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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE NO. 2855

February 14, 2008

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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; permitting certain disabled members of the Public
1.3 Employment Retirement Association police and fire plan to elect to change the
1.4 laws under which benefits are determined.

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

1.6 Section 1. **PUBLIC EMPLOYEES RETIREMENT ASSOCIATION DISABILITY**
1.7 **BENEFIT ELECTION; LINE OF DUTY DISABILITY.**

1.8 (a) For the purposes of this section, "eligible member" means a member of the Public
1.9 Employees Retirement Association police and fire plan who:

1.10 (1) is eligible under Minnesota Statutes, section 353.656, to receive police and
1.11 fire plan disability benefits for a disability incurred in the line of duty prior to October
1.12 16, 1992; and

1.13 (2) is currently receiving retirement or disability benefits based upon the laws in
1.14 effect at the time the disability was incurred.

1.15 (b) Notwithstanding any law to the contrary, an eligible member may elect to have
1.16 the member's disabled or retired benefits redetermined under the laws in effect at the time
1.17 this section is enacted, instead of the laws in effect at the time the disability was incurred.

1.18 If an eligible member elects to have the member's disability and retirement benefits
1.19 redetermined based upon the law in effect at the time this section is enacted, the eligible
1.20 member will receive the same disability benefits that members injured after October 16,
1.21 1992, receive, until their Social Security benefits take effect. The eligible member must
1.22 meet all other requirements under the law.

1.23 (c) An eligible member may make the election provided for under paragraph (b)
1.24 between July 1, 2008, and June 30, 2009.

2.1 (d) Upon request of a member disabled in the line of duty, Public Employees
2.2 Retirement Association must establish the member's eligibility to make the election
2.3 under paragraph (b). If the member is an eligible member under paragraph (a), Public
2.4 Employees Retirement Association must provide the eligible member an opportunity to
2.5 make the election under paragraph (b). If an eligible member makes an election under
2.6 paragraph (b), changes in benefits take effect retroactively from July 1, 2008.

2.7 (e) Public Employees Retirement Association is not required to determine what
2.8 the benefits would have been if the eligible member's status had been governed under
2.9 current law from the original date of disability, or to reimburse eligible members for any
2.10 differences in benefits that might have been realized but for the change in law.

2.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.