that provides a lump-sum service pension governed  
171.6 by subdivision 3 may, when its governing bylaws so provide, pay interest on the deferred  
171.7 lump-sum service pension during the period of deferral. If provided for in the bylaws, interest  
171.8 must be paid in one of the following manners:

171.9 (1) at the investment performance rate actually earned on that portion of the assets if the  
171.10 deferred benefit amount is invested by the relief association in a separate account established  
171.11 and maintained by the relief association;

171.12 (2) at the investment performance rate actually earned on that portion of the assets if the  
171.13 deferred benefit amount is invested in a separate investment vehicle held by the relief  
171.14 association; or

171.15 (3) at an interest rate of up to five percent, compounded annually, as set by the board of  
171.16 trustees.

171.17 (d) Any change in the interest rate set by the board of trustees under paragraph (c), clause  
171.18 (3), must be ratified by the governing body of the municipality or joint powers entity served  
171.19 by the fire department to which the relief association is directly associated, or by the  
171.20 independent nonprofit firefighting corporation, as applicable.

171.21 (e) Interest under paragraph (c), clause (3), is payable beginning on the January 1 next  
171.22 following the date on which the deferred service pension interest rate as set by the board of  
171.23 trustees was ratified by the governing body of the municipality or joint powers entity served  
171.24 by the fire department to which the relief association is directly associated, or by the  
171.25 independent nonprofit firefighting corporation, as applicable.

171.26 (f) Unless the bylaws of a relief association that has elected to pay interest or additional  
171.27 investment performance on deferred lump-sum service pensions under paragraph (c) specifies  
171.28 a different interest or additional investment performance method, including the interest or  
171.29 additional investment performance period starting date and ending date, the interest or  
171.30 additional investment performance on a deferred service pension is creditable as follows:

171.31 (1) for a relief association that has elected to pay interest or additional investment  
171.32 performance under paragraph (c), clause (1) or (3), beginning on the first day of the month  
171.33 next following the date on which the member separates from active service and membership

172.1 and ending on the last day of the month immediately before the month in which the deferred  
172.2 member commences receipt of the deferred service pension; or

172.3 (2) for a relief association that has elected to pay interest or additional investment  
172.4 performance under paragraph (c), clause (2), beginning on the date that the member separates  
172.5 from active service and membership and ending on the date that the separate investment  
172.6 vehicle is valued immediately before the date on which the deferred member commences  
172.7 receipt of the deferred service pension.

172.8 (g) For a deferred service pension that is transferred to a separate account established  
172.9 and maintained by the relief association or separate investment vehicle held by the relief  
172.10 association, the deferred member bears the full investment risk subsequent to transfer and  
172.11 in calculating the accrued liability of the volunteer firefighters relief association that pays  
172.12 a lump-sum service pension, the accrued liability for deferred service pensions is equal to  
172.13 the separate relief association account balance or the fair market value of the separate  
172.14 investment vehicle held by the relief association.

172.15 **EFFECTIVE DATE.** This section is effective January 1, 2019.

172.16 Sec. 19. Minnesota Statutes 2016, section 424A.04, subdivision 1, is amended to read:

172.17 Subdivision 1. **Membership.** (a) A relief association that is directly associated with a  
172.18 municipal fire department must be managed by a board of trustees consisting of nine  
172.19 members. Six trustees must be elected from the membership of the relief association and  
172.20 three trustees must be drawn from the officials of the municipalities served by the fire  
172.21 department to which the relief association is directly associated. The bylaws of a relief  
172.22 association which provides a monthly benefit service pension may provide that one of the  
172.23 six trustees elected from the relief association membership may be a retired member receiving  
172.24 a monthly pension who is elected by the membership of the relief association. The three  
172.25 municipal trustees must be one elected municipal official and one elected or appointed  
172.26 municipal official who are designated as municipal representatives by the municipal  
172.27 governing board annually and the chief of the municipal fire department.

172.28 (b) A relief association that is a subsidiary of an independent nonprofit firefighting  
172.29 corporation must be managed by a board of trustees consisting of nine members. Six trustees  
172.30 must be elected from the membership of the relief association, two trustees must be drawn  
172.31 from the officials of the municipalities served by the fire department to which the relief  
172.32 association is directly associated, and one trustee must be the fire chief serving with the  
172.33 independent nonprofit firefighting corporation. The bylaws of a relief association may  
172.34 provide that one of the six trustees elected from the relief association membership may be

173.1 a retired member receiving a monthly pension who is elected by the membership of the  
173.2 relief association. The two municipal trustees must be elected or appointed municipal  
173.3 officials, selected as follows:

173.4 (1) if only one municipality contracts with the independent nonprofit firefighting  
173.5 corporation, the municipal trustees must be two officials of the contracting municipality  
173.6 who are designated annually by the governing body of the municipality; or

173.7 (2) if two or more municipalities contract with the independent nonprofit corporation,  
173.8 the municipal trustees must be one official from each of the two largest municipalities in  
173.9 population who are designated annually by the governing bodies of the applicable  
173.10 municipalities.

173.11 (c) The municipal trustees for a relief association that is directly associated with a fire  
173.12 department operated as or by a joint powers entity must be the fire chief of the fire department  
173.13 and two trustees designated annually by the joint powers board. The municipal trustees for  
173.14 a relief association that is directly associated with a fire department service area township  
173.15 must be the fire chief of the fire department and two trustees designated by the township  
173.16 board.

173.17 (d) If a relief association lacks the municipal board members provided for in paragraph  
173.18 (a), (b), or (c) because the fire department is not located in or associated with ~~an organized~~  
173.19 ~~a municipality, or joint powers entity, or township,~~ the municipal board members must be  
173.20 the fire chief of the fire department and two board members appointed from the fire  
173.21 department service area by the board of commissioners of the applicable county.

173.22 (e) The term of the appointed municipal board members is one year or until the person's  
173.23 successor is qualified, whichever is later.

173.24 (f) A municipal trustee under paragraph (a), (b), (c), or (d) has all the rights and duties  
173.25 accorded to any other trustee, except the right to be an officer of the relief association board  
173.26 of trustees.

173.27 (g) A board must have at least three officers, who are a president, a secretary and a  
173.28 treasurer. These officers must be elected from among the elected trustees by either the full  
173.29 board of trustees or by the relief association membership, as specified in the bylaws. In no  
173.30 event may any trustee hold more than one officer position at any one time. The terms of the  
173.31 elected trustees and of the officers of the board must be specified in the bylaws of the relief  
173.32 association, but may not exceed three years. If the term of the elected trustees exceeds one  
173.33 year, the election of the various trustees elected from the membership must be staggered  
173.34 on as equal a basis as is practicable.

174.1 **EFFECTIVE DATE.** This section is effective January 1, 2019.

174.2 Sec. 20. Minnesota Statutes 2016, section 424A.07, is amended to read:

174.3 **424A.07 NONPROFIT FIREFIGHTING CORPORATIONS; ESTABLISHMENT**  
174.4 **OF RELIEF ASSOCIATIONS.**

174.5 Before paying any service pensions or retirement benefits under section 424A.02 or  
174.6 before becoming entitled to receive any amounts of fire state aid upon transmittal from a  
174.7 contracting municipality under section 69.031, subdivision 5, a an independent nonprofit  
174.8 firefighting corporation shall establish a volunteer firefighters relief association governed  
174.9 by this chapter.

174.10 **EFFECTIVE DATE.** This section is effective January 1, 2019.

174.11 Sec. 21. Minnesota Statutes 2016, section 424A.091, subdivision 3, is amended to read:

174.12 Subd. 3. **Remedy for noncompliance; determination.** (a) A municipality in which  
174.13 there exists a firefighters relief association as specified in subdivision 1 which does not  
174.14 comply with the applicable provisions of sections 424A.091 to 424A.096 or the provisions  
174.15 of any applicable special law relating to the funding or financing of the association does  
174.16 not qualify initially to receive, and is not entitled subsequently to retain, fire state aid under  
174.17 sections 69.011 to 69.051 until the reason for the disqualification specified by the state  
174.18 auditor is remedied, whereupon the municipality or relief association, if otherwise qualified,  
174.19 is entitled to again receive fire state aid for the year occurring immediately subsequent to  
174.20 the year in which the disqualification is remedied.

174.21 (b) The state auditor shall determine if a municipality to which a firefighters' relief  
174.22 association is directly associated or a firefighters relief association fails to comply with the  
174.23 provisions of sections 424A.091 to 424A.096 or the funding or financing provisions of any  
174.24 applicable special law based upon the information contained in the annual financial report  
174.25 of the firefighters relief association required under section 69.051, the actuarial valuation  
174.26 of the relief association, if applicable, the relief association officers' financial requirements  
174.27 of the relief association and minimum municipal obligation determination documentation  
174.28 under section 424A.092, subdivisions 3 and 4; 424A.093, subdivisions 4 and 5; or 424A.094,  
174.29 subdivision 2, if requested to be filed by the state auditor, the applicable municipal or  
174.30 independent nonprofit firefighting corporation budget, if requested to be filed by the state  
174.31 auditor, and any other relevant documents or reports obtained by the state auditor.

175.1 (c) The municipality or independent nonprofit firefighting corporation and the associated  
175.2 relief association are not eligible to receive or to retain fire state aid if:

175.3 (1) the relief association fails to prepare or to file the financial report or financial  
175.4 statement under section 69.051;

175.5 (2) the relief association treasurer is not bonded in the manner and in the amount required  
175.6 by section 69.051, subdivision 2;

175.7 (3) the relief association officers fail to determine or improperly determine the accrued  
175.8 liability and the annual accruing liability of the relief association under section 424A.092,  
175.9 subdivisions 2, 2a, and 3, paragraph (c), clause (2), if applicable;

175.10 (4) if applicable, the relief association officers fail to obtain and file a required actuarial  
175.11 valuation or the officers file an actuarial valuation that does not contain the special fund  
175.12 actuarial liability calculated under the entry age normal actuarial cost method, the special  
175.13 fund current assets, the special fund unfunded actuarial accrued liability, the special fund  
175.14 normal cost under the entry age normal actuarial cost method, the amortization requirement  
175.15 for the special fund unfunded actuarial accrued liability by the applicable target date, a  
175.16 summary of the applicable benefit plan, a summary of the membership of the relief  
175.17 association, a summary of the actuarial assumptions used in preparing the valuation, and a  
175.18 signed statement by the actuary attesting to its results and certifying to the qualifications of  
175.19 the actuary as an approved actuary under section 356.215, subdivision 1, paragraph (c);

175.20 (5) the municipality failed to provide a municipal contribution, or the independent  
175.21 nonprofit firefighting corporation failed to provide a corporate contribution, in the amount  
175.22 equal to the minimum municipal obligation if the relief association is governed under section  
175.23 424A.092, or the amount necessary, when added to the fire state aid actually received in  
175.24 the plan year in question, to at least equal in total the calculated annual financial requirements  
175.25 of the special fund of the relief association if the relief association is governed under section  
175.26 424A.093, and, if the municipal or corporate contribution is deficient, the municipality  
175.27 failed to include the minimum municipal obligation certified under section 424A.092,  
175.28 subdivision 3, or 424A.093, subdivision 5, in its budget and tax levy or the independent  
175.29 nonprofit firefighting corporation failed to include the minimum corporate obligation certified  
175.30 under section 424A.094, subdivision 2, in the corporate budget;

175.31 (6) the defined benefit relief association did not receive municipal ratification for the  
175.32 most recent plan amendment when municipal ratification was required under section 424A.02,  
175.33 subdivision 10; 424A.092, subdivision 6; or 424A.093, subdivision 6;

176.1 (7) the relief association invested special fund assets in an investment security that is  
176.2 not authorized under section 424A.095;

176.3 (8) the relief association had an administrative expense that is not authorized under  
176.4 section 69.80 or 424A.05, subdivision 3, or the municipality had an expenditure that is not  
176.5 authorized under section 424A.08;

176.6 (9) the relief association officers fail to provide a complete and accurate public pension  
176.7 plan investment portfolio and performance disclosure under section 356.219;

176.8 (10) the relief association fails to obtain the acknowledgment from a broker of the  
176.9 statement of investment restrictions under section 356A.06, subdivision 8b;

176.10 (11) the relief association officers permitted to occur a prohibited transaction under  
176.11 section 356A.06, subdivision 9, or 424A.04, subdivision 2a, or failed to undertake correction  
176.12 of a prohibited transaction that did occur; or

176.13 (12) the relief association pays a defined benefit service pension in an amount that is in  
176.14 excess of the applicable service pension maximum under section 424A.02, subdivision 3.

176.15 **EFFECTIVE DATE.** This section is effective January 1, 2019.

176.16 Sec. 22. Minnesota Statutes 2016, section 424A.094, subdivision 3, is amended to read:

176.17 Subd. 3. **Authorized pension disbursements.** Authorized disbursements of assets of  
176.18 the special fund of the subsidiary relief association of the independent nonprofit firefighting  
176.19 corporation shall be governed by the provisions of section 424A.05.

176.20 **EFFECTIVE DATE.** This section is effective January 1, 2019.

176.21 Sec. 23. Minnesota Statutes 2016, section 424A.10, subdivision 1, is amended to read:

176.22 Subdivision 1. **Definitions.** For purposes of this section:

176.23 (1) "qualified recipient" means ~~an individual~~ a volunteer firefighter who receives a  
176.24 lump-sum distribution of pension or retirement benefits from a volunteer firefighters relief  
176.25 association or from the voluntary statewide lump-sum volunteer firefighter retirement plan  
176.26 ~~for service that the individual has performed as a volunteer firefighter;~~

176.27 (2) "survivor of a deceased active or deferred volunteer firefighter" means the surviving  
176.28 spouse of a deceased active or deferred volunteer firefighter or, if none, the surviving child  
176.29 or children of a deceased active or deferred volunteer firefighter;

176.30 (3) "active volunteer firefighter" means a person who:



177.1 (i) regularly renders fire suppression service, the performance or supervision of authorized  
 177.2 fire prevention duties, or the performance or supervision of authorized emergency medical  
 177.3 response activities for a municipal fire department or an independent nonprofit firefighting  
 177.4 corporation, who;

177.5 (ii) has met the statutory and other requirements for relief association membership; and  
 177.6 who

177.7 (iii) is deemed by the relief association under law and its bylaws to be a fully qualified  
 177.8 member of the relief association or from the voluntary statewide lump-sum volunteer  
 177.9 firefighter retirement plan for at least one month; and

177.10 (4) "deferred volunteer firefighter" means a former active volunteer firefighter who:

177.11 (i) terminated active firefighting service, the performance or supervision of authorized  
 177.12 fire prevention duties, or the performance or supervision of authorized emergency medical  
 177.13 response activities; and

177.14 (ii) has sufficient service credit from the applicable relief association or from the voluntary  
 177.15 statewide lump-sum volunteer firefighter retirement plan to be entitled to a service pension  
 177.16 under the bylaws of the relief association, but has not applied for or has not received the  
 177.17 service pension; and

177.18 (5) "volunteer firefighter" includes an individual whose services were utilized to perform  
 177.19 or supervise fire prevention duties if authorized under section 424A.01, subdivision 5, and  
 177.20 individuals whose services were used to perform emergency medical response duties or  
 177.21 supervise emergency medical response activities if authorized under section 424A.01,  
 177.22 subdivision 5a.

177.23 **EFFECTIVE DATE.** This section is effective January 1, 2019.

177.24 Sec. 24. Minnesota Statutes 2016, section 424B.20, subdivision 4, is amended to read:

177.25 Subd. 4. **Benefit trust fund establishment.** (a) After the settlement of nonbenefit legal  
 177.26 obligations of the special fund of the volunteer firefighters relief association under subdivision  
 177.27 3, the board of the relief association shall transfer the remaining assets of the special fund,  
 177.28 as securities or in cash, as applicable, to the chief financial official of the municipality in  
 177.29 which the associated fire department was located if the fire department was a municipal fire  
 177.30 department or to the chief financial official of the municipality with the largest population  
 177.31 served by the fire department if the fire department was an independent nonprofit firefighting  
 177.32 corporation. If the fire department was a joint powers entity, the remaining assets of the  
 177.33 special fund shall be transferred to the chief financial official of the municipality designated

178.1 as the fiscal agent in the joint powers agreement or, if the agreement does not designate a  
178.2 municipality as the fiscal agent, the remaining assets of the special fund shall be transferred  
178.3 to the chief financial official of the municipality with the largest population served by the  
178.4 joint powers fire department. The board shall also compile a schedule of the relief association  
178.5 members to whom a service pension is or will be owed, any beneficiary to whom a benefit  
178.6 is owed, the amount of the service pension or benefit payable based on the applicable bylaws  
178.7 and state law and the service rendered to the date of the dissolution, and the date on which  
178.8 the pension or benefit would first be payable under the bylaws of the relief association and  
178.9 state law.

178.10 (b) The municipality ~~in which is located~~ receiving the remaining assets of the special  
178.11 fund of a volunteer firefighters relief association that is dissolving under this section shall  
178.12 establish a separate account in the municipal treasury which must function as a trust fund  
178.13 for members of the volunteer firefighters relief association and their beneficiaries to whom  
178.14 the volunteer firefighters relief association owes a service pension or other benefit under  
178.15 the bylaws of the relief association and state law. Upon proper application, on or after the  
178.16 initial date on which the service pension or benefit is payable, the municipal treasurer shall  
178.17 pay the pension or benefit due, based on the schedule prepared under paragraph (a) and the  
178.18 other records of the dissolved relief association. The trust fund under this section must be  
178.19 invested and managed consistent with chapter 356A and section 424A.095. Upon payment  
178.20 of the last service pension or benefit due and owing, any remaining assets in the trust fund  
178.21 cancel to the general fund of the municipality- or, if the fire department was a joint powers  
178.22 entity, any remaining assets in the trust fund cancel to the general fund of each municipality  
178.23 that was a contracting party to the joint powers agreement as specified in the joint powers  
178.24 agreement. If the joint powers agreement does not specify how the remaining assets are to  
178.25 be distributed among the contracting parties, each of the contracting parties shall receive a  
178.26 pro rata share of the remaining assets based on the proportion of total operating contributions  
178.27 each contracting municipality made to the joint powers entity over the most recent ten  
178.28 calendar years. If the special fund of the volunteer firefighters relief association had an  
178.29 unfunded actuarial accrued liability upon dissolution, the municipality is liable for that  
178.30 unfunded actuarial accrued liability. If the fire department was a joint powers entity, the  
178.31 contracting municipalities are liable for their share of the unfunded actuarial accrued liability  
178.32 as specified in the joint powers agreement. If the joint powers agreement does not specify  
178.33 liability for any unfunded actuarial accrued liability, the contracting municipalities are liable  
178.34 for their pro rata share of the unfunded actuarial accrued liability based on the proportion  
178.35 of total operating contributions each contracting municipality made to the joint powers  
178.36 entity over the most recent ten calendar years.

179.1 **EFFECTIVE DATE.** This section is effective January 1, 2019.

179.2 Sec. 25. Minnesota Statutes 2016, section 424B.20, is amended by adding a subdivision  
179.3 to read:

179.4 Subd. 4a. **Disposition of surplus assets upon dissolution of certain volunteer**  
179.5 **firefighters relief associations.** Notwithstanding any provision to the contrary in subdivision  
179.6 4, if a volunteer firefighters relief association provides a lump-sum service pension equal  
179.7 to \$9,500 or more for each year of service as of the effective date of this section, upon  
179.8 dissolution under this section and payment of the last service pension or benefit due and  
179.9 owing, any remaining assets in the trust fund cancel as follows:

179.10 (1) if the municipality was required to make contributions to the relief association under  
179.11 chapter 424A at any time during the ten years preceding the effective date of this section,  
179.12 the remaining assets cancel to the general fund of the municipality; or

179.13 (2) if the municipality was not required to make contributions to the relief association  
179.14 under chapter 424A at any time during the ten years preceding the effective date of this  
179.15 section, the remaining assets cancel to the general fund of the state.

179.16 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
179.17 applies to dissolutions initiated retroactive to May 8, 2018.

179.18 Sec. 26. **CITY OF AUSTIN; ALLOCATION OF FIRE STATE AID FOR**  
179.19 **FIREFIGHTERS.**

179.20 (a) Notwithstanding any law to the contrary, the city of Austin must annually:

179.21 (1) determine the amount of state aid required under the bylaws of the Austin Parttime  
179.22 Firefighters Relief Association to fund the volunteer firefighters' service pensions;

179.23 (2) transmit to the Austin Parttime Firefighters Relief Association any supplemental  
179.24 state aid received under Minnesota Statutes, section 423A.022;

179.25 (3) transmit to the Austin Parttime Firefighters Relief Association an amount of fire  
179.26 state aid under Minnesota Statutes, sections 69.011 to 69.051, equal to the difference between  
179.27 the amount determined under clause (1) and the amount transmitted under clause (2); and

179.28 (4) transmit the remaining balance of fire state aid under Minnesota Statutes, sections  
179.29 69.011 to 69.051, for the payment of the employer contribution requirements for firefighters  
179.30 covered by the public employees police and fire retirement plan under Minnesota Statutes,  
179.31 section 353.65, subdivision 3.

180.1 (b) Notwithstanding Minnesota Statutes, section 69.031, subdivision 5, the city of Austin  
180.2 has no liability to the relief association related to payments it made or will make to the  
180.3 public employees police and fire retirement plan from fire state aid for 2013, 2014, 2015,  
180.4 2016, 2017, and 2018.

180.5 (c) This section expires July 1, 2019.

180.6 **EFFECTIVE DATE.** This section is effective the day after the governing body of the  
180.7 city of Austin and its chief clerical officer comply with Minnesota Statutes, section 645.021,  
180.8 subdivisions 2 and 3, and applies retroactively from January 1, 2013.

180.9 **Sec. 27. FIRE STATE AID WORK GROUP.**

180.10 (a) The executive director of the Public Employees Retirement Association shall convene  
180.11 a Fire State Aid Work Group to study and make recommendations to the Legislative  
180.12 Commission on Pensions and Retirement on:

180.13 (1) the current requirement that all fire state aid provided to municipalities with  
180.14 firefighters as defined in Minnesota Statutes, section 353G.01, subdivision 15, or 424A.001,  
180.15 subdivision 10, must be used to fund service pensions governed by Minnesota Statutes,  
180.16 chapter 353G or 424A; and

180.17 (2) modifying the requirement to allow municipalities to allocate a portion of fire state  
180.18 aid to pay employer contributions on behalf of firefighters covered by the public employees  
180.19 police and fire retirement plan under Minnesota Statutes, section 353.65, subdivision 3.

180.20 (b) In making recommendations with information provided by Public Employees  
180.21 Retirement Association and Legislative Commission on Pensions and Retirement staff, the  
180.22 work group shall consider:

180.23 (1) the history and purpose of fire state aid;

180.24 (2) the history, purpose, and utilization of Minnesota Statutes 2012, section 353A.10,  
180.25 subdivision 6, which allowed certain municipalities to allocate a portion of fire state aid to  
180.26 pay public employees police and fire employer contributions;

180.27 (3) the impact on current volunteer firefighters, volunteer firefighter recruitment and  
180.28 retention, and municipalities if fire state aid is allocated between service pensions and public  
180.29 employees police and fire employer contributions; and

180.30 (4) a presentation by a city of Austin official and a representative from the Austin Parttime  
180.31 Firefighters Relief Association on the city of Austin's current allocation of fire state aid.

180.32 (c) Members of the work group shall include:

- 181.1 (1) two representatives of Minnesota cities, appointed by the League of Minnesota Cities;
- 181.2 (2) two representatives of Minnesota fire chiefs, who are fire chiefs from fire departments
- 181.3 with both volunteer firefighters covered by either a volunteer firefighter relief association
- 181.4 governed by Minnesota Statutes, chapter 424A, or the voluntary statewide volunteer
- 181.5 firefighter retirement plan governed by Minnesota Statutes, chapter 353G, and firefighters
- 181.6 covered by the public employees police and fire retirement plan governed by Minnesota
- 181.7 Statutes, section 353.64, appointed by the Minnesota State Fire Chiefs Association;
- 181.8 (3) two representatives of Minnesota volunteer firefighters, who are active volunteer
- 181.9 firefighters, appointed by the Minnesota State Fire Departments Association;
- 181.10 (4) one representative of the Office of the State Auditor, designated by the state auditor;
- 181.11 and
- 181.12 (5) one representative of the Department of Revenue, designated by the commissioner
- 181.13 of revenue.
- 181.14 (d) The work group shall elect a chair from among its members.
- 181.15 (e) The work group shall submit a report by December 31, 2018, that contains the work
- 181.16 group's recommendations to the chair, vice-chair, and executive director of the Legislative
- 181.17 Commission on Pensions and Retirement. The report shall include recommendations
- 181.18 regarding:
- 181.19 (1) municipalities allocating a portion of fire state aid to pay employer contributions to
- 181.20 the public employees police and fire retirement plan;
- 181.21 (2) implementation of policies if fire state aid is divided, including the determination
- 181.22 of:
- 181.23 (i) the entities that will decide how the fire state aid is allocated;
- 181.24 (ii) how the allocation will be documented;
- 181.25 (iii) how the allocation may be amended, if at all;
- 181.26 (iv) what entity allocates the fire state aid; and
- 181.27 (v) whether a government agency must monitor and enforce the allocation;
- 181.28 (3) the scope of allowable allocations of fire state aid; and
- 181.29 (4) other issues the work group determines are relevant.
- 181.30 (e) The work group expires the day following the last day of the 2019 legislative session.

182.1 **EFFECTIVE DATE.** This section is effective June 30, 2018.

182.2 Sec. 28. **EDEN PRAIRIE VOLUNTEER FIREFIGHTERS RELIEF ASSOCIATION**  
 182.3 **SERVICE PENSIONS.**

182.4 Subdivision 1. **Lump-sum service pension maximum.** (a) Notwithstanding any provision  
 182.5 of Minnesota Statutes, section 424A.02, subdivision 3, paragraph (d), to the contrary, the  
 182.6 maximum lump-sum pension amount for each year of service credited that may be provided  
 182.7 for in the bylaws of the Eden Prairie volunteer firefighters relief association is the maximum  
 182.8 service pension figure corresponding to the average amount of available financing per active  
 182.9 covered firefighter for the applicable specified period:

182.10 <u>Minimum Average Amount of Available Financing</u>	182.11 <u>per Firefighter</u>	182.12 <u>Maximum Lump-Sum Service</u>	182.13 <u>Pension Amount Payable for Each</u>	182.14 <u>Year of Service</u>
	182.15 \$ ...		182.16 \$ 10	
	182.17 11		182.18 20	
	182.19 16		182.20 30	
	182.21 23		182.22 40	
	182.23 27		182.24 50	
	182.25 32		182.26 60	
	182.27 43		182.28 80	
	182.29 54		182.30 100	
	182.31 65		182.32 120	
	182.33 77		182.34 140	
	182.35 86		182.36 160	
	182.37 97		182.38 180	
	182.39 108		182.40 200	
	182.41 131		182.42 240	
	182.43 151		182.44 280	
	182.45 173		182.46 320	
	182.47 194		182.48 360	
	182.49 216		182.50 400	
	182.51 239		182.52 440	
	182.53 259		182.54 480	
	182.55 281		182.56 520	
	182.57 302		182.58 560	
	182.59 324		182.60 600	
	182.61 347		182.62 640	
	182.63 367		182.64 680	

183.1	<u>389</u>	<u>720</u>
183.2	<u>410</u>	<u>760</u>
183.3	<u>432</u>	<u>800</u>
183.4	<u>486</u>	<u>900</u>
183.5	<u>540</u>	<u>1000</u>
183.6	<u>594</u>	<u>1100</u>
183.7	<u>648</u>	<u>1200</u>
183.8	<u>702</u>	<u>1300</u>
183.9	<u>756</u>	<u>1400</u>
183.10	<u>810</u>	<u>1500</u>
183.11	<u>864</u>	<u>1600</u>
183.12	<u>918</u>	<u>1700</u>
183.13	<u>972</u>	<u>1800</u>
183.14	<u>1026</u>	<u>1900</u>
183.15	<u>1080</u>	<u>2000</u>
183.16	<u>1134</u>	<u>2100</u>
183.17	<u>1188</u>	<u>2200</u>
183.18	<u>1242</u>	<u>2300</u>
183.19	<u>1296</u>	<u>2400</u>
183.20	<u>1350</u>	<u>2500</u>
183.21	<u>1404</u>	<u>2600</u>
183.22	<u>1458</u>	<u>2700</u>
183.23	<u>1512</u>	<u>2800</u>
183.24	<u>1566</u>	<u>2900</u>
183.25	<u>1620</u>	<u>3000</u>
183.26	<u>1672</u>	<u>3100</u>
183.27	<u>1726</u>	<u>3200</u>
183.28	<u>1753</u>	<u>3250</u>
183.29	<u>1780</u>	<u>3300</u>
183.30	<u>1820</u>	<u>3375</u>
183.31	<u>1834</u>	<u>3400</u>
183.32	<u>1888</u>	<u>3500</u>
183.33	<u>1942</u>	<u>3600</u>
183.34	<u>1996</u>	<u>3700</u>
183.35	<u>2023</u>	<u>3750</u>
183.36	<u>2050</u>	<u>3800</u>
183.37	<u>2104</u>	<u>3900</u>
183.38	<u>2158</u>	<u>4000</u>

184.1	<u>2212</u>	<u>4100</u>
184.2	<u>2265</u>	<u>4200</u>
184.3	<u>2319</u>	<u>4300</u>
184.4	<u>2373</u>	<u>4400</u>
184.5	<u>2427</u>	<u>4500</u>
184.6	<u>2481</u>	<u>4600</u>
184.7	<u>2535</u>	<u>4700</u>
184.8	<u>2589</u>	<u>4800</u>
184.9	<u>2643</u>	<u>4900</u>
184.10	<u>2697</u>	<u>5000</u>
184.11	<u>2751</u>	<u>5100</u>
184.12	<u>2805</u>	<u>5200</u>
184.13	<u>2859</u>	<u>5300</u>
184.14	<u>2913</u>	<u>5400</u>
184.15	<u>2967</u>	<u>5500</u>
184.16	<u>3021</u>	<u>5600</u>
184.17	<u>3075</u>	<u>5700</u>
184.18	<u>3129</u>	<u>5800</u>
184.19	<u>3183</u>	<u>5900</u>
184.20	<u>3237</u>	<u>6000</u>
184.21	<u>3291</u>	<u>6100</u>
184.22	<u>3345</u>	<u>6200</u>
184.23	<u>3399</u>	<u>6300</u>
184.24	<u>3453</u>	<u>6400</u>
184.25	<u>3507</u>	<u>6500</u>
184.26	<u>3561</u>	<u>6600</u>
184.27	<u>3615</u>	<u>6700</u>
184.28	<u>3669</u>	<u>6800</u>
184.29	<u>3723</u>	<u>6900</u>
184.30	<u>3777</u>	<u>7000</u>
184.31	<u>3831</u>	<u>7100</u>
184.32	<u>3885</u>	<u>7200</u>
184.33	<u>3939</u>	<u>7300</u>
184.34	<u>3993</u>	<u>7400</u>
184.35	<u>4047</u>	<u>7500</u>
184.36	<u>4101</u>	<u>7600</u>
184.37	<u>4155</u>	<u>7700</u>
184.38	<u>4209</u>	<u>7800</u>



185.1	<u>4263</u>	<u>7900</u>
185.2	<u>4317</u>	<u>8000</u>
185.3	<u>4371</u>	<u>8100</u>
185.4	<u>4425</u>	<u>8200</u>
185.5	<u>4479</u>	<u>8300</u>
185.6	<u>4533</u>	<u>8400</u>
185.7	<u>4587</u>	<u>8500</u>
185.8	<u>4641</u>	<u>8600</u>
185.9	<u>4695</u>	<u>8700</u>
185.10	<u>4749</u>	<u>8800</u>
185.11	<u>4803</u>	<u>8900</u>
185.12	<u>4857</u>	<u>9000</u>
185.13	<u>4911</u>	<u>9100</u>
185.14	<u>4965</u>	<u>9200</u>
185.15	<u>5019</u>	<u>9300</u>
185.16	<u>5073</u>	<u>9400</u>
185.17	<u>5127</u>	<u>9500</u>
185.18	<u>5181</u>	<u>9600</u>
185.19	<u>5235</u>	<u>9700</u>
185.20	<u>5289</u>	<u>9800</u>
185.21	<u>5343</u>	<u>9900</u>
185.22	<u>5397</u>	<u>10,000</u>
185.23	<u>5451</u>	<u>10,100</u>
185.24	<u>5505</u>	<u>10,200</u>
185.25	<u>5559</u>	<u>10,300</u>
185.26	<u>5613</u>	<u>10,400</u>
185.27	<u>5667</u>	<u>10,500</u>
185.28	<u>5721</u>	<u>10,600</u>
185.29	<u>5775</u>	<u>10,700</u>
185.30	<u>5729</u>	<u>10,800</u>
185.31	<u>5883</u>	<u>10,900</u>
185.32	<u>5937</u>	<u>11,000</u>
185.33	<u>5991</u>	<u>11,100</u>
185.34	<u>6045</u>	<u>11,200</u>
185.35	<u>6099</u>	<u>11,300</u>
185.36	<u>6153</u>	<u>11,400</u>
185.37	<u>6207</u>	<u>11,500</u>
185.38	<u>6261</u>	<u>11,600</u>

186.1	<u>6315</u>	<u>11,700</u>
186.2	<u>6369</u>	<u>11,800</u>
186.3	<u>6423</u>	<u>11,900</u>
186.4	<u>6477</u>	<u>12,000</u>
186.5	<u>6531</u>	<u>12,100</u>
186.6	<u>6585</u>	<u>12,200</u>
186.7	<u>6639</u>	<u>12,300</u>
186.8	<u>6693</u>	<u>12,400</u>
186.9	<u>6747</u>	<u>12,500</u>
186.10	<u>6801</u>	<u>12,600</u>
186.11	<u>6855</u>	<u>12,700</u>
186.12	<u>6909</u>	<u>12,800</u>
186.13	<u>6963</u>	<u>12,900</u>
186.14	<u>7017</u>	<u>13,000</u>
186.15	<u>7071</u>	<u>13,100</u>
186.16	<u>7125</u>	<u>13,200</u>
186.17	<u>7179</u>	<u>13,300</u>
186.18	<u>7233</u>	<u>13,400</u>
186.19	<u>7287</u>	<u>13,500</u>
186.20	<u>7341</u>	<u>13,600</u>
186.21	<u>7395</u>	<u>13,700</u>
186.22	<u>7449</u>	<u>13,800</u>
186.23	<u>7503</u>	<u>13,900</u>
186.24	<u>7557</u>	<u>14,000</u>
186.25	<u>7611</u>	<u>14,100</u>
186.26	<u>7665</u>	<u>14,200</u>
186.27	<u>7719</u>	<u>14,300</u>
186.28	<u>7773</u>	<u>14,400</u>
186.29	<u>7827</u>	<u>14,500</u>
186.30	<u>7881</u>	<u>14,600</u>
186.31	<u>7935</u>	<u>14,700</u>
186.32	<u>7989</u>	<u>14,800</u>
186.33	<u>8043</u>	<u>14,900</u>
186.34	<u>8097</u>	<u>15,000</u>
186.35	<u>Any amount in excess of 8097</u>	<u>15,000</u>

186.36 (b) The maximum monthly service pension amount per month for each year of service  
186.37 credited that may be provided for in the bylaws of the Eden Prairie volunteer firefighters

187.1 relief association must be set pursuant to Minnesota Statutes, section 424A.02, subdivision  
187.2 3, paragraph (c).

187.3 Subd. 2. **Return to active service.** (a) Notwithstanding any provision of Minnesota  
187.4 Statutes, section 424A.01, subdivision 6, 424A.02, subdivision 2, or any other provision of  
187.5 law, to the contrary, if the bylaws of the Eden Prairie volunteer firefighters relief association  
187.6 so provide, a former firefighter who has received a lump-sum service pension or is receiving  
187.7 a monthly benefit service pension and returns to active relief association membership under  
187.8 Minnesota Statutes, section 424A.01, subdivision 6, paragraph (b), is entitled to receive an  
187.9 unreduced lump-sum service pension for the resumption service period if the firefighter  
187.10 completes at least three years of active service as an active member of the fire department  
187.11 during the resumption service period and completes at least three years of active membership  
187.12 with the relief association during the resumption service period.

187.13 (b) A lump-sum service pension must be calculated by applying the service pension  
187.14 amount in effect on the date of the firefighter's termination of the resumption service for all  
187.15 years of the resumption service. No firefighter may be paid a service pension more than  
187.16 once for the same period of service. Payment of a lump-sum service pension shall have no  
187.17 effect on the firefighter's previous service pension.

187.18 **EFFECTIVE DATE.** This section is effective the day after the Eden Prairie city council  
187.19 and its chief clerical officer timely complete their compliance with Minnesota Statutes,  
187.20 section 645.021, subdivisions 2 and 3.

187.21 Sec. 29. **CERTAIN VOLUNTEER FIREFIGHTERS RELIEF ASSOCIATION**  
187.22 **SERVICE PENSIONS.**

187.23 (a) As used in this section, "qualifying volunteer firefighters relief association" means  
187.24 a volunteer firefighters relief association with a funding ratio of greater than 100 percent  
187.25 as of the most recent fiscal year end, and which provides a lump sum pension benefit based  
187.26 on a lump sum pension amount equal to \$9,500 or more, as of the effective date of this  
187.27 section. For purposes of this section, "qualifying volunteer firefighters relief association"  
187.28 does not include an association whose maximum lump-sum pension amount is specifically  
187.29 established by other provisions of this bill.

187.30 (b) Notwithstanding any provision of Minnesota Statutes, section 424A.02, subdivision  
187.31 3, paragraph (d), to the contrary, the maximum lump-sum pension amount for each year of  
187.32 service credited that may be provided for in the bylaws of a qualifying volunteer firefighters  
187.33 relief association is the maximum service pension figure corresponding to the average

188.1 amount of available financing per active covered firefighter for the applicable specified  
 188.2 period:

188.3	<u>Minimum Average Amount of Available Financing</u>	<u>Maximum Lump-Sum Service</u>
188.4	<u>per Firefighter</u>	<u>Pension Amount Payable for Each</u>
188.5		<u>Year of Service</u>
188.6	<u>\$ ...</u>	<u>\$ 10</u>
188.7	<u>11</u>	<u>20</u>
188.8	<u>16</u>	<u>30</u>
188.9	<u>23</u>	<u>40</u>
188.10	<u>27</u>	<u>50</u>
188.11	<u>32</u>	<u>60</u>
188.12	<u>43</u>	<u>80</u>
188.13	<u>54</u>	<u>100</u>
188.14	<u>65</u>	<u>120</u>
188.15	<u>77</u>	<u>140</u>
188.16	<u>86</u>	<u>160</u>
188.17	<u>97</u>	<u>180</u>
188.18	<u>108</u>	<u>200</u>
188.19	<u>131</u>	<u>240</u>
188.20	<u>151</u>	<u>280</u>
188.21	<u>173</u>	<u>320</u>
188.22	<u>194</u>	<u>360</u>
188.23	<u>216</u>	<u>400</u>
188.24	<u>239</u>	<u>440</u>
188.25	<u>259</u>	<u>480</u>
188.26	<u>281</u>	<u>520</u>
188.27	<u>302</u>	<u>560</u>
188.28	<u>324</u>	<u>600</u>
188.29	<u>347</u>	<u>640</u>
188.30	<u>367</u>	<u>680</u>
188.31	<u>389</u>	<u>720</u>
188.32	<u>410</u>	<u>760</u>
188.33	<u>432</u>	<u>800</u>
188.34	<u>486</u>	<u>900</u>
188.35	<u>540</u>	<u>1000</u>
188.36	<u>594</u>	<u>1100</u>
188.37	<u>648</u>	<u>1200</u>
188.38	<u>702</u>	<u>1300</u>

189.1	<u>756</u>	<u>1400</u>
189.2	<u>810</u>	<u>1500</u>
189.3	<u>864</u>	<u>1600</u>
189.4	<u>918</u>	<u>1700</u>
189.5	<u>972</u>	<u>1800</u>
189.6	<u>1026</u>	<u>1900</u>
189.7	<u>1080</u>	<u>2000</u>
189.8	<u>1134</u>	<u>2100</u>
189.9	<u>1188</u>	<u>2200</u>
189.10	<u>1242</u>	<u>2300</u>
189.11	<u>1296</u>	<u>2400</u>
189.12	<u>1350</u>	<u>2500</u>
189.13	<u>1404</u>	<u>2600</u>
189.14	<u>1458</u>	<u>2700</u>
189.15	<u>1512</u>	<u>2800</u>
189.16	<u>1566</u>	<u>2900</u>
189.17	<u>1620</u>	<u>3000</u>
189.18	<u>1672</u>	<u>3100</u>
189.19	<u>1726</u>	<u>3200</u>
189.20	<u>1753</u>	<u>3250</u>
189.21	<u>1780</u>	<u>3300</u>
189.22	<u>1820</u>	<u>3375</u>
189.23	<u>1834</u>	<u>3400</u>
189.24	<u>1888</u>	<u>3500</u>
189.25	<u>1942</u>	<u>3600</u>
189.26	<u>1996</u>	<u>3700</u>
189.27	<u>2023</u>	<u>3750</u>
189.28	<u>2050</u>	<u>3800</u>
189.29	<u>2104</u>	<u>3900</u>
189.30	<u>2158</u>	<u>4000</u>
189.31	<u>2212</u>	<u>4100</u>
189.32	<u>2265</u>	<u>4200</u>
189.33	<u>2319</u>	<u>4300</u>
189.34	<u>2373</u>	<u>4400</u>
189.35	<u>2427</u>	<u>4500</u>
189.36	<u>2481</u>	<u>4600</u>
189.37	<u>2535</u>	<u>4700</u>
189.38	<u>2589</u>	<u>4800</u>

190.1	<u>2643</u>	<u>4900</u>
190.2	<u>2697</u>	<u>5000</u>
190.3	<u>2751</u>	<u>5100</u>
190.4	<u>2805</u>	<u>5200</u>
190.5	<u>2859</u>	<u>5300</u>
190.6	<u>2913</u>	<u>5400</u>
190.7	<u>2967</u>	<u>5500</u>
190.8	<u>3021</u>	<u>5600</u>
190.9	<u>3075</u>	<u>5700</u>
190.10	<u>3129</u>	<u>5800</u>
190.11	<u>3183</u>	<u>5900</u>
190.12	<u>3237</u>	<u>6000</u>
190.13	<u>3291</u>	<u>6100</u>
190.14	<u>3345</u>	<u>6200</u>
190.15	<u>3399</u>	<u>6300</u>
190.16	<u>3453</u>	<u>6400</u>
190.17	<u>3507</u>	<u>6500</u>
190.18	<u>3561</u>	<u>6600</u>
190.19	<u>3615</u>	<u>6700</u>
190.20	<u>3669</u>	<u>6800</u>
190.21	<u>3723</u>	<u>6900</u>
190.22	<u>3777</u>	<u>7000</u>
190.23	<u>3831</u>	<u>7100</u>
190.24	<u>3885</u>	<u>7200</u>
190.25	<u>3939</u>	<u>7300</u>
190.26	<u>3993</u>	<u>7400</u>
190.27	<u>4047</u>	<u>7500</u>
190.28	<u>4101</u>	<u>7600</u>
190.29	<u>4155</u>	<u>7700</u>
190.30	<u>4209</u>	<u>7800</u>
190.31	<u>4263</u>	<u>7900</u>
190.32	<u>4317</u>	<u>8000</u>
190.33	<u>4371</u>	<u>8100</u>
190.34	<u>4425</u>	<u>8200</u>
190.35	<u>4479</u>	<u>8300</u>
190.36	<u>4533</u>	<u>8400</u>
190.37	<u>4587</u>	<u>8500</u>
190.38	<u>4641</u>	<u>8600</u>

191.1	<u>4695</u>	<u>8700</u>
191.2	<u>4749</u>	<u>8800</u>
191.3	<u>4803</u>	<u>8900</u>
191.4	<u>4857</u>	<u>9000</u>
191.5	<u>4911</u>	<u>9100</u>
191.6	<u>4965</u>	<u>9200</u>
191.7	<u>5019</u>	<u>9300</u>
191.8	<u>5073</u>	<u>9400</u>
191.9	<u>5127</u>	<u>9500</u>
191.10	<u>5181</u>	<u>9600</u>
191.11	<u>5235</u>	<u>9700</u>
191.12	<u>5289</u>	<u>9800</u>
191.13	<u>5343</u>	<u>9900</u>
191.14	<u>5397</u>	<u>10,000</u>
191.15	<u>5451</u>	<u>10,100</u>
191.16	<u>5505</u>	<u>10,200</u>
191.17	<u>5559</u>	<u>10,300</u>
191.18	<u>5613</u>	<u>10,400</u>
191.19	<u>5667</u>	<u>10,500</u>
191.20	<u>5721</u>	<u>10,600</u>
191.21	<u>5775</u>	<u>10,700</u>
191.22	<u>5729</u>	<u>10,800</u>
191.23	<u>5883</u>	<u>10,900</u>
191.24	<u>5937</u>	<u>11,000</u>
191.25	<u>5991</u>	<u>11,100</u>
191.26	<u>6045</u>	<u>11,200</u>
191.27	<u>6099</u>	<u>11,300</u>
191.28	<u>6153</u>	<u>11,400</u>
191.29	<u>6207</u>	<u>11,500</u>
191.30	<u>6261</u>	<u>11,600</u>
191.31	<u>6315</u>	<u>11,700</u>
191.32	<u>6369</u>	<u>11,800</u>
191.33	<u>6423</u>	<u>11,900</u>
191.34	<u>6477</u>	<u>12,000</u>
191.35	<u>6531</u>	<u>12,100</u>
191.36	<u>6585</u>	<u>12,200</u>
191.37	<u>6639</u>	<u>12,300</u>
191.38	<u>6693</u>	<u>12,400</u>

192.1 6747 12,500  
 192.2 any amount in excess of 6747 12,500

192.3 (c) The maximum monthly service pension amount per month for each year of service  
 192.4 credited that may be provided for in the bylaws of the volunteer firefighters relief association  
 192.5 must be set pursuant to Minnesota Statutes, section 424A.02, subdivision 3, paragraph (c).

192.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.

192.7 Sec. 30. **MAPLEWOOD FIREFIGHTERS RELIEF ASSOCIATION;**  
 192.8 **TERMINATION AND DISSOLUTION.**

192.9 (a) Notwithstanding any provision of Minnesota Statutes, chapters 424A, 424B, or any  
 192.10 other law to the contrary, the Maplewood Firefighters Relief Association will be dissolved  
 192.11 and its pension plan terminated in accordance with the provisions of this section following  
 192.12 the payment by the relief association of all benefit obligations to all members and deferred  
 192.13 members, the discharge of any other legal obligations, and the distribution of all remaining  
 192.14 assets of the relief association.

192.15 (b) Each member of the Maplewood Firefighters Relief Association who was employed  
 192.16 as a volunteer firefighter by the Maplewood Fire Department on February 27, 2018, shall  
 192.17 become 100 percent vested in the member's retirement benefit determined by taking into  
 192.18 account each full year of service and fractional year of service, as defined in the bylaws of  
 192.19 the relief association, until the member's separation from service as a volunteer firefighter.  
 192.20 The member will be considered a retired member of the relief association.

192.21 (c) Each of the members specified in paragraph (b) is entitled to a lump sum benefit in  
 192.22 an amount equal to \$11,000 multiplied by the number of full and fractional years of service  
 192.23 earned by the member.

192.24 (d) Prior to the distribution of benefits under this section, the Maplewood Firefighters  
 192.25 Relief Association shall amend its bylaws to reestablish a defined benefit lump sum service  
 192.26 pension plan that provides the benefits described in this section and shall rescind any bylaws  
 192.27 inconsistent with this section. The relief association may amend its bylaws to incorporate  
 192.28 any provisions necessary to satisfy tax qualification requirements under the Internal Revenue  
 192.29 Code and make any other changes necessary to permit members to elect a direct rollover  
 192.30 of their benefit into a retirement account. Any bylaws amendment shall be approved by a  
 192.31 majority of the members of the relief association in attendance at a meeting of the  
 192.32 membership held to consider the bylaws amendment.

192.33 (e) Prior to dissolution, the Maplewood Firefighters Relief Association shall:



193.1 (1) distribute the retirement benefits of all members and deferred members in the form  
193.2 of a lump sum payment or direct rollover, regardless of the age of the member or deferred  
193.3 member, and otherwise in accordance with this section and the bylaws of the relief association  
193.4 discharge all pension benefit obligations;

193.5 (2) to the extent authorized under Minnesota Statutes, section 424A.05, subdivision 3,  
193.6 discharge any other legal obligation the relief association owes to any other party; and

193.7 (3) pay a supplemental lump sum benefit to each member and survivor who satisfies the  
193.8 requirements of Minnesota Statutes, section 424A.10, subdivision 2, except that,  
193.9 notwithstanding any requirements in Minnesota Statutes, section 424A.10, subdivision 2,  
193.10 to the contrary, the benefit shall be paid to a member only if the member had attained at  
193.11 least age 50 as of the date the member received a distribution of the member's retirement  
193.12 benefit under clause (1).

193.13 (f) The city of Maplewood shall file for and receive reimbursement pursuant to Minnesota  
193.14 Statutes, section 424A.10, subdivision 3, of supplemental benefits paid to any member who  
193.15 had attained at least age 50 as of the date the member received a distribution of the member's  
193.16 retirement benefit under paragraph (e) and to any survivor and deposit the reimbursement  
193.17 in the city's general fund.

193.18 (g) Upon completion of paragraphs (b) through (e), the Maplewood Firefighters Relief  
193.19 Association shall be dissolved and its affairs wound up in accordance with Minnesota  
193.20 Statutes, section 424B.20, subdivision 5.

193.21 (h) Upon dissolution of the Maplewood Firefighters Relief Association:

193.22 (1) the remaining balance in the relief association special fund shall be transferred to  
193.23 the city of Maplewood general fund and none of the relief association special fund may be  
193.24 transferred to the relief association general fund;

193.25 (2) the remaining balance in the relief association general fund shall be distributed in  
193.26 equal shares to all members; and

193.27 (3) if the relief association files the financial report and audit required under Minnesota  
193.28 Statutes, section 69.051, subdivision 1, and the state auditor files the certification regarding  
193.29 the relief association with the commissioner of revenue pursuant to Minnesota Statutes,  
193.30 section 6.495, subdivision 3, the Department of Revenue shall pay the fire state aid under  
193.31 Minnesota Statutes, chapter 69, for calendar year 2017 to the city of Maplewood.

193.32 **EFFECTIVE DATE; LOCAL APPROVAL.** The provisions of this section shall take  
193.33 effect only if approved within 45 days of the enactment of this section by:

- 194.1 (1) the board of trustees of the Maplewood Firefighters Relief Association;  
194.2 (2) a majority of the members of the relief association in attendance at a meeting of the  
194.3 membership to consider this section; and  
194.4 (3) the Maplewood city council.

194.5 Sec. 31. **CLEARBROOK FIRE DEPARTMENT RELIEF ASSOCIATION;**  
194.6 **DEADLINE EXTENSION.**

194.7 Notwithstanding Minnesota Statutes, section 69.051, subdivision 1b, the deadline for  
194.8 reports submitted by the Clearbrook Fire Department Relief Association under Minnesota  
194.9 Statutes, section 69.051, subdivisions 1 and 1a, for 2016 is extended to May 30, 2018. The  
194.10 Clearbrook Fire Department Relief Association does not forfeit its 2017 state aid if 2016  
194.11 reports are received by the state auditor on or before May 30, 2018.

194.12 **EFFECTIVE DATE.** This section is effective May 27, 2018.

194.13 Sec. 32. **RELIEF ASSOCIATION WORK GROUP.**

194.14 (a) The executive director of the Legislative Commission on Pensions and Retirement  
194.15 shall convene a work group immediately following the end of the regular 2018 legislative  
194.16 session to study the following:

194.17 (1) the statutes governing conversions from a defined benefit plan to a defined  
194.18 contribution plan and aspects of such conversions that are not addressed or that are addressed  
194.19 by statutes that are ambiguous or unclear;

194.20 (2) the statutes governing dissolution of relief associations and the disposition of surplus  
194.21 assets;

194.22 (3) the prevalence of overfunded defined benefit relief associations in the state and the  
194.23 status of transitions underway at fire departments in the state from using the services of  
194.24 volunteer firefighters to employing salaried firefighters;

194.25 (4) alternatives for determining accrued benefits, vesting, and surplus assets upon  
194.26 conversion and for allocating surplus assets among firefighters, the affiliated municipality,  
194.27 or the state in the form of a reversion of fire state aid;

194.28 (5) alternatives for legislation that amends or supplements the statutes identified in  
194.29 clauses (1) and (2); and

194.30 (6) any related issues identified by the work group.

195.1 (b) Members of the work group shall include as many of the following individuals as  
195.2 are available, not to exceed twelve individuals:

195.3 (1) at least two municipal officials, each from a municipality with an affiliated defined  
195.4 benefit relief association, designated by the League of Minnesota Cities;

195.5 (2) one representative from the League of Minnesota Cities;

195.6 (3) at least two fire chiefs, designated by the Minnesota State Fire Chiefs Association,  
195.7 from fire departments that use both volunteers covered by a defined benefit relief association  
195.8 and salaried firefighters covered by the public employees police and fire retirement plan;

195.9 (4) at least two active volunteer firefighters covered by a defined benefit relief association,  
195.10 designated by the Minnesota State Fire Departments Association;

195.11 (5) a fire chief or volunteer of an independent nonprofit firefighting corporation affiliated  
195.12 with a defined benefit relief association;

195.13 (6) one representative of the Office of the State Auditor, designated by the state auditor;  
195.14 and

195.15 (7) any other individual or individuals designated by the Legislative Commission on  
195.16 Pensions and Retirement.

195.17 (c) Participation in the activities of the work group shall not be considered lobbying  
195.18 under Minnesota Statutes, chapter 10A. A municipality or relief association may not retaliate  
195.19 against an individual because of the individual's participation in the work group.

195.20 (d) The work group shall elect a chair from among its members.

195.21 (e) The work group shall submit a report by December 31, 2018, that summarizes the  
195.22 findings of the work group and provides the work group's recommendations to the chair  
195.23 and vice-chair of the Legislative Commission on Pensions and Retirement.

195.24 (f) The work group shall disband as of the end of the 2019 legislative session and any  
195.25 special session thereafter.

195.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

195.27 Sec. 33. **REPEALER.**

195.28 Minnesota Statutes 2016, section 424A.02, subdivision 13, is repealed.

195.29 **EFFECTIVE DATE.** This section is effective January 1, 2019.

196.1

**ARTICLE 15**

196.2

**MSRS-ADMINISTERED RETIREMENT PLAN MODIFICATIONS**

196.3

Section 1. Minnesota Statutes 2016, section 352.113, subdivision 2, is amended to read:

196.4

Subd. 2. **Application; accrual of benefits.** (a) An employee making claim for a total and permanent disability benefit, or someone acting on behalf of the employee upon proof of authority satisfactory to the director, shall file a written application for benefits in the office of the system on or before the deadline specified in subdivision 4, paragraph (g).

196.8

(b) The application must be in a form and manner prescribed by the executive director.

196.9

(c) The benefit shall begin to accrue the day following the start of disability or the day following the last day paid, whichever is later, but not earlier than 180 days before the date the application is filed with the director.

196.12

Sec. 2. Minnesota Statutes 2016, section 352.91, subdivision 3f, is amended to read:

196.13

Subd. 3f. **Additional Department of Human Services personnel.** (a) "Covered correctional service" means service by a state employee in one of the employment positions specified in paragraph (b) in the state-operated forensic services program or the Minnesota sex offender program if at least 75 percent of the employee's working time is spent in direct contact with patients and the determination of this direct contact is certified to the executive director by the commissioner of human services.

196.19

(b) The employment positions are:

196.20

(1) behavior analyst 2;

196.21

(2) behavior analyst 3;

196.22

(3) certified occupational therapy assistant 1;

196.23

(4) certified occupational therapy assistant 2;

196.24

(5) chemical dependency counselor senior;

196.25

(6) client advocate;

196.26

(7) clinical program therapist 2;

196.27

(8) clinical program therapist 3;

196.28

(9) clinical program therapist 4;

196.29

(10) customer services specialist principal;

- 197.1 (11) dental assistant registered;
- 197.2 (12) group supervisor;
- 197.3 (13) group supervisor assistant;
- 197.4 (14) human services support specialist;
- 197.5 (15) licensed alcohol and drug counselor;
- 197.6 (16) licensed practical nurse;
- 197.7 (17) management analyst 3;
- 197.8 (18) occupational therapist;
- 197.9 (19) occupational therapist, senior;
- 197.10 (20) physical therapist;
- 197.11 ~~(20)~~ (21) psychologist 1;
- 197.12 ~~(21)~~ (22) psychologist 2;
- 197.13 ~~(22)~~ (23) psychologist 3;
- 197.14 ~~(23)~~ (24) recreation program assistant;
- 197.15 ~~(24)~~ (25) recreation therapist lead;
- 197.16 ~~(25)~~ (26) recreation therapist senior;
- 197.17 ~~(26)~~ (27) rehabilitation counselor senior;
- 197.18 ~~(27)~~ (28) security supervisor;
- 197.19 ~~(28)~~ (29) skills development specialist;
- 197.20 ~~(29)~~ (30) social worker senior;
- 197.21 ~~(30)~~ (31) social worker specialist;
- 197.22 ~~(31)~~ (32) social worker specialist, senior;
- 197.23 ~~(32)~~ (33) special education program assistant;
- 197.24 ~~(33)~~ (34) speech pathology clinician;
- 197.25 ~~(34)~~ (35) work therapy assistant; and
- 197.26 ~~(35)~~ (36) work therapy program coordinator.

198.1 Sec. 3. Minnesota Statutes 2016, section 352.91, subdivision 3g, is amended to read:

198.2 Subd. 3g. **Additional Corrections Department personnel.** (a) "Covered correctional  
198.3 service" means service by a state employee in one of the employment positions specified  
198.4 in paragraph (b) if at least 75 percent of the employee's working time is spent in direct  
198.5 contact with inmates and the determination of this direct contact is certified to the executive  
198.6 director by the commissioner of corrections.

198.7 (b) The qualifying employment positions are:

198.8 (1) corrections discipline unit supervisor;

198.9 (2) dental assistant registered;

198.10 (3) dental hygienist;

198.11 (4) food service supervisor;

198.12 (5) medical assistant, certified;

198.13 (6) psychologist 2; and

198.14 ~~(5)~~ (7) sentencing to service crew leader involved with the inmate community work  
198.15 crew program.

198.16 Sec. 4. Minnesota Statutes 2016, section 352.91, is amended by adding a subdivision to  
198.17 read:

198.18 Subd. 4c. **Department of Human Services; procedure for coverage change**  
198.19 **considerations.** (a) The commissioner of human services shall appoint a standing review  
198.20 committee to review and determine classifications or positions that may be included in  
198.21 legislative requests for correctional state employees retirement plan coverage under  
198.22 subdivision 4a.

198.23 (b) The department's human resources director shall convene a meeting of the review  
198.24 committee only at the request of a labor organization or a member of the department's  
198.25 management team.

198.26 (c) The review committee must review all requests and the supporting documentation  
198.27 for coverage by the correctional state employees retirement plan and must make a  
198.28 recommendation to the commissioner regarding which classifications or positions meet the  
198.29 statutory requirements for coverage. The review committee must also make a  
198.30 recommendation to the commissioner regarding classifications or positions that no longer

199.1 meet the statutory requirement for coverage by the correctional state employees retirement  
 199.2 plan and removal of the classification or position from the applicable statute.

199.3 (d) The department's human resources director must provide a notice of each  
 199.4 determination and of the employee's right to appeal the determination. Appeals must be  
 199.5 filed with the department's human resources director within 30 days of the date of the notice  
 199.6 of determination.

199.7 (e) The commissioner of human services shall review appeals of determinations for  
 199.8 coverage. The commissioner's determinations are final.

199.9 (f) All classifications or positions recommended by the review committee for inclusion  
 199.10 in or exclusion from the correctional state employees retirement plan must be forwarded to  
 199.11 the commissioner of human services for the preparation of legislation to implement the  
 199.12 coverage change and submission. If the commissioner determines that the employment  
 199.13 position is appropriate for inclusion in or exclusion from the correctional state employees  
 199.14 retirement plan, the commissioner shall submit a written recommendation documenting  
 199.15 classifications or positions that should or should not be covered by the correctional state  
 199.16 employees retirement plan. The department's human resources director must retain the  
 199.17 documentation of each request and the final determination.

199.18 Sec. 5. Minnesota Statutes 2016, section 352F.04, subdivision 1, is amended to read:

199.19 Subdivision 1. **Enhanced augmentation rates.** ~~(a)~~ The deferred annuity of a terminated  
 199.20 hospital employee ~~who attained that status before June 2, 2006,~~ is subject to augmentation  
 199.21 under Minnesota Statutes 1994, section 352.72, subdivision 2, except that the rate of  
 199.22 augmentation ~~is 5.5 percent compounded annually until~~ to be applied each January 1 is the  
 199.23 following the year in which the person attains age 55.:

199.24	<u>January 1, 2019</u>	<u>4.5 percent</u>
199.25	<u>January 1, 2020</u>	<u>3.75 percent</u>
199.26	<u>January 1, 2021</u>	<u>3.0 percent</u>
199.27	<u>January 1, 2022</u>	<u>2.25 percent</u>
199.28	<u>January 1, 2023</u>	<u>1.5 percent</u>
199.29	<u>January 1, 2024</u>	<u>0.75 percent</u>

199.30 After December 31, 2024, the deferred annuity must not be augmented.

199.31 Augmentation for each year is effective as of January 1 of that year.

199.32 ~~From that date to the effective date of retirement, the augmentation rate is 7.5 percent~~  
 199.33 ~~compounded annually.~~

200.1 ~~(b) If a terminated hospital employee attained that status on or after June 2, 2006, the~~  
200.2 ~~augmentation rate is four percent compounded annually until January 1, following the year~~  
200.3 ~~in which the person attains age 55. From that date to the effective date of retirement, the~~  
200.4 ~~augmentation rate is six percent compounded annually.~~

200.5 Sec. 6. Minnesota Statutes 2016, section 352F.04, subdivision 2, is amended to read:

200.6 Subd. 2. ~~Exceptions~~ **Exception.** The ~~increased~~ enhanced augmentation rates specified  
200.7 in subdivision 1 do not apply if the terminated hospital employee:

200.8 (1) becomes covered again by a retirement plan enumerated in section 356.30, subdivision  
200.9 3, on or before June 30, 2015; or

200.10 (2) begins receipt of a retirement annuity under chapter 352 before age 62 while employed  
200.11 by the employer which assumed operations of the medical facility or other public employing  
200.12 unit or purchased the medical facility or other public employing unit.

200.13 Sec. 7. Minnesota Statutes 2016, section 352F.04, is amended by adding a subdivision to  
200.14 read:

200.15 Subd. 3. **Return to covered employment.** (a) If a terminated hospital employee becomes  
200.16 covered by a retirement plan enumerated in section 356.30, subdivision 3, the employee  
200.17 shall be entitled to whichever of the following annuities produces the highest monthly  
200.18 payment:

200.19 (1) the deferred annuity and augmentation to which the employee would have been  
200.20 entitled under subdivision 1 reduced by the dollar amount of any annuity earned under any  
200.21 enumerated retirement plan after the effective date defined in section 352F.02, subdivision  
200.22 3;

200.23 (2) a combined service annuity calculated under section 356.30; or

200.24 (3) an annuity calculated under section 352.72 for coverage by more than one retirement  
200.25 system using the augmentation rates in section 352.72, subdivision 2, paragraph (a).

200.26 (b) This subdivision applies to any terminated hospital employee who begins to receive  
200.27 a retirement annuity under chapter 352 on or after July 1, 2015.

200.28 Sec. 8. Minnesota Statutes 2016, section 356.645, is amended to read:

200.29 **356.645 INVESTMENT OF VARIOUS DEFINED CONTRIBUTION PLAN**  
200.30 **ASSETS.**



201.1 The State Board of Investment shall determine the investments to be made available to  
 201.2 plan participants in plans defined in sections 352.965 ~~and~~, 352.98, and 383B.46 and chapters  
 201.3 352D and 353D. Investments made available to plan participants must include at least one  
 201.4 or more of the following:

201.5 (1) shares in the Minnesota supplemental investment fund established in section 11A.17;

201.6 (2) savings accounts in federally insured financial institutions;

201.7 (3) life insurance contracts, fixed annuity contracts, and variable annuity contracts from  
 201.8 companies that are subject to regulation by the commissioner of commerce;

201.9 (4) investment options from open-end investment companies registered under the federal  
 201.10 Investment Company Act of 1940, United States Code, title 15, sections 80a-1 to 80a-64;

201.11 (5) investment options from a firm that is a registered investment adviser under the  
 201.12 Investment Advisers Act of 1940, United States Code, title 15, sections 80b-1 to 80b-21;

201.13 and

201.14 (6) investment options of a bank as defined in United States Code, title 15, section 80b-2,  
 201.15 subsection (a), paragraph (2), or a bank holding company as defined in the Bank Holding  
 201.16 Company Act of 1956, United States Code, title 12, section 1841, subsection (a), paragraph  
 201.17 (1).

201.18 Sec. 9. Minnesota Statutes 2016, section 383B.47, is amended to read:

201.19 **383B.47 INVESTMENT OF RETIREMENT MONEY FOR STATE**  
 201.20 **SUPPLEMENTAL FUND SHARES.**

201.21 ~~With the~~ When moneys are deposited to the credit of the supplemental retirement account,  
 201.22 the Minnesota State Retirement System shall ~~purchase shares on behalf of Hennepin County~~  
 201.23 ~~in the accounts of the Minnesota supplemental investment fund~~ make available those  
 201.24 investments chosen by the State Board of Investment under section 356.645 in the manner  
 201.25 as provided in section 383B.48.

201.26 Sec. 10. Minnesota Statutes 2016, section 383B.48, is amended to read:

201.27 **383B.48 BUYING STATE SUPPLEMENTAL INVESTMENT FUND SHARES.**

201.28 (a) A participant in the Hennepin County supplemental retirement program shall indicate  
 201.29 ~~the account of the Minnesota supplemental investment fund~~ investments, from those made  
 201.30 available pursuant to section 383B.47, in which the ~~participant wishes~~ participant's salary  
 201.31 deductions and county matching contributions attributable to salary deductions are to be

202.1 invested for such time as allowed by the Minnesota State Retirement System. The Minnesota  
202.2 State Retirement System shall purchase with the salary deductions and county matching  
202.3 funds attributable to the salary deductions shares in the appropriate ~~account of the Minnesota~~  
202.4 ~~supplemental investment fund~~ in accordance with the indicated preferences of the participant.  
202.5 ~~However,~~

202.6 (b) The county of Hennepin has the authority to determine which ~~accounts of the~~  
202.7 ~~Minnesota supplemental investment fund~~ investments made available pursuant to section  
202.8 383B.47 will be available for participant investment. The shares purchased must stand in  
202.9 the name of the county of Hennepin.

202.10 (c) A record must be kept by the Minnesota State Retirement System indicating the  
202.11 number of shares in each ~~account of the Minnesota supplemental investment fund~~ purchased  
202.12 with the salary deductions and county matching funds attributable to the salary deductions  
202.13 of each participant. The record must be known as the "participant's share account record."  
202.14 The participant's share account record must show, in addition to the number of shares in  
202.15 the account, any cash balance of salary deductions or county matching funds attributable  
202.16 to those deductions which stand uninvested in shares.

202.17 (d) At the option of the county of Hennepin, and subject to any terms and conditions  
202.18 established and communicated in writing by the county to a participant, the participant may  
202.19 designate no more often than once each month that prior salary deductions and county  
202.20 matching contributions attributable to the salary deductions, together with any interest  
202.21 earned, be reinvested in another ~~account of the Minnesota supplemental investment fund~~  
202.22 made available by the county of Hennepin under this section.

202.23 Sec. 11. Minnesota Statutes 2016, section 383B.49, is amended to read:

202.24 **383B.49 SUPPLEMENTAL RETIREMENT BENEFITS; REDEMPTION OF**  
202.25 **SHARES.**

202.26 When requested to do so, in writing, on forms provided by the Minnesota State Retirement  
202.27 System, by a participant, surviving spouse, a guardian of a surviving child or a personal  
202.28 representative, whichever is applicable, the Minnesota State Retirement System shall on  
202.29 behalf of Hennepin County redeem shares in the ~~accounts of the Minnesota supplemental~~  
202.30 ~~investment fund~~ investments standing in a participant's share account record under the  
202.31 following circumstances and in accordance with the laws and regulations governing the  
202.32 ~~Minnesota supplemental~~ applicable investment fund:

203.1 (1) A participant who is no longer employed by the county of Hennepin is entitled to  
203.2 receive the cash realized on the redemption of the shares to the credit of the participant's  
203.3 share account record of the person. The participant may request the redemption of all or a  
203.4 portion of the shares in the participant's share account record of the person, but may not  
203.5 request more than one redemption in any one calendar year. If only a portion of the shares  
203.6 in the participant's share account record is requested to be redeemed the person may request  
203.7 to redeem not less than 20 percent of the shares in any one calendar year and the redemption  
203.8 must be completed in no more than five years. The person may select annual redemption  
203.9 in a single lump sum or in monthly payments. An election is irrevocable except that a  
203.10 participant may request an amendment of the election to redeem all of the person's remaining  
203.11 shares. All requests under this paragraph are subject to application to and approval of the  
203.12 Minnesota State Retirement System upon verification by Hennepin County through the  
203.13 county administrator of the recipient's eligibility to redeem funds.

203.14 (2) In the event of the death of a participant leaving a surviving spouse, the surviving  
203.15 spouse is entitled to receive the cash realized on the redemption of all or a portion of the  
203.16 shares in the participant's share account record of the deceased spouse, but in no event may  
203.17 the spouse request more than one redemption in each calendar year. If only a portion of the  
203.18 shares in the participant's share account record is requested to be redeemed, the surviving  
203.19 spouse may request the redemption of not less than 20 percent of the shares in any one  
203.20 calendar year. The surviving spouse may elect annual redemption in a single lump-sum  
203.21 payment or in monthly payments. Redemption must be completed in no more than five  
203.22 years. An election is irrevocable except that the surviving spouse may request an amendment  
203.23 of the election to redeem all of the participant's remaining shares. All requests under this  
203.24 paragraph are subject to application to and approval of the Minnesota State Retirement  
203.25 System upon verification by Hennepin County through the county administrator of the  
203.26 recipient's eligibility to redeem funds. Upon the death of the surviving spouse, any shares  
203.27 remaining in the participant's share account record must be redeemed on behalf of Hennepin  
203.28 County by the Minnesota State Retirement System and the cash realized from the redemption  
203.29 distributed to the estate of the surviving spouse.

203.30 (3) In the event of the death of a participant leaving no surviving spouse, but leaving a  
203.31 minor surviving child or minor surviving children, the guardianship estate of the minor  
203.32 child is, or the guardianship estates of the minor children are, entitled to receive the cash  
203.33 realized on the redemption of all shares to the credit of the participant's share account record  
203.34 of the deceased participant. In the event of minor surviving children, the cash realized must  
203.35 be paid in equal shares to the guardianship estates of the minor surviving children.

204.1 (4) In the event of the death of a participant leaving no surviving spouse and no minor  
204.2 surviving children, the estate of the deceased participant is entitled to receive the cash  
204.3 realized on the redemption of all shares to the credit of the participant's share account record  
204.4 of the deceased participant.

204.5 Sec. 12. Minnesota Statutes 2016, section 383B.50, is amended to read:

204.6 **383B.50 PROSPECTUS.**

204.7 The county of Hennepin shall distribute or otherwise make available to each participant  
204.8 a prospectus ~~of the Minnesota supplemental investment fund when received from the fund~~  
204.9 or other applicable information with respect to the investments authorized pursuant to  
204.10 sections 383B.47 and 383B.48.

204.11 Sec. 13. **ANNUITY ADJUSTMENT.**

204.12 Under Minnesota Statutes, section 352F.04, subdivision 3, if any terminated hospital  
204.13 employee began to receive a retirement annuity under Minnesota Statutes, chapter 352, as  
204.14 adjusted under Minnesota Statutes, chapter 352F, on or after July 1, 2015, but prior to the  
204.15 effective date of this section, the terminated hospital employee's annuity must be recalculated  
204.16 under Minnesota Statutes, section 352F.04, subdivision 3, and, if the monthly amount as  
204.17 recalculated exceeds the monthly amount being received by the terminated hospital employee,  
204.18 the Minnesota State Retirement System shall:

204.19 (1) begin paying the recalculated monthly amount as of the first payment date after the  
204.20 effective date of this section; and

204.21 (2) pay the sum of the difference between the amount the terminated hospital employee  
204.22 received each month since commencement of the annuity and the amount the terminated  
204.23 hospital employee would have received under Minnesota Statutes, section 352F.04,  
204.24 subdivision 3, for that month. The sum of the difference each month shall be paid in a lump  
204.25 sum to the terminated hospital employee along with the first payment of the recalculated  
204.26 amount under clause (1).

204.27 Sec. 14. **COVERAGE TRANSFER DATES.**

204.28 (a) The coverage transfer under Minnesota Statutes, section 352.91, subdivision 3g,  
204.29 paragraph (b), clause (4), also covers employment in that position on or after April 18, 2016,  
204.30 for purposes of Minnesota Statutes, section 352.955, subdivisions 1, 3, 4, 5, and 6.

205.1 (b) The coverage change under Minnesota Statutes, section 352.91, subdivision 3g,  
205.2 paragraph (b), clause (5), is prospective only.

205.3 Sec. 15. EFFECTIVE DATE.

205.4 (a) Sections 1 and 3 to 14 are effective June 30, 2018.

205.5 (b) Section 2 is effective on the first day of the first payroll period occurring after June  
205.6 30, 2018, and applies to prospective service only.

## 205.7 ARTICLE 16

### 205.8 PERA-ADMINISTERED RETIREMENT PLAN MODIFICATIONS

205.9 Section 1. Minnesota Statutes 2016, section 353.01, subdivision 2b, is amended to read:

205.10 Subd. 2b. **Excluded employees.** (a) The following public employees are not eligible to  
205.11 participate as members of the association with retirement coverage by the general employees  
205.12 retirement plan, the local government correctional employees retirement plan under chapter  
205.13 353E, or the public employees police and fire retirement plan:

205.14 (1) persons whose annual salary from one governmental subdivision never exceeds an  
205.15 amount, stipulated in writing in advance, of \$5,100 if the person is not a school district  
205.16 employee or \$3,800 if the person is a school year employee. If annual compensation from  
205.17 one governmental subdivision to an employee exceeds the stipulated amount in a calendar  
205.18 year or a school year, whichever applies, after being stipulated in advance not to exceed the  
205.19 applicable amount, the stipulation is no longer valid and contributions must be made on  
205.20 behalf of the employee under section 353.27, subdivision 12, from the first month in which  
205.21 the employee received salary exceeding \$425 in a month;

205.22 (2) public officers who are elected to a governing body, city mayors, or persons who  
205.23 are appointed to fill a vacancy in an elective office of a governing body, whose term of  
205.24 office commences on or after July 1, 2002, for the service to be rendered in that elective  
205.25 position;

205.26 (3) election judges and persons employed solely to administer elections;

205.27 (4) patient and inmate personnel who perform services for a governmental subdivision;

205.28 (5) except as otherwise specified in subdivision 12a, employees who are employed solely  
205.29 in a temporary position as defined under subdivision 12a, and employees who resign from  
205.30 a nontemporary position and accept a temporary position within 30 days of that resignation  
205.31 in the same governmental subdivision;

206.1 (6) employees who are employed by reason of work emergency caused by fire, flood,  
206.2 storm, or similar disaster, but if the person becomes a probationary or provisional employee  
206.3 within the same pay period, other than on a temporary basis, the person is a "public  
206.4 employee" retroactively to the beginning of the pay period;

206.5 (7) employees who by virtue of their employment in one governmental subdivision are  
206.6 required by law to be a member of and to contribute to any of the plans or funds administered  
206.7 by the Minnesota State Retirement System, the Teachers Retirement Association, or the St.  
206.8 Paul Teachers Retirement Fund Association, but this exclusion must not be construed to  
206.9 prevent a person from being a member of and contributing to the Public Employees  
206.10 Retirement Association and also belonging to and contributing to another public pension  
206.11 plan or fund for other service occurring during the same period of time, and a person who  
206.12 meets the definition of "public employee" in subdivision 2 by virtue of other service occurring  
206.13 during the same period of time becomes a member of the association unless contributions  
206.14 are made to another public retirement plan on the salary based on the other service or to the  
206.15 Teachers Retirement Association by a teacher as defined in section 354.05, subdivision 2;

206.16 (8) persons who are members of a religious order and are excluded from coverage under  
206.17 the federal Old Age, Survivors, Disability, and Health Insurance Program for the performance  
206.18 of service as specified in United States Code, title 42, section 410(a)(8)(A), as amended, if  
206.19 no irrevocable election of coverage has been made under section 3121(r) of the Internal  
206.20 Revenue Code of 1954, as amended;

206.21 (9) persons who are:

206.22 (i) employed by a governmental subdivision who have not reached the age of 23 and  
206.23 who are enrolled on a full-time basis to attend or are attending classes on a full-time basis  
206.24 at an accredited school, college, or university in an undergraduate, graduate, or  
206.25 professional-technical program, or at a public or charter high school;

206.26 (ii) employed as resident physicians, medical interns, pharmacist residents, or pharmacist  
206.27 interns and are serving in a degree or residency program in a public hospital or in a public  
206.28 clinic; or

206.29 (iii) students who are serving for a period not to exceed five years in an internship or a  
206.30 residency program that is sponsored by a governmental subdivision, including an accredited  
206.31 educational institution;

206.32 (10) persons who hold a part-time adult supplementary technical college license who  
206.33 render part-time teaching service in a technical college;

207.1 (11) except for employees of Hennepin County or employees of Hennepin Healthcare  
207.2 System, Inc., foreign citizens who are employed by a governmental subdivision under a  
207.3 work permit or under an H-1b visa initially issued or extended for a combined period of  
207.4 less than three years of employment but upon extension of the employment of the visa  
207.5 beyond the three-year period, the foreign citizen must be reported for membership beginning  
207.6 on the first of the month following the extension if the monthly earnings threshold as provided  
207.7 under subdivision 2a, paragraph (a), is met;

207.8 (12) public hospital employees who elected not to participate as members of the  
207.9 association before 1972 and who did not elect to participate from July 1, 1988, to October  
207.10 1, 1988;

207.11 (13) except as provided in section 353.86, volunteer ambulance service personnel, as  
207.12 defined in subdivision 35, but persons who serve as volunteer ambulance service personnel  
207.13 may still qualify as public employees under subdivision 2 and may be members of the Public  
207.14 Employees Retirement Association and participants in the general employees retirement  
207.15 plan or the public employees police and fire plan, whichever applies, on the basis of  
207.16 compensation received from public employment service other than service as volunteer  
207.17 ambulance service personnel;

207.18 (14) except as provided in section 353.87, volunteer firefighters, as defined in subdivision  
207.19 36, engaging in activities undertaken as part of volunteer firefighter duties, but a person  
207.20 who is a volunteer firefighter may still qualify as a public employee under subdivision 2  
207.21 and may be a member of the Public Employees Retirement Association and a participant  
207.22 in the general employees retirement plan or the public employees police and fire plan,  
207.23 whichever applies, on the basis of compensation received from public employment activities  
207.24 other than those as a volunteer firefighter;

207.25 (15) pipefitters and associated trades personnel employed by Independent School District  
207.26 No. 625, St. Paul, with coverage under a collective bargaining agreement by the pipefitters  
207.27 local 455 pension plan who were either first employed after May 1, 1997, or, if first employed  
207.28 before May 2, 1997, elected to be excluded under Laws 1997, chapter 241, article 2, section  
207.29 12;

207.30 (16) electrical workers, plumbers, carpenters, and associated trades personnel who are  
207.31 employed by Independent School District No. 625, St. Paul, or the city of St. Paul, who  
207.32 have retirement coverage under a collective bargaining agreement by the Electrical Workers  
207.33 Local 110 pension plan, the United Association Plumbers Local 34 pension plan, or the  
207.34 pension plan applicable to Carpenters Local 322 who were either first employed after May

208.1 1, 2000, or, if first employed before May 2, 2000, elected to be excluded under Laws 2000,  
208.2 chapter 461, article 7, section 5;

208.3 (17) bricklayers, allied craftworkers, cement masons, glaziers, glassworkers, painters,  
208.4 allied tradesworkers, and plasterers who are employed by the city of St. Paul or Independent  
208.5 School District No. 625, St. Paul, with coverage under a collective bargaining agreement  
208.6 by the Bricklayers and Allied Craftworkers Local 1 pension plan, the Cement Masons Local  
208.7 633 pension plan, the Glaziers and Glassworkers Local L-1324 pension plan, the Painters  
208.8 and Allied Trades Local 61 pension plan, or the Twin Cities Plasterers Local 265 pension  
208.9 plan who were either first employed after May 1, 2001, or if first employed before May 2,  
208.10 2001, elected to be excluded under Laws 2001, First Special Session chapter 10, article 10,  
208.11 section 6;

208.12 (18) plumbers who are employed by the Metropolitan Airports Commission, with  
208.13 coverage under a collective bargaining agreement by the Plumbers Local 34 pension plan,  
208.14 who either were first employed after May 1, 2001, or if first employed before May 2, 2001,  
208.15 elected to be excluded under Laws 2001, First Special Session chapter 10, article 10, section  
208.16 6;

208.17 (19) employees who are hired after June 30, 2002, solely to fill seasonal positions under  
208.18 subdivision 12b which are limited in duration by the employer to 185 consecutive calendar  
208.19 days or less in each year of employment with the governmental subdivision;

208.20 (20) persons who are provided supported employment or work-study positions by a  
208.21 governmental subdivision and who participate in an employment or industries program  
208.22 maintained for the benefit of these persons where the governmental subdivision limits the  
208.23 position's duration to up to five years, including persons participating in a federal or state  
208.24 subsidized on-the-job training, work experience, senior citizen, youth, or unemployment  
208.25 relief program where the training or work experience is not provided as a part of, or for,  
208.26 future permanent public employment;

208.27 (21) independent contractors and the employees of independent contractors;

208.28 (22) reemployed annuitants of the association during the course of that reemployment;

208.29 (23) persons appointed to serve on a board or commission of a governmental subdivision  
208.30 or an instrumentality thereof;

208.31 (24) persons employed as full-time fixed-route bus drivers by the St. Cloud Metropolitan  
208.32 Transit Commission who are members of the International Brotherhood of Teamsters Local



209.1 638 and who are, by virtue of that employment, members of the International Brotherhood  
209.2 of Teamsters Central States pension plan; ~~and~~

209.3 (25) electricians or pipefitters employed by the Minneapolis Park and Recreation Board,  
209.4 with coverage under a collective bargaining agreement by the IBEW local 292, or pipefitters  
209.5 local 539 pension plan, who were first employed before May 2, 2015, and who elected to  
209.6 be excluded under Laws 2015, chapter 68, article 11, section 5-; and

209.7 (26) laborers and associated trades personnel employed by the city of St. Paul or  
209.8 Independent School District No. 625, St. Paul, who are designated as temporary employees  
209.9 under a collective bargaining agreement and have retirement coverage by the Minnesota  
209.10 Laborers Pension Fund who were either first employed on or after June 1, 2018, or, if first  
209.11 employed before June 1, 2018, who elected to be excluded under section 13.

209.12 (b) Any person performing the duties of a public officer in a position defined in  
209.13 subdivision 2a, paragraph (a), clause (3), is not an independent contractor and is not an  
209.14 employee of an independent contractor.

209.15 Sec. 2. Minnesota Statutes 2016, section 353.01, subdivision 43, is amended to read:

209.16 Subd. 43. **Line of duty death.** "Line of duty death" means:

209.17 (1) a death that occurs while performing or as a direct result of performing normal or  
209.18 less frequent duties which are specific to protecting the property and personal safety of  
209.19 others and that present inherent dangers that are specific to the positions covered by the  
209.20 public employees police and fire plan-; or

209.21 (2) a death that is determined by the commissioner of public safety to meet the  
209.22 requirements of section 299A.41, subdivision 3.

209.23 Sec. 3. Minnesota Statutes 2016, section 353D.07, is amended to read:

209.24 **353D.07 BENEFITS.**

209.25 Subdivision 1. **Type of plan; uniformity.** (a) The plan is a defined contribution plan  
209.26 ~~the benefits from which are payable upon termination of service, retirement, disability, or~~  
209.27 ~~death. The amount of benefits is determined by the value of accumulated. A participant's~~  
209.28 benefit is equal to the value of the individual account established for the participant under  
209.29 section 353D.04, taking into account all contributions credited to the account plus a  
209.30 proportionate share of investment income of the fund credited to each individual the account.

210.1 (b) In the case of ambulance service personnel, eligibility standards must be uniform  
210.2 among all ambulance service personnel of an ambulance service electing to participate.

210.3 Subd. 2. **Payment of benefits.** ~~Withdrawal of a benefit based on individual participant~~  
210.4 ~~contributions and employer contributions plus accrued investment income is payable upon~~  
210.5 ~~the death or termination of a participant but not at the time an individual revokes membership~~  
210.6 ~~in the defined contribution plan under section 353D.02. An application by or on behalf of~~  
210.7 ~~the participant must be filed before any payment of benefits may be made.~~ (a) A participant  
210.8 is entitled to receive a distribution of the participant's benefit after termination of service  
210.9 for any reason, disability, or death, or on or after attaining age 65 if still employed by a  
210.10 public employer.

210.11 (b) Unless the distribution is required under section 353D.071, no distribution shall be  
210.12 made unless the participant has submitted an application requesting a distribution; a direct  
210.13 rollover; a transfer as permitted under subdivision 3, paragraph (b); or installments as  
210.14 permitted under subdivision 4. If the distribution is an eligible rollover distribution as defined  
210.15 in section 356.635, subdivision 4, the executive director shall provide notice to the participant  
210.16 or beneficiary, as applicable, of the right to elect a direct rollover.

210.17 Subd. 3. **Form of benefit.** ~~A retirement~~ (a) Except as provided in subdivision 4 or 6,  
210.18 distribution of a participant's benefit is payable shall be available in the form of a lump sum  
210.19 equal to the value of a the participant's account at the date of withdrawal. As an alternative  
210.20 to a lump sum distribution, the participant may choose to have the association transfer the  
210.21 total account value distribution.

210.22 (b) The participant may elect to (1) receive the lump sum directly, (2) have the lump  
210.23 sum distributed in a direct rollover as described in section 356.635, subdivision 3, or (3)  
210.24 have the lump sum transferred for the purchase of an annuity payable at a designated age  
210.25 to an insurance company of the participant's choice that is licensed to do business in the  
210.26 state.

210.27 Subd. 4. **Disability of participant.** ~~If an active~~ a participant becomes permanently and  
210.28 totally disabled as defined in section 353.01, subdivision 19, that the participant may  
210.29 withdraw from the elect distribution of the participant's benefit in a lump sum equal to the  
210.30 value of the participant's account or in equal monthly installments in an amount, designated  
210.31 by the participant in increments of \$100 but not to exceed ten times the joint employer and  
210.32 employee contribution for the month preceding disability. The option must be exercised by  
210.33 filing an application on a form prescribed by the executive director. Payments may begin  
210.34 on as early as the first day of the month following the month in which the disability occurred

211.1 or on a later date if elected by the participant. Payments end when the participant's disabled  
211.2 status ends or the account balance is exhausted, whichever occurs first.

211.3 Subd. 5. **Death of a participant.** If ~~an active~~ a participant dies while employed or before  
211.4 the participant's account is distributed in its entirety, the ~~total value of the~~ account must be  
211.5 paid in a lump sum to the designated beneficiary or, if none, the heirs at law of the decedent.  
211.6 If the distribution is an eligible rollover distribution as defined in section 356.635, subdivision  
211.7 4, the executive director shall provide an election form and notice of the right to elect a  
211.8 direct rollover.

211.9 Subd. 6. **Distributions while employed.** If a participant is employed by a public employer  
211.10 and is at least age 65, the participant may elect a distribution of all or a portion of the  
211.11 participant's account, subject to the application and notice requirements in subdivision 2,  
211.12 paragraph (b). The participant may elect a distribution under this subdivision no more  
211.13 frequently than once each calendar year. The minimum amount of a distribution under this  
211.14 subdivision is \$5,000.

211.15 Sec. 4. Minnesota Statutes 2016, section 353G.01, subdivision 9, is amended to read:

211.16 Subd. 9. **Municipality.** "Municipality" means a governmental entity specified in section  
211.17 69.011, subdivision 1, paragraph (b), clauses (1), (2), and (5); a city or township that has  
211.18 entered into a contract with an independent nonprofit firefighting corporation, or a city or  
211.19 township that has entered into a contract with a joint powers entity established under section  
211.20 471.59.

211.21 Sec. 5. Minnesota Statutes 2016, section 353G.01, is amended by adding a subdivision to  
211.22 read:

211.23 Subd. 9a. **Relief association.** "Relief association" means a volunteer firefighter relief  
211.24 association established under chapter 424A to which records, assets, and liabilities related  
211.25 to lump-sum or monthly benefits for active and former firefighters will be transferred from  
211.26 the retirement fund upon satisfaction of the requirements of section 353G.17.

211.27 Sec. 6. Minnesota Statutes 2016, section 353G.02, subdivision 6, is amended to read:

211.28 Subd. 6. **Initial administrative expenses of the monthly benefit retirement division;**  
211.29 **allocation of reimbursement.** (a) The administration expenses incurred by the Public  
211.30 Employees Retirement Association in the establishment of the monthly benefit retirement  
211.31 division of the voluntary statewide volunteer firefighter retirement plan, including any  
211.32 computer programming expenses and any actuarial consultant expenses, are payable from

212.1 the assets of the initial monthly benefit volunteer firefighter relief association that elects to  
212.2 transfer its administration to the voluntary statewide volunteer firefighter retirement plan,  
212.3 following the transfer of assets.

212.4 ~~(b) The administrative expenses in excess of \$33,600 paid under paragraph (a) must be~~  
212.5 ~~reimbursed by the next nine monthly benefit volunteer firefighter relief associations that~~  
212.6 ~~transfer plan administration to the voluntary statewide volunteer firefighter retirement plan.~~  
212.7 ~~The reimbursement charge for each of the nine is three-tenths of one percent of the market~~  
212.8 ~~value of assets of the volunteer firefighter relief association as of December 31, 2012. The~~  
212.9 ~~reimbursement amounts, up to the amount of administrative expenses actually incurred~~  
212.10 ~~under paragraph (a) in excess of \$33,600, must be credited to the account of the fire~~  
212.11 ~~department associated with the former monthly benefit volunteer firefighter relief association~~  
212.12 ~~that first transferred plan administration to the volunteer firefighter retirement plan.~~

212.13 Sec. 7. Minnesota Statutes 2016, section 353G.03, subdivision 3, is amended to read:

212.14 Subd. 3. **Composition.** (a) The advisory board consists of ~~eight~~ ten members.

212.15 (b) The advisory board members are:

212.16 (1) one representative of Minnesota townships, appointed by the Minnesota Association  
212.17 of Townships;

212.18 (2) two representatives of Minnesota cities, appointed by the League of Minnesota Cities;

212.19 (3) one representative of Minnesota fire chiefs, who is a fire chief, appointed by the  
212.20 Minnesota State Fire Chiefs Association;

212.21 (4) two representatives of Minnesota volunteer firefighters, all who are active volunteer  
212.22 firefighters, one of whom is covered by the lump-sum retirement division and one of whom  
212.23 is covered by the monthly benefit retirement division, appointed by the Minnesota State  
212.24 Fire Chiefs Association;

212.25 (5) ~~one representative~~ three representatives of Minnesota volunteer firefighters who ~~is~~  
212.26 are covered by the lump-sum retirement division, appointed by the Minnesota State Fire  
212.27 Departments Association; and

212.28 (6) one representative of the Office of the State Auditor, designated by the state auditor.

213.1 Sec. 8. Minnesota Statutes 2016, section 353G.08, subdivision 3, is amended to read:

213.2 Subd. 3. **Authorized account disbursements.** The assets of a lump-sum retirement  
213.3 account or of a monthly benefit retirement account of the retirement fund may only be  
213.4 disbursed for:

213.5 (1) the administrative expenses of the retirement plan;

213.6 (2) the investment expenses of the retirement fund;

213.7 (3) the service pensions payable under section 353G.10, 353G.11, 353G.14, or 353G.15;

213.8 (4) the survivor benefits payable under section 353G.12; ~~and~~

213.9 (5) the disability benefit coverage insurance premiums under section 353G.115; and

213.10 (6) a transfer of assets under section 353G.17.

213.11 Sec. 9. Minnesota Statutes 2016, section 353G.11, subdivision 1, is amended to read:

213.12 Subdivision 1. **Service pension levels; lump-sum retirement division.** Except as  
213.13 provided in subdivision 1a, the lump-sum retirement division of the retirement plan provides  
213.14 the following levels of service pension amounts per full year of good time service credit to  
213.15 be selected at the election of coverage:

213.16 (1) a minimum service pension level of \$500 per year;

213.17 (2) a maximum service pension level ~~of \$7,500 per year~~ equal to the largest amount  
213.18 permitted under section 424A.02, subdivision 3, paragraph (d), as a maximum lump-sum  
213.19 service pension amount payable for each year of service; and

213.20 (3) ~~69~~ service pension levels between the minimum level and the maximum level in  
213.21 \$100 increments.

213.22 Sec. 10. [353G.17] TRANSFER AUTHORIZED.

213.23 Subdivision 1. Entity to initiate transfer. (a) An entity operating a fire department with  
213.24 firefighters who are covered by the retirement plan may initiate the transfer of records,  
213.25 assets, and liabilities related to the firefighters' lump-sum or monthly benefits under the  
213.26 retirement plan to a relief association that, at the time of the transfer, will be associated with  
213.27 the entity. The entity may be a municipality, an independent nonprofit firefighting  
213.28 corporation, or a joint powers entity.

213.29 (b) A transfer is initiated by filing with the executive director the following:

213.30 (1) a notice of intent to initiate a transfer;

214.1 (2) a copy of the resolutions of the entity approving the transfer of records, assets, and  
214.2 liabilities from the retirement plan to a relief association; and

214.3 (3) for each firefighter, the firefighter's name, address, telephone number, and e-mail  
214.4 address, if any.

214.5 (c) The notice shall inform the executive director of the following:

214.6 (1) the transfer effective date, which shall comply with paragraph (d);

214.7 (2) the name of the relief association and the municipality, independent nonprofit  
214.8 firefighting corporation, or joint powers entity with which the relief association is associated;  
214.9 and

214.10 (3) a summary of the type and level of pension or retirement benefits, including any  
214.11 ancillary benefits, provided by the relief association or, in the case of a new relief association,  
214.12 to be provided, and related terms and conditions.

214.13 (d) If the notice of intent to transfer is filed with the executive director before September  
214.14 1, the transfer takes effect on the next January 1. If the notice of intent to transfer is filed  
214.15 after August 31, the transfer takes effect on the January 1 following the one-year anniversary  
214.16 of the filing of the notice.

214.17 Subd. 2. **Approval by the relief association.** (a) Before a transfer of records, assets,  
214.18 and liabilities from the retirement plan to a relief association may occur, the board of trustees  
214.19 of the relief association shall adopt resolutions as follows:

214.20 (1) approving and accepting the transfer of records, assets, and liabilities from the  
214.21 retirement plan; and

214.22 (2) amending the bylaws of the relief association as necessary to add the firefighters  
214.23 whose benefits are being transferred from the retirement plan and to provide that each benefit  
214.24 being transferred retains vesting, distribution, and other rights to which the firefighter, for  
214.25 whom the benefit is being transferred, is entitled under the terms of the retirement plan to  
214.26 the date of the transfer.

214.27 The board of trustees shall file a copy of the resolutions with the executive director.

214.28 (b) The board of trustees of the relief association shall file with the state auditor the  
214.29 following:

214.30 (1) a copy of the resolutions required under paragraph (a);

214.31 (2) a copy of the bylaws of the relief association and any bylaw amendments;

- 215.1 (3) a copy of the relief association's investment policy;
- 215.2 (4) a statement that a board of trustees has been duly elected and each trustee's name,  
215.3 address, telephone number, and e-mail address, if any;
- 215.4 (5) a copy of the most recent annual financial, investment, and plan administration report  
215.5 filed under section 69.051, unless the due date for the first report has not yet occurred; and
- 215.6 (6) a copy of the documentation indicating that a special fund has been established with  
215.7 a financial institution to receive a transfer of assets from the retirement plan.
- 215.8 (c) Upon receipt of the information and documents required under paragraph (b), the  
215.9 state auditor shall issue to the relief association and the executive director written  
215.10 confirmation of receipt of all required information and documents.
- 215.11 Subd. 3. **Approval by the firefighters.** (a) A transfer under subdivision 1 shall not occur  
215.12 unless the active firefighters whose benefits are to be transferred from the retirement plan  
215.13 to a relief association approve the transfer by a vote of the firefighters conducted by the  
215.14 executive director.
- 215.15 (b) The approval of the firefighters shall be determined by a vote of all active firefighters  
215.16 whose benefits are to be transferred. An affirmative vote of a majority of the firefighters  
215.17 voting shall constitute approval.
- 215.18 (c) The executive director shall provide a voting ballot and the following to each active  
215.19 firefighter:
- 215.20 (1) a summary of the benefits currently provided to the firefighters under the retirement  
215.21 plan;
- 215.22 (2) a copy of the resolutions of the municipality approving the transfer;
- 215.23 (3) a copy of the resolutions of the board of trustees approving the transfer;
- 215.24 (4) a copy of the notice of intent to transfer required under subdivision 1;
- 215.25 (5) a copy of the state auditor's confirmation required under subdivision 2, paragraph  
215.26 (c); and
- 215.27 (6) the instructions and time frame for voting. Firefighters shall be given no less than  
215.28 30 days in which to vote.
- 215.29 (d) The vote of any firefighter, including whether or not the firefighter voted, shall not  
215.30 be disclosed to any officer or member of the staff of the municipality or to any officer,  
215.31 trustee, or member of the staff of the relief association.

216.1 (e) The executive director shall tally the votes and report the results to the relief  
216.2 association and the municipality.

216.3 Subd. 4. **Transfer process.** (a) Upon completion of the actions required under  
216.4 subdivisions 1 to 3, the retirement plan shall transfer to the relief association as of the  
216.5 effective date identified in the notice under subdivision 1, the records, assets, and liabilities  
216.6 related to the former and current firefighters with benefits under the retirement plan, along  
216.7 with any assets in excess of liabilities credited to the lump-sum account or the monthly  
216.8 benefit retirement account attributable to the firefighters and the municipality.

216.9 (b) The executive director:

216.10 (1) shall transfer the assets in cash;

216.11 (2) shall transfer any accounts receivable associated with the lump-sum account or  
216.12 monthly benefit retirement account;

216.13 (3) shall settle any accounts payable from the account before the transfer; and

216.14 (4) may deduct from the assets to be transferred reasonable costs incurred by the  
216.15 retirement plan to conduct the voting process and complete the transfer.

216.16 Subd. 5. **Relief association obligations and rights upon transfer from the retirement**  
216.17 **plan.** (a) Upon transfer of the assets of the lump-sum account or monthly benefit retirement  
216.18 account, the pension liabilities attributable to the benefits for the former and current  
216.19 firefighters shall become the obligation of the special fund of the relief association.

216.20 (b) Upon the transfer of the assets of the lump-sum account or monthly benefit retirement  
216.21 account, the board of trustees of the relief association has legal title to and management  
216.22 responsibility for the transferred assets as trustees for persons having a beneficial interest  
216.23 in those assets arising out of the benefit coverage provided by the account.

216.24 (c) The relief association is the successor in interest with respect to all claims against  
216.25 the retirement plan relating to the transferred lump-sum account or monthly benefit retirement  
216.26 account, except for claims alleging any act or acts by the retirement plan or its fiduciaries  
216.27 that were not done in good faith or that constituted a breach of fiduciary responsibility under  
216.28 chapter 356A.

216.29 (d) The value of each volunteer firefighter's benefit in the retirement plan on the day  
216.30 before the asset transfer shall be no less than the value of the volunteer firefighter's benefit  
216.31 on the day after the asset transfer. The relief association shall give credit, with respect to  
216.32 each firefighter whose benefit is being transferred, for all past service, including service



217.1 credit with the retirement plan and with any predecessor relief association, to the extent  
217.2 credit is given for such service in the records of the retirement plan for that firefighter.

217.3 (e) Upon completion of the transfer of records, assets, and liabilities, the executive  
217.4 director shall provide written notice to the state auditor, the commissioner of revenue, and  
217.5 the secretary of state that the transfer is complete.

217.6 Subd. 6. **Failure to obtain approval, certification, or verification.** If the municipality,  
217.7 board of trustees, or firefighters fail to approve the transfer under subdivision 1, 2, or 3 or  
217.8 the requirements of subdivision 2, paragraph (b), are not met, the transfer of records, assets,  
217.9 and liabilities from the retirement plan to the relief association shall not occur.

217.10 Sec. 11. Laws 1992, chapter 534, section 10, subdivision 3, is amended to read:

217.11 Subd. 3. **Powers.** ~~(a)~~ The hospital district shall have all the powers necessary and  
217.12 convenient to provide for the acquisition, betterment, operation, maintenance, and  
217.13 administration for the hospital, including nursing home, other facilities for the residential  
217.14 occupancy of ambulatory elderly citizens who do not require nursing home or general  
217.15 hospital care and related programs, as the board of directors shall determine to be necessary  
217.16 and expedient. The enumeration of specific powers herein does not restrict the power of the  
217.17 board to take any lawful action which, in the reasonable exercise of its discretion, it deems  
217.18 necessary or convenient for the furtherance of the purpose for which the district exists,  
217.19 whether or not the power to take the action is implied from any of the powers expressly  
217.20 granted. These powers shall include, but not be limited to, the power to:

217.21 (1) employ management, administrative, nursing, and other personnel, legal counsel,  
217.22 engineers, architects, accountants, and other qualified persons, who may be paid for their  
217.23 services by monthly salaries, hourly wages, and pension benefits, or by fees as may be  
217.24 agreed on;

217.25 (2) cause reports, plans, studies, and recommendations to be prepared;

217.26 (3) when acquiring real and personal property as authorized in subdivision 1, contract  
217.27 for the acquisition by option, contract for deed, conditional sales contract, or otherwise;

217.28 (4) construct, equip, and furnish necessary buildings and grounds and maintain the same;

217.29 (5) adopt bylaws and rules and regulations to govern the operation and administration  
217.30 of any and all hospital, nursing home, and other facilities under its control, and for the  
217.31 admission of persons thereto;

218.1 (6) impose and collect charges for all services and facilities provided and made available  
218.2 by it;

218.3 (7) borrow money and issue bonds as prescribed in sections 6 to 20;

218.4 (8) procure insurance against liability of the district or its officers and employees, or  
218.5 both, for torts committed within the scope of their official duties, whether governmental or  
218.6 proprietary, or for errors and omissions, and against damage to or destruction of any of its  
218.7 facilities, equipment or other property;

218.8 (9) subject to subdivision 4, sell or lease any of its facilities or equipment as may be  
218.9 expedient;

218.10 (10) cause annual audits to be made of its accounts, books, vouchers, and funds by  
218.11 competent public accountants; this provision shall be construed to be mandatory;

218.12 (11) require a corporate surety bond from officers and employees of the district, and in  
218.13 the amount the board shall determine, and authorize payment of the premiums therefor; or

218.14 (12) provide loans to students as provided in Minnesota Statutes, section 447.331.

218.15 ~~(b) If the Swift county or Benson hospital is sold or leased to a private organization, the~~  
218.16 ~~successor employer shall provide hospital employees who were members of the public~~  
218.17 ~~employees retirement association immediately before the lease or sale a pension program~~  
218.18 ~~and benefits comparable to those provided by the public employees retirement association.~~

218.19 Sec. 12. **BROOK PARK; LOWERING SERVICE PENSION LEVEL.**

218.20 (a) Notwithstanding any law to the contrary, the Public Employees Retirement Association  
218.21 must lower the annual service pension level for the Brook Park lump-sum account benefits  
218.22 payable to its volunteer firefighters under Minnesota Statutes, section 353G.11, subdivision  
218.23 2, from \$1,200 to \$600, retroactively from January 1, 2016.

218.24 (b) The city of Brook Park must annually review the service pension level to determine  
218.25 if the level is appropriate, taking into account the city's need to recruit and retain volunteer  
218.26 firefighters.

218.27 Sec. 13. **CERTAIN ST. PAUL LABORERS AND ASSOCIATED TRADES**  
218.28 **PERSONNEL; COVERAGE EXCLUSION ELECTION.**

218.29 (a) A laborer or an associated trades person who is employed by the city of St. Paul or  
218.30 Independent School District No. 625, St. Paul, before June 1, 2018, and is designated as a  
218.31 temporary employee under a collective bargaining agreement and who has pension coverage

219.1 by the Minnesota Laborers Pension Fund may elect to be excluded from pension coverage  
219.2 by the general employees retirement plan. The exclusion election under this section must  
219.3 be made in writing on a form prescribed by the executive director and must be filed with  
219.4 the executive director. The exclusion election is irrevocable.

219.5 (b) Authority to make the coverage exclusion under this section expires June 1, 2019.

219.6 Sec. 14. **EFFECTIVE DATE.**

219.7 (a) Sections 2 to 11 and 12, paragraph (a), are effective June 30, 2018.

219.8 (b) Sections 1 and 13 are effective May 30, 2018.

219.9 (c) Section 12, paragraph (b), is effective the day after the governing body of the city  
219.10 of Brook Park and its chief clerical officer timely complete their compliance with Minnesota  
219.11 Statutes, section 645.021, subdivisions 2 and 3.

## 219.12 **ARTICLE 17**

### 219.13 **GENERALLY APPLICABLE RETIREMENT CHANGES**

219.14 Section 1. Minnesota Statutes 2016, section 356.24, subdivision 1, is amended to read:

219.15 Subdivision 1. **Restriction; exceptions.** It is unlawful for a school district or other  
219.16 governmental subdivision or state agency to levy taxes for or to contribute public funds to  
219.17 a supplemental pension or deferred compensation plan that is established, maintained, and  
219.18 operated in addition to a primary pension program for the benefit of the governmental  
219.19 subdivision employees other than:

219.20 (1) to a supplemental pension plan that was established, maintained, and operated before  
219.21 May 6, 1971;

219.22 (2) to a plan that provides solely for group health, hospital, disability, or death benefits;

219.23 (3) to the individual retirement account plan established by chapter 354B;

219.24 (4) to a plan that provides solely for severance pay under section 465.72 to a retiring or  
219.25 terminating employee;

219.26 (5) for employees other than personnel employed by the Board of Trustees of the  
219.27 Minnesota State Colleges and Universities and covered under the Higher Education  
219.28 Supplemental Retirement Plan under chapter 354C, but including city managers covered  
219.29 by an alternative retirement arrangement under section 353.028, subdivision 3, paragraph  
219.30 (a), or by the defined contribution plan of the Public Employees Retirement Association  
219.31 under section 353.028, subdivision 3, paragraph (b), if the supplemental plan coverage is

220.1 provided for in a personnel policy of the public employer or in the collective bargaining  
220.2 agreement between the public employer and the exclusive representative of public employees  
220.3 in an appropriate unit or in the individual employment contract between a city and a city  
220.4 manager, and if for each available investment all fees and historic rates of return for the  
220.5 prior one-, three-, five-, and ten-year periods, or since inception, are disclosed in an easily  
220.6 comprehended document not to exceed two pages, in an amount matching employee  
220.7 contributions on a dollar for dollar basis, but not to exceed an employer contribution of  
220.8 one-half of the available elective deferral permitted per year per employee, under the Internal  
220.9 Revenue Code:

220.10 (i) to the state of Minnesota deferred compensation plan under section 352.965;

220.11 (ii) in payment of the applicable portion of the contribution made to any investment  
220.12 eligible under section 403(b) of the Internal Revenue Code, if the employing unit has  
220.13 complied with any applicable pension plan provisions of the Internal Revenue Code with  
220.14 respect to the tax-sheltered annuity program during the preceding calendar year; or

220.15 (iii) any other deferred compensation plan offered by the employer under section 457  
220.16 of the Internal Revenue Code;

220.17 (6) for personnel employed by the Board of Trustees of the Minnesota State Colleges  
220.18 and Universities and not covered by clause (5), to the supplemental retirement plan under  
220.19 chapter 354C, if the supplemental plan coverage is provided for in a personnel policy or in  
220.20 the collective bargaining agreement of the public employer with the exclusive representative  
220.21 of the covered employees in an appropriate unit, in an amount matching employee  
220.22 contributions on a dollar for dollar basis, but not to exceed an employer contribution of  
220.23 \$2,700 a year for each employee;

220.24 (7) to a supplemental plan or to a governmental trust to save for postretirement health  
220.25 care expenses qualified for tax-preferred treatment under the Internal Revenue Code, if the  
220.26 supplemental plan coverage is provided for in a personnel policy or in the collective  
220.27 bargaining agreement of a public employer with the exclusive representative of the covered  
220.28 employees in an appropriate unit;

220.29 (8) to the laborers national industrial pension fund or to a laborers local pension fund  
220.30 for the employees of a governmental subdivision who are covered by a collective bargaining  
220.31 agreement that provides for coverage by that fund and that sets forth a fund contribution  
220.32 rate, but not to exceed an employer contribution of ~~\$5,000~~ \$7,000 per year per employee;

220.33 (9) to the plumbers and pipefitters national pension fund or to a plumbers and pipefitters  
220.34 local pension fund for the employees of a governmental subdivision who are covered by a

221.1 collective bargaining agreement that provides for coverage by that fund and that sets forth  
221.2 a fund contribution rate, but not to exceed an employer contribution of \$5,000 per year per  
221.3 employee;

221.4 (10) to the international union of operating engineers pension fund for the employees  
221.5 of a governmental subdivision who are covered by a collective bargaining agreement that  
221.6 provides for coverage by that fund and that sets forth a fund contribution rate, but not to  
221.7 exceed an employer contribution of \$5,000 per year per employee;

221.8 (11) to a supplemental plan organized and operated under the federal Internal Revenue  
221.9 Code, as amended, that is wholly and solely funded by the employee's accumulated sick  
221.10 leave, accumulated vacation leave, and accumulated severance pay;

221.11 (12) to the International Association of Machinists national pension fund for the  
221.12 employees of a governmental subdivision who are covered by a collective bargaining  
221.13 agreement that provides for coverage by that fund and that sets forth a fund contribution  
221.14 rate, but not to exceed an employer contribution of \$5,000 per year per employee;

221.15 (13) for employees of United Hospital District, Blue Earth, to the state of Minnesota  
221.16 deferred compensation program, if the employee makes a contribution, in an amount that  
221.17 does not exceed the total percentage of covered salary under section 353.27, subdivisions  
221.18 3 and 3a;

221.19 (14) to the alternative retirement plans established by the Hennepin County Medical  
221.20 Center under section 383B.914, subdivision 5; or

221.21 (15) to the International Brotherhood of Teamsters Central States pension plan for  
221.22 fixed-route bus drivers employed by the St. Cloud Metropolitan Transit Commission who  
221.23 are members of the International Brotherhood of Teamsters Local 638 by virtue of that  
221.24 employment.

221.25 Sec. 2. **[356.631] ADDITIONAL SOURCES OF FUNDING.**

221.26 Notwithstanding any other provision of law to the contrary, in addition to all sources of  
221.27 funding described in Minnesota Statutes, section 356.63, any public retirement plan described  
221.28 in Minnesota Statutes, section 356.63, paragraph (b), is authorized to accept, at its discretion,  
221.29 for deposit in its fund the following:

221.30 (1) gifts;

221.31 (2) donations;

221.32 (3) bequests; and

222.1 (4) life insurance death benefits.

222.2 Sec. 3. **REPEALER.**

222.3 Minnesota Statutes 2016, sections 352.04, subdivision 11; and 353.34, subdivision 6,  
222.4 are repealed.

222.5 Sec. 4. **EFFECTIVE DATE.**

222.6 Sections 1 to 3 are effective June 30, 2018.

222.7 **ARTICLE 18**

222.8 **SMALL GROUP RETIREMENT CHANGES**

222.9 Section 1. **MSRS-GENERAL RETIREMENT ELIGIBILITY CLARIFICATION;**  
222.10 **SERVICE CREDIT PURCHASE IN CERTAIN INSTANCES.**

222.11 (a) Notwithstanding any provision of law to the contrary, an eligible person described  
222.12 in paragraph (b) is entitled to purchase prior uncredited service credit under paragraph (c)  
222.13 and, if the service credit purchase is made, to have an effective start date for active retirement  
222.14 plan membership of June 1, 1989, and to retire under Minnesota Statutes, section 352.116,  
222.15 subdivision 1.

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

222.17 (1) was born on the dates as follows:

<u>employee</u>	<u>birth date</u>
222.18 <u>A</u>	<u>October 2, 1968</u>
222.19 <u>B</u>	<u>June 12, 1965</u>
222.20 <u>C</u>	<u>August 10, 1958</u>
222.21 <u>D</u>	<u>April 29, 1963</u>
222.22 <u>E</u>	<u>April 11, 1955</u>
222.23 <u>F</u>	<u>August 13, 1966</u>
222.24 <u>G</u>	<u>April 22, 1961</u>
222.25 <u>H</u>	<u>December 31, 1958</u>
222.26 <u>I</u>	<u>October 10, 1966</u>
222.27 <u>J</u>	<u>February 4, 1961</u>
222.28 <u>K</u>	<u>August 21, 1963</u>
222.29 <u>L</u>	<u>January 23, 1960</u>
222.30 <u>M</u>	<u>September 19, 1966</u>
222.31 <u>N</u>	<u>November 3, 1961</u>

223.1	<u>O</u>	<u>June 13, 1958</u>
223.2	<u>P</u>	<u>June 23, 1954</u>
223.3	<u>Q</u>	<u>October 20, 1956</u>
223.4	<u>R</u>	<u>July 28, 1955</u>
223.5	<u>S</u>	<u>May 6, 1960</u>
223.6	<u>T</u>	<u>March 19, 1966</u>
223.7	<u>U</u>	<u>August 19, 1966</u>
223.8	<u>V</u>	<u>March 14, 1959</u>

223.9 (2) became an employee of the Minnesota Department of Transportation prior to July  
 223.10 1, 1989, in a position which was not covered by the general state employees retirement plan  
 223.11 of the Minnesota State Retirement System;

223.12 (3) was eventually employed as a permanent employee after June 30, 1989, and covered  
 223.13 by the general state employees retirement plan of the Minnesota State Retirement System  
 223.14 on the dates as follows:

223.15	<u>employee</u>	<u>membership record date</u>
223.16	<u>A</u>	<u>September 27, 1989</u>
223.17	<u>B</u>	<u>September 27, 1989</u>
223.18	<u>C</u>	<u>September 26, 1989</u>
223.19	<u>D</u>	<u>September 27, 1989</u>
223.20	<u>E</u>	<u>September 26, 1989</u>
223.21	<u>F</u>	<u>September 13, 1989</u>
223.22	<u>G</u>	<u>September 1, 1989</u>
223.23	<u>H</u>	<u>September 27, 1989</u>
223.24	<u>I</u>	<u>September 27, 1989</u>
223.25	<u>J</u>	<u>September 13, 1989</u>
223.26	<u>K</u>	<u>September 13, 1989</u>
223.27	<u>L</u>	<u>September 26, 1989</u>
223.28	<u>M</u>	<u>August 30, 1989</u>
223.29	<u>N</u>	<u>September 26, 1989</u>
223.30	<u>O</u>	<u>September 13, 1989</u>
223.31	<u>P</u>	<u>September 27, 1989</u>
223.32	<u>Q</u>	<u>September 27, 1989</u>
223.33	<u>R</u>	<u>September 27, 1989</u>
223.34	<u>S</u>	<u>September 13, 1989</u>
223.35	<u>T</u>	<u>September 13, 1989</u>
223.36	<u>U</u>	<u>September 27, 1989</u>
223.37	<u>V</u>	<u>September 26, 1989</u>

224.1 (4) was sent annual statements by the Minnesota State Retirement System between July  
224.2 1, 2005, and July 1, 2015, indicating eligibility for a retirement benefit under Minnesota  
224.3 Statutes, section 352.116, subdivision 1; and

224.4 (5) was sent notification from the Minnesota State Retirement System revising the start  
224.5 date for general state employees retirement plan membership from a date before July 1,  
224.6 1989, to a date after June 30, 1989, and indicating consequent inapplicability of Minnesota  
224.7 Statutes, section 352.116, subdivision 1.

224.8 (c) An eligible person may purchase allowable service credit in the general state  
224.9 employees retirement plan of the Minnesota State Retirement System by paying an amount  
224.10 equal to the employer contributions and employee contributions that would have been paid  
224.11 from June 1, 1989, to the end of the month prior to the date the employee entered covered  
224.12 service plus interest at the applicable annual rate or rates specified in Minnesota Statutes,  
224.13 section 356.59, subdivision 2, compounded annually on the combined employer and  
224.14 employee contribution amount from the date the contributions would have been paid to the  
224.15 date the Minnesota State Retirement System receives payment for this service credit purchase.  
224.16 The payment must be made in a lump sum.

224.17 (d) An eligible person who purchases allowable service credit under paragraph (c) has  
224.18 a June 1, 1989, start date for the purpose of allowable service credited by the general state  
224.19 employees retirement plan of the Minnesota State Retirement System and is eligible for a  
224.20 retirement annuity under Minnesota Statutes, section 352.116, subdivision 1.

224.21 (e) The ongoing annuity benefit of an eligible person who is retired and who purchases  
224.22 allowable service credit under paragraph (c) shall be adjusted consistent with paragraph (d).  
224.23 The difference between the ongoing annuity benefit and the adjusted ongoing annuity benefit  
224.24 for all benefit payments made before the adjustment shall be paid as a lump sum.

224.25 (f) Authority to purchase prior uncredited service credit under this section expires one  
224.26 year from the effective date of this section.

224.27 **Sec. 2. PERA-GENERAL; PURCHASE OF SERVICE CREDIT FOR ST. CLOUD**  
224.28 **STATE UNIVERSITY EMPLOYEE.**

224.29 (a) Notwithstanding any provision of law to the contrary, an eligible person described  
224.30 in paragraph (b) is entitled to purchase from the general employees retirement plan of the  
224.31 Public Employees Retirement Association allowable service credit under Minnesota Statutes,  
224.32 section 353.01, subdivision 16, for the period of service described in paragraph (c).

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



225.1 (1) was born on September 1, 1960;

225.2 (2) was an employee of St. Cloud State University on March 14, 2016;

225.3 (3) was a member of the general employees retirement plan of the Public Employees  
225.4 Retirement Association on March 14, 2016;

225.5 (4) was employed by St. Cloud Technical College on April 1, 1993, and was a member  
225.6 of the general employees retirement plan of the Public Employees Retirement Association;  
225.7 and

225.8 (5) changed employment within St. Cloud State University on February 22, 2006, and  
225.9 was erroneously placed into the higher education individual retirement account plan from  
225.10 February 22, 2006, until May 10, 2011, by the Minnesota State Colleges and Universities  
225.11 system.

225.12 (c) The period of uncredited service authorized for purchase is the period of February  
225.13 22, 2006, until May 10, 2011, during which time the eligible person was erroneously placed  
225.14 into and contributed to the higher education individual retirement account plan.

225.15 (d) The eligible person's member contributions to the higher education individual  
225.16 retirement account plan must be transferred to the Public Employees Retirement Association  
225.17 with any earned investment returns on those contributions. The eligible person must pay  
225.18 the member contributions that the eligible person would have made to the Public Employees  
225.19 Retirement Association on the eligible person's compensation from the Minnesota State  
225.20 Colleges and Universities system for the period of service described in paragraph (c) as if  
225.21 the person had been covered by the Public Employees Retirement Association during the  
225.22 period, plus annual compound interest on that amount at the applicable annual rate or rates  
225.23 specified in Minnesota Statutes, section 356.59, subdivision 3, until the date on which  
225.24 payment is made to the Public Employees Retirement Association, less the transferred  
225.25 member contributions and investment earnings.

225.26 (e) Upon transfer of the equivalent member contribution amount and any additional  
225.27 payments under paragraph (d), the balance of the eligible person's higher education individual  
225.28 retirement account plan account must be transferred to the Public Employees Retirement  
225.29 Association within 60 days following the receipt of the eligible person's payment under  
225.30 paragraph (d).

225.31 (f) Upon the transfer of the amounts under paragraphs (d) and (e), the Minnesota State  
225.32 Colleges and Universities system shall pay the prior service credit purchase payment amount  
225.33 calculated under Minnesota Statutes, section 356.551, less any amounts received under

226.1 paragraphs (d) and (e), within 60 days following the receipt of the eligible person's payment  
226.2 under paragraph (d).

226.3 (g) Upon the transfers and payments under paragraph (f), the eligible person must be  
226.4 credited by the Public Employees Retirement Association with allowable service credit for  
226.5 Minnesota State Colleges and Universities System employment from February 22, 2006,  
226.6 until May 10, 2011.

226.7 (h) Authority to make a service credit purchase under this section expires one year from  
226.8 the effective date of this section.

226.9 **Sec. 3. TRA COVERAGE ELECTION AND PERA REFUND REPAYMENT**  
226.10 **AUTHORITY FOR CERTAIN MNSCU EMPLOYEE.**

226.11 (a) Notwithstanding any provision of Minnesota Statutes, chapter 353 or 354B, to the  
226.12 contrary, an eligible person described in paragraph (b) is eligible to become a coordinated  
226.13 member of the Teachers Retirement Association and to purchase service and salary credit  
226.14 in the Teachers Retirement Association coordinated plan retroactively from July 1, 2001,  
226.15 upon repaying a member contribution refund taken from the general employees retirement  
226.16 plan of the Public Employees Retirement Association under paragraph (c), upon making  
226.17 an election under paragraph (e), and upon making all required payments under paragraphs  
226.18 (f) and (g).

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

226.20 (1) was born April 4, 1956;

226.21 (2) was employed by a governmental subdivision in 1995, with retirement coverage in  
226.22 the general employees retirement plan of the Public Employees Retirement Association,  
226.23 for which a refund of member contributions and interest was taken before 2001;

226.24 (3) was employed by St. Cloud State University in the late 1990s, with retirement  
226.25 coverage in the general state employees retirement plan of the Minnesota State Retirement  
226.26 System;

226.27 (4) was hired as an academic advisor by St. Cloud State University on July 1, 2001, with  
226.28 retirement coverage in the higher education individual retirement account plan; and

226.29 (5) was not informed of the option to elect Teachers Retirement Association coverage  
226.30 in the coverage election authorized by Minnesota Statutes 2001, section 354B.21, so remained  
226.31 in the higher education individual retirement account plan.

227.1 (c) The refund repayment required by Minnesota Statutes, section 356.551, subdivision  
227.2 1, paragraph (c), must be calculated under Minnesota Statutes, section 353.35, subdivision  
227.3 1, paragraph (c).

227.4 (d) Authority to repay a refund under this section expires one year from the effective  
227.5 date of this section.

227.6 (e) To be eligible for coverage by the Teachers Retirement Association, an eligible  
227.7 person must submit a written application to the executive director of the Teachers Retirement  
227.8 Association on a form provided by the Teachers Retirement Association. The application  
227.9 must include all documentation of the applicability of this section and any other relevant  
227.10 information that the executive director may require. Teachers Retirement Association plan  
227.11 membership commences after the date of the retirement coverage election under this section  
227.12 and past salary and service credit is granted for past Minnesota State Colleges and  
227.13 Universities system employment from July 1, 2001, until the executive director receives  
227.14 the written application specified in this paragraph and receipts of the payments specified in  
227.15 paragraphs (c), (f), and (g). Coverage by the Teachers Retirement Association is in lieu of  
227.16 coverage by the individual retirement account plan.

227.17 (f) If the eligible person makes the retirement coverage election under paragraph (e),  
227.18 the eligible person's member contributions to the higher education individual retirement  
227.19 account plan must be transferred to the Teachers Retirement Association with any earned  
227.20 investment returns on those contributions. If the transferred member contributions and  
227.21 investment earnings are less than the calculated amount of the member contributions that  
227.22 the eligible person would have made to the Teachers Retirement Association on the eligible  
227.23 person's compensation from the Minnesota State Colleges and Universities system for the  
227.24 period from July 1, 2001, to the date of the retirement coverage election if the person had  
227.25 been covered by the Teachers Retirement Association during the period, plus annual  
227.26 compound interest at the applicable rate or rates specified in Minnesota Statutes, section  
227.27 356.59, subdivision 4, then the eligible person shall pay the balance of that calculated  
227.28 member contribution obligation within 30 days of the retirement coverage election.

227.29 (g) Upon the transfer of the equivalent member contribution amount and any additional  
227.30 payment under paragraph (f), the balance of the eligible person's higher education individual  
227.31 retirement account plan account must be transferred to the Teachers Retirement Association.  
227.32 If the amounts under paragraph (f) and the individual retirement account plan balance under  
227.33 this paragraph are less than the prior service credit purchase payment amount calculated  
227.34 under Minnesota Statutes, section 356.551, the Minnesota State Colleges and Universities  
227.35 system shall pay the difference within 60 days of the retirement election date.

228.1 (h) The authority to make a retirement coverage election under this section expires one  
228.2 year from the effective date of this section.

228.3 **Sec. 4. TRA COVERAGE FOR CERTAIN MESABI RANGE COMMUNITY AND**  
228.4 **TECHNICAL COLLEGE FACULTY MEMBERS.**

228.5 (a) Notwithstanding any provision of law to the contrary, an eligible person described  
228.6 in paragraph (b) is authorized to become a coordinated member of the Teachers Retirement  
228.7 Association and to purchase service and salary credit in the Teachers Retirement Association  
228.8 coordinated plan retroactive from July 19, 2000, or September 15, 2000, whichever is  
228.9 applicable, upon making an election under paragraph (c) and upon making all required  
228.10 payments under paragraphs (d) and (e).

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

228.12 (1) either:

228.13 (i) was born on September 25, 1964, and has been employed at Mesabi Range Community  
228.14 and Technical College and a contributing member of the higher education individual  
228.15 retirement account plan since July 19, 2000; or

228.16 (ii) was born on October 15, 1963, and has been employed at Mesabi Range Community  
228.17 and Technical College and a contributing member of the higher education individual  
228.18 retirement account plan since September 15, 2000;

228.19 (2) was classified in the unlimited full-time category on August 21, 2012;

228.20 (3) became eligible for an election of Teachers Retirement Association coverage under  
228.21 Laws 2009, chapter 169, article 6, section 1; and

228.22 (4) was not offered an election of Teachers Retirement Association coverage by the  
228.23 Minnesota State Colleges and Universities system.

228.24 (c) To be eligible for coverage by the Teachers Retirement Association, an eligible  
228.25 person must submit a written application to the executive director of the Teachers Retirement  
228.26 Association on a form provided by the Teachers Retirement Association. The application  
228.27 must include all documentation of the applicability of this section and any other relevant  
228.28 information that the executive director may require. Teachers Retirement Association plan  
228.29 membership commences after the date of the retirement coverage election under this section  
228.30 and past salary and service credit is granted for past Minnesota State Colleges and  
228.31 Universities system employment from July 19, 2000, or September 15, 2000, whichever is  
228.32 applicable, until the executive director receives the written application specified in this

229.1 paragraph and receipts of the payments specified in paragraphs (d) and (e). Coverage by  
229.2 the Teachers Retirement Association is in lieu of coverage by the individual retirement  
229.3 account plan.

229.4 (d) If the eligible person makes the retirement coverage election under paragraph (c),  
229.5 the eligible person shall make a contribution to the Teachers Retirement Association equal  
229.6 to the excess, if any, of the employee contributions that the eligible person would have made  
229.7 if the Teachers Retirement Association had provided coverage from July 19, 2000, or  
229.8 September 15, 2000, whichever is applicable, rather than the individual retirement account  
229.9 plan. These additional contribution amounts shall include annual compound interest at the  
229.10 applicable annual rate or rates specified in Minnesota Statutes, section 356.59, subdivision  
229.11 4, computed from the date the contribution would have been made if deducted from salary  
229.12 until paid. The total amount to be paid under this paragraph shall be determined by the  
229.13 executive director of the Teachers Retirement Association and written notification of the  
229.14 amount required under this paragraph must be transmitted to the eligible person.

229.15 (e) If payment is made under paragraph (d), the value of the applicable eligible person's  
229.16 higher education individual retirement account plan account shall be transferred to the  
229.17 Teachers Retirement Association.

229.18 (f) The Teachers Retirement Association shall determine the required purchase payment  
229.19 amount calculated under Minnesota Statutes, section 356.551, imposed upon the Teachers  
229.20 Retirement Association under this section due to the salary and service credit purchase.

229.21 (g) From the total amount computed under paragraph (f), the executive director of the  
229.22 Teachers Retirement Association shall subtract the amounts received under paragraphs (d)  
229.23 and (e). The Minnesota State Colleges and Universities system must transmit the remaining  
229.24 amount, if any, to the executive director of the Teachers Retirement Association within 60  
229.25 days following the receipt of the payments under paragraphs (d) and (e).

229.26 (h) The authority to make a retirement coverage election under this section expires one  
229.27 year from the effective date of this section.

229.28 **Sec. 5. TEACHERS RETIREMENT ASSOCIATION COVERAGE ELECTION**  
229.29 **AND MINNESOTA STATE RETIREMENT SYSTEM REFUND REPAYMENT**  
229.30 **AUTHORITY FOR CERTAIN WINONA STATE UNIVERSITY EMPLOYEE.**

229.31 (a) Notwithstanding any provision of Minnesota Statutes, chapter 352 or 354B, to the  
229.32 contrary, an eligible person described in paragraph (b) is eligible to become a coordinated  
229.33 member of the Teachers Retirement Association and to purchase service and salary credit

230.1 in the Teachers Retirement Association coordinated plan retroactively from January 1, 1995,  
230.2 upon repaying a member contribution refund taken from the general employees retirement  
230.3 plan of the Minnesota State Retirement System under paragraph (c), upon making an election  
230.4 under paragraph (e), and upon making all required payments under paragraphs (f), (g), and  
230.5 (h).

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

230.7 (1) was born November 11, 1957;

230.8 (2) began state employment in 1981, with retirement coverage in the general employees  
230.9 retirement plan of the Minnesota State Retirement System for which a refund of member  
230.10 contributions and interest was taken;

230.11 (3) was employed by Winona State University on September 11, 1989, with retirement  
230.12 coverage in the higher education individual retirement account plan; and

230.13 (4) was not informed of the option to elect Teachers Retirement Association coverage  
230.14 in the coverage election authorized under Laws 1994, chapter 508, article 1, section 10, so  
230.15 remained in the higher education individual retirement account plan.

230.16 (c) The refund repayment required by Minnesota Statutes, section 356.551, subdivision  
230.17 1, paragraph (c), must be calculated under Minnesota Statutes, section 352.23.

230.18 (d) Authority to repay a refund under this section expires one year from the effective  
230.19 date of this section.

230.20 (e) To be eligible for coverage by the Teachers Retirement Association, an eligible  
230.21 person must submit a written application to the executive director of the Teachers Retirement  
230.22 Association on a form provided by the Teachers Retirement Association. The application  
230.23 must include all relevant documentation and information that the executive director may  
230.24 require. Teachers Retirement Association plan membership commences after the date of  
230.25 the retirement coverage election under this section and past salary and service credit is  
230.26 granted for past Minnesota State Colleges and Universities system employment from January  
230.27 1, 1995, until the executive director receives the written application specified in this  
230.28 paragraph and receipts of the payments specified in paragraphs (c), (f), (g), and (h). Coverage  
230.29 by the Teachers Retirement Association is in lieu of coverage by the individual retirement  
230.30 account plan.

230.31 (f) If the eligible person makes the retirement coverage election under paragraph (e),  
230.32 the eligible person's member contributions to the higher education individual retirement  
230.33 account plan account from January 1, 1995, to the date of the retirement coverage election

231.1 must be transferred to the Teachers Retirement Association, with any earned investment  
231.2 returns on those contributions. If the transferred member contributions and investment  
231.3 earnings are less than the calculated amount of the member contributions that the eligible  
231.4 person would have made to the Teachers Retirement Association on the eligible person's  
231.5 compensation from the Minnesota State Colleges and Universities system for the period  
231.6 from January 1, 1995, to the date of the retirement coverage election, if the person had been  
231.7 covered by the Teachers Retirement Association during the period, plus annual compound  
231.8 interest at the applicable annual rate or rates specified in Minnesota Statutes, section 356.59,  
231.9 subdivision 4, then the eligible person shall pay the balance of that calculated member  
231.10 contribution obligation within 30 days of the retirement coverage election.

231.11 (g) Upon the transfer of the equivalent member contribution amount and any additional  
231.12 payment under paragraph (f), the employer contributions made on behalf of the eligible  
231.13 member to the higher education individual retirement account plan account from January  
231.14 1, 1995, to the date of the retirement coverage election must be transferred to the Teachers  
231.15 Retirement Association, with any earned investment returns on those contributions.

231.16 (h) If the amounts under paragraphs (f) and (g) are less than the prior service credit  
231.17 purchase payment amount under Minnesota Statutes, section 356.551, the Minnesota State  
231.18 Colleges and Universities system shall pay the difference within 60 days following receipt  
231.19 of the amounts transmitted under paragraphs (f) and (g).

231.20 (i) The authority to make a retirement coverage election under this section expires one  
231.21 year from the effective date of this section.

231.22 **Sec. 6. PERA COVERAGE ELECTION AND SERVICE CREDIT PURCHASE;**  
231.23 **DULUTH TOWNSHIP CLERK.**

231.24 (a) Notwithstanding any provision of Minnesota Statutes, chapter 353 or 353D, to the  
231.25 contrary, an eligible person described in paragraph (b) is eligible to purchase from the  
231.26 general employees retirement plan of the Public Employees Retirement Association allowable  
231.27 service credit under Minnesota Statutes, section 353.01, subdivision 16, for the period of  
231.28 service described in paragraph (c).

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

231.30 (1) was born on July 19, 1953;

231.31 (2) became a member of the public employees defined contribution plan of the Public  
231.32 Employees Retirement Association on January 7, 1997, as the elected clerk for Duluth  
231.33 township;

232.1 (3) should have become a member of the public employees general plan of the Public  
232.2 Employees Retirement Association on April 12, 2001, when the elected clerk position  
232.3 became an appointed position;

232.4 (4) erroneously remained in the public employees defined contribution plan until February  
232.5 2017; and

232.6 (5) retroactively joined the public employees general plan to January 1, 2014, pursuant  
232.7 to Minnesota Statutes, section 353.27, subdivision 12.

232.8 (c) The period of uncredited service authorized for purchase is the period of April 12,  
232.9 2001, until December 31, 2013.

232.10 (d) Any member contributions made to the public employees defined contribution plan,  
232.11 plus any earned investments returns on those contributions, remaining after the transfer  
232.12 associated with the cost of omitted salary deductions pursuant to Minnesota Statutes, section  
232.13 353.27, subdivision 12, may be transferred to the public employees general plan of the  
232.14 Public Employees Retirement Association upon request from the eligible person. The transfer  
232.15 must occur within 60 days of the request. Authority to request a transfer under this section  
232.16 expires December 31, 2018.

232.17 (e) Any employer contributions made to the public employees defined contribution plan,  
232.18 plus any earned investment returns on those contributions, remaining after the transfer  
232.19 associated with the cost of omitted salary deductions pursuant to Minnesota Statutes, section  
232.20 353.27, subdivision 12, must be transferred to the public employees general plan of the  
232.21 Public Employees Retirement Association at the same time as the transfer that occurs under  
232.22 paragraph (d).

232.23 (f) If the eligible person requests a transfer under paragraph (d), the eligible person must  
232.24 pay the member contributions that the eligible person would have made to the Public  
232.25 Employees Retirement Association on the eligible person's compensation from the Duluth  
232.26 township for the period of service described in paragraph (c) as if the person had been  
232.27 covered by the public employees general plan, plus annual compound interest on that amount  
232.28 at the applicable annual rate or rates specified in Minnesota Statutes, section 356.59,  
232.29 subdivision 3, until the date payment is made to the Public Employees Retirement  
232.30 Association, less the transferred member contributions and investment earnings.

232.31 (g) Upon the transfer of the amounts under paragraphs (d), (e), and (f), Duluth township  
232.32 shall pay the prior service credit purchase payment amount calculated under Minnesota  
232.33 Statutes, section 356.551, less any amounts received under paragraphs (d), (e), and (f),  
232.34 within 60 days following the receipt of the eligible person's payment under paragraph (f).



233.1 (h) Upon the transfer and payment under paragraph (g), the eligible person must be  
233.2 credited by the Public Employees Retirement Association with allowable service credit for  
233.3 Duluth township employment from April 12, 2001, until December 31, 2013.

233.4 (i) Authority to make a service credit purchase under this section expires one year from  
233.5 the effective date of this section.

233.6 **Sec. 7. TRA COVERAGE ELECTION AUTHORITY FOR CERTAIN MINNESOTA**  
233.7 **STATE EMPLOYEE.**

233.8 (a) Notwithstanding any provision of law to the contrary, an eligible person described  
233.9 in paragraph (b) is authorized to become a coordinated member of the Teachers Retirement  
233.10 Association and to purchase service and salary credit in the Teachers Retirement Association  
233.11 coordinated plan retroactively from August 5, 2009, upon making an election under paragraph  
233.12 (c) and upon making all required payments under paragraphs (d) and (e).

233.13 (b) An eligible person is one who:

233.14 (1) was born on June 3, 1966;

233.15 (2) was employed as a state program administrator coordinator on December 2, 2002,  
233.16 with Minnesota State Retirement System retirement plan coverage;

233.17 (3) was employed as an administrator with the Minnesota State Personnel Plan for  
233.18 Administrators on August 5, 2009, with retirement coverage in the higher education  
233.19 individual retirement account plan; and

233.20 (4) was not offered an election of Teachers Retirement Association coverage as authorized  
233.21 by Minnesota Statutes, section 354B.21, so remained in the higher education individual  
233.22 retirement account plan.

233.23 (c) To be eligible for coverage by the Teachers Retirement Association, an eligible  
233.24 person must submit a written application to the executive director of the Teachers Retirement  
233.25 Association on a form provided by the Teachers Retirement Association. The application  
233.26 must include all documentation of the applicability of this section and any other relevant  
233.27 information that the executive director may require. Teachers Retirement Association plan  
233.28 membership commences after the date of the retirement coverage election under this section  
233.29 and past salary and service credit is granted for past Minnesota State system employment  
233.30 from August 5, 2009, until the executive director receives the written application specified  
233.31 in this paragraph and receipts of payments specified in paragraphs (d) and (e).

234.1 (d) If the eligible person makes the retirement coverage election under paragraph (c),  
234.2 the eligible person shall make a contribution to the Teachers Retirement Association equal  
234.3 to the excess, if any, of the employee contributions that the eligible person would have made  
234.4 if covered by the Teachers Retirement Association from August 5, 2009. These additional  
234.5 contribution amounts shall include 8.5 percent annual compound interest computed from  
234.6 the date the contribution would have been made if deducted from salary until paid. The total  
234.7 amount to be paid under this paragraph shall be determined by the executive director of the  
234.8 Teachers Retirement Association and written notification of the amount required under this  
234.9 paragraph must be transmitted to the eligible person.

234.10 (e) If payment is made under paragraph (d), the value of the applicable eligible person's  
234.11 higher education individual retirement account plan account shall be transferred to the  
234.12 Teachers Retirement Association.

234.13 (f) The Teachers Retirement Association shall determine the required purchase payment  
234.14 amount calculated under Minnesota Statutes, section 356.551, imposed upon the Teachers  
234.15 Retirement Association under this section due to the salary and service credit purchase.

234.16 (g) From the total amount computed under paragraph (f), the executive director of the  
234.17 Teachers Retirement Association shall subtract the amounts received under paragraphs (d)  
234.18 and (e). The Minnesota State system must transmit the remaining amount, if any, to the  
234.19 executive director of the Teachers Retirement Association within 60 days following the  
234.20 receipt of payments under paragraphs (d) and (e).

234.21 (h) The authority to make a retirement coverage election under this section expires one  
234.22 year from the effective date of this section.

234.23 **Sec. 8. EFFECTIVE DATE.**

234.24 Sections 1 to 7 are effective June 30, 2018.

## 234.25 **ARTICLE 19**

### 234.26 **TECHNICAL CORRECTIONS**

234.27 Section 1. Minnesota Statutes 2016, section 353.01, subdivision 16, is amended to read:

234.28 Subd. 16. **Allowable service; limits and computation.** (a) "Allowable service" means:

234.29 (1) service during years of actual membership in the course of which employee deductions  
234.30 were withheld from salary and contributions were made at the applicable rates under section  
234.31 353.27, 353.65, or 353E.03;

235.1 (2) periods of service covered by payments in lieu of salary deductions under sections  
235.2 353.27, subdivisions 12 and 12a, and 353.35;

235.3 (3) service in years during which the public employee was not a member but for which  
235.4 the member later elected, while a member, to obtain credit by making payments to the fund  
235.5 as permitted by any law then in effect;

235.6 (4) a period of authorized leave of absence during which the employee receives pay as  
235.7 specified in subdivision 10, paragraph (a), clause (4) or (5), from which deductions for  
235.8 employee contributions are made, deposited, and credited to the fund;

235.9 (5) a period of authorized leave of absence without pay, or with pay that is not included  
235.10 in the definition of salary under subdivision 10, paragraph (a), clause (4) or (5), for which  
235.11 salary deductions are not authorized, and for which a member obtained service credit for  
235.12 up to 12 months of the authorized leave period by payment under section ~~353.0161~~ or  
235.13 353.0162, to the fund made in place of salary deductions;

235.14 (6) a periodic, repetitive leave that is offered to all employees of a governmental  
235.15 subdivision. The leave program may not exceed 208 hours per annual normal work cycle  
235.16 as certified to the association by the employer. A participating member obtains service credit  
235.17 by making employee contributions in an amount or amounts based on the member's average  
235.18 salary, excluding overtime pay, that would have been paid if the leave had not been taken.  
235.19 The employer shall pay the employer and additional employer contributions on behalf of  
235.20 the participating member. The employee and the employer are responsible to pay interest  
235.21 on their respective shares at the rate of 8.5 percent until June 30, 2015, and eight percent  
235.22 thereafter, compounded annually, from the end of the normal cycle until full payment is  
235.23 made. An employer shall also make the employer and additional employer contributions,  
235.24 plus 8.5 percent interest until June 30, 2015, and eight percent interest thereafter, compounded  
235.25 annually, on behalf of an employee who makes employee contributions but terminates public  
235.26 service. The employee contributions must be made within one year after the end of the  
235.27 annual normal working cycle or within 30 days after termination of public service, whichever  
235.28 is sooner. The executive director shall prescribe the manner and forms to be used by a  
235.29 governmental subdivision in administering a periodic, repetitive leave. Upon payment, the  
235.30 member must be granted allowable service credit for the purchased period;

235.31 (7) an authorized temporary or seasonal layoff under subdivision 12, limited to three  
235.32 months allowable service per authorized temporary or seasonal layoff in one calendar year.  
235.33 An employee who has received the maximum service credit allowed for an authorized  
235.34 temporary or seasonal layoff must return to public service and must obtain a minimum of

236.1 three months of allowable service subsequent to the layoff in order to receive allowable  
236.2 service for a subsequent authorized temporary or seasonal layoff;

236.3 (8) a period during which a member is absent from employment by a governmental  
236.4 subdivision by reason of service in the uniformed services, as defined in United States Code,  
236.5 title 38, section 4303(13), if the member returns to public service with the same governmental  
236.6 subdivision upon discharge from service in the uniformed service within the time frames  
236.7 required under United States Code, title 38, section 4312(e), provided that the member did  
236.8 not separate from uniformed service with a dishonorable or bad conduct discharge or under  
236.9 other than honorable conditions. The service must be credited if the member pays into the  
236.10 fund equivalent employee contributions based upon the contribution rate or rates in effect  
236.11 at the time that the uniformed service was performed multiplied by the full and fractional  
236.12 years being purchased and applied to the annual salary rate. The annual salary rate is the  
236.13 average annual salary during the purchase period that the member would have received if  
236.14 the member had continued to be employed in covered employment rather than to provide  
236.15 uniformed service, or, if the determination of that rate is not reasonably certain, the annual  
236.16 salary rate is the member's average salary rate during the 12-month period of covered  
236.17 employment rendered immediately preceding the period of the uniformed service. Payment  
236.18 of the member equivalent contributions must be made during a period that begins with the  
236.19 date on which the individual returns to public employment and that is three times the length  
236.20 of the military leave period, or within five years of the date of discharge from the military  
236.21 service, whichever is less. If the determined payment period is less than one year, the  
236.22 contributions required under this clause to receive service credit may be made within one  
236.23 year of the discharge date. Payment may not be accepted following 30 days after termination  
236.24 of public service under subdivision 11a. If the member equivalent contributions provided  
236.25 for in this clause are not paid in full, the member's allowable service credit must be prorated  
236.26 by multiplying the full and fractional number of years of uniformed service eligible for  
236.27 purchase by the ratio obtained by dividing the total member contributions received by the  
236.28 total member contributions otherwise required under this clause. The equivalent employer  
236.29 contribution, and, if applicable, the equivalent additional employer contribution must be  
236.30 paid by the governmental subdivision employing the member if the member makes the  
236.31 equivalent employee contributions. The employer payments must be made from funds  
236.32 available to the employing unit, using the employer and additional employer contribution  
236.33 rate or rates in effect at the time that the uniformed service was performed, applied to the  
236.34 same annual salary rate or rates used to compute the equivalent member contribution. The  
236.35 governmental subdivision involved may appropriate money for those payments. The amount  
236.36 of service credit obtainable under this section may not exceed five years unless a longer

237.1 purchase period is required under United States Code, title 38, section 4312. The employing  
237.2 unit shall pay interest on all equivalent member and employer contribution amounts payable  
237.3 under this clause. Interest must be computed at the rate of 8.5 percent until June 30, 2015,  
237.4 and eight percent thereafter, compounded annually, from the end of each fiscal year of the  
237.5 leave or the break in service to the end of the month in which the payment is received. Upon  
237.6 payment, the employee must be granted allowable service credit for the purchased period;  
237.7 or

237.8 (9) a period specified under section 353.0162.

237.9 (b) No member may receive more than 12 months of allowable service credit in a year  
237.10 either for vesting purposes or for benefit calculation purposes.

237.11 (c) For an active member who was an active member of the former Minneapolis  
237.12 Firefighters Relief Association on December 29, 2011, "allowable service" is the period of  
237.13 service credited by the Minneapolis Firefighters Relief Association as reflected in the  
237.14 transferred records of the association up to December 30, 2011, and the period of service  
237.15 credited under paragraph (a), clause (1), after December 30, 2011. For an active member  
237.16 who was an active member of the former Minneapolis Police Relief Association on December  
237.17 29, 2011, "allowable service" is the period of service credited by the Minneapolis Police  
237.18 Relief Association as reflected in the transferred records of the association up to December  
237.19 30, 2011, and the period of service credited under paragraph (a), clause (1), after December  
237.20 30, 2011.

237.21 Sec. 2. Minnesota Statutes 2016, section 353.012, is amended to read:

237.22 **353.012 UNIVERSITY OF MINNESOTA EMPLOYEES; FURLOUGH SERVICE**  
237.23 **AND SALARY CREDIT.**

237.24 A furloughed employee of the University of Minnesota who is a member of the public  
237.25 employees police and fire plan may obtain allowable service and salary credit for the furlough  
237.26 period. The allowable service and salary credit authorization is a leave of absence  
237.27 authorization for purposes of section ~~353.0161~~ and the purchase payment procedure of  
237.28 ~~section 353.0161, subdivision 2, applies~~ 353.0162.

237.29 Sec. 3. Minnesota Statutes 2016, section 353.32, subdivision 4, is amended to read:

237.30 Subd. 4. **Lack, or death, of beneficiary.** If a member or former member dies without  
237.31 having designated a beneficiary or if the beneficiary should die before making application  
237.32 for refund, and if there is no surviving spouse, and if the legal representative of such member

238.1 or former member does not apply for refund within five years from the date of death of the  
238.2 member or former member, the accumulated deductions to the member or former member's  
238.3 credit at the time of death shall be disposed of in the manner provided in section ~~353.34,~~  
238.4 ~~subdivision 6~~ 356.631.

238.5 Sec. 4. Minnesota Statutes 2016, section 354A.011, subdivision 29, is amended to read:

238.6 Subd. 29. **Vesting; vested.** (a) "Vesting" or "vested" means having entitlement to a  
238.7 nonforfeitable annuity or benefit from a the St. Paul Teachers Retirement Fund Association  
238.8 coordinated member program ~~administered by a teachers retirement fund association by~~  
238.9 ~~having credit for sufficient allowable service under paragraph (b) or (e), whichever applies~~  
238.10 when the teacher has accrued credit for at least three years of allowable service.

238.11 (b) ~~For purposes of qualifying for an annuity or a benefit as a coordinated plan member~~  
238.12 ~~of the St. Paul Teachers Retirement Fund Association, the teacher is vested when the teacher~~  
238.13 ~~has accrued credit for at least three years of service.~~

238.14 (c) ~~For purposes of qualifying for an annuity or a benefit as a coordinated plan member~~  
238.15 ~~of the Duluth Teachers Retirement Fund Association:~~

238.16 (1) ~~a teacher who first became a member of the plan before July 1, 2010, is vested when~~  
238.17 ~~the teacher has accrued at least three years of service; and~~

238.18 (2) ~~a teacher who first became a member of the plan after June 30, 2010, is vested when~~  
238.19 ~~the teacher has accrued at least five years of service.~~

238.20 Sec. 5. Minnesota Statutes 2016, section 354A.095, is amended to read:

238.21 **354A.095 PARENTAL AND MATERNITY LEAVE.**

238.22 Basic or coordinated members of the St. Paul Teachers Retirement Fund Association  
238.23 ~~and new coordinated members of the Duluth Teachers Retirement Fund Association,~~ who  
238.24 are granted parental or maternity leave of absence by the employing authority, are entitled  
238.25 to obtain service credit not to exceed one year for the period of leave upon payment to the  
238.26 ~~applicable~~ fund by the end of the fiscal year following the fiscal year in which the leave of  
238.27 absence terminated. The amount of the payment must include the total required employee  
238.28 and employer contributions for the period of leave prescribed in section 354A.12. Payment  
238.29 must be based on the member's average monthly salary rate upon return to teaching service,  
238.30 and is payable without interest. Payment must be accompanied by a certified or otherwise  
238.31 adequate copy of the resolution or action of the employing authority granting or approving  
238.32 the leave.

239.1 Sec. 6. Minnesota Statutes 2016, section 354A.31, subdivision 3, is amended to read:

239.2 Subd. 3. **Resumption of teaching after commencement of a retirement annuity.** (a)

239.3 Any person who retired and is receiving a coordinated program retirement annuity under  
239.4 the provisions of sections 354A.31 to 354A.41 or any person receiving a basic program  
239.5 retirement annuity under the governing sections in the articles of incorporation or bylaws  
239.6 and who has resumed teaching service for the school district in which the teachers retirement  
239.7 fund association exists is entitled to continue to receive retirement annuity payments, except  
239.8 that all or a portion of the annuity payments must be deferred during the calendar year  
239.9 immediately following the calendar year in which the person's salary from the teaching  
239.10 service is in an amount greater than \$46,000. The amount of the annuity deferral is one-third  
239.11 the salary amount in excess of \$46,000 and must be deducted from the annuity payable for  
239.12 the calendar year immediately following the calendar year in which the excess amount was  
239.13 earned.

239.14 (b) If the person is retired for only a fractional part of the calendar year during the initial  
239.15 year of retirement, the maximum reemployment salary exempt from triggering a deferral  
239.16 as specified in this subdivision must be prorated for that calendar year.

239.17 (c) After a person has reached the Social Security normal retirement age, no deferral  
239.18 requirement is applicable regardless of the amount of any compensation received for teaching  
239.19 service for the school district in which the teachers retirement fund association exists.

239.20 (d) The amount of the retirement annuity deferral must be handled or disposed of as  
239.21 provided in section 356.47.

239.22 ~~(e) Notwithstanding other paragraphs of this subdivision, for any retired Duluth Teachers~~  
239.23 ~~Retirement Fund Association member whose effective date of retirement is after June 30,~~  
239.24 ~~2013, amounts specified as deferred under this subdivision must instead be forfeited to the~~  
239.25 ~~Duluth Teachers Retirement Fund Association fund.~~

239.26 ~~(f)~~ (e) Notwithstanding other paragraphs of this subdivision, for any retired St. Paul  
239.27 Teachers Retirement Fund Association basic or coordinated program member whose effective  
239.28 date of retirement is after June 30, 2013, amounts specified as deferred under this subdivision  
239.29 must instead be forfeited to the St. Paul Teachers Retirement Fund Association fund.

239.30 ~~(g)~~ (f) For the purpose of this subdivision, salary from teaching service includes: (i) all  
239.31 income for services performed as a consultant or independent contractor; or income resulting  
239.32 from working with the school district in any capacity; and (ii) the greater of either the income  
239.33 received or an amount based on the rate paid with respect to an administrative position,  
239.34 consultant, or independent contractor in the school district in which the teachers retirement

240.1 fund association exists and at the same level as the position occupied by the person who  
240.2 resumes teaching service.

240.3 ~~(h)~~ (g) On or before February 15 of each year, each applicable employing unit shall  
240.4 report to the teachers retirement fund association the amount of postretirement salary as  
240.5 defined in this subdivision, earned as a teacher, consultant, or independent contractor during  
240.6 the previous calendar year by each retiree of the teachers retirement fund association for  
240.7 teaching service performed after retirement. The report must be in a format approved by  
240.8 the executive secretary or director.

240.9 Sec. 7. Minnesota Statutes 2016, section 354A.35, subdivision 2, is amended to read:

240.10 Subd. 2. **Death while eligible to retire; surviving spouse optional annuity.** (a) The  
240.11 surviving spouse of a vested coordinated member who dies prior to retirement may elect to  
240.12 receive, instead of a refund with interest under subdivision 1, an annuity equal to the 100  
240.13 percent joint and survivor annuity the member could have qualified for had the member  
240.14 terminated service on the date of death. The surviving spouse eligible for a surviving spouse  
240.15 benefit under this paragraph may apply for the annuity at any time after the date on which  
240.16 the deceased employee would have attained the required age for retirement based on the  
240.17 employee's allowable service. A surviving spouse eligible for surviving spouse benefits  
240.18 under paragraph (b) or (c) may apply for an annuity at any time after the member's death.  
240.19 The member's surviving spouse shall be paid a joint and survivor annuity under section  
240.20 354A.32 and computed under section 354A.31.

240.21 (b) If the member was under age 55 and has credit for at least 30 years of allowable  
240.22 service on the date of death, the surviving spouse may elect to receive a 100 percent joint  
240.23 and survivor annuity based on the age of the member and surviving spouse on the date of  
240.24 death. The annuity is payable using the full early retirement reduction under section 354A.31,  
240.25 subdivision 6, paragraph (a), to age 55 and one-half of the early retirement reduction from  
240.26 age 55 to the age payment begins.

240.27 ~~(e) If a vested member of the Duluth Teachers Retirement Fund Association was under~~  
240.28 ~~age 55 on the date of death but did not yet qualify for retirement, the surviving spouse may~~  
240.29 ~~elect to receive the 100 percent joint and survivor annuity based on the age of the member~~  
240.30 ~~and the survivor at the time of death. The annuity is payable using the full early retirement~~  
240.31 ~~reduction under section 354A.31, subdivision 6 or 7, to age 55 and one-half of the early~~  
240.32 ~~retirement reduction from age 55 to the date payment begins.~~

240.33 ~~(d)~~ (c) If a vested member of the St. Paul Teachers Retirement Fund Association was  
240.34 under age 55 on the date of death but did not yet qualify for retirement, the surviving spouse



241.1 may elect to receive the 100 percent joint and survivor annuity based on the age of the  
241.2 member and the survivor at the time of death. The annuity is payable using the full early  
241.3 retirement reduction under section 354A.31, subdivision 6 or 7, to age 55 and one-half of  
241.4 the actuarial equivalent reduction from age 55 to the date payment begins. The actuarial  
241.5 equivalent reduction is calculated so that the reduced annuity is the actuarial equivalent of  
241.6 the annuity that would be payable to the member if the member deferred receipt of the  
241.7 annuity and the annuity amount were augmented at an annual rate of 2.5 percent compounded  
241.8 annually from the day the annuity begins to accrue until the normal retirement age.

241.9 ~~(e)~~ (d) Sections 354A.37, subdivision 2, and 354A.39 apply to a deferred annuity or  
241.10 surviving spouse benefit payable under this section. The benefits are payable for the life of  
241.11 the surviving spouse, or upon expiration of the term certain benefit payment under subdivision  
241.12 2b.

241.13 Sec. 8. Minnesota Statutes 2016, section 356.47, subdivision 1, is amended to read:

241.14 Subdivision 1. **Application.** (a) This section applies to the balance of annual retirement  
241.15 annuities on the amount of retirement annuity reductions after reemployed annuitant earnings  
241.16 limitations for retirement plans governed by section 352.115, subdivision 10; 353.37; or  
241.17 354.44, subdivision 5.

241.18 ~~(b) This section also applies to the balance of annual retirement annuities on the amount~~  
241.19 ~~of retirement annuity reductions under section 354A.31, subdivision 3, for members of the~~  
241.20 ~~Duluth Teachers Retirement Fund Association whose effective date of retirement is before~~  
241.21 ~~July 1, 2013.~~

241.22 ~~(e)~~ (b) This section also applies to the balance of annual retirement annuities on the  
241.23 amount of retirement annuity reductions under section 354A.31, subdivision 3, for members  
241.24 of the St. Paul Teachers Retirement Fund Association whose effective date of retirement is  
241.25 before July 1, 2013.

241.26 Sec. 9. **REPEALER.**

241.27 Minnesota Statutes 2016, section 354A.12, subdivision 2c, is repealed.

241.28 Sec. 10. **EFFECTIVE DATE.**

241.29 Sections 1 to 9 are effective June 30, 2018.

## ARTICLE 20

## E-12 EDUCATION FINANCE

242.1

242.2

242.3 Section 1. Minnesota Statutes 2016, section 126C.10, subdivision 37, is amended to read:

242.4 Subd. 37. **Pension adjustment revenue.** (a) A school district's pension adjustment

242.5 revenue equals the sum of:

242.6 (1) the greater of zero or the product of:

242.7 ~~(+)~~ (i) the difference between the district's adjustment under Minnesota Statutes 2012,

242.8 section 127A.50, subdivision 1, for fiscal year 2014 per adjusted pupil unit and the state

242.9 average adjustment under Minnesota Statutes 2012, section 127A.50, subdivision 1, for

242.10 fiscal year 2014 per adjusted pupil unit; and

242.11 ~~(2)~~ (ii) the district's adjusted pupil units for the fiscal year; and

242.12 (2) the product of the salaries paid to district employees who were members of the

242.13 Teachers Retirement Association and the St. Paul Teachers' Retirement Fund Association

242.14 for the prior fiscal year and the district's pension adjustment rate for the fiscal year. The

242.15 pension adjustment rate for Independent School District No. 625, St. Paul, equals 0.84

242.16 percent for fiscal year 2019, 1.67 percent for fiscal year 2020, 1.88 percent for fiscal year

242.17 2021, 2.09 percent for fiscal year 2022, 2.3 percent for fiscal year 2023, and 2.5 percent for

242.18 fiscal year 2024 and later. The pension adjustment rate for all other districts equals 0.21

242.19 percent for fiscal year 2019, 0.42 percent for fiscal year 2020, 0.63 percent for fiscal year

242.20 2021, 0.84 percent for fiscal year 2022, 1.05 percent for fiscal year 2023, and 1.25 percent

242.21 for fiscal year 2024 and later.

242.22 (b) For fiscal year 2025 and later, the state total pension adjustment revenue under

242.23 paragraph (a), clause (2), must not exceed the amount calculated under paragraph (a), clause

242.24 (2), for fiscal year 2024. The commissioner must prorate the pension adjustment revenue

242.25 under paragraph (a), clause (2), so as not to exceed the maximum.

242.26 (c) Notwithstanding section 123A.26, subdivision 1, a cooperative unit, as defined in

242.27 section 123A.24, subdivision 2, qualifies for pension adjustment revenue under paragraph

242.28 (a), clause (2), as if it was a district, and the aid generated by the cooperative unit shall be

242.29 paid to the cooperative unit.

242.30 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2019 and later.

243.1

**ARTICLE 21**

243.2

**APPROPRIATIONS**

243.3

**Section 1. APPROPRIATIONS; GENERAL FUND PENSION CONTRIBUTION**

243.4

**INCREASES.**

243.5

(a) \$7,142,000 in fiscal year 2019 is appropriated from the general fund to the entities

243.6

specified in paragraph (b) to offset employer pension contribution increases required under

243.7

this act of executive branch agencies, boards, commissions, and constitutional offices and

243.8

the judicial branch. These appropriations are for increases in employer contributions to the

243.9

Minnesota State Retirement System general employees, correctional employees, state patrol,

243.10

and unclassified retirement plans. The base for fiscal year 2020 is \$14,071,000, the base

243.11

for fiscal year 2021 is \$18,007,000, and the base for fiscal year 2022 and later is \$21,943,000.

243.12

(b) Except as provided in paragraph (c), the commissioner of management and budget

243.13

must determine an allocation of the amount appropriated in paragraph (a) for each executive

243.14

branch state agency, board, commission, and constitutional office and the judicial branch.

243.15

Each allocation is directly appropriated to each of these entities as specified by the

243.16

commissioner. The commissioner of management and budget must report the amounts

243.17

appropriated under this section to the chairs and ranking minority members of the house of

243.18

representatives Ways and Means Committee and the senate Finance Committee by August

243.19

15, 2018.

243.20

(c) This appropriation may not be used to offset contribution increases to the University

243.21

of Minnesota, Minnesota State Colleges and Universities, the Metropolitan Council, or the

243.22

Minnesota Historical Society.

243.23

**Sec. 2. APPROPRIATIONS; NONGENERAL FUND PENSION CONTRIBUTION**

243.24

**INCREASES.**

243.25

(a) The amounts necessary to pay increased nongeneral fund employer contribution

243.26

increases in this act in fiscal year 2019 are appropriated from any nongeneral fund that is

243.27

specified by the commissioner of management and budget under paragraph (b). These

243.28

appropriations shall offset employer pension contribution increases required under this act

243.29

of executive branch state agencies, boards, and commissions and the judicial branch. These

243.30

appropriations are for increases in employer contributions to the Minnesota State Retirement

243.31

System general employees, correctional employees, state patrol, and unclassified retirement

243.32

plans.

244.1 (b) The commissioner of management and budget must determine the appropriate fund  
244.2 and amount required under paragraph (a) for each executive branch state agency, board,  
244.3 and commission; and the judicial branch for each fiscal year. The amounts are added to the  
244.4 base, as defined in Minnesota Statutes, section 16A.11, subdivision 3, paragraph (b), of  
244.5 each executive branch state agency, board, and commission, and the judicial branch. The  
244.6 base of each executive branch state agency, board, and commission and the judiciary is  
244.7 increased in each fiscal year until fiscal year 2023 to reflect the percentage increase in  
244.8 employer contributions under this act. The commissioner of management and budget must  
244.9 report the amounts appropriated under this section to the chairs and ranking minority  
244.10 members of the house of representatives Ways and Means Committee and the senate Finance  
244.11 Committee by August 15, 2018.

244.12 **Sec. 3. APPROPRIATIONS; TEACHERS RETIREMENT ASSOCIATION.**

244.13 (a) \$20,000 in fiscal year 2019 is appropriated from the general fund to the Department  
244.14 of Education for increased employer pension contributions to the Teachers Retirement  
244.15 Association. The base for fiscal year 2020 is \$40,000, the base for fiscal year 2021 is \$60,000,  
244.16 the base for fiscal year 2022 is \$80,000, the base for fiscal year 2023 is \$100,000, and the  
244.17 base for fiscal year 2024 and later is \$118,000.

244.18 (b) \$7,000 in fiscal year 2019 is appropriated from the general fund to the Minnesota  
244.19 State Academies for increased employer pension contributions to the Teachers Retirement  
244.20 Association. The base for fiscal year 2020 is \$14,000, the base for fiscal year 2021 is \$20,000,  
244.21 the base for fiscal year 2022 is \$27,000, the base for fiscal year 2023 is \$34,000, and the  
244.22 base for fiscal year 2024 and later is \$40,000.

244.23 (c) \$6,000 in fiscal year 2019 is appropriated from the general fund to the Perpich Center  
244.24 for the Arts for increased employer pension contributions to the Teachers Retirement  
244.25 Association. The base for fiscal year 2020 is \$11,000, the base for fiscal year 2021 is \$17,000,  
244.26 the base for fiscal year 2022 is \$22,000, the base for fiscal year 2023 is \$28,000, and the  
244.27 base for fiscal year 2024 and later is \$33,000.

244.28 **Sec. 4. EDUCATION APPROPRIATIONS.**

244.29 Subdivision 1. **Department of Education.** The sums indicated are appropriated from  
244.30 the general fund to the Department of Education for the fiscal years designated. These sums  
244.31 are in addition to appropriations made for the same purpose in any other law.

244.32 Subd. 2. **General education aid.** For general education aid under Minnesota Statutes,  
244.33 section 126C.13, subdivision 4:

245.1        \$     10,863,000    .....   2019

245.2        The 2019 appropriation includes \$0 for 2018 and \$10,863,000 for 2019.

245.3        Sec. 5. **EFFECTIVE DATE.**

245.4        Sections 1 to 4 are effective June 30, 2018.

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Article locations in UES2620-1

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ARTICLE 2	PUBLIC EMPLOYEES RETIREMENT ASSOCIATION BENEFIT CHANGES.....	Page.Ln 8.17
ARTICLE 3	TEACHERS RETIREMENT ASSOCIATION BENEFIT CHANGES.....	Page.Ln 12.1
ARTICLE 4	ST. PAUL TEACHERS RETIREMENT FUND ASSOCIATION BENEFIT CHANGES.....	Page.Ln 19.16
ARTICLE 5	ACTUARIAL ASSUMPTIONS AND POST RETIREMENT ADJUSTMENTS FOR STATEWIDE PLANS.....	Page.Ln 24.17
ARTICLE 6	INTEREST RATE CONFORMING CHANGES.....	Page.Ln 52.3
ARTICLE 7	CONTRIBUTION RATES.....	Page.Ln 85.1
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ARTICLE 9	MINNESOTA STATE RETIREMENT SYSTEM ADMINISTRATIVE PROVISIONS.....	Page.Ln 98.1
ARTICLE 10	PUBLIC EMPLOYEES RETIREMENT ASSOCIATION ADMINISTRATIVE PROVISIONS.....	Page.Ln 110.16
ARTICLE 11	TEACHERS RETIREMENT ASSOCIATION ADMINISTRATIVE PROVISIONS.....	Page.Ln 131.6
ARTICLE 12	ST. PAUL TEACHERS RETIREMENT FUND ASSOCIATION ADMINISTRATIVE PROVISIONS.....	Page.Ln 140.1
ARTICLE 13	RETIREMENT SYSTEMS, GENERALLY ADMINISTRATIVE PROVISIONS.....	Page.Ln 142.23
ARTICLE 14	VOLUNTEER FIREFIGHTER RELIEF ASSOCIATIONS MODIFICATIONS.....	Page.Ln 155.3
ARTICLE 15	MSRS-ADMINISTERED RETIREMENT PLAN MODIFICATIONS.....	Page.Ln 196.1
ARTICLE 16	PERA-ADMINISTERED RETIREMENT PLAN MODIFICATIONS.....	Page.Ln 205.7
ARTICLE 17	GENERALLY APPLICABLE RETIREMENT CHANGES.....	Page.Ln 219.12
ARTICLE 18	SMALL GROUP RETIREMENT CHANGES.....	Page.Ln 222.7
ARTICLE 19	TECHNICAL CORRECTIONS.....	Page.Ln 234.25
ARTICLE 20	E-12 EDUCATION FINANCE.....	Page.Ln 242.1
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### **3A.12 COVERAGE BY MORE THAN ONE RETIREMENT SYSTEM OR ASSOCIATION.**

Subdivision 1. **Entitlement to annuity.** (a) Any legislator who has been a member of a retirement plan listed in paragraph (b) is entitled, when otherwise qualified, to a retirement allowance or annuity from each plan if the total allowable service in all plans or in any two of these plans totals ten or more years.

(b) This section applies to any retirement plan or program administered by the Minnesota State Retirement System, or any retirement plan administered by the Public Employees Retirement Association, including the Public Employees Retirement Association police and fire fund, or the Teachers Retirement Association, or the Minneapolis employees retirement plan, or the State Patrol retirement plan, or any other public employee retirement system in the state of Minnesota having a like provision.

(c) This section does not apply to other retirement plans providing benefits for police or firefighters.

(d) No portion of the allowable service upon which the retirement annuity from one plan is based is again used in the computation for benefits from another plan. The annuity from each plan must be determined by the appropriate provisions of the law, except that the requirement that a person must have a minimum number of years of allowable service in the respective system or association does not apply for the purposes of this section if the combined service in two or more of these plans equals ten or more years. The augmentation of deferred annuities provided in section 3A.02, subdivision 4, applies to the annuities accruing under this section.

Subd. 2. **Refund repayment.** A former legislator who has received a refund as provided in section 3A.03, subdivision 2, who is a currently contributing member of a retirement plan specified in subdivision 1, paragraph (b), may repay the refund as provided in section 3A.03, subdivision 2. A member of the legislature who has received a refund from any of the retirement plans specified in subdivision 1 may repay the refund to the respective plan under such terms and conditions consistent with the law governing the retirement plan if the law governing the plan permits the repayment of refunds. If the total amount to be repaid, including principal and interest exceeds \$2,000, repayment maybe made in three equal installments over a period of 18 months, with the interest accrued during the period of the repayment added to the final installment.

### **352.04 STATE EMPLOYEES RETIREMENT FUND, CONTRIBUTIONS BY EMPLOYEE AND EMPLOYER.**

Subd. 11. **Gifts and bequests.** The director may credit to the retirement fund any money received in the form of donations, gifts, appropriations, bequests, or otherwise, or derived from it.

### **352.045 PROCEDURE FOR REVISING EMPLOYEE AND EMPLOYER CONTRIBUTIONS IN CERTAIN INSTANCES.**

Subdivision 1. **Application.** This section applies to the general state employees retirement plan established under this chapter, the correctional state employees retirement plan established under this chapter, and the state patrol retirement plan established under chapter 352B.

Subd. 2. **Determination.** For purposes of this section, a contribution sufficiency exists if, for the applicable plan, the total of the employee contributions, the employer contributions, and any additional employer contributions, if applicable, exceeds the total of the normal cost, the administrative expenses, and the amortization contribution of the retirement plan as reported in the most recent actuarial valuation of the retirement plan prepared by the approved actuary retained under section 356.214 and prepared under section 356.215 and the standards for actuarial work of the Legislative Commission on Pensions and Retirement. For purposes of this section, a contribution deficiency exists if, for the applicable plan, the total employee contributions, employer contributions, and any additional employer contributions are less than the total of the normal cost, the administrative expenses, and the amortization contribution of the retirement plan as reported in the most recent actuarial valuation of the retirement plan prepared by the approved actuary retained under section 356.214 and prepared under section 356.215 and the standards for actuarial work of the Legislative Commission on Pensions and Retirement.

Subd. 3a. **Contribution rate revision; general state employees retirement plan.** (a) Notwithstanding the contribution rates as specified in law governing the applicable retirement plan, the board of directors of the Minnesota State Retirement System may adjust the employee and employer contribution rates for the general state employees retirement plan if the regular actuarial

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valuation of the plan prepared under section 356.215 indicates that there is a contribution sufficiency greater than one percent of covered payroll or that there is a contribution deficiency under subdivision 2 equal to or greater than one-half of one percent of covered payroll.

(b) If the actuarially determined contribution of the plan is less than the total support provided by the combined employee and employer contribution rates by more than one percent of covered payroll, the plan employee and employer contribution rates may be decreased incrementally over one or more years to a level such that there remains a contribution sufficiency of at least one percent of covered payroll. Any decrease in employee and employer contribution rates must not result in total contributions that are less than the sum of the normal cost and administrative expenses of the retirement plan.

(c) If the actuarially required contribution exceeds the total support provided by the employee and employer contribution rates, the board of directors may increase the employee and employer contribution rates equally to eliminate that contribution deficiency.

(d) To determine if an adjustment is to be made, the board of directors shall consult with the approved actuary retained under section 356.214 and shall take into consideration factors that include, but are not limited to, the contribution rates calculated based on the actuarial value of assets and calculated based on the market value of assets; the funded ratio calculated based on the actuarial value of assets; the funded ratio calculated based on the market value of assets; the remaining number of years to the amortization target date; the recent experience of the investment markets; and the results of the 30-year funding, disbursements, and contribution projections prepared every other year as required under the standards for actuarial work adopted by the Legislative Commission on Pensions and Retirement.

(e) Any adjustment to the contribution rates must be reported to the chair and the executive director of the Legislative Commission on Pensions and Retirement by January 15 following receipt of the most recent annual actuarial valuation prepared under section 356.215. The report must include draft legislation to revise the employee and employer contributions stated in plan law. If the Legislative Commission on Pensions and Retirement does not recommend against the rate change or does not recommend a modification in the rate change, the adjustment becomes effective on the first day of the first full payroll period in the fiscal year following receipt of the most recent actuarial valuation that gave rise to the adjustment.

(f) A contribution sufficiency of up to one percent of covered payroll must be held in reserve to be used to offset any future actuarially determined contributions that are more than the total combined employee and employer contributions.

(g) Before any reduction in contributions to eliminate a sufficiency in excess of one percent of covered pay may be made, the executive director must review any need for a change in actuarial assumptions, as recommended by the approved actuary retained under section 356.214 in the most recent experience study of the general employees retirement plan prepared under section 356.215 and the standards for actuarial work promulgated by the Legislative Commission on Pensions and Retirement that may result in an increase in the actuarially determined contribution and must report to the Legislative Commission on Pensions and Retirement any decision by the board to use the sufficiency exceeding one percent of covered payroll to offset the impact of an actuarial assumption change recommended by the actuary retained under section 356.214, subdivision 1, and reviewed by the actuary retained by the commission under section 356.214, subdivision 4.

(h) No contribution sufficiency in excess of one percent of covered pay may be proposed to be used to increase benefits, and no benefit increase may be proposed that would initiate an adjustment to increase contributions under this subdivision. Any proposed benefit improvement must include a recommendation, prepared by the approved actuary retained under section 356.214, subdivision 1, and reviewed by the actuary retained by the Legislative Commission on Pensions and Retirement as provided under section 356.214, subdivision 4, on how the benefit modification will be funded.

**Subd. 3b. Contribution rate revision; correctional state employees retirement plan and State Patrol retirement plan.** (a) Subdivision 3a applies to the correctional state employees retirement plan under this chapter and to the State Patrol retirement plan established under chapter 352B, except as specified in paragraph (b) or (c).

(b) Any limitations on the amount of contribution rate changes stated in subdivision 3a apply only to the amount of the employee contribution revision. The employer contribution for the correctional state employees retirement plan or the State Patrol retirement plan, whichever is applicable, must be adjusted so that the employer contribution is equal to 60 percent of the sum of employee plus employer contributions.



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(c) For the State Patrol retirement plan, a contribution sufficiency of up to two percent of covered payroll, rather than one percent, may be held in reserves without taking action to reduce employee and employer contributions.

**352.72 COVERAGE BY MORE THAN ONE RETIREMENT SYSTEM.**

Subdivision 1. **Entitlement to annuity.** (a) Any person who has been an employee covered by a retirement system listed in paragraph (b) is entitled when qualified to an annuity from each fund if total allowable service in all funds or in any two of these funds totals three or more years if employed before July 1, 2010, or totals five or more years if employed after June 30, 2010.

(b) This section applies to the Minnesota State Retirement System, the Public Employees Retirement Association including the Public Employees Retirement Association police and fire fund, the Teachers Retirement Association, the State Patrol Retirement Association, or any other public employee retirement system in the state with a similar provision, except as noted in paragraph (c).

(c) This section does not apply to other funds providing benefits for police officers or firefighters.

(d) No portion of the allowable service upon which the retirement annuity from one fund is based shall be again used in the computation for benefits from another fund. No refund may have been taken from any one of these funds since service entitling the employee to coverage under the system or the employee's membership in any of the associations last terminated. The annuity from each fund must be determined by the appropriate provisions of the law except that the requirement that a person must have at least a specific number of years of allowable service in the respective system or association does not apply for the purposes of this section if the combined service in two or more of these funds equals at least the longest period of allowable service of any of the applicable retirement plans.

Subd. 2. **Computation of deferred annuity.** (a) The deferred annuity, if any, accruing under subdivision 1, or section 352.22, subdivision 3, must be computed as provided in section 352.22, subdivision 3, on the basis of allowable service before termination of state service and augmented as provided herein. The required reserves applicable to a deferred annuity or to an annuity for which a former employee was eligible but had not applied or to any deferred segment of an annuity must be determined as of the date the benefit begins to accrue and augmented by interest compounded annually from the first day of the month following the month in which the employee ceased to be a state employee, or July 1, 1971, whichever is later, to the first day of the month in which the annuity begins to accrue. The rates of interest used for this purpose must be five percent compounded annually until January 1, 1981, and three percent compounded annually thereafter until January 1 of the year following the year in which the former employee attains age 55 or until January 1, 2012, whichever is earlier, and from the January 1 next following the attainment of age 55 to the effective date of retirement or until January 1, 2012, whichever is earlier, five percent compounded annually if the employee became an employee before July 1, 2006, 2.5 percent compounded annually until January 1, 2012, if the employee becomes an employee after June 30, 2006, and two percent compounded annually after December 31, 2011, irrespective of when the employee became a state employee. If a person has more than one period of uninterrupted service, the required reserves related to each period must be augmented by interest under this subdivision. The sum of the augmented required reserves so determined is the present value of the annuity. "Uninterrupted service" for the purpose of this subdivision means periods of covered employment during which the employee has not been separated from state service for more than two years. If a person repays a refund, the service restored by the repayment must be considered continuous with the next period of service for which the employee has credit with this system. The formula percentages used for each period of uninterrupted service must be those applicable to a new employee. The mortality table and interest assumption used to compute the annuity must be those in effect when the employee files application for annuity. This section does not reduce the annuity otherwise payable under this chapter.

(b) The retirement annuity or disability benefit of, or the survivor benefit payable on behalf of, a former state employee who terminated service before July 1, 1997, which is not first payable until after June 30, 1997, must be increased on an actuarial equivalent basis to reflect the change in the postretirement interest rate actuarial assumption under section 356.215, subdivision 8, from five percent to six percent under a calculation procedure and the tables adopted by the board and approved by the actuary retained under section 356.214.

Subd. 4. **Refund repayment.** Any person who has received a refund from the state employees retirement fund, and who is a member of a public retirement system included in subdivision 1, may

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repay the refund with interest to the state employees retirement fund. If a refund is repaid to the fund and more than one refund has been received from the fund, all refunds must be repaid. Repayment must be made as provided in section 352.23, and under terms and conditions consistent with that section as agreed upon with the director.

Subd. 5. **Early retirement.** The requirements and provisions for retirement before normal retirement age in sections 352.115, subdivision 1, and 352.116 also apply to an employee fulfilling the requirements with a combination of service as provided in subdivision 1.

**352B.30 COVERAGE BY MORE THAN ONE RETIREMENT SYSTEM OR ASSOCIATION.**

Subdivision 1. **Entitlement to annuity.** Any person who has been an employee covered by the Minnesota State Retirement System, or a member of the Public Employees Retirement Association including the Public Employees Retirement Association Police and Fire Fund, or the Teachers Retirement Association, or the State Patrol retirement fund, or any other public employee retirement system in Minnesota having a like provision but excluding all other funds providing benefits for police or firefighters is entitled when qualified to an annuity from each fund if total allowable service in all funds or in any two of these funds totals the number of years of allowable service required by the applicable retirement plan with the longest vesting period for the person. No part of the allowable service upon which the retirement annuity from one fund is based may again be used in the computation for benefits from another fund. The member must not have taken a refund from any one of these funds since service entitling the member to coverage under the system or membership in any of the associations last terminated. The annuity from each fund must be determined by the appropriate law except that the requirement that a person must have at least a specific number of years allowable service in the respective system or association does not apply for the purposes of this section if the combined service in two or more of these funds equals the number of years of allowable service required by the applicable retirement plan with the longest vesting period for the person.

Subd. 2. **Computation of deferred annuity.** Deferred annuities must be computed according to this chapter on the basis of allowable service before termination of service and augmented as provided in this chapter. The required reserves applicable to a deferred annuity must be augmented by interest compounded annually from the first day of the month following the month in which the member terminated service, or July 1, 1971, whichever is later, to the first day of the month in which the annuity begins to accrue. The rates of interest used for this purpose must be five percent per year compounded annually until January 1, 1981, three percent per year compounded annually after January 1, 1981, until January 1, 2012, if the employee became an employee before July 1, 2006, 2.5 percent compounded annually if the employee becomes an employee after June 30, 2006, and two percent per year compounded annually after December 31, 2011, irrespective of when the employee was first employed. The mortality table and interest assumption used to compute the annuity must be those in effect when the member files application for annuity.

Subd. 3. **Refund repayment.** A person who has received a refund from the State Patrol retirement fund who is a member of a public retirement system included in subdivision 1, may repay the refund with interest to the State Patrol retirement fund as provided in section 352B.11, subdivision 4.

Subd. 4. **1997 postretirement fund interest changes.** The retirement annuity or disability benefit of, or the survivor benefit payable on behalf of, a former member who terminated service before July 1, 1997, which is not first payable until after June 30, 1997, must be increased on an actuarial equivalent basis to reflect the change in the postretirement interest rate actuarial assumption under section 356.215, subdivision 8, from five percent to six percent under a calculation procedure and tables adopted by the board and approved by the actuary retained under section 356.214.

**353.0161 AUTHORIZED LEAVE OF ABSENCE SERVICE CREDIT PURCHASE PROCEDURE.**

Subdivision 1. **Application.** This section applies to employees covered by any plan specified in this chapter or chapter 353E for any period of authorized leave of absence specified in section 353.01, subdivision 16, paragraph (a), clause (5), for which the employee obtains credit for allowable service by making payment as specified in this section to the applicable fund.

Subd. 2. **Purchase procedure.** (a) An employee covered by a plan specified in subdivision 1 may purchase credit for allowable service in that plan for a period specified in subdivision 1 if the employee makes a payment as specified in paragraph (b) or (c), whichever applies. The employing

unit, at its option, may pay the employer portion of the amount specified in paragraph (b) on behalf of its employees.

(b) If payment is received by the executive director within one year from the date the member returned to work following the authorized leave, or within 30 days after the date of termination of public service if the member did not return to work, the payment amount is equal to the employee and employer contribution rates specified in law for the applicable plan at the end of the leave period, or at termination of public service, whichever is earlier, multiplied by the employee's average monthly salary, excluding overtime, upon which deductions were paid during the six months, or portion thereof, before the commencement of the leave of absence and by the number of months of the leave of absence for which the employee wants allowable service credit. Payments made under this paragraph must include compound interest at the monthly rate of 0.71 percent until June 30, 2015, and 0.667 percent per month thereafter from the last day of the leave period until the last day of the month in which payment is received.

(c) If payment is received by the executive director after one year, the payment amount is the amount determined under section 356.551. Payment under this paragraph must be made before the date the person terminates public service under section 353.01, subdivision 11a.

Subd. 3. **Restriction on subsequent purchases.** To purchase salary credit or service credit for a subsequent authorized leave of absence period, the member must return to public service and render a minimum of three months of allowable service credit.

### **353.27 GENERAL EMPLOYEES RETIREMENT FUND.**

Subd. 3b. **Change in employee and employer contributions in certain instances.** (a) For purposes of this section:

(1) a contribution sufficiency exists if the total of the employee contribution under subdivision 2, the employer contribution under subdivision 3, the additional employer contribution under subdivision 3a, and any additional contribution previously imposed under this subdivision exceeds the total of the normal cost, the administrative expenses, and the amortization contribution of the general employees retirement plan as reported in the most recent actuarial valuation of the retirement plan prepared by the actuary retained under section 356.214 and prepared under section 356.215 and the standards for actuarial work of the Legislative Commission on Pensions and Retirement; and

(2) a contribution deficiency exists if the total of the employee contributions under subdivision 2, the employer contributions under subdivision 3, the additional employer contribution under subdivision 3a, and any additional contribution previously imposed under this subdivision is less than the total of the normal cost, the administrative expenses, and the amortization contribution of the general employees retirement plan as reported in the most recent actuarial valuation of the retirement plan prepared by the actuary retained under section 356.214 and prepared under section 356.215 and the standards for actuarial work of the Legislative Commission on Pensions and Retirement.

(b) Notwithstanding the contribution rate provision specified under subdivisions 2, 3, and 3a, the board of trustees of the Public Employees Retirement Association may adjust the employee and employer contributions to the general employees retirement plan under subdivisions 2 and 3 if the regular actuarial valuation of the general employees retirement plan of the Public Employees Retirement Association prepared under section 356.215 indicates that there is a contribution sufficiency under paragraph (a) greater than one percent of covered payroll or that there is a contribution deficiency under paragraph (a) equal to or greater than one-half of one percent of covered payroll.

(c) If the actuarially determined contribution of the general employees retirement plan is less than the total support provided by the combined employee and employer contribution rates under subdivisions 2, 3, and 3a, by more than one percent of covered payroll, the general employees retirement plan coordinated program employee and employer contribution rates under subdivisions 2 and 3 may be decreased over one or more years to a level such that there remains a contribution sufficiency of at least one percent of covered payroll. Any decrease in employee and employer contribution rates must not result in total contributions that are less than the total of the normal cost of the retirement plan and the administrative expenses of the retirement plan.

(d) If the actuarially determined contribution exceeds the total support provided by the combined employee and employer contribution rates under subdivisions 2, 3, and 3a, the board of trustees

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may increase the employee and matching employer contribution rates to eliminate that contribution deficiency.

(e) To determine if an adjustment is to be made, the board of trustees shall consult with the approved actuary retained under section 356.214 and shall take into consideration factors that include, but are not limited to, the contribution rates based on actuarial value of assets and contribution rates based on the market value of assets; the funded ratio based on the actuarial value of assets and based on the market value of assets; the number of years remaining to the amortization target date; the recent experience of the investment markets; and the results of the 30-year funding, disbursements, and contributions projections prepared every other year as required under the standards for actuarial work adopted by the Legislative Commission on Pensions and Retirement.

(f) Any adjustment to the contribution rates must be reported to the chair and the executive director of the Legislative Commission on Pensions and Retirement by January 15 following the receipt of the most recent annual actuarial valuation prepared under section 356.215. If the Legislative Commission on Pensions and Retirement does not recommend against the rate change or does not recommend a modification in the rate change, the recommended adjustment becomes effective for any salary paid on or after the January 1 next following the legislative session in which the Legislative Commission on Pensions and Retirement did not take any action to disapprove or modify the Public Employees Retirement Association Board of Trustees' adjustment to the employee and employer rates.

(g) A contribution sufficiency of up to one percent of covered payroll must be held in reserve to be used to offset any future actuarially determined contributions that are more than the total combined employee and employer contributions under subdivisions 2, 3, and 3a.

(h) Before any reduction in contributions to eliminate a sufficiency in excess of one percent of covered pay may be made, the executive director must review any need for a change in actuarial assumptions, as recommended by the actuary retained under section 356.214 in the most recent experience study of the general employees retirement plan prepared under section 356.215 and the standards for actuarial work promulgated by the Legislative Commission on Pensions and Retirement that may result in an increase in the actuarially determined contribution and must report to the Legislative Commission on Pensions and Retirement any decision by the board to use the sufficiency exceeding one percent of covered payroll to offset the impact of an actuarial assumption change recommended by the actuary retained under section 356.214, subdivision 1, and reviewed by the actuary retained by the commission under section 356.214, subdivision 4.

(i) No contribution sufficiency in excess of one percent of covered pay may be proposed to be used to increase benefits, and no benefit increase may be proposed that would initiate an adjustment to increase contributions under this subdivision. Any proposed benefit improvement must include a recommendation, prepared by the approved actuary retained under section 356.214, subdivision 1, and reviewed by the actuary retained by the Legislative Commission on Pensions and Retirement as provided under section 356.214, subdivision 4, on how the benefit modification will be funded.

### **353.34 RIGHTS UPON TERMINATION OF MEMBERSHIP.**

Subd. 6. **Additions to fund.** The board of trustees may credit to the general employees retirement fund any money received in the form of contributions, donations, gifts, appropriations, bequests, or otherwise.

### **353.71 COVERAGE BY MORE THAN ONE RETIREMENT SYSTEM; DEFERRED ANNUITY; AUGMENTATION.**

Subdivision 1. **Eligibility.** Any person who has been a member of a defined benefit retirement plan administered by the Public Employees Retirement Association, or a retirement plan administered by the Minnesota State Retirement System, or the Teachers Retirement Association, or any other public retirement system in the state of Minnesota having a like provision, except a retirement plan providing benefits for police officers or firefighters governed by sections 424A.091 to 424A.096, or by Laws 2013, chapter 111, article 5, sections 31 to 42, is entitled, when qualified, to an annuity from each retirement plan if the total allowable service in all retirement plans or in any two of these retirement plans totals the number of years of allowable service required to receive a normal retirement annuity for that retirement plan, provided that no portion of the allowable service upon which the retirement annuity from one retirement plan is based is again used in the computation for benefits from another retirement plan and provided further that the person has not taken a refund from any one of these retirement plans since the person's membership in that association or system

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last terminated. The annuity from each fund must be determined by the appropriate provisions of the law except that the requirement that a person must have at least a specific minimum period of allowable service in the respective association or system does not apply for the purposes of this section if the combined service in two or more of these retirement plans equals the number of years of allowable service required to receive a normal retirement annuity for that retirement plan.

**Subd. 2. Deferred annuity computation; augmentation.** (a) The deferred annuity accruing under subdivision 1, or under sections 353.34, subdivision 3, and 353.68, subdivision 4, must be computed on the basis of allowable service prior to the termination of public service and augmented as provided in this subdivision. The required reserves applicable to a deferred annuity, or to any deferred segment of an annuity must be determined as of the first day of the month following the month in which the former member ceased to be a public employee, or July 1, 1971, whichever is later.

(b) For a person who became a public employee before July 1, 2006, whose period of deferral began after June 30, 1971, and who terminated public employment before January 1, 2012, the required reserves of the deferred annuity must be augmented at the following applicable rate or rates:

(1) five percent annual compound interest until January 1, 1981;

(2) three percent annual compound interest after January 1, 1981, or until the earlier of December 31, 2011, or after the date of the termination of public service or the termination of membership, whichever is later, until January 1 of the year following the year in which the former member attains age 55;

(3) five percent annual compound interest from January 1 of the year following the year in which the former member attains age 55, or until December 31, 2011, whichever is earlier; and

(4) one percent annual compound interest from January 1, 2012.

(c) For a person who became a public employee after June 30, 2006, and who terminated public employment before January 1, 2012, the required reserves of the deferred annuity must be augmented at 2.5 percent annual compound interest from the date of termination of public service or termination of membership, whichever is earlier, until December 31, 2011, and one percent annual compound interest after December 31, 2011.

(d) For a person who terminates public employment after December 31, 2011, the required reserves of the deferred annuity must not be augmented.

(e) If a person has more than one period of uninterrupted service, the required reserves related to each period must be augmented as specified in this paragraph. The sum of the augmented required reserves is the present value of the annuity. Uninterrupted service for the purpose of this subdivision means periods of covered employment during which the employee has not been separated from public service for more than two years. If a person repays a refund, the restored service must be considered as continuous with the next period of service for which the employee has credit with this association. This section must not reduce the annuity otherwise payable under this chapter. This paragraph applies to individuals who become deferred annuitants on or after July 1, 1971. For a member who became a deferred annuitant before July 1, 1971, the paragraph applies from July 1, 1971, if the former active member applies for an annuity after July 1, 1973.

(f) The retirement annuity or disability benefit of, or the survivor benefit payable on behalf of, a former member who terminated service before July 1, 1997, or the survivor benefit payable on behalf of a basic or police and fire member who was receiving disability benefits before July 1, 1997, which is first payable after June 30, 1997, must be increased on an actuarial equivalent basis to reflect the change in the postretirement interest rate actuarial assumption under section 356.215, subdivision 8, from five percent to six percent under a calculation procedure and tables adopted by the board and approved by the actuary retained under section 356.214.

**Subd. 4. Repayment of refund.** Any person who has received a refund from the Public Employees Retirement Association and who is a member of any public retirement system referred to in subdivision 1, may repay such refund to the Public Employees Retirement Association as provided in section 353.35.

**Subd. 5. Early retirement.** The requirements and provisions for retirement prior to normal retirement age contained in section 353.30, shall also apply to a person fulfilling such requirements with a combination of service as provided in subdivision 1.

**354.42 CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE.**

Subd. 4a. **Determination.** (a) For purposes of this section, a contribution sufficiency exists if the total of the employee contributions, the employer contributions, and any additional employer contributions, if applicable, exceeds the total of the normal cost, the administrative expenses, and the amortization contribution of the retirement plan as reported in the most recent actuarial valuation of the retirement plan prepared by the approved actuary retained under section 356.214 and prepared under section 356.215 and the standards for actuarial work of the Legislative Commission on Pensions and Retirement.

(b) For purposes of this section, a contribution deficiency exists if the total of the employee contributions, the employer contributions, and any additional employer contributions are less than the total of the normal cost, the administrative expenses, and the amortization contribution of the retirement plan as reported in the most recent actuarial valuation of the retirement plan prepared by the approved actuary retained under section 356.214 and prepared under section 356.215 and the standards for actuarial work of the Legislative Commission on Pensions and Retirement.

Subd. 4b. **Contribution rate revision.** (a) Notwithstanding the contribution rate provisions under subdivisions 2 and 3, the Board of Trustees of the Teachers Retirement Association may adjust the employee and employer contribution rates if the regular actuarial valuation of the plan under section 356.215 indicates that there is a contribution sufficiency under subdivision 4a equal to or greater than one percent of covered payroll or if the regular valuation of the plan under section 356.215 indicates that there is a deficiency equal to or greater than one-half of one percent of covered payroll. Any decrease in employee and employer contribution rates must not result in the total of contribution rates that is less than the total of normal cost and administrative expenses.

(b) To determine if an adjustment is to be made, the board of trustees shall consult with the approved actuary retained under section 356.214 and shall take into consideration factors that include, but are not limited to, the contribution rates based on actuarial value of assets and contribution rates based on the market value of assets; the funded ratio based on the actuarial value of assets and based on the market value of assets; the number of years remaining to the amortization target date; the recent experience of the investment markets; and the results of the 30-year funding, disbursements, and contributions projections prepared every other year as required under the standards for actuarial work adopted by the Legislative Commission on Pensions and Retirement.

Subd. 4c. **Contribution sufficiency measures.** (a) A contribution sufficiency of up to one percent of covered payroll must be held in reserve to be used to offset any future actuarially required contributions that are more than the total combined employee and employer contributions being collected.

(b) Before any reduction in contributions to eliminate a sufficiency in excess of one percent of covered pay may be recommended, the executive director must review any need for a change in actuarial assumptions, as recommended by the actuary retained under section 356.214 in the most recent experience study of the retirement plan, that may result in an increase in the actuarially required contribution and must report to the Legislative Commission on Pensions and Retirement any recommendation by the board to use the sufficiency exceeding one percent of covered payroll to offset the impact of an actuarial assumption change recommended by the actuary retained under section 356.214, subdivision 1, and reviewed by the actuary retained by the commission under section 356.214, subdivision 4.

(c) A contribution sufficiency in excess of one percent of covered pay must not be used to increase benefits, and a benefit increase must not be proposed that would initiate an automatic adjustment under this section to increase contributions. A proposed benefit improvement must include a recommendation, prepared by the actuary retained under section 356.214, subdivision 1, and reviewed by the actuary retained by the Legislative Commission on Pensions and Retirement, as provided under section 356.214, subdivision 4, on the manner in which the benefit modification is to be funded.

Subd. 4d. **Reporting; commission review.** A contribution rate increase or decrease made under subdivision 4b must be reported to the chair and the executive director of the Legislative Commission on Pensions and Retirement on or before the next February 1 and, if the Legislative Commission on Pensions and Retirement does not recommend against the rate change or does not recommend a modification in the rate change, is effective on the next July 1 following the determination that a contribution deficiency or sufficiency exists based on the most recent actuarial valuation under section 356.215.

**354.60 SERVICE IN OTHER PUBLIC RETIREMENT FUNDS; ANNUITY.**

Any person who has been a member of the Minnesota state retirement system or the Public Employees Retirement Association including the Public Employees Retirement Association police and fire fund or the Teachers Retirement Association or the Minnesota State Patrol Retirement Association, or any other public employee retirement system in the state of Minnesota having a like provision but excluding all other funds providing benefits for police officers or firefighters shall be entitled when qualified to an annuity from each fund if the person's total allowable service in all three funds or in any two of these funds totals three or more years, provided no portion of the allowable service upon which the retirement annuity from one fund is based is again used in the computation for benefits from another fund and provided further that the person has not taken a refund from any one of these three funds since the person's membership in that association has terminated. The annuity from each fund shall be determined by the appropriate provisions of the law except that the requirement that an annuitant have at least three years' membership service or three years of allowable service in the respective association shall not apply for the purposes of this section provided the combined service in two or more of these funds equals three or more years.

**354A.12 CONTRIBUTIONS BY EMPLOYEE AND EMPLOYER.**

Subd. 2c. **Duluth Teachers Retirement Fund Association; employer contributions for reemployed annuitants.** The school district shall make the regular employer contributions and additional employer contributions specified in subdivision 2a on behalf of any retired member of the Duluth Teachers Retirement Fund Association who is reemployed by Independent School District No. 709, including providing service to the school district as an independent contractor or as an employee of an independent contractor.

**354A.29 ST. PAUL TEACHERS RETIREMENT FUND ASSOCIATION POSTRETIREMENT ADJUSTMENT.**

Subd. 8. **Calculation of postretirement adjustments; percentage based.** (a) For purposes of computing postretirement adjustments for eligible benefit recipients of the St. Paul Teachers Retirement Fund Association, the accrued liability funding ratio based on the actuarial value of assets of the plan as determined by the two most recent actuarial valuations prepared under sections 356.214 and 356.215 determines the postretirement increase, as follows:

Funding ratio	Postretirement increase
Less than 80 percent	1 percent
At least 80 percent but less than 90 percent	2 percent

(b) The amount determined under paragraph (a) is the full postretirement increase to be applied as a permanent increase to the regular payment of each eligible member on January 1 of the next calendar year. For any eligible member whose effective date of benefit commencement occurred after January 1 of the calendar year immediately before the postretirement increase is applied, the amount determined under paragraph (a) must be reduced by 50 percent.

(c) If the accrued liability funding ratio based on the actuarial value of assets is at least 90 percent in two consecutive actuarial valuations, subsequent postretirement increases must be paid as specified in subdivision 9.

(d) If, following a postretirement increase under paragraph (a), the accrued liability funding ratio, based on the actuarial value of assets, falls below 80 percent for two consecutive actuarial valuations, the applicable postretirement increase must be reduced to one percent until January 1 of the calendar year next following the date on which the requirements for an increase under paragraph (a) are again satisfied.

Subd. 9. **Calculation of postretirement adjustments.** (a) This subdivision applies if the requirements of subdivision 8, paragraph (c), have been satisfied.

(b) A percentage adjustment must be paid under this subdivision to eligible persons under subdivision 7.

(c) The amount of 2.5 percent is the full postretirement adjustment to be applied as a permanent increase to the regular payment of each eligible member on January 1 of the next calendar year.

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For any eligible member whose effective date of benefit commencement occurred after January 1 of the calendar year immediately before the postretirement adjustment is applied, the postretirement adjustment amount must be reduced by 50 percent.

(d) In the event the accrued liability funding ratio based on the actuarial value of assets falls below 90 percent for two consecutive actuarial valuations, the applicable postretirement increase must be determined under subdivision 8 until January 1 of the calendar year next following the date on which the requirements of subdivision 8, paragraph (c), are again satisfied.

**354A.39 SERVICE IN OTHER PUBLIC RETIREMENT FUNDS; ANNUITY.**

Any person who has been a member of the Minnesota State Retirement System, the Public Employees Retirement Association including the Public Employees Retirement Association Police and Fire Fund, the Teachers Retirement Association, the Minnesota State Patrol Retirement Association, the legislators retirement plan, the constitutional officers retirement plan, the St. Paul Teachers Retirement Fund Association coordinated program, or any other public employee retirement system in the state of Minnesota having a like provision, but excluding all other funds providing retirement benefits for police officers or firefighters, is entitled, when qualified, to an annuity from each fund if the person's total allowable service in all of the funds or in any two or more of the funds totals three or more years, provided that no portion of the allowable service upon which the retirement annuity from one fund is based is used again in the computation for a retirement annuity from another fund and provided further that the person has not taken a refund from any of funds or associations since the person's membership in the fund or association has terminated. The annuity from each fund or association must be determined by the appropriate provisions of the law governing each fund or association, except that the requirement that a person must have at least three years of allowable service in the respective fund or association does not apply for the purposes of this section, provided that the aggregate service in two or more of these funds equals three or more years.

**356.611 LIMITATION ON PUBLIC EMPLOYEE SALARIES FOR PENSION PURPOSES.**

Subd. 3. **Maximum benefit limitations.** An annuitant's annual benefit, if necessary, must be reduced to the extent required by section 415(b) of the federal Internal Revenue Code, as adjusted by the United States secretary of the treasury under section 415(d) of the federal Internal Revenue Code for any applicable increases in the cost of living, including applicable increases in the cost of living after the member's termination of employment. If an annuitant participated in more than one pension plan in which the employer participates, the benefits under each plan must be reduced proportionately, if necessary, to satisfy the applicable limitation.

Subd. 3a. **Maximum annual addition limitation, defined contribution plans.** The annual additions on behalf of a member to a defined contribution plan for any limitation year shall not exceed the applicable limitation on annual additions under section 415(c) of the federal Internal Revenue Code, as adjusted by the United States secretary of the treasury under section 415(d) of the federal Internal Revenue Code.

Subd. 4. **Compensation.** For purposes of this section, compensation means a member's compensation actually paid or made available for any limitation year including all items of remuneration described in federal treasury regulation section 1.415 (c)-2(b) and excluding all items of remuneration described in federal treasury regulation section 1.415 (c)-2(c). Compensation for pension plan purposes for any limitation year shall not exceed the applicable federal compensation limit described in subdivision 2.

Subd. 5. **Limitation year.** Unless otherwise specifically provided, for purposes of section 415 of the federal Internal Revenue Code, the limitation year of a pension plan covered by this section is the calendar year or fiscal year, whichever is applicable.

**356.96 PENSION PLAN APPEAL PROCEDURES.**

Subd. 14. **Petitions without notice.** Notwithstanding the petition notice and requirements under this section, a person who believes that the person's rights have been affected by a decision made by the administration of a covered pension plan may request a review under this section by the appropriate governing board. The petition under this subdivision must be made within 45 days of the time that the person knew or should have known of the disputed decision.



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Subd. 15. **Governing board review panel.** Any covered pension plan subject to this section, by motion duly made and adopted, may appoint a panel of governing board members to hear and determine any or all petitions brought under this section. The governing board review panel must contain a minimum number of board members that would otherwise constitute a quorum of board members under the governing body's rules and procedures.

**424A.02 DEFINED BENEFIT RELIEF ASSOCIATIONS; SERVICE PENSIONS.**

Subd. 13. **Combined service pensions.** (a) If the articles of incorporation or bylaws of the defined benefit relief associations so provide, a volunteer firefighter with credit for service as an active firefighter in more than one defined benefit volunteer firefighters relief association is entitled, when the applicable requirements of paragraph (b) are met and when otherwise qualified, to a prorated service credit from each relief association.

(b) A volunteer firefighter receiving a prorated service pension under this subdivision must have a total amount of service credit of ten years or more, if the bylaws of every affected relief association do not specify only a five-year service vesting requirement, or five years or more, if the bylaws of every affected relief association require only a five-year service vesting requirement, as a member of two or more relief associations otherwise qualified. The member must have one year or more of service credit in each relief association. The prorated service pension must be based on the service pension amount in effect for the relief association on the date on which active volunteer firefighting services covered by that relief association terminate. To receive a service pension under this subdivision, the firefighter must become a member of the second or succeeding association and must give notice of membership to the prior association within two years of the date of termination of active service with the prior association. The notice must be attested to by the second or subsequent relief association secretary.

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*Laws 2008, chapter 349, article 8, section 4*

Sec. 4. **REPEALER.**

(a) Minnesota Statutes 2006, section 354A.12, subdivision 3a, is repealed effective the first day of the fiscal year next following the fiscal year in which neither the Teachers Retirement Association nor the St. Paul Teachers Retirement Fund Association has an unfunded actuarial accrued liability as determined in the actuarial valuation prepared under Minnesota Statutes, section 356.215, by the actuary retained under Minnesota Statutes, section 356.214.

(b) Minnesota Statutes 2007 Supplement, section 354A.12, subdivisions 3b and 3c, are repealed effective the first day of the fiscal year next following the fiscal year in which neither the Teachers Retirement Association nor the St. Paul Teachers Retirement Fund Association has an unfunded actuarial accrued liability as determined in the actuarial valuation prepared under Minnesota Statutes, section 356.215, by the actuary retained under Minnesota Statutes, section 356.214.