

## CHAPTER 574—S.F.No. 2102

*An act relating to the city of Minneapolis; authorizing the Minneapolis park and recreation board to establish compensation for its members; providing for postretirement payments for Minneapolis police officers and Minneapolis firefighters, their surviving spouses and dependents; amending Laws 1949, chapter 406, section 5, by adding a subdivision; and Laws 1974, chapter 181, section 1, as amended.*

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

Section 1. Laws 1974, chapter 181, section 1, as amended by Laws 1978, chapter 653, section 1, and Laws 1984, chapter 499, section 1, is amended to read:

**Section 1. MINNEAPOLIS PARK AND RECREATION COMMISSIONERS' COMPENSATION.**

Notwithstanding any provision of the home rule charter to the contrary, each member of the park and recreation board of the city of Minneapolis may be compensated at ~~the a rate of up to \$3,600 per annum~~ to be established by resolution of the park and recreation board, subject to the approval of the mayor, and paid as an operating expense of the board.

Sec. 2. Laws 1949, chapter 406, section 5, is amended by adding a subdivision to read:

**Subd. 7. INVESTMENT RELATED POSTRETIREMENT PAYMENTS.**

(a) For the purpose of this subdivision, these terms have the following meaning:

(1) "Excess investment income" means the amount by which the time weighted total rate of return earned by the fund in the most recent fiscal year has exceeded the actual percentage increase in the current monthly salary of a top grade patrol officer in the most recent fiscal year plus 1.5 percent. The excess investment income must be expressed as a dollar amount; excess investment income shall not exceed 1.5 percent of the total assets of the fund and does not exist unless the time weighted total rate of return of the fund exceeds five percent.

(2) "Time weighted total rate of return" means the percentage amount determined by using the formula or formulas established by the state board of investment under Minnesota Statutes, section 11A.04, clause (11), and in effect on January 1, 1987.

(3) "Eligible member" means any person, including service pensioners, disability pensioners, their survivors, or dependents, who received an annuity during the 12 months prior to the determination date. Members who received an annuity for the entire 12 months prior to the determination date are eligible for a full annual postretirement payment. Members who received an annuity for less than 12 months prior to the determination date are eligible for prorated annual postretirement payments.

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

(4) "Determination date" means December 31 of each year.

(5) "Annual postretirement payment" means the payment of a lump sum postretirement benefit to eligible members on June 1 following the determination date in any year.

(b) The board of trustees of the relief association shall determine by May 1 of each year whether the relief association has excess investment income. The amount of excess investment income, if any, must be stated as a dollar amount and reported by the relief association to the governing body of the municipality, the state auditor, the commissioner of finance, and the legislative commission on pensions and retirement. The dollar amount of excess investment income up to 1.5 percent of the assets of the fund must be applied for the purposes specified in paragraphs (c) and (d). Excess investment income must not be considered for actuarial valuations of the fund for that year under sections 69.77, 356.215, and 356.216. Additional investment income must be included in the actuarial valuations performed under sections 69.77, 356.215, and 356.216.

(c) The amount determined by paragraph (b) must be applied as follows:

(1) one-third of the excess investment income must be paid as a benefit to eligible members under paragraph (d) in an amount not to exceed .5 percent of the assets of the fund or an amount equal to the total monthly benefit that the eligible member was entitled to in the prior year under the terms of the pension plan, whichever is less;

(2) the state amortization state aid or supplementary amortization state aid payments otherwise due to the relief association under section 423A.02 for the current calendar year must be reduced by one-third of the amount of the excess investment income; and

(3) the minimum obligation of the municipality otherwise due to the relief association for the following calendar year must be reduced by one-third of the amount of excess investment income.

(d) The relief association shall pay an annual postretirement payment to all eligible members in an amount not to exceed .5 percent of the assets of the fund. Payment of the annual postretirement payment shall be in a lump sum amount on June 1 following the determination date in any year. Payment of the annual post-retirement payment shall be made only if the time weighted total rate of return exceeds five percent in any year. The total amount of all payments to members shall not exceed the amount determined under paragraph (b) of this subdivision. Payment to each eligible member shall be calculated by dividing the total number of pension units to which eligible members are entitled into the excess investment income available for distribution to members, and then multiplying that result by the number of units to which each eligible member is entitled to determine each eligible member's annual postretirement payment. Payment to each eligible member shall not exceed an amount equal to the total monthly benefit that the eligible member was entitled to in the prior year under the terms of the pension plan.

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(e) In the event an eligible member dies prior to the payment of the post-retirement payment, the relief association shall pay that eligible member's estate the amount to which the eligible member was entitled.

(f) The relief association shall submit a report on the amount of all post-retirement payments made pursuant to this section and the manner in which those payments were determined to the state auditor, the executive secretary of the legislative commission on pensions and retirement, and the Minneapolis city clerk.

### Sec. 3. MINNEAPOLIS FIRE; POSTRETIREMENT PAYMENTS.

Subdivision 1. AUTHORIZED. Notwithstanding the provisions of Minnesota Statutes, chapter 69, or any other law to the contrary, the Minneapolis fire department relief association shall provide postretirement payments to eligible members under subdivision 2.

Subd. 2. DEFINITIONS; CALCULATION. (a) For the purpose of this subdivision these terms have the following meaning:

(1) "Excess investment income" means the amount by which the time weighted total rate of return earned by the fund in the most recent fiscal year has exceeded the actual percentage increase in the current monthly salary of a top grade firefighter in the most recent fiscal year plus 1.5 percent. The excess investment income must be expressed as a dollar amount; excess investment income shall not exceed 1.5 percent of the total assets of the fund and does not exist unless the time weighted total rate of return of the fund exceeds five percent.

(2) "Time weighted total rate of return" means the percentage amount determined by using the formula or formulas established by the state board of investment under Minnesota Statutes, section 11A.04, clause (11), and in effect on January 1, 1987.

(3) "Eligible member" means any person, including service pensioners, disability pensioners, their survivors, or dependents, who received an annuity during the 12 months prior to the determination date. Members who received an annuity for the entire 12 months prior to the determination date are eligible for a full annual postretirement payment. Members who received an annuity for less than 12 months prior to the determination date are eligible for prorated annual postretirement payments.

(4) "Determination date" means December 31 of each year.

(5) "Annual postretirement payment" means the payment of a lump sum postretirement benefit to eligible members on June 1 following the determination date in any year.

(b) The board of trustees of the relief association shall determine by May 1 of each year whether the relief association has excess investment income. The amount of excess investment income, if any, must be stated as a dollar amount

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and reported by the relief association to the governing body of the municipality, the state auditor, the commissioner of finance, and the legislative commission on pensions and retirement. The dollar amount of excess investment income up to 1.5 percent of the assets of the fund must be applied for the purposes specified in paragraphs (c) and (d). Excess investment income must not be considered for actuarial valuations of the fund for that year under sections 69.77, 356.215, and 356.216. Additional investment income must be included in the actuarial valuations performed under sections 69.77, 356.215, and 356.216.

(c) The amount determined by paragraph (b) must be applied as follows:

(1) one-third of the excess investment income must be paid as a benefit to eligible members under paragraph (d) in an amount not to exceed .5 percent of the assets of the fund or an amount equal to the total monthly benefit that the eligible member was entitled to in the prior year under the terms of the pension plan, whichever is less;

(2) the state amortization state aid or supplementary amortization state aid payments otherwise due to the relief association under section 423A.02 for the current calendar year must be reduced by one-third of the amount of the excess investment income; and

(3) the minimum obligation of the municipality otherwise due to the relief association for the following calendar year must be reduced by one-third of the amount of excess investment income.

(d) The relief association shall pay an annual postretirement payment to all eligible members in an amount not to exceed .5 percent of the assets of the fund. Payment of the annual postretirement payment shall be in a lump sum amount on June 1 following the determination date in any year. Payment of the annual post-retirement payment shall be made only if the time weighted total rate of return exceeds five percent in any year. The total amount of all payments to members shall not exceed the amount determined under paragraph (b) of this subdivision. Payment to each eligible member shall be calculated by dividing the total number of pension units to which eligible members are entitled into the excess investment income available for distribution to members, and then multiplying that result by the number of units to which each eligible member is entitled to determine each eligible members annual postretirement payment. Payment to each eligible member shall not exceed an amount equal to the total monthly benefit that the eligible member was entitled to in the prior year under the terms of the pension plan.

(e) In the event an eligible member dies prior to the payment of the post-retirement payment, the relief association shall pay that eligible member's estate the amount to which the eligible member was entitled.

(f) The relief association shall submit a report on the amount of all post-retirement payments made pursuant to this section and the manner in which those payments were determined to the state auditor, the executive secretary of the legislative commission on pensions and retirement, and the Minneapolis city clerk.

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**Sec. 4. NONENTITLEMENT OF ANNUAL POSTRETIREMENT PAYMENT.**

No provision of, or payment made under, sections 2 or 3 shall be interpreted or relied upon by any member of either the Minneapolis police relief association or the Minneapolis fire department relief association to guarantee or entitle a member to annual postretirement benefits for a period when no excess investment income is earned by either fund.

**Sec. 5. EFFECTIVE DATE.**

Section 1 is effective the day after filing of a resolution in compliance with Minnesota Statutes, section 645.021, subdivision 3, adopted by a majority of all members of the governing board of the park and recreation board of the city of Minneapolis.

Sections 2, 3, and 4 are effective the day after approval by the Minneapolis city council and compliance with Minnesota Statutes, section 645.021 and apply to calendar year 1987 investment performance.

Approved April 20, 1988

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**CHAPTER 575—S.F.No. 2203**

*An act relating to human services; authorizing a county to establish an adult protection team; requiring records to be maintained; proposing coding for new law in Minnesota Statutes, chapter 626.*

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

**Section 1. [626.5571] MULTIDISCIPLINARY ADULT PROTECTION TEAM.**

Subdivision 1. ESTABLISHMENT OF THE TEAM. A county may establish a multidisciplinary adult protection team comprised of the director of the local welfare agency or designees, the county attorney or designees, the county sheriff or designees, and representatives of health care. In addition, representatives of mental health or other appropriate human service agencies and adult advocate groups may be added to the adult protection team.

Subd. 2. DUTIES OF TEAM. A multidisciplinary adult protection team may provide public and professional education, develop resources for prevention, intervention, and treatment, and provide case consultation to the local welfare agency to better enable the agency to carry out its adult protection functions under section 626.557 and the community social services act, and to meet the community's needs for adult protection services. Case consultation may be performed by a committee of the team composed of the team members representing social services, law enforcement, the county attorney, health care, and persons directly involved in an individual case as determined by the case

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