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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE No. 3503

February 28, 2008

Authored by Nelson

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

March 18, 2008

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to public safety; modifying provision relating to disability of peace
1.3 officer or firefighter; amending Minnesota Statutes 2006, section 299A.465,
1.4 subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2006, section 299A.465, subdivision 1, is amended to
1.7 read:

1.8 Subdivision 1. Officer or firefighter disabled in line of duty. (a) This subdivision
1.9 applies ~~when a peace officer or firefighter suffers a disabling injury that:~~

1.10 ~~(1) results in the officer's or firefighter's retirement or separation from service;~~

1.11 ~~(2) occurs while the officer or firefighter is acting in the course and scope of duties~~
1.12 ~~as a peace officer or firefighter; and~~

1.13 ~~(3) the officer or firefighter has been approved to receive the officer's or firefighter's~~
1.14 ~~duty-related disability pension.~~ to any peace officer or firefighter:

1.15 (1) who the Public Employees Retirement Association determines is eligible to
1.16 receive a duty disability benefit pursuant to section 353.656; or

1.17 (2) who (i) does not qualify to receive disability benefits by operation of the
1.18 eligibility requirements set forth in section 353.656, subdivision 1, paragraph (b), (ii)
1.19 retires pursuant to section 353.651, subdivision 4, or (iii) is a member of a local police or
1.20 salaried firefighters relief association and qualifies for a duty disability benefit under the
1.21 terms of plans of the relief associations, and the peace officer or firefighter described in
1.22 item (i), (ii), or (iii) has discontinued public service as a peace officer or firefighter as a
1.23 result of a disabling injury and has been determined, by the Public Employees Retirement

2.1 Association, to have otherwise met the duty disability criteria set forth in section 353.01,
2.2 subdivision 41.

2.3 A determination made on behalf of a peace officer or firefighter who does not meet the
2.4 eligibility requirements of section 353.656, subdivision 1, paragraph (b), or who retires
2.5 pursuant to section 353.651, subdivision 4, must be at the request of the peace officer or
2.6 firefighter and, for the purposes of this section, is binding on the peace officer or firefighter,
2.7 employer, and state. The determination must be made by the executive director of the
2.8 Public Employees Retirement Association and is not subject to section 356.96, subdivision
2.9 2. Upon making a determination, the executive director shall provide written notice to
2.10 the peace officer or firefighter, employer, and state. This notice serves as a final decision
2.11 and order under section 14.63. Review of a determination made by the executive director
2.12 under this section may only be obtained by way of writ of certiorari to the Minnesota
2.13 Court of Appeals. Only the peace officer or firefighter, employer, and state has standing to
2.14 participate in a judicial review of the decision of the executive director.

2.15 (b) The officer's or firefighter's employer shall continue to provide health coverage
2.16 for:

2.17 (1) the officer or firefighter; and

2.18 (2) the officer's or firefighter's dependents if the officer or firefighter was receiving
2.19 dependent coverage at the time of the injury under the employer's group health plan.

2.20 (c) The employer is responsible for the continued payment of the employer's
2.21 contribution for coverage of the officer or firefighter and, if applicable, the officer's
2.22 or firefighter's dependents. Coverage must continue for the officer or firefighter and, if
2.23 applicable, the officer's or firefighter's dependents until the officer or firefighter reaches or,
2.24 if deceased, would have reached the age of 65. However, coverage for dependents does
2.25 not have to be continued after the person is no longer a dependent.

2.26 **EFFECTIVE DATE.** This section is effective July 1, 2008.