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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **757**

February 12, 2009

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

1.1 A bill for an act
1.2 relating to retirement; aeronautics; modifying provisions relating to disability or
1.3 retirement of Department of Transportation pilots; amending Minnesota Statutes
1.4 2008, section 352.86.

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

1.6 Section 1. Minnesota Statutes 2008, section 352.86, is amended to read:

1.7 **352.86 TRANSPORTATION DEPARTMENT PILOTS.**

1.8 Subdivision 1. **Eligibility; retirement annuity.** A person who is employed by the
1.9 Department of Transportation in the civil service employment classification of aircraft
1.10 pilot or chief pilot, who is covered by the general employee retirement plan of the system
1.11 under section 352.01, subdivision 23, who elects this special retirement coverage under
1.12 subdivision 3, ~~who is prohibited from performing the duties of aircraft pilot or chief pilot~~
1.13 ~~after reaching age 65 by a policy adopted by the commissioner of transportation, and~~
1.14 who terminates employment as a state employee on or after age 62 but prior to normal
1.15 retirement age, is entitled, upon application, to a retirement annuity computed under
1.16 section 352.115, subdivisions 2 and 3, without any reduction for early retirement under
1.17 section 352.116, subdivision 1.

1.18 Subd. 1a. **Disability benefits.** An employee described in subdivision 1, ~~who is~~
1.19 ~~less than 62 years of age and~~ who becomes disabled and physically or mentally unfit
1.20 to perform occupational duties due to injury, sickness, or other disability, and who is
1.21 found disqualified for retention as chief pilot or pilot as a result of a physical examination
1.22 required by applicable federal laws or regulations, ~~is entitled upon application to disability~~
1.23 ~~benefits for a maximum of five years in the~~ may submit an application for disability
1.24 benefits calculated under section 352.113, subdivision 3. In addition, an amount of 75

2.1 percent of current monthly salary, ~~to less the amount payable under section 352.113,~~
2.2 subdivision 3, must be paid by the appointing authority from the state airports fund for
2.3 five years or until normal retirement age, whichever is sooner. ~~Disability benefits must not~~
2.4 ~~continue after the employee reaches age 62.~~ These benefits are in lieu of all other state
2.5 benefits for the disability, including, but not limited to, workers' compensation benefits.
2.6 This subdivision does not apply to any pilot or chief pilot hired after August 1, 2009.

2.7 Subd. 2. **Additional contributions.** The special retirement annuity authorized by
2.8 subdivision 1 ~~shall~~ must be financed by an employee contribution from the covered aircraft
2.9 pilot or chief pilot of 1.6 percent and an employer contribution from the Department of
2.10 Transportation of 1.6 percent. These contributions are in addition to the contributions
2.11 required by section 352.04, subdivisions 2 and 3. They must be made in the manner
2.12 provided for in section 352.04, subdivisions 4, 5, and 6.

2.13 Subd. 3. **Election of coverage.** To be covered by this section, an employee of the
2.14 Department of Transportation described in subdivision 1 who ~~is~~ was employed in the
2.15 described position ~~on July 1, 1982, or after~~ before January 1, 2008, must ~~file~~ have filed
2.16 a notice with the executive director of the Minnesota State Retirement System on a
2.17 form prescribed by the executive director stating whether or not the employee elects to
2.18 be covered by this special plan. Notice must ~~be~~ have been filed ~~by August 1, 1982, or~~
2.19 ~~within 90 days of employment, whichever is later.~~ Elections are irrevocable during any
2.20 period of covered employment.