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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-FIFTH  
SESSION

**HOUSE FILE No. 3311**

February 21, 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; general employees retirement plan of the Public  
1.3 Employees Retirement Association; authorizing revocation of retirement annuity  
1.4 application in favor of disability benefit application in certain instances.

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

1.6 Section 1. **PERA-GENERAL; ST. PAUL PUBLIC WORKS EMPLOYEE;**  
1.7 **RETIREMENT ANNUITY REVOCATION.**

1.8 (a) Notwithstanding any provision of Minnesota Statutes, chapter 353, to the  
1.9 contrary, an eligible person described in paragraph (b) is entitled to withdraw a retirement  
1.10 annuity application previously filed with the general employees retirement plan of  
1.11 the Public Employees Retirement Association and to apply for a disability benefit if  
1.12 determined to have been totally and permanently disabled as of the date of the termination  
1.13 of active employment.

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

1.15 (1) was born on March 9, 1949;

1.16 (2) was an employee of the Department of Public Works of the city of St. Paul  
1.17 prior to terminating active employment;

1.18 (3) suffered an employment-related shoulder injury on May 9, 2006;

1.19 (4) suffers from and has been treated for stress and related disorders; and

1.20 (5) filed an application for a retirement annuity from the general employees  
1.21 retirement plan of the Public Employees Retirement Association on December 12, 2006,  
1.22 without being provided with a disability benefit application and without being provided  
1.23 with any benefit counseling by the Public Employees Retirement Association.

2.1 (c) If the eligible person, upon withdrawing the retirement annuity application  
2.2 in writing and upon filing a disability benefit application with the Public Employees  
2.3 Retirement Association, is determined to have been totally and permanently disabled as  
2.4 of the date of the termination of active employment under Minnesota Statutes, sections  
2.5 353.01, subdivision 19, and 353.33, the eligible person is entitled to receive a disability  
2.6 benefit effective retroactively from the date on which the eligible person terminated active  
2.7 employment, under the same annuity option selection made on December 12, 2006. The  
2.8 amount of any increased benefit amount between the date of the termination of active  
2.9 employment and the disability determination date is payable in a lump sum as soon as is  
2.10 practicable following the disability determination date, plus compound interest at the rate  
2.11 of 8.5 percent per annum on the amount of the difference from the date of the retirement  
2.12 annuity payment to the date of the lump sum payment.

2.13 (d) If the previously filed retirement annuity application is withdrawn under this  
2.14 section and the eligible person is determined not to have been totally and permanently  
2.15 disabled as of the date of the termination of active employment, the prior retirement  
2.16 annuity application is reinstated.

2.17 (e) The authority to withdraw a previously filed retirement annuity application under  
2.18 this section expires on January 1, 2009.

2.19 **EFFECTIVE DATE.** This section is effective the day following final enactment  
2.20 and applies to any eligible person who was a public employee on December 1, 2006.