

Senate File 3808, 1st Engrossment 2020 Pension and Retirement Bill Section-by-Section Summary

Article 1: State Board of Investment Provisions

Sec.	Pg.Ln	Source	Statute	Plan	Summary
1	2.11	Amendment H3903-2A	11A.24, Subd. 1	SBI	Corrects a reference.
2	2.27	HF3272-Albright; SF4023-Frentz	11A.24, Subd. 6	SBI	Authorizes the SBI to invest in (1) co-investments and separate accounts, (2) bank loans, and (3) liquid alternatives, exempts liquid alternatives from the private market investments 35% of portfolio maximum, and makes minor conforming changes.

Article 2: St. Paul City and School District Contributions to Multiemployer Plans

Sec.	Pg.Ln	Source	Statute	Plan	Summary
1	4.17	HF3788-Nelson, M. SF3658-Senjem	353.01, Subd. 2b	PERA General	Prospectively excludes new building trades employees but retains the exclusion exception for the trades employees permitted to be in both PERA and a multiemployer plan under § 356.24, Subd. 1.
2	9.13	HF3789-Nelson, M. SF3659-Senjem	New 356.27	Multi- employer plans; PERA General	Permits the city of St. Paul and the St. Paul School District to continue making contributions to multiemployer plans for employees in the building and construction trades; grandfathers ongoing PERA coverage for trades employees hired before 7/1/2020; requires collective bargaining agreements to identify the multiemployer plan to which contributions will be made; and requires the city and the school district to report to the LCPR annually.
3	11.20	HF3789-Nelson, M. SF3659-Senjem	Repealer: 356.24, Subd. 2	Supple- mental Plans	Repeals a legislative approval requirement for any change in benefits or employer contributions in a supplemental pension plan that occurs after May 6, 1971.

Article 3: PERA Privatized Medical Facilities Provisions Modifications

Sec.	Pg.Ln	Source	Statute	Plan	Summary
1-3	11.26	HF4300-Her; SF4201-Jasinski	353F.02, New Subd. 3a, 4a, 4b	PERA	Adds new definitions for the terms "executive director," "medical facility," and "privatization."
4	12.13	HF4300-Her; SF4201-Jasinski	353F.04	PERA	Augmentation is reduced to 2% per year for already privatized employees beginning 7/1/2020 until 12/31/2023, after which augmentation is 0%. Employees do not receive augmentation for privatizations that occur after 6/30/2020.

Article 4: State Auditor Pension Plan Reporting Requirements Modifications

Sec.	Pg.Ln	Source	Statute	Plan	Summary
1	14.4	HF3777-Her; SF3672-Rosen	356.219, Subd. 1	Public plans, SBI	Revises the requirements for annual reporting to the State Auditor for public pension plans by eliminating a redundant SBI report, replacing the generic reference to public pension plans not fully invested through SBI with references to specific plans, and clarifying the pension plans not required to file reports.
2	15.10	HF3777-Her; SF3672-Rosen	356.219, Subd. 3	Public plans	Rewrites and clarifies the specific reporting requirements for public pension plans.
3	18.4	HF3777-Her; SF3672-Rosen	356.219, Subd. 6	State Auditor	Streamlines and clarifies the information required to be included in an annual report on public pension plan investment performance that the State Auditor is required to file with the legislature.
4	19.1	HF3777-Her; SF3672-Rosen	356.219, Subd. 7	Public plans	Changes "office of the state auditor" to "state auditor" to match other references in § 356.219.
5	19.7	HF3777-Her; SF3672-Rosen	356.219, Subd. 8	Public plans, SBI	Clarifies the due date for the reports required under § 356.219 and removes references to the § 356.219, Subd. 1, SBI reporting requirement eliminated earlier in this article.

Article 5: MSRS Administrative Provisions

Sec.	Pg.Ln	Source	Statute	Plan	Summary
1	19.29	HF3903-Murphy; SF3808-Rosen	352.01, Subd. 26	MSRS	Clarifies that "dependent child" does not include a child conceived through assisted reproduction if the child was not in gestation prior to the death of the plan member.
2-4	20.4	HF3903-Murphy; SF3808-Rosen	352.04, Subd. 4, 8, 9	MSRS	Clarifies that excess employer contributions must be returned to the employer and fixes inconsistent terminology referring to employers.
5	21.30	HF3903-Murphy; SF3808-Rosen	352.04, New Subd. 13	MSRS	Adds a new definition for "employing entity."
6	22.1	HF3903-Murphy; SF3808-Rosen	352.113, Subd. 2	MSRS	Clarifies that documents required to support a disability claim must be filed before an application will be processed and defines "supporting documents."
7	22.22	HF3903-Murphy; SF3808-Rosen	352.113, Subd. 4	MSRS	Permits licensed podiatrists to sign the second of the two medical reports required for disability claims benefits.
8	24.9	HF3903-Murphy; SF3808-Rosen	352.23	MSRS	Makes conforming changes related to the proposed repeal of the option to repay a refund in partial payments.
9	25.1	HF3903-Murphy; SF3808-Rosen	352.95, Subd. 3	MSRS Correc- tional	Clarifies that documents required to support a Correctional Plan disability claim must be filed before an application will be processed.
10	25.10	HF3903-Murphy; SF3808-Rosen	352B.011, Subd. 6	State Patrol Plan	Clarifies that "dependent child" does not include a child conceived through assisted reproduction if the child was not in gestation prior to the death of the plan member.
11	25.16	HF3903-Murphy; SF3808-Rosen	352B.011, Subd. 10	State Patrol Plan	Removes from the list of covered employees certain data processing managers who were hired by the Department of Public Safety during September 1987 or January 1988 as obsolete.
12	26.16	HF3903-Murphy; SF3808-Rosen	352B.10, Subd. 2a	State Patrol Plan	Clarifies that documents required to support a disability claim must be filed before an application will be processed.

Article 5: MSRS Administrative Provisions

<u>Sec.</u>	<u>Pg.Ln</u>	<u>Source</u>	<u>Statute</u>	<u>Plan</u>	<u>Summary</u>
13	26.25	HF3903-Murphy; SF3808-Rosen	356.24, Subd. 1	Retire- ment Systems, Generally	Deletes the description of deferred compensation plans that are permitted to receive public funds because the description is moved to new subdivision 3.
14	29.5	HF3903-Murphy; SF3808-Rosen	356.24, New Subd. 3	Retire- ment Systems, Generally	The description of deferred compensation plans that are permitted to receive public funds is moved from subdivision 1 to this new subdivision; requires deferred compensation plans to provide the fee disclosure document to the plan's participants and file the disclosure document with the LCPR annually; and clarifies that deferred compensation plans may accept contributions funded by sick leave, vacation leave, and severance pay; and makes style and grammar changes.
15	30.8	HF3903-Murphy; SF3808-Rosen	490.121, Subd. 7c	Judges Plan	Clarifies that "dependent child" does not include a child conceived through assisted reproduction if the child was not in gestation prior to the death of the plan member.
16	30.17	HF3903-Murphy; SF3808-Rosen	490.123, Subd. 5	Judges Plan	Makes conforming changes to language appropriating a direct state aid payment to the Judges Retirement Plan to conform to current practice.
17	30.29	HF3903-Murphy; SF3808-Rosen	490.124, Subd. 1	Judges Plan	Fixes an obsolete reference to a subdivision that was repealed in 2014.
18	31.26	HF3903-Murphy; SF3808-Rosen	Repealer: 356.44	MSRS plans	Repeals the provision providing members of any of the statewide plans with the option to repay a refund in up to three partial payments.
19	31.28	HF3903-Murphy; SF3808-Rosen	Effective Date	--	All sections are effective July 1, 2020.

Article 6: PERA Administrative Provisions

<u>Sec.</u>	<u>Pg.Ln</u>	<u>Source</u>	<u>Statute</u>	<u>Plan</u>	<u>Summary</u>
1	32.4	HF4301-Her: SF4202-Dahms	353.01, Subd. 2b	PERA	Revises the coverage exclusion provision for seasonal employees in paragraph (a), clause (19), to be consistent with the exclusion for temporary employees in clause (5) and in subdivision 12a.

Article 6: PERA Administrative Provisions

<u>Sec.</u>	<u>Pg.Ln</u>	<u>Source</u>	<u>Statute</u>	<u>Plan</u>	<u>Summary</u>
2	36.11	HF4301-Her: SF4202-Dahms	353.0141, Subd. 1	PERA	Adds a new requirement that a member must be employed with a public employer for at least six months to be eligible to purchase military service credit and clarifies that a member may purchase service credit for less than the entire period of military service. If the period of service is longer than one year, the member may purchase the entire period, up to five years, or may purchase a portion of the service that is not less than one year and is in increments of six months. If the period of service is one year or less, the entire period must be purchased.
3	37.9	HF4301-Her: SF4202-Dahms	353.29, Subd. 1	PERA	Corrects inaccurate drafting by clarifying that a member is eligible for a normal retirement annuity upon termination of public service rather than upon termination of membership.
4	37.15	HF4301-Her: SF4202-Dahms	353.29, Subd. 7	PERA	Clarifies that the earliest date an annuity can begin before the event that entitles the member to begin to receive the annuity is up to five months, rather than six months, before the first of the month in which a complete application is received by the executive director.
5	38.5	HF4301-Her: SF4202-Dahms	353.30, Subd. 3c	PERA	Clarifies that a bounce-back annuity may take effect up to five months, rather than six months, before the verification of the death is established by the executive director.
6	38.14	HF4301-Her: SF4202-Dahms	353.31, Subd. 8	PERA	Clarifies that a survivor annuity may be paid retroactively for up to five months, rather than 12 months.
7	38.23	HF4301-Her: SF4202-Dahms	353.32, Subd. 4	PERA	Corrects an inaccurate reference in the provision dealing with refunds after the death of a member.
8	39.1	HF4301-Her: SF4202-Dahms	353.34, Subd. 3	PERA	Correct language that is unclear or contains drafting errors in the deferred annuity provision, which was substantially revised in the 2018 pension bill to end augmentation as of 1/1/2019.

Article 6: PERA Administrative Provisions

<u>Sec.</u>	<u>Pg.Ln</u>	<u>Source</u>	<u>Statute</u>	<u>Plan</u>	<u>Summary</u>
9	40.17	HF4301-Her: SF4202-Dahms	353.371, Subd. 1	PERA	Clarifies language in the Phased Retirement Option (PRO) and states that a member wishing to use the PRO must continue working in the same position for the same employer as the member had prior to entering into the PRO.
10	41.14	HF4301-Her: SF4202-Dahms	353.371, Subd. 2	PERA	Clarifies that a member covered by a PRO is entitled to receive a retirement annuity even though the member has not had a termination of public service, notwithstanding applicable law.
11	41.22	HF4301-Her: SF4202-Dahms	353.371, New Subd. 9	PERA	Adds a new subdivision that provides a penalty for violating a PRO agreement. If a member works more hours than is permitted under the agreement, the phased retirement agreement is terminated and payment of the member's retirement annuity is suspended.
12	42.1	HF4301-Her: SF4202-Dahms	353.651, Subd. 1	PERA P&F	Updates the reference to vesting that must be satisfied in order to be eligible for a retirement annuity to reflect the current phased vesting, rather than the cliff vesting in effect until 2010.
13	42.9	HF4301-Her: SF4202-Dahms	353.656, Subd. 1	PERA P&F	Clarifies the duty disability eligibility requirement provision that "separation from public service" is not one of the conditions that is considered in determining whether a member is eligible for a duty disability benefit.
14	43.1	HF4301-Her: SF4202-Dahms	353.656, Subd. 3	PERA P&F	Clarifies the regular disability eligibility requirement provision that "separation from public service" is not one of the conditions that is considered in determining whether a member is eligible for a regular disability benefit.
15	43.22	HF4301-Her: SF4202-Dahms	353.657, Subd. 1	PERA P&F	Clarifies the vesting requirement to allow for partial or total vesting, and makes other clarifications.
16	44.8	HF4301-Her: SF4202-Dahms	Uncoded	PERA P&F	Retroactively corrects the duty disability provision to reflect actual operation, removing the condition that limited receiving 60 months of disability to only members who have reached age 55 with at least 10 years of service but less than 20 years.

Article 6: PERA Administrative Provisions

Sec.	Pg.Ln	Source	Statute	Plan	Summary
17	44.15	HF4301-Her: SF4202-Dahms	Repealer: 353.30, Subd. 4	PERA	Repeals a provision permitting a member to apply to have the member's monthly annuity payments reduced or temporarily suspended for as long as requested.

Article 7: PERA Statewide Volunteer Firefighter Plan Administrative Provisions

Sec.	Pg.Ln	Source	Statute	Plan	Summary
1	44.21	HF4297-Freiberg	353G.01, New Subd. 6a	PERA Statewide Volunteer Firefighter Plan (PERA SVF)	Adds a new definition for "governing body."
2	44.27	HF4297-Freiberg	353G.05, Subd. 1	PERA SVF	Allows a municipality or independent nonprofit firefighting corporation to initiate joining the PERA statewide plan by requesting a cost analysis; the request must be made jointly by the relief association and the municipality or firefighting corporation.
3	45.6	HF4297-Freiberg	353G.05, Subd. 5	PERA SVF	Clarifies that the PERA statewide plan coverage transfer is considered approved if it is approved by both the relief association and the governing body within 120 days of receipt of the cost analysis.
4	45.22	HF4297-Freiberg	353G.05, New Subd. 6	PERA SVF	Provides that whenever an election, approval, or delivery is required under § 353G.05 and the fire department is operated as a joint powers entity, all municipalities in the joint powers agreement must make the election, approval, or delivery, unless the agreement specifies a different process.
5	46.1	HF4297-Freiberg	353G.09, Subd. 3	PERA SVF	Revises the alternative lump-sum pension amount calculation provision to permit the use of months in determining service credit if the bylaws so provide, and clarifies that the benefit of a member not fully vested is reduced according to the vesting schedule.

Article 7: PERA Statewide Volunteer Firefighter Plan Administrative Provisions

Sec.	Pg.Ln	Source	Statute	Plan	Summary
6	47.9	HF4297-Freiberg	353G.09, New Subd. 4	PERA SVF	Adds a provision providing that a deferred member of a former relief association is eligible for the benefit the member would have received from the relief association, but payable from the statewide plan, and makes clarifying changes.
7	47.18	HF4297-Freiberg	353G.11, Subd. 2	PERA SVF	Allows the fire chief to initiate a lump-sum division benefit increase request, and makes clarifying changes.
8	48.4	HF4297-Freiberg	353G.121	PERA SVF	Makes minor clarifying changes in the monthly plan benefit provision.
9	49.6	HF4297-Freiberg	Revisor Instruc- tion	PERA SVF	Instructs the Revisor to change references to "voluntary statewide volunteer firefighter retirement" plan or fund in Chapter 353G to "statewide volunteer firefighter" plan or fund.
10	49.12	HF4297-Freiberg	Effective Date	--	All sections are effective the day following enactment.

Article 8: TRA Administrative Provisions

Sec.	Pg.Ln	Source	Statute	Plan	Summary
1	49.16	HF3752-Her: SF3805-Jasinski	354.05, Subd. 2	TRA	Removes an obsolete provision in the definition of teacher.
2	51.1	HF3752-Her: SF3805-Jasinski	354.05, Subd. 41	TRA	Removes an obsolete term in the reference to charter school teachers in the definition of "annual base salary."
3	51.19	HF3752-Her: SF3805-Jasinski	354.44, Subd. 4	TRA	Makes minor clarifying edits to the retirement annuity accrual date provision for consistency and to remove redundant language.
4	52.13	HF3752-Her: SF3805-Jasinski	354.44, Subd. 6	TRA	Corrects an error relating to early retirement factors to conform statute to current practice.
5	56.30	HF3752-Her: SF3805-Jasinski	354.46, Subd. 2	TRA	Fixes a reference to a clause that no longer exists.
6	57.30	HF3752-Her: SF3805-Jasinski	354.49, Subd. 2	TRA	Clarifies that interest on a refund of employee contributions is added through the last day of the month prior to the month in which the refund is issued.

Article 8: TRA Administrative Provisions

Sec.	Pg.Ln	Source	Statute	Plan	Summary
7	58.12	HF3752-Her: SF3805-Jasinski	354.543, Subd. 3	TRA	Clarifies that purchasing service credit for prior military service does not make a service member eligible for retirement under the Rule of 90.
8	58.20	HF3752-Her: SF3805-Jasinski	Uncoded	TRA	Corrects an error relating to early retirement factors, retroactively modifying prior versions of § 354.44, Subd. 6, to be read as having an age 59 "bend point."
9	58.27	HF3752-Her: SF3805-Jasinski	Repealer: 354.55, Subd. 10	TRA	Repeals a provision permitting members to have the member's retirement benefit reduced or suspended.

Article 9: Session Law for One Person

Sec.	Pg.Ln	Source	Statute	Plan	Summary
1	59.3	HF2937-Fischer; SF3087-Wiger	Special Law	PERA P&F	Authorizes a former Maplewood firefighter to purchase service credit for a period of uncredited service by paying member contributions with interest. The city of Maplewood is required to pay employer contributions with interest.

Article 10: VFRAS; Maximum Lump-Sum Pension Amount Increase

Sec.	Pg.Ln	Source	Statute	Plan	Summary
1	61.4	HF3921-Nelson, M.; SF3550-Rosen	424A.02, Subd. 3	Defined Benefit VFRAs	Increases the maximum amount per year of service that a defined benefit relief association can pay as a lump-sum benefit from \$10,000 to \$15,000.
2	70.11	HF3921-Nelson, M.; SF3550-Rosen	Repealer: Laws 2018, Ch. 211, Art. 14, Sec. 29	Plymouth VFRA	Repeals a 2018 session law permitting Plymouth to increase its lump-sum amount up to \$12,500 because, under Section 1, Plymouth would be able to continue at its current benefit level or increase the benefit level to up to \$15,000 per year or service.

Article 11: VFRAs; Allocation of Fire State Aid

Sec.	Pg.Ln	Source	Statute	Plan	Summary
1	70.17	HF3870-Nelson, M.; SF3547-Rosen	477B.04, Subd. 3	VFRAs	Requires a municipality affiliated with a relief association to distribute fire state aid in accordance with an aid allocation agreement if one exists.
2	71.17	HF3870-Nelson, M.; SF3547-Rosen	New § 477B.042	VFRAs	Authorizes municipalities with both career and volunteer firefighters to enter into an agreement with its fire relief association, which permits the municipality to use fire state aid to pay employer contributions to the PERA Police & Fire Plan.
3	73.17	Amendment H3870-1A & 2A to HF3870-Nelson, M.; SF3547-Rosen	Uncoded Session Law	Cities of Austin and Hibbing	Grandfathers current fire state aid allocation agreements for the cities of Austin and Hibbing, but requires any future agreements or modifications to comply with the new provisions of this article.
4	74.1	HF2925-Halverson; SF4399-Carlson	Uncoded Session Law	City of Eagan	Authorizes the city of Eagan to allocate fire state aid under an agreement between its relief association and its full time firefighters, retroactive to 1/1/2020, which authority expires June 30, 2022.
5	75.1	Amendment H3870-2A to HF3870-Nelson, M.; SF3547-Rosen	Repealer: Laws 1980, Ch. 607, Art. XV, Sec. 13	VFRA; City of Hibbing	Repeals an obsolete 1980 special law for the city of Hibbing.

Article 12: VFRAs; Relief Association Dissolution and Retirement Plan Termination

Sec.	Pg.Ln	Source	Statute	Plan	Summary
1-14	75.8	HF4107-Nelson, M.; SF4123-Rosen	424B.01, New Subd. 2a, 3a, 3b, 3c, 3d, 3f, 3g, 4a, 5a, 5b, 5c, 5d, & 7	VFRAs	Adds new definitions to supplement definitions already provided in Minn. Stat. § 424B.01.
15	78.18	HF4107-Nelson, M.; SF4123-Rosen	New § 424B.22	VFRAs	Revises the provisions regarding the dissolutions of relief associations, including full vesting of benefits and immediate distribution of benefits; permits the relief association to increase benefit levels up to 125% of the statutory maximum; and requires any surplus to be split equally between the city and relief association.

Article 12: VFRA's; Relief Association Dissolution and Retirement Plan Termination

Sec.	Pg.Ln	Source	Statute	Plan	Summary
16	85.5	HF4107-Nelson, M.; SF4123-Rosen	Repealer: 424B.20, 424B.21	VFRAs	Repeals current law on relief association dissolutions, since the process under current law is being entirely replaced.
17	85.7	HF4107-Nelson, M.; SF4123-Rosen	Effective Date	--	All sections are effective the day following final enactment.

Article 13: Brooklyn Park Firefighters' Relief Association; Dissolution of the Relief Association and Plan Termination

Sec.	Pg.Ln	Source	Statute	Plan	Summary
1	85.12	HF3153-Nelson, M.; SF3900-Hoffman, Amendment H3153-1A	Uncoded Session Law	Brooklyn Park Firefighters' Relief Assoc.; City of Brooklyn Park	Provides for the dissolution of the Brooklyn Park Firefighters Relief Association and termination of the retirement plan; effective upon approval of the city council and filing with the state.

Article 14: Ramsey Volunteer Firefighters' Relief Association; Division of the Relief Association

Sec.	Pg.Ln	Source	Statute	Plan	Summary
1	87.11	SF4424-Benson	Uncoded Session Law	Ramsey firefighter relief association; Cities or Ramsey and Nowthen	Provides for the division of the Ramsey Volunteer Firefighters' Relief Association and the transfer of accounts to a relief association affiliated with the city of Nowthen.

Article 15: VFRA's; Conversions from Defined Benefit Plan to Defined Contribution Plan

Sec.	Pg.Ln	Source	Statute	Plan	Summary
1-12	91.18	SF4438-Rosen	424B.01. New Subd. 2a, 3a, 3b, 3c, 3d, 3e, 3f, 3g, 4a, 5a, 5b, & 7	VFRAs	Adds new definitions to supplement definitions already provided in Minn. Stat. § 424B.01.
13	94.5	SF4438-Rosen	New § 424B.13	VFRAs	Authorizes and provides new procedures for relief associations that are defined benefit relief associations to convert their defined benefit plan to a defined contribution plan.
14	99.31	SF4438-Rosen	Effective Date	--	All sections are effective the day following final enactment.

Article 16: State Auditor Volunteer Firefighter Working Group Recommendations

Sec.	Pg.Ln	Source	Statute	Plan	Summary
1	100.4	HF3778-Nelson M.; SF3673-Rosen	424A.003	VFRAs	Revises the period of time in which a firefighter can dispute the fire chief's annual service credit certification from 60 days to 21 days.
2	101.4	HF3778-Nelson M.; SF3673-Rosen	424A.014, Subd. 1	VFRAs	Replaces "governmental auditing standards" with "auditing standards" in a section describing required audited financial statements.
3	102.7	HF3778-Nelson M.; SF3673-Rosen	424A.016, Subd. 4	VFRAs	Modifies the requirements for defined contribution plans to require that defined contribution plans credit inactive members with investment gains or losses.
4	103.23	HF3778-Nelson M.; SF3673-Rosen	424A.016, Subd. 6	VFRAs	Modifies the requirements for defined contribution plans to require that defined contribution plans credit deferred members with investment gains or losses.
5	105.10	HF3778-Nelson M.; SF3673-Rosen	424A.03	VFRAs	Clarifies provisions that require pension and retirement benefits to be based on service, not compensation.
6	105.29	HF3778-Nelson M.; SF3673-Rosen	424A.092, Subd. 1	VFRAs	Makes technical changes to the lump-sum relief association service pension provision.
7	106.9	HF3778-Nelson M.; SF3673-Rosen	424A.092, Subd. 2	VFRAs	Starting with calculations performed in 2021, accrued liability will be determined based on a method and factors to be updated and maintained in the Appendix to the Pension Commission's Standards for Actuarial Work, allowing the Commission to revise the table without needing to pass legislation.

Article 17: MSRS Unclassified Plan Annuity Rate Grandfather Provision Extension

Sec.	Pg.Ln	Source	Statute	Plan	Summary
1	107.31	SF4067-Rosen, as amended	352D.06, Subd. 1	MSRS Unclassified Plan	Adds a new paragraph that extends the grandfather for the use of the more generous factors for one more year, to members who retire after 7/1/2020 and before July 1, 2021.

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