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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **2130**

March 14, 2007

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The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections

1.1 A bill for an act  
1.2 relating to retirement; Public Employees Retirement Association general plan;  
1.3 authorizing a late application for disability benefits for a former employee.

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

1.5 Section 1. **PERA-GENERAL; LATE DISABILITY BENEFIT APPLICATION**

1.6 **AUTHORIZED.**

1.7 (a) Notwithstanding any provision of Minnesota Statutes, section 353.33, subdivision  
1.8 2, to the contrary, a person described in paragraph (b) is authorized to apply for a disability  
1.9 benefit from the general employees retirement plan of the Public Employees Retirement  
1.10 Association under Minnesota Statutes, section 353.33.

1.11 (b) An eligible person is a person who:

1.12 (1) was born on February 1, 1956;

1.13 (2) became a Public Employees Retirement Association general plan member on  
1.14 December 18, 1994, until January 31, 1996, while employed by the city of Benson;

1.15 (3) was employed by Independent School District No. 777, Benson, with Public  
1.16 Employees Retirement Association general plan coverage, from October 1, 1996, until  
1.17 July 31, 2003;

1.18 (4) is disabled within the meaning of Minnesota Statutes, section 353.01, subdivision  
1.19 19; and

1.20 (5) failed to apply for disability benefits under Minnesota Statutes, section 353.33,  
1.21 within the three-year time period permitted in that statute following termination of covered  
1.22 employment.

1.23 (c) The eligible person under paragraph (b) must provide, in conjunction with the  
1.24 disability application, any relevant evidence that the executive director of the Public

2.1 Employees Retirement Association requires about the existence of a total and permanent  
2.2 disability as defined in Minnesota Statutes, section 353.01, subdivision 19, and about the  
2.3 date on which the disability occurred and its relationship to the termination of active  
2.4 service in July 2003.

2.5 (d) If the eligible person files a disability benefit application and if the eligible  
2.6 person provides sufficient evidence of disability and the occurrence of the disability under  
2.7 paragraph (c), to qualify for a disability benefit under Minnesota Statutes, section 353.33,  
2.8 the disability benefit becomes payable on the first day of the first month next following the  
2.9 approval of the application. The disability benefit must be calculated under the laws in  
2.10 effect at the time the eligible person terminated active service in July 2003. The disability  
2.11 benefit must include any applicable deferred annuities augmentation under Minnesota  
2.12 Statutes, section 353.71, subdivision 2.

2.13 (e) Nothing in this section may be deemed to exempt the eligible person from the  
2.14 partial reemployment of a disabilitant provision under Minnesota Statutes, section 353.33,  
2.15 subdivision 7, or from the trial work period provision under Minnesota Statutes, section  
2.16 353.33, subdivision 7a.

2.17 **EFFECTIVE DATE.** (a) This section is effective the day following final enactment.

2.18 (b) This section expires, if not utilized, on December 31, 2007.