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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 3713

March 3, 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; providing for the amount of duty disability pension for
1.3 injured police officers and firefighters; requiring employers to make reasonable
1.4 efforts to provide less hazardous duty for injured employees; amending
1.5 Minnesota Statutes 2007 Supplement, sections 353.031, by adding a subdivision;
1.6 353.656, subdivision 1.

1.7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

1.8 Section 1. Minnesota Statutes 2007 Supplement, section 353.031, is amended by
1.9 adding a subdivision to read:

1.10 Subd. 3a. **Less hazardous duty requirement.** In addition to the requirements of
1.11 subdivision 3, paragraph (f), for members of the public employees police and fire fund, the
1.12 employer shall make every reasonable attempt to provide less hazardous duty employment
1.13 positions for marginally or less severely disabled police officers in the police department
1.14 and firefighters in the fire department with the same compensation, fringe benefits, and
1.15 other terms and conditions of employment as the member would have otherwise currently
1.16 received as a regularly employed police officer or firefighter, whichever is applicable,
1.17 at the same rank and experience.

1.18 Sec. 2. Minnesota Statutes 2007 Supplement, section 353.656, subdivision 1, is
1.19 amended to read:

1.20 Subdivision 1. **Duty disability; computation of benefits.** (a) A member of the
1.21 police and fire plan who is determined to qualify for duty disability as defined in section
1.22 353.01, subdivision 41, shall receive disability benefits during the period of such disability
1.23 in an amount equal to 60 percent of the average salary as defined in section 353.01,

2.1 subdivision 17a, plus an additional percent specified under section 356.315, subdivision 6,
2.2 of that average salary for each year of service in excess of 20 years.

2.3 (b) To be eligible for a benefit under paragraph (a), the member must have:

2.4 (1) not met the requirements for a retirement annuity under section 353.651,
2.5 subdivision 1; or

2.6 (2) met the requirements under that subdivision, but does not have at least 20 years
2.7 of allowable service credit.

2.8 (c) If paragraph (b), clause (2), applies, the disability benefit must be paid for a
2.9 period of 60 months from the disability benefit accrual date and at the end of that period
2.10 is subject to provisions of subdivision 5a.

2.11 (d) If the disability under this subdivision occurs before the member has at least five
2.12 years of allowable service credit in the police and fire plan, the disability benefit must be
2.13 computed on the average salary from which deductions were made for contribution to
2.14 the police and fire fund.