



# Working Group

## Meeting Agenda: July 26, 2023

- I. Call to Order**  
*Chair Auditor Blaha.*
- II. Introductions**
- III. Review and Approval of Working Group Meeting Minutes**  
Exhibit A. Draft January 19, 2023, Meeting Minutes
- IV. Working Group Process Discussion**  
Exhibits B through D.
  - Working Group Purpose Statement (B)
  - Working Group Process (C)
  - Working Group Membership List (D)
- V. Update on 2023 Relief Association Legislation**  
Exhibit E.
- VI. Review and Discussion of Draft Amendment and Firefighter References**  
Exhibits F through H.
  - H.F. 3286 (F)
  - Draft Amendment (G)
  - Draft Firefighter Reference Updates (H)
- VII. Discussion of Working Group Topic Suggestions**  
Exhibit I.
- VIII. Other Business**
- IX. Next Meeting**  
Wednesday, August 16, 2023  
2:00 p.m. to 3:30 p.m.  
In-Person/Virtual Hybrid Format
- X. Adjournment**

Individuals with disabilities who need a reasonable accommodation to participate in this event, please contact Rose Hennessy Allen at (651) 296-5985 or (800) 627-3529 (TTY) by July 24, 2023.



# Exhibit A

## 1-19-23 Draft Minutes

### **Members Present**

Julie Blaha, State Auditor

Eric Bullen, Minnesota State Fire Chiefs Association Representative (defined benefit lump sum plans)

Sue Iverson, City of Red Wing Finance & Accounting Manager

Dan Johnson, Mendota Heights Fire Relief Association Trustee (defined contribution plans)

Ron Johnson, Minnesota State Fire Department Association Representative (defined contribution plans)

Aaron Johnston, Coon Rapids Fire Relief Association Treasurer (defined contribution plans)

Karl Mork, Bemidji Fire Relief Association Treasurer (defined benefit lump sum plans)

Darrell Pettis, St. Peter Fire Relief Association Treasurer (defined benefit lump sum plans)

Kevin Wall, Lower Saint Croix Valley Fire Relief Association President (defined benefit lump sum plans)

Michael Walstien, Plymouth Fire Relief Association Member (defined contribution plans)

Thomas Wilson, Eden Prairie Fire Relief Association Secretary (defined benefit monthly/lump sum plans)

### **Members Excused**

Steve Donney, City of Harmony Mayor

Andy Paszak, Proctor Fire Relief Association President (defined benefit lump sum plans)

### **Office of the State Auditor and Legislative Support Present**

Ramona Advani, Deputy State Auditor and General Counsel

Chad Burkitt, Legislative Commission on Pension and Retirement Analyst

Rose Hennessy Allen, Office of the State Auditor Pension Director

Susan Lenczewski, Legislative Commission on Pension and Retirement Executive Director

### **I. Call to Order**

Auditor Blaha called the meeting to order, which was being conducted solely in a virtual format due to weather and travel concerns. She explained that the meeting was being recorded and streamed to the Office of the State Auditor (OSA) YouTube channel. A photo of the Working Group members was taken, and the meeting agenda was accepted with no changes.

### **II. Review and Approval of Working Group Meeting Minutes**

Members reviewed the December 14, 2022, meeting minutes that had been provided in advance. The meeting minutes were accepted with no changes.

### **III. Review of Draft Firefighter Definitions and References**

Hennessy Allen walked through the new firefighter and combination fire department definitions, and the new subdivision being proposed that defines relief association membership requirements. Updated references to "volunteer firefighter" and "volunteer firefighters relief association" throughout Chapter 424A were also reviewed. It was noted that Forestry staff with the DNR are State positions and would not be included in the firefighter definition. The firefighter definitions and reference updates were adopted unanimously.

### **IV. Review of Draft Municipal Ratification Clarifications**

Hennessy Allen explained the draft clarifications to provisions for defined benefit plans that define when municipal ratification for a benefit level change is required. In response to a question, she shared that about 20 relief associations operate at benefit levels that have not

been ratified by the affiliated city council or town board. The draft changes were adopted unanimously.

#### **V. Discussion of Dissolution Supplemental Benefit Clarification**

Auditor Blaha explained that the draft change addresses a concern raised by the Department of Revenue (DOR). When a relief association dissolves, members become fully vested and are paid their service pensions or benefits upon the plan termination, even if the members are not yet age 50. However, to accommodate the DOR reporting system, only members who are at least age 50 can be paid a supplemental benefit with their service pensions upon a plan termination. The age-50 requirement was not intended to apply to disability or survivor benefits, but the language in statute can be read as requiring the disabled or deceased member to have been at least age 50 for the member or the member's survivor to qualify for the supplemental benefit distribution. The draft language was adopted unanimously.

#### **VI. Review of Previously Approved Legislative Proposals**

Working Group members reviewed the investment report certification clarification and audit threshold change that were approved during the last meeting. There were no objections to moving forward with both proposals.

#### **VII. Other Business**

Auditor Blaha requested approval to make minor drafting changes if any are identified when the bill is reviewed by Legislative Commission on Pensions and Retirement (LCPR) staff. Johnson, R. made a motion that was seconded by Iverson to approve the request to make minor drafting changes. The motion was adopted unanimously.

Working Group members discussed effective dates for the proposals and agreed that January 1, 2024, was appropriate. Iverson made a motion to add a January 1, 2024, effective date to each Working Group proposal. The motion was adopted unanimously.

Auditor Blaha thanked the Working Group members, and OSA and LCPR staff. She said Working Group members would be kept updated on the progress of the proposals and notified when the bill is scheduled to be heard by the LCPR.

#### **VIII. Adjournment**

The meeting was adjourned at 2:54.



# Exhibit B

## Working Group Purpose Statement

To identify and work through current and pressing relief association issues while maintaining effective and efficient Office of the State Auditor oversight.

We will do this by bringing together the major fire relief association stakeholders to develop relationships, facilitate communication, discuss relief association issues and make the Pension Process easier and more effective.

The ultimate goal is to help fire relief association plans be successful.



# Exhibit C

## Working Group Process

- Identify and discuss topics and make recommendations to clarify state laws,\*
- Forward suggested statutory changes to the Legislative Commission on Pensions and Retirement, and
- Identify ways to simplify reporting forms, identify training needs and other issues.

\* Unanimous consent is required for all proposals to move forward, although proposals may be revisited and reconsidered.



# Exhibit E

## 2023 Relief Association Legislation

### **Working Group Proposals:**

- Article 12 (Policy) Raise the monetary threshold at which a relief association must have an annual audit from the current \$500,000 to \$750,000 in either pension assets or liabilities, to be consistent with audit thresholds for other nonprofit corporations.
- Pending Further define when municipal ratification of a relief association benefit level or bylaw change is required in order for the change to become effective.
- Pending Add definitions of the different types of firefighters (e.g., volunteer, paid on-call, part-time, full-time) for purposes of relief association benefits and make corresponding reference updates through the chapter.
- Pending Clarify eligibility requirements for supplemental survivor benefits when a relief association dissolves.
- Pending Clarify who must certify a relief association's receipt and review of the annual Investment Report Card provided by the Office of the State Auditor.

### **Other Proposals:**

- Article 10 (Policy) Changes were made to vesting service credit in the Statewide Volunteer Firefighter (SVF) Plan administered by the Public Employees Retirement Association to include service rendered with a relief association prior to joining the SVF Plan.
- Article 6 (Budget) A program was created with a \$5 million appropriation to incentivize relief associations to join the PERA SVF Plan.

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in alternative formats upon request

State of Minnesota  
HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **3286**

04/25/2023 Authored by Nelson, M.; O'Driscoll; Berg; Her and Wolgamott  
The bill was read for the first time and referred to the Committee on State and Local Government Finance and Policy

1.1 A bill for an act  
1.2 relating to retirement; State Auditor's volunteer firefighter working group  
1.3 recommendations; amending volunteer firefighters relief association provisions;  
1.4 making conforming changes; amending Minnesota Statutes 2022, sections  
1.5 424A.001, subdivisions 4, 5, 8, 9, 10; 424A.003; 424A.01, subdivisions 1, 2, 5;  
1.6 424A.014, subdivision 1; 424A.015, subdivisions 1, 5, 7; 424A.016, subdivisions  
1.7 2, 6; 424A.02, subdivisions 1, 3, 7, 9; 424A.021; 424A.092, subdivision 6;  
1.8 424A.093, subdivision 6; 424A.094, subdivision 1; 424A.095, subdivision 2;  
1.9 424A.10; 424B.22, subdivision 10.

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

1.11 **ARTICLE 1**  
1.12 **AUDIT THRESHOLD AND ADMINISTRATIVE CHANGES**  
1.13 **FOR RELIEF ASSOCIATIONS**

1.14 Section 1. Minnesota Statutes 2022, section 424A.014, subdivision 1, is amended to read:

1.15 Subdivision 1. **Financial report and audit.** (a) An annual financial report and audited  
1.16 financial statements in accordance with paragraphs (c) to (e) must be submitted by the board  
1.17 of trustees of the Bloomington Fire Department Relief Association and the board of trustees  
1.18 of each ~~volunteer~~ firefighter relief association with special fund assets of at least ~~\$500,000~~  
1.19 \$750,000 or special fund liabilities of at least ~~\$500,000~~ \$750,000, according to any previous  
1.20 year's financial report.

1.21 (b) The board of trustees of a ~~volunteer~~ firefighter relief association with special fund  
1.22 assets of less than ~~\$500,000~~ \$750,000 and special fund liabilities of less than ~~\$500,000~~  
1.23 \$750,000, according to each previous year's financial report, may submit an annual financial  
1.24 report and audited financial statements in accordance with paragraphs (c) to (e).

2.1 (c) The financial report must cover the relief association's special fund and general fund  
2.2 and be in the style and form prescribed by the state auditor. The financial report must be  
2.3 countersigned by:

2.4 (1) the municipal clerk or clerk-treasurer of the municipality in which the relief  
2.5 association is located if the relief association is directly associated with a municipal fire  
2.6 department;

2.7 (2) the municipal clerk or clerk-treasurer of the largest municipality in population that  
2.8 contracts with the independent nonprofit firefighting corporation if the ~~volunteer firefighter~~  
2.9 firefighters relief association is a subsidiary of an independent nonprofit firefighting  
2.10 corporation, and by the secretary of the independent nonprofit firefighting corporation; or

2.11 (3) the chief financial official of the county in which the ~~volunteer firefighter~~ firefighters  
2.12 relief association is located or primarily located if the relief association is associated with  
2.13 a fire department that is not located in or associated with an organized municipality.

2.14 (d) The financial report must be retained in the office of the Bloomington Fire Department  
2.15 Relief Association or the ~~volunteer firefighter~~ firefighters relief association for public  
2.16 inspection and must be filed with the governing body of the government subdivision in  
2.17 which the associated fire department is located after the close of the fiscal year. One copy  
2.18 of the financial report must be furnished to the state auditor on or before June 30 after the  
2.19 close of the fiscal year.

2.20 (e) Audited financial statements that present the true financial condition of the relief  
2.21 association's special fund and general fund must be attested to by a certified public accountant  
2.22 or by the state auditor and must be filed with the state auditor on or before June 30 after the  
2.23 close of the fiscal year. Audits must be conducted in compliance with generally accepted  
2.24 auditing standards and section 6.65 governing audit procedures. The state auditor may accept  
2.25 audited financial statements in lieu of the financial report required in paragraph (a).

2.26 (f) A firefighters relief association with special fund assets of less than \$750,000 and  
2.27 special fund liabilities of less than \$750,000 on December 31, 2023, is not required to submit  
2.28 audited financial statements unless and until the special fund assets or special fund liabilities  
2.29 exceed \$750,000, even if audited financial statements were required on the date immediately  
2.30 prior to the effective date.

2.31 **EFFECTIVE DATE.** This section is effective December 31, 2023, and applies to  
2.32 audited financial statements for calendar year 2023 and thereafter.

3.1 Sec. 2. Minnesota Statutes 2022, section 424A.092, subdivision 6, is amended to read:

3.2 Subd. 6. **Municipal ratification for bylaws amendments.** (a) The board of trustees of  
3.3 a relief association may adopt an amendment to the articles of incorporation or bylaws that  
3.4 increases the coverage, service pensions, or retirement benefits provided by the relief  
3.5 association only after preparing an estimate of the expected ~~increase in the financial~~  
3.6 ~~requirements and~~ change to the accrued liability and the overall funding balance of the  
3.7 special fund resulting from the amendment.

3.8 (b) For purposes of this subdivision, "~~financial requirements~~" "overall funding balance"  
3.9 means the amount of the surplus or deficit calculated under subdivision 3, paragraph ~~(e)~~  
3.10 ~~(b)~~. "Accrued liability" means the amount calculated under subdivision 2 or 2a, as applicable.  
3.11 "Estimate" means the estimate required in paragraph (a).

3.12 (c) If the special fund of a relief association to which this section applies ~~does not have~~  
3.13 ~~a surplus over~~ has a deficit from full funding under subdivision 3, paragraph ~~(e)~~ ~~(b)~~, clause  
3.14 ~~(5)~~ ~~(3)~~, and if the municipality is ~~required to provide financial support to the special fund~~  
3.15 ~~under this section~~ has a minimum obligation under subdivision 3, paragraph (d), ~~the board~~  
3.16 ~~of trustees of the relief association may adopt an~~ any amendment to the articles of  
3.17 incorporation or bylaws adopted by the relief association that increases the coverage, service  
3.18 pensions, or retirement benefits provided by the relief association. ~~The amendment~~ is not  
3.19 effective until it is ratified by the governing body of the affiliated municipality or independent  
3.20 nonprofit firefighting corporation, as applicable. The governing body may ratify such  
3.21 amendment only if the relief association has delivered to the governing body the estimate  
3.22 described in paragraphs (a) and (b), certified by an officer of the relief association.

3.23 (d) If the special fund of a relief association to which this section applies is fully funded  
3.24 or has a surplus over full funding under subdivision 3, paragraph ~~(e)~~ ~~(b)~~, clause ~~(5)~~ ~~(3)~~, and  
3.25 if the municipality is not required to provide financial support under subdivision 3, paragraph  
3.26 (d), to the special fund under this section, the relief association may adopt an amendment  
3.27 to the articles of incorporation or bylaws that increases the coverage, service pensions, or  
3.28 retirement benefits provided by the relief association. ~~(1) The~~ Any such adopted amendment  
3.29 is effective if the municipality ratifies the amendment. ~~(2) The amendment is effective~~  
3.30 ~~without municipal ratification~~ or, in the absence of municipal ratification, if the amendment  
3.31 satisfies paragraph (e).

3.32 (e) An amendment satisfies this paragraph if the estimate described in paragraphs (a)  
3.33 and (b) demonstrates that the amendment will not cause:

4.1 (1) the amount of the resulting increase in the accrued liability of the special fund to  
 4.2 exceed 90 percent of the amount of the surplus over full funding reported in the prior year;  
 4.3 ~~and~~

4.4 (2) ~~the financial requirements of the special fund to exceed the expected amount of the~~  
 4.5 ~~future fire state aid and police and firefighter retirement supplemental state aid to be received~~  
 4.6 ~~by the relief association.~~ an increase in the minimum obligation of the municipality for the  
 4.7 upcoming calendar year under subdivision 3, paragraph (d); and

4.8 (3) the special fund of the relief association to have a deficit from full funding under  
 4.9 subdivision 3, paragraph (c), clause (5), on the day immediately following the adoption of  
 4.10 the amendment.

4.11 (f) If a relief association amends the articles of incorporation or bylaws without municipal  
 4.12 ratification under this subdivision, and, subsequent to the amendment, the ~~financial~~  
 4.13 ~~requirements of the special fund of the relief association under this section are such so as~~  
 4.14 ~~to require financial support from~~ requires an increase in the minimum obligation of the  
 4.15 municipality under subdivision 3, paragraph (d), the provision which that was implemented  
 4.16 without municipal ratification is no longer effective and any service pensions or retirement  
 4.17 benefits payable after that date may be paid only in accordance with the articles of  
 4.18 incorporation or bylaws as amended with municipal ratification.

4.19 **EFFECTIVE DATE.** This section is effective January 1, 2024.

4.20 Sec. 3. Minnesota Statutes 2022, section 424A.093, subdivision 6, is amended to read:

4.21 Subd. 6. **Municipal ratification for bylaws amendments.** (a) The board of trustees of  
 4.22 a relief association may adopt an amendment to the articles of incorporation or bylaws that  
 4.23 increases the coverage, service pensions, or retirement benefits provided by the relief  
 4.24 association only after the board of trustees has had an updated actuarial valuation including  
 4.25 the proposed change or an estimate of the expected actuarial impact of the proposed change  
 4.26 prepared by the actuary of the relief association.

4.27 (b) If the special fund of a relief association to which this section applies ~~does not have~~  
 4.28 ~~a surplus over~~ has a deficit from full funding under subdivision 4, and or if the municipality  
 4.29 is required to provide financial support to the special fund has a minimum municipal  
 4.30 obligation under this section subdivision 5, the board of trustees of the relief association  
 4.31 may adopt an amendment to the articles of incorporation or bylaws that increases the  
 4.32 coverage, service pensions, or retirement benefits provided by the relief association. The  
 4.33 amendment is not effective until it is ratified by the governing body of the affiliated

5.1 municipality or independent nonprofit firefighting corporation, as applicable. The governing  
5.2 body may ratify such amendment only if the relief association has delivered to the governing  
5.3 body the actuarial valuation or estimate described in paragraph (a), certified by an officer  
5.4 of the relief association.

5.5 (c) If the special fund of a relief association to which this section applies is fully funded  
5.6 or has a surplus over full funding under subdivision 4, and if the municipality ~~is~~ does not  
5.7 ~~required to provide financial support to the special fund~~ have a minimum municipal obligation  
5.8 ~~under this section~~ subdivision 5, the relief association may adopt an amendment to the  
5.9 articles of incorporation or bylaws that increases the coverage, service pensions, or retirement  
5.10 benefits provided by the relief association. The amendment is effective:

5.11 (1) if the municipality ratifies the amendment; or

5.12 (2) without municipal ratification if the amendment satisfies paragraph (d).

5.13 (d) An amendment satisfies this paragraph if the actuarial valuation or estimate described  
5.14 in paragraph (a) demonstrates that the amendment will not cause:

5.15 (1) the amount of the resulting increase in the accrued liability of the special fund to  
5.16 exceed 90 percent of the amount of the surplus over full funding reported in the prior year;  
5.17 ~~and~~

5.18 (2) ~~the financial requirements of the special fund to exceed the expected amount of the~~  
5.19 ~~future fire state aid and police and firefighter retirement supplemental state aid to be received~~  
5.20 ~~by the relief association.~~ an increase in the minimum obligation of the municipality for the  
5.21 upcoming calendar year; and

5.22 (3) the special fund of the relief association to have a deficit from full funding under  
5.23 subdivision 4 on the day immediately following the adoption of the amendment.

5.24 (e) If a relief association amends its articles of incorporation or bylaws without municipal  
5.25 ratification pursuant to this subdivision, and, subsequent to the amendment, the ~~financial~~  
5.26 ~~requirements of the special fund of the relief association under this section are such so as~~  
5.27 ~~to require~~ requires financial support from the municipality under this section, the provision  
5.28 which was implemented without municipal ratification is no longer effective and any service  
5.29 pensions or retirement benefits payable after that date may be paid only in accordance with  
5.30 the articles of incorporation or bylaws as amended with municipal ratification.

5.31 **EFFECTIVE DATE.** This section is effective January 1, 2024.

6.1 Sec. 4. Minnesota Statutes 2022, section 424B.22, subdivision 10, is amended to read:

6.2 Subd. 10. **Supplemental benefits.** Within 60 days after the distribution of benefits under  
 6.3 subdivision 8, the municipality or firefighting corporation with which the fire department  
 6.4 is affiliated shall pay supplemental benefits under section 424A.10 to each participant and  
 6.5 survivor who satisfies the requirements of section 424A.10, subdivision 2. A supplemental  
 6.6 benefit is payable to each participant who receives a service pension if the participant is at  
 6.7 least age 50. A supplemental benefit is payable to each participant or survivor who receives  
 6.8 a disability benefit or survivor benefit without regard to any minimum age requirement.  
 6.9 The commissioner of revenue shall reimburse the municipality or independent nonprofit  
 6.10 firefighting corporation for all supplemental benefits paid as provided in section 424A.10,  
 6.11 subdivision 3.

6.12 **EFFECTIVE DATE.** This section is effective for supplemental benefits reimbursed in  
 6.13 calendar year 2024 and thereafter.

## 6.14 ARTICLE 2

### 6.15 MODIFYING THE DEFINITION OF "FIREFIGHTER"; 6.16 TECHNICAL AND CONFORMING CHANGES

6.17 Section 1. Minnesota Statutes 2022, section 424A.001, subdivision 4, is amended to read:

6.18 Subd. 4. **Relief association.** (a) "Relief association" or "~~volunteer~~ firefighters relief  
 6.19 association" means a ~~volunteer~~ firefighters relief association ~~or a volunteer firefighters~~  
 6.20 ~~division or account of a partially salaried and partially volunteer firefighters relief association~~  
 6.21 that is:

6.22 (1) organized and incorporated as a nonprofit corporation to provide retirement benefits  
 6.23 to volunteer firefighters and paid on-call firefighters under chapter 317A and any laws of  
 6.24 the state;

6.25 (2) governed by this chapter and sections 424A.091 to 424A.095; and

6.26 (3) directly associated with:

6.27 (i) a fire department established by municipal ordinance;

6.28 (ii) an independent nonprofit firefighting corporation that is organized under the  
 6.29 provisions of chapter 317A and that operates primarily for firefighting purposes; or

6.30 (iii) a fire department operated as or by a joint powers entity that operates primarily for  
 6.31 firefighting purposes.

6.32 (b) "Relief association" or "~~volunteer~~ firefighters relief association" does not mean:

7.1 (1) the Bloomington Fire Department Relief Association governed by Laws 2013, chapter  
 7.2 111, article 5, sections 31 to 42; Minnesota Statutes 2000, chapter 424; and Laws 1965,  
 7.3 chapter 446, as amended; or

7.4 (2) the statewide volunteer firefighter plan governed by chapter 353G.

7.5 (c) A relief association or ~~volunteer~~ firefighters relief association is a governmental  
 7.6 entity that receives and manages public money to provide retirement benefits for individuals  
 7.7 providing the governmental services of firefighting and emergency first response.

7.8 **EFFECTIVE DATE.** This section is effective July 1, 2024.

7.9 Sec. 2. Minnesota Statutes 2022, section 424A.001, subdivision 5, is amended to read:

7.10 Subd. 5. **Special fund.** "Special fund" means the special fund of a ~~volunteer~~ firefighters  
 7.11 relief association ~~or the account for volunteer firefighters within the special fund of a partially~~  
 7.12 ~~salaried and partially volunteer firefighters relief association.~~

7.13 **EFFECTIVE DATE.** This section is effective July 1, 2024.

7.14 Sec. 3. Minnesota Statutes 2022, section 424A.001, subdivision 8, is amended to read:

7.15 Subd. 8. **Firefighting service.** "Firefighting service;" ~~if the applicable municipality~~  
 7.16 ~~approves for a fire department that is a municipal department, or if the applicable contracting~~  
 7.17 ~~municipality or municipalities approve for a fire department that is an independent nonprofit~~  
 7.18 ~~firefighting corporation, includes fire department service rendered~~ means duties performed  
 7.19 by firefighters and, if approved by the appropriate municipality or municipalities, duties  
 7.20 performed by fire prevention personnel.

7.21 **EFFECTIVE DATE.** This section is effective July 1, 2024.

7.22 Sec. 4. Minnesota Statutes 2022, section 424A.001, subdivision 9, is amended to read:

7.23 Subd. 9. **Separate from active service.** "Separate from active service" means that a  
 7.24 firefighter permanently ceases to perform fire suppression duties with a particular ~~volunteer~~  
 7.25 fire department, permanently ceases to perform fire prevention duties, permanently ceases  
 7.26 to supervise fire suppression duties, and permanently ceases to supervise fire prevention  
 7.27 duties.

7.28 **EFFECTIVE DATE.** This section is effective July 1, 2024.

8.1 Sec. 5. Minnesota Statutes 2022, section 424A.001, subdivision 10, is amended to read:

8.2 Subd. 10. **Volunteer Firefighter.** ~~"Volunteer Firefighter"~~ means a person who is a  
8.3 ~~member of the applicable fire department or the independent nonprofit firefighting~~  
8.4 ~~corporation~~ one or more of the following:

8.5 (1) "volunteer firefighter" means a firefighter who does not receive compensation per  
8.6 call or hour for firefighting services but who may receive reimbursement for expenses, who  
8.7 has a choice of availability in providing services with the fire department, and who is eligible  
8.8 for membership in the applicable a relief association and: associated with the fire department  
8.9 or participates in the statewide volunteer firefighter plan under chapter 353G;

8.10 ~~(i) is engaged in providing emergency response services or delivering fire education or~~  
8.11 ~~prevention services as a member of a fire department;~~

8.12 ~~(ii) is trained in or is qualified to provide fire suppression duties or to provide fire~~  
8.13 ~~prevention duties under subdivision 8; and~~

8.14 ~~(iii) meets any other minimum firefighter and service standards established by the fire~~  
8.15 ~~department or specified in the articles of incorporation or bylaws of the relief association.~~

8.16 (2) "paid on-call firefighter" means a firefighter who receives compensation per call or  
8.17 per hour for firefighting services, who has a choice of availability in providing services with  
8.18 the fire department, and who is eligible for membership in a relief association associated  
8.19 with the fire department or participates in the statewide volunteer firefighter plan under  
8.20 chapter 353G;

8.21 (3) "part-time firefighter" means a firefighter who receives compensation per call or per  
8.22 hour for firefighting services, whose services with the fire department are scheduled and  
8.23 who, as a result of providing firefighting services, is a member or is eligible to be a member  
8.24 of a fund operated pursuant to chapter 353 other than the statewide volunteer firefighter  
8.25 plan under chapter 353G; and

8.26 (4) "full-time firefighter" or "career firefighter" means a firefighter who receives  
8.27 compensation per hour or through a salary for firefighting services, whose services with  
8.28 the fire department are scheduled and who, as a result of providing firefighting services, is  
8.29 a member or is eligible to be a member of a fund operated pursuant to chapter 353 other  
8.30 than the statewide volunteer firefighter plan under chapter 353G.

8.31 **EFFECTIVE DATE.** This section is effective July 1, 2024.

9.1 Sec. 6. Minnesota Statutes 2022, section 424A.003, is amended to read:

9.2 **424A.003 CERTIFICATION OF SERVICE CREDIT.**

9.3 (a) When a municipal fire department, a joint powers fire department, or an independent  
9.4 nonprofit firefighting corporation is directly associated with the ~~volunteer~~ firefighters relief  
9.5 association, the fire chief shall certify annually by March 31 the service credit for the  
9.6 previous calendar year of each volunteer firefighter and paid on-call firefighter rendering  
9.7 active service with the fire department.

9.8 (b) The certification shall be made to an officer of the relief association's board of trustees  
9.9 and to the municipal clerk or clerk-treasurer of the largest municipality in population served  
9.10 by the associated fire department.

9.11 (c) The fire chief shall notify each volunteer firefighter and paid on-call firefighter  
9.12 rendering active service with the fire department of the amount of service credit rendered  
9.13 by the firefighter for the previous calendar year. Upon request, the fire chief shall provide  
9.14 the firefighter with a written explanation and documentation to support the determination  
9.15 of service credit. The service credit notification and a description of the process and deadlines  
9.16 for the firefighter to challenge the fire chief's determination of service credit must be provided  
9.17 to the firefighter at least 21 days prior to its certification to the relief association and  
9.18 municipality. If the service credit amount is challenged, the fire chief shall accept and  
9.19 consider any additional pertinent information and shall make a final determination of service  
9.20 credit.

9.21 (d) The service credit certification must be expressed as the number of completed months  
9.22 of the previous year during which an active volunteer firefighter or paid on-call firefighter  
9.23 rendered at least the minimum level of duties as specified and required by the fire department  
9.24 under the rules, regulations, and policies applicable to the fire department. No more than  
9.25 one year of service credit may be certified for a calendar year.

9.26 (e) If a volunteer firefighter or paid on-call firefighter who is a member of the relief  
9.27 association leaves active firefighting service to render active military service that is required  
9.28 to be governed by the federal Uniformed Services Employment and Reemployment Rights  
9.29 Act, as amended, the firefighter must be certified as providing service credit for the period  
9.30 of the military service, up to the applicable limit of the federal Uniformed Services  
9.31 Employment and Reemployment Rights Act. If the volunteer firefighter or paid on-call  
9.32 firefighter does not return from the military service in compliance with the federal Uniformed  
9.33 Services Employment and Reemployment Rights Act, the service credits applicable to that

10.1 military service credit period are forfeited and canceled at the end of the calendar year in  
10.2 which the time limit set by federal law occurs.

10.3 **EFFECTIVE DATE.** This section is effective July 1, 2024.

10.4 Sec. 7. Minnesota Statutes 2022, section 424A.01, subdivision 1, is amended to read:

10.5 Subdivision 1. ~~Minors~~ **Membership eligibility.** ~~No volunteer~~ (a) A firefighter or any  
10.6 volunteer emergency medical personnel is eligible for membership in a firefighters relief  
10.7 association associated with a if the firefighter or volunteer emergency medical personnel  
10.8 satisfies the requirements of paragraph (b) or (c), as applicable, and is not otherwise  
10.9 prohibited from membership under this chapter.

10.10 (b) To be eligible for membership in a relief association, a firefighter must be a member  
10.11 of the fire department and:

10.12 (1) provide services as a volunteer firefighter or as a paid on-call firefighter, although  
10.13 the firefighter need not exclusively provide services as either a volunteer firefighter or a  
10.14 paid on-call firefighter;

10.15 (2) be engaged in providing emergency response services or delivering fire education  
10.16 or prevention services as a member of a fire department;

10.17 (3) be trained in or qualified to provide fire suppression duties or to provide fire  
10.18 prevention duties; and

10.19 (4) meet any other minimum firefighter and service standards established by the fire  
10.20 department or specified in the articles of incorporation or bylaws of the firefighters relief  
10.21 association.

10.22 (c) Any volunteer emergency medical personnel is eligible to be a member of the  
10.23 firefighters relief association and to qualify for a service pension or other benefit coverage  
10.24 of the relief association on the same basis as fire department personnel who perform or  
10.25 supervise fire suppression or fire prevention duties if:

10.26 (1) the fire department employs or otherwise uses the services of the person solely as  
10.27 volunteer emergency medical personnel to perform emergency medical response duties or  
10.28 supervise emergency medical response activities;

10.29 (2) the bylaws of the firefighters relief association authorize the volunteer emergency  
10.30 medical personnel's eligibility; and

10.31 (3) the volunteer emergency medical personnel's eligibility is approved by:

- 11.1 (i) the municipality, ~~a~~ if the fire department is a municipal department;
- 11.2 (ii) the joint powers ~~entity~~ board, if the fire department is a joint powers entity; or
- 11.3 (iii) the contracting municipality or municipalities, if the fire department is an independent
- 11.4 nonprofit firefighting corporation ~~may include as a~~.
- 11.5 (d) Minors are prohibited from membership in a firefighters relief association ~~member~~
- 11.6 ~~a minor serving as a volunteer firefighter.~~
- 11.7 **EFFECTIVE DATE.** This section is effective January 1, 2024.

11.8 Sec. 8. Minnesota Statutes 2022, section 424A.01, subdivision 2, is amended to read:

11.9 Subd. 2. **Status of substitute ~~volunteer~~ firefighters.** No person who is serving as a

11.10 substitute ~~volunteer~~ firefighter may be considered to be a firefighter for purposes of chapter

11.11 477B or this chapter and no substitute ~~volunteer~~ firefighter is authorized to be a member of

11.12 any ~~volunteer~~ firefighters relief association governed by chapter 477B or this chapter.

11.13 **EFFECTIVE DATE.** This section is effective July 1, 2024.

11.14 Sec. 9. Minnesota Statutes 2022, section 424A.01, subdivision 5, is amended to read:

11.15 Subd. 5. **Fire prevention personnel.** (a) If the applicable municipality or municipalities

11.16 approve, the fire department may employ or otherwise utilize the services of persons as

11.17 ~~volunteer~~ firefighters to perform fire prevention duties and to supervise fire prevention

11.18 activities.

11.19 (b) ~~Personnel~~ Volunteer firefighters and paid on-call firefighters serving in fire prevention

11.20 positions are eligible to be members of the applicable ~~volunteer firefighter~~ firefighters relief

11.21 association and to qualify for service pension or other benefit coverage of the relief

11.22 association on the same basis as fire department personnel who perform fire suppression

11.23 duties.

11.24 (c) ~~Personnel~~ Volunteer firefighters and paid on-call firefighters serving in fire prevention

11.25 positions also are eligible to receive any other benefits under the applicable law or practice

11.26 for services on the same basis as personnel who are employed to perform fire suppression

11.27 duties.

11.28 **EFFECTIVE DATE.** This section is effective July 1, 2024.

12.1 Sec. 10. Minnesota Statutes 2022, section 424A.015, subdivision 1, is amended to read:

12.2 Subdivision 1. **Separation from active service; exception.** (a) No service pension is  
12.3 payable to a person while the person remains an active member of the respective fire  
12.4 department, and a person who is receiving a service pension is not entitled to receive any  
12.5 other benefits from the special fund of the relief association.

12.6 (b) No relief association as defined in section 424A.001, subdivision 4, may pay a service  
12.7 pension or disability benefit to a former member of the relief association if that person has  
12.8 not separated from active service with the fire department to which the relief association is  
12.9 directly associated, unless:

12.10 (1) the person discontinues volunteer firefighter and paid on-call firefighter duties with  
12.11 the fire department and performs duties within the fire department on a part-time or full-time  
12.12 basis;

12.13 (2) the governing body of the municipality, of the independent nonprofit firefighting  
12.14 corporation, or of the joint powers entity has filed its determination with the board of trustees  
12.15 of the relief association that the person's experience with and service to the fire department  
12.16 in that person's part-time or full-time capacity would be difficult to replace; and

12.17 (3) the bylaws of the relief association were amended to provide for the payment of a  
12.18 service pension or disability benefit for such part-time or full-time employees.

12.19 **EFFECTIVE DATE.** This section is effective July 1, 2024.

12.20 Sec. 11. Minnesota Statutes 2022, section 424A.015, subdivision 5, is amended to read:

12.21 Subd. 5. **Minnesota deferred compensation plan transfers.** A relief association may  
12.22 directly transfer on an institution-to-institution basis the eligible member's lump-sum pension  
12.23 amount to the requesting member's account in the Minnesota deferred compensation plan,  
12.24 if:

12.25 (1) the governing articles of incorporation or bylaws so provide;

12.26 (2) the ~~volunteer~~ firefighter participates in the Minnesota deferred compensation plan  
12.27 at the time of retirement; and

12.28 (3) the applicable retiring firefighter requests in writing that the relief association do so.

12.29 **EFFECTIVE DATE.** This section is effective July 1, 2024.

13.1 Sec. 12. Minnesota Statutes 2022, section 424A.015, subdivision 7, is amended to read:

13.2 Subd. 7. **Combined service pensions.** (a) A member with credit for service as an active  
13.3 firefighter in more than one ~~volunteer~~ firefighters relief association is entitled to a service  
13.4 pension from each participating relief association if:

13.5 (1) the articles of incorporation or bylaws of the relief associations provide for such  
13.6 combined service pensions;

13.7 (2) the applicable requirements of paragraphs (b) to (e) are met; and

13.8 (3) the member otherwise qualifies.

13.9 (b) A member receiving a service pension under this subdivision must be at least partially  
13.10 vested under the bylaws of the first participating relief association on the date on which the  
13.11 member terminates active service with that relief association. The service pension paid from  
13.12 the first participating relief association shall be based on the years of active service accrued  
13.13 in the first relief association and the vesting percentage applicable to those years of active  
13.14 service.

13.15 (c) To receive a service pension from each subsequent relief association, the member  
13.16 must be at least partially vested under the bylaws of the subsequent relief association, taking  
13.17 into consideration the member's total service credit accrued in all participating relief  
13.18 associations to the date the member terminates active service with the subsequent relief  
13.19 association. The service pension paid from each subsequent relief association shall be based  
13.20 on the years of active service accrued solely in that relief association and the vesting  
13.21 percentage applicable to the combined amount of total service credit accrued in all of the  
13.22 participating relief associations.

13.23 (d) The member must have one or more years of service credit in each participating  
13.24 relief association. The service pension must be based on:

13.25 (1) for defined benefit relief associations, the service pension amount in effect for the  
13.26 relief association on the date on which the member's active ~~volunteer~~ firefighting services  
13.27 covered by that relief association terminate; and

13.28 (2) for defined contribution relief associations, the member's individual account balance  
13.29 on the date on which the member's active ~~volunteer~~ firefighting services covered by that  
13.30 relief association terminate.

13.31 (e) To receive a service pension under this subdivision, the member must become a  
13.32 member of the subsequent relief association within two years of the date of termination of  
13.33 active service with the prior relief association. If requested by the member or a subsequent

14.1 relief association, the secretary of each prior relief association must provide written notice  
14.2 to the member and the subsequent relief association regarding the amount of active service  
14.3 accrued by the member in the prior relief association.

14.4 **EFFECTIVE DATE.** This section is effective July 1, 2024.

14.5 Sec. 13. Minnesota Statutes 2022, section 424A.016, subdivision 2, is amended to read:

14.6 Subd. 2. **Defined contribution service pension eligibility.** (a) A relief association,  
14.7 when its articles of incorporation or bylaws so provide, may pay out of the assets of its  
14.8 special fund a defined contribution service pension to each of its members who:

14.9 (1) separates from active service with the fire department;

14.10 (2) reaches age 50;

14.11 (3) completes at least five years of active service as an active member of the fire  
14.12 department to which the relief association is associated;

14.13 (4) completes at least five years of active membership with the relief association before  
14.14 separation from active service; and

14.15 (5) complies with any additional conditions as to age, service, and membership that are  
14.16 prescribed by the bylaws of the relief association.

14.17 (b) In the case of a member who has completed at least five years of active service as  
14.18 an active member of the fire department to which the relief association is associated on the  
14.19 date that the relief association is established and incorporated, the requirement that the  
14.20 member complete at least five years of active membership with the relief association before  
14.21 separation from active service may be waived by the board of trustees of the relief association  
14.22 if the member completes at least five years of inactive membership with the relief association  
14.23 before the date of the payment of the service pension. During the period of inactive  
14.24 membership, the member is not entitled to receive any disability benefit coverage, is not  
14.25 entitled to receive additional individual account allocation of fire state aid or municipal  
14.26 contribution ~~towards~~ toward a service pension, and is considered to have the status of a  
14.27 person entitled to a deferred service pension.

14.28 (c) The service pension earned by a ~~volunteer~~ firefighter under this chapter and the  
14.29 articles of incorporation and bylaws of the relief association may be paid whether or not  
14.30 the municipality or independent nonprofit firefighting corporation to which the relief  
14.31 association is associated qualifies for the receipt of fire state aid under chapter 477B.

14.32 **EFFECTIVE DATE.** This section is effective July 1, 2024.

- 15.1 Sec. 14. Minnesota Statutes 2022, section 424A.016, subdivision 6, is amended to read:
- 15.2 Subd. 6. **Deferred service pensions.** (a) A "deferred member" means a member of a  
15.3 relief association who has separated from active service and membership and has completed  
15.4 the minimum service and membership requirements in subdivision 2. The requirement that  
15.5 a member separate from active service and membership is waived for persons who have  
15.6 discontinued their volunteer firefighter and paid on-call firefighter duties and who are  
15.7 employed on a part-time or full-time basis under section 424A.015, subdivision 1.
- 15.8 (b) A deferred member is entitled to receive a deferred service pension when the member  
15.9 reaches at least age 50, or at least the minimum age specified in the bylaws governing the  
15.10 relief association if that age is greater than age 50, and makes a valid written application.
- 15.11 (c) A defined contribution relief association must credit interest or additional investment  
15.12 performance on the deferred lump-sum service pension during the period of deferral for all  
15.13 deferred members on or after January 1, 2021. A defined contribution relief association  
15.14 may specify in its bylaws the method by which it will credit interest or additional investment  
15.15 performance to the accounts of deferred members. Such method shall be limited to one of  
15.16 the three methods provided in this paragraph. In the event the bylaws do not specify a  
15.17 method, the interest or additional investment performance must be credited using the method  
15.18 defined in clause (3). The permissible methods are:
- 15.19 (1) at the investment performance rate actually earned on that portion of the assets if the  
15.20 deferred benefit amount is invested by the relief association in a separate account established  
15.21 and maintained by the relief association;
- 15.22 (2) at the investment performance rate actually earned on that portion of the assets if the  
15.23 deferred benefit amount is invested in a separate investment vehicle held by the relief  
15.24 association; or
- 15.25 (3) at the investment return on the assets of the special fund of the defined contribution  
15.26 ~~volunteer~~ firefighters relief association in proportion to the share of the assets of the special  
15.27 fund to the credit of each individual deferred member account through the accounting date  
15.28 on which the investment return is recognized by and credited to the special fund.
- 15.29 (d) Notwithstanding the requirements of section 424A.015, subdivision 6, bylaw  
15.30 amendments made in accordance with paragraph (c) on or before January 1, 2022, shall  
15.31 apply to members already in deferred status as of January 1, 2021.

16.1 (e) Unless the bylaws provide differently, the dates that will be used by a relief association  
16.2 in determining the creditable amount of interest or additional investment performance on  
16.3 a deferred service pension shall be as follows:

16.4 (1) for a relief association that has elected to credit interest or additional investment  
16.5 performance under paragraph (c), clause (1) or (3), beginning on the date that the member  
16.6 separates from active service and membership and ending on the accounting date immediately  
16.7 before the deferred member commences receipt of the deferred service pension; or

16.8 (2) for a relief association that has elected to credit interest or additional investment  
16.9 performance under paragraph (c), clause (2), beginning on the date that the member separates  
16.10 from active service and membership and ending on the date that the separate investment  
16.11 vehicle is valued immediately before the date on which the deferred member commences  
16.12 receipt of the deferred service pension.

16.13 **EFFECTIVE DATE.** This section is effective July 1, 2024.

16.14 Sec. 15. Minnesota Statutes 2022, section 424A.02, subdivision 1, is amended to read:

16.15 Subdivision 1. **Authorization.** (a) A defined benefit relief association, when its articles  
16.16 of incorporation or bylaws so provide, may pay out of the assets of its special fund a defined  
16.17 benefit service pension to each of its members who: (1) separates from active service with  
16.18 the fire department; (2) reaches age 50; (3) completes at least five years of active service  
16.19 as an active member of the fire department to which the relief association is associated; (4)  
16.20 completes at least five years of active membership with the relief association before  
16.21 separation from active service; and (5) complies with any additional conditions as to age,  
16.22 service, and membership that are prescribed by the bylaws of the relief association. A service  
16.23 pension computed under this section may be prorated monthly for fractional years of service  
16.24 as the bylaws or articles of incorporation of the relief association so provide. The bylaws  
16.25 or articles of incorporation may define a "month," but the definition must require a calendar  
16.26 month to have at least 16 days of active service. If the bylaws or articles of incorporation  
16.27 do not define a "month," a "month" is a completed calendar month of active service measured  
16.28 from the member's date of entry to the same date in the subsequent month. The service  
16.29 pension earned by a ~~volunteer~~ firefighter under this chapter and the articles of incorporation  
16.30 and bylaws of the ~~volunteer~~ firefighters relief association may be paid whether or not the  
16.31 municipality or independent nonprofit firefighting corporation to which the relief association  
16.32 is associated qualifies for the receipt of fire state aid under chapter 477B.

16.33 (b) In the case of a member who has completed at least five years of active service as  
16.34 an active member of the fire department to which the relief association is associated on the

17.1 date that the relief association is established and incorporated, the requirement that the  
17.2 member complete at least five years of active membership with the relief association before  
17.3 separation from active service may be waived by the board of trustees of the relief association  
17.4 if the member completes at least five years of inactive membership with the relief association  
17.5 before the date of the payment of the service pension. During the period of inactive  
17.6 membership, the member is not entitled to receive disability benefit coverage, is not entitled  
17.7 to receive additional service credit ~~towards~~ toward computation of a service pension, and  
17.8 is considered to have the status of a person entitled to a deferred service pension under  
17.9 subdivision 7.

17.10 (c) No municipality, independent nonprofit firefighting corporation, or joint powers  
17.11 entity may delegate the power to take final action in setting a service pension or ancillary  
17.12 benefit amount or level to the board of trustees of the relief association or to approve in  
17.13 advance a service pension or ancillary benefit amount or level equal to the maximum amount  
17.14 or level that this chapter would allow rather than a specific dollar amount or level.

17.15 **EFFECTIVE DATE.** This section is effective July 1, 2024.

17.16 Sec. 16. Minnesota Statutes 2022, section 424A.02, subdivision 3, is amended to read:

17.17 Subd. 3. **Determining maximum pension benefit.** (a) Except as provided in paragraph  
17.18 (b) and section 424B.22, subdivision 4, a defined benefit relief association may not set in  
17.19 its bylaws a service pension amount above the following maximum amounts:

17.20 (1) for a defined benefit relief association in which the governing bylaws provide for a  
17.21 monthly service pension, the maximum monthly service pension amount per month for each  
17.22 year of service credited is the lesser of \$100 or the maximum monthly service pension  
17.23 amount that could be adopted by the relief association as a bylaws amendment that satisfies  
17.24 section 424A.093, subdivision 6, paragraph (d); and

17.25 (2) for a defined benefit relief association in which the governing bylaws provide for a  
17.26 lump-sum service pension, the maximum lump-sum service pension amount for each year  
17.27 of service credited is the lesser of \$15,000 or the maximum lump-sum service pension  
17.28 amount that could be adopted by the relief association as a bylaws amendment that satisfies  
17.29 section 424A.092, subdivision 6, paragraph (e).

17.30 (b) A defined benefit relief association may set in its bylaws a service pension amount  
17.31 that is not greater than the maximum amounts in clause (1) or (2), as applicable, but only  
17.32 if the service pension amount has been ratified by the municipality.

18.1 (1) For a defined benefit relief association that pays a monthly service pension, the  
18.2 maximum monthly service pension amount per month for each year of service credited is  
18.3 \$100.

18.4 (2) For a defined benefit relief association that pays a lump-sum service pension, the  
18.5 maximum lump-sum service pension amount for each year of service credited is \$15,000.

18.6 (c) The method of calculating service pensions must be applied uniformly for all years  
18.7 of active service. Credit must be given for all years of active service, unless the bylaws of  
18.8 the relief association provide that service credit is not given for:

18.9 (1) years of active service in excess of caps on service credit; or

18.10 (2) years of active service earned by a former member who:

18.11 (i) has ceased duties as a volunteer firefighter and paid on-call firefighter with the fire  
18.12 department before becoming vested under subdivision 2; and

18.13 (ii) has not resumed active service with the fire department and active membership in  
18.14 the relief association for a period as defined in the relief association's bylaws, of not less  
18.15 than five years.

18.16 **EFFECTIVE DATE.** This section is effective July 1, 2024.

18.17 Sec. 17. Minnesota Statutes 2022, section 424A.02, subdivision 7, is amended to read:

18.18 Subd. 7. **Deferred service pensions.** (a) A member of a defined benefit relief association  
18.19 is entitled to a deferred service pension if the member separates from active service and  
18.20 membership and has completed the minimum service and membership requirements in  
18.21 subdivision 1. The requirement that a member separate from active service and membership  
18.22 is waived for persons who have discontinued their volunteer firefighter and paid on-call  
18.23 firefighter duties and who are employed on a part-time or full-time basis under section  
18.24 424A.015, subdivision 1.

18.25 (b) The deferred service pension is payable when the former member reaches at least  
18.26 age 50, or at least the minimum age specified in the bylaws governing the relief association  
18.27 if that age is greater than age 50, and when the former member makes a valid written  
18.28 application.

18.29 (c) A defined benefit relief association that provides a lump-sum service pension governed  
18.30 by subdivision 2c may, when its governing bylaws so provide, credit interest on the deferred  
18.31 lump-sum service pension during the period of deferral. If provided for in the bylaws, interest  
18.32 must be credited in one of the following manners:

19.1 (1) at the investment performance rate actually earned on that portion of the assets if the  
19.2 deferred benefit amount is invested by the relief association in a separate account established  
19.3 and maintained by the relief association;

19.4 (2) at the investment performance rate actually earned on that portion of the assets if the  
19.5 deferred benefit amount is invested in a separate investment vehicle held by the relief  
19.6 association; or

19.7 (3) at an interest rate of up to five percent, compounded annually, as set by the board of  
19.8 trustees.

19.9 (d) Any change in the interest rate set by the board of trustees under paragraph (c), clause  
19.10 (3), must be ratified by the governing body of the municipality or joint powers entity served  
19.11 by the fire department to which the relief association is directly associated, or by the  
19.12 independent nonprofit firefighting corporation, as applicable.

19.13 (e) Interest under paragraph (c), clause (3), is credited beginning on the January 1 next  
19.14 following the date on which the deferred service pension interest rate as set by the board of  
19.15 trustees was ratified by the governing body of the municipality or joint powers entity served  
19.16 by the fire department to which the relief association is directly associated, or by the  
19.17 independent nonprofit firefighting corporation, as applicable.

19.18 (f) Unless the bylaws of a relief association that has elected to credit interest or additional  
19.19 investment performance on deferred lump-sum service pensions under paragraph (c) specifies  
19.20 a different interest or additional investment performance method, including the interest or  
19.21 additional investment performance period starting date and ending date, the interest or  
19.22 additional investment performance on a deferred service pension is creditable as follows:

19.23 (1) for a relief association that has elected to credit interest or additional investment  
19.24 performance under paragraph (c), clause (1) or (3), beginning on the first day of the month  
19.25 next following the date on which the member separates from active service and membership  
19.26 and ending on the last day of the month immediately before the month in which the deferred  
19.27 member commences receipt of the deferred service pension; or

19.28 (2) for a relief association that has elected to credit interest or additional investment  
19.29 performance under paragraph (c), clause (2), beginning on the date that the member separates  
19.30 from active service and membership and ending on the date that the separate investment  
19.31 vehicle is valued immediately before the date on which the deferred member commences  
19.32 receipt of the deferred service pension.

20.1 (g) For a deferred service pension that is transferred to a separate account established  
 20.2 and maintained by the relief association or separate investment vehicle held by the relief  
 20.3 association, the deferred member bears the full investment risk subsequent to transfer and  
 20.4 in calculating the accrued liability of the ~~volunteer~~ firefighters relief association that pays  
 20.5 a lump-sum service pension, the accrued liability for deferred service pensions is equal to  
 20.6 the separate relief association account balance or the fair market value of the separate  
 20.7 investment vehicle held by the relief association.

20.8 **EFFECTIVE DATE.** This section is effective July 1, 2024.

20.9 Sec. 18. Minnesota Statutes 2022, section 424A.02, subdivision 9, is amended to read:

20.10 Subd. 9. **Limitation on ancillary benefits.** A defined benefit relief association, ~~including~~  
 20.11 ~~any volunteer firefighters relief association governed by Laws 2013, chapter 111, article 5,~~  
 20.12 ~~sections 31 to 42, or any volunteer firefighters division of a relief association governed by~~  
 20.13 ~~chapter 424, and the Bloomington Fire Department Relief Association~~ may only pay ancillary  
 20.14 benefits ~~which that~~ would constitute an authorized disbursement as specified in section  
 20.15 424A.05 subject to the following requirements or limitations:

20.16 (1) with respect to a defined benefit relief association in which governing bylaws provide  
 20.17 solely for a lump-sum service pension to a retiring member, or provide a retiring member  
 20.18 the choice of either a lump-sum service pension or a monthly service pension and the  
 20.19 lump-sum service pension was chosen, no ancillary benefit may be paid to any former  
 20.20 member or paid to any person on behalf of any former member after the former member (i)  
 20.21 terminates active service with the fire department and active membership in the relief  
 20.22 association; and (ii) commences receipt of a service pension as authorized under this section;  
 20.23 and

20.24 (2) with respect to any defined benefit relief association, no ancillary benefit paid or  
 20.25 payable to any member, to any former member, or to any person on behalf of any member  
 20.26 or former member, may exceed in amount the total earned service pension of the member  
 20.27 or former member. The total earned service pension must be calculated by multiplying the  
 20.28 service pension amount specified in the bylaws of the relief association at the time of death  
 20.29 or disability, whichever applies, by the years of service credited to the member or former  
 20.30 member. The years of service must be determined as of (i) the date the member or former  
 20.31 member became entitled to the ancillary benefit; or (ii) the date the member or former  
 20.32 member died entitling a survivor or the estate of the member or former member to an  
 20.33 ancillary benefit. The ancillary benefit must be calculated without regard to whether the  
 20.34 member had attained the minimum amount of service and membership credit specified in

21.1 the governing bylaws. For active members, the amount of a permanent disability benefit or  
21.2 a survivor benefit must be equal to the member's total earned service pension except that  
21.3 the bylaws of a defined benefit relief association may provide for the payment of a survivor  
21.4 benefit in an amount not to exceed five times the yearly service pension amount specified  
21.5 in the bylaws on behalf of any member who dies before having performed five years of  
21.6 active service in the fire department with which the relief association is affiliated. For  
21.7 deferred members, the amount of a permanent disability benefit or a survivor benefit must  
21.8 be calculated using the service pension amount in effect on the date specified in section  
21.9 424A.015, subdivision 6, unless the bylaws of the relief association specify a different  
21.10 service pension amount to be used for the calculation.

21.11 (3)(i) If a lump sum survivor or death benefit is payable under the articles of incorporation  
21.12 or bylaws, the benefit must be paid:

21.13 (A) as a survivor benefit to the surviving spouse of the deceased firefighter;

21.14 (B) as a survivor benefit to the surviving children of the deceased firefighter if no  
21.15 surviving spouse;

21.16 (C) as a survivor benefit to a designated beneficiary of the deceased firefighter if no  
21.17 surviving spouse or surviving children; or

21.18 (D) as a death benefit to the estate of the deceased active or deferred firefighter if no  
21.19 surviving children and no beneficiary designated.

21.20 (ii) If there are no surviving children, the surviving spouse may waive, in writing, wholly  
21.21 or partially, the spouse's entitlement to a survivor benefit.

21.22 (4)(i) If a monthly benefit survivor or death benefit is payable under the articles of  
21.23 incorporation or bylaws, the benefit must be paid:

21.24 (A) as a survivor benefit to the surviving spouse of the deceased firefighter;

21.25 (B) as a survivor benefit to the surviving children of the deceased firefighter if no  
21.26 surviving spouse;

21.27 (C) as a survivor benefit to a designated beneficiary of the deceased firefighter if no  
21.28 surviving spouse or surviving children; or

21.29 (D) as a death benefit to the estate of the deceased active or deferred firefighter if no  
21.30 surviving spouse, no surviving children, and no beneficiary designated.

21.31 (ii) If there are no surviving children, the surviving spouse may waive, in writing, wholly  
21.32 or partially, the spouse's entitlement to a survivor benefit.

22.1 (iii) For purposes of this clause, if the relief association bylaws authorize a monthly  
22.2 survivor benefit payable to a designated beneficiary, the relief association bylaws may limit  
22.3 the total survivor benefit amount payable.

22.4 (5) For purposes of this section, for a monthly benefit volunteer fire relief association  
22.5 or for a combination lump-sum and monthly benefit volunteer fire relief association where  
22.6 a monthly benefit service pension has been elected by or a monthly benefit is payable with  
22.7 respect to a firefighter, a designated beneficiary must be a natural person. For purposes of  
22.8 this section, for a lump-sum volunteer fire relief association or for a combination lump-sum  
22.9 and monthly benefit volunteer fire relief association where a lump-sum service pension has  
22.10 been elected by or a lump-sum benefit is payable with respect to a firefighter, a trust created  
22.11 under chapter 501C may be a designated beneficiary. If a trust is payable to the surviving  
22.12 children organized under chapter 501C as authorized by this section and there is no surviving  
22.13 spouse, the survivor benefit may be paid to the trust, notwithstanding a requirement of this  
22.14 section to the contrary.

22.15 **EFFECTIVE DATE.** This section is effective July 1, 2024.

22.16 Sec. 19. Minnesota Statutes 2022, section 424A.021, is amended to read:

22.17 **424A.021 CREDIT FOR BREAK IN SERVICE TO PROVIDE UNIFORMED**  
22.18 **SERVICE.**

22.19 Subdivision 1. **Authorization.** Subject to restrictions stated in this section, a volunteer  
22.20 firefighter or paid on-call firefighter who is absent from firefighting service due to service  
22.21 in the uniformed services, as defined in United States Code, title 38, section 4303(13), may  
22.22 obtain service credit if the relief association is a defined benefit plan or an allocation by the  
22.23 relief association as though the person was an active member if the relief association is a  
22.24 defined contribution plan for the period of the uniformed service, not to exceed five years,  
22.25 unless a longer period is required under United States Code, title 38, section 4312.

22.26 Subd. 2. **Limitations.** (a) To be eligible for service credit or an allocation as though an  
22.27 active member under this section, the ~~volunteer~~ firefighter must return to firefighting service  
22.28 with coverage by the same relief association or by the successor to that relief association  
22.29 upon discharge from service in the uniformed service within the time frame required in  
22.30 United States Code, title 38, section 4312(e).

22.31 (b) Service credit or an allocation as though an active member is not authorized if the  
22.32 firefighter separates from uniformed service with a dishonorable or bad conduct discharge  
22.33 or under other than honorable conditions.

23.1 (c) Service credit or an allocation as though an active member is not authorized if the  
23.2 firefighter fails to provide notice to the fire department that the individual is leaving to  
23.3 provide service in the uniformed service, unless it is not feasible to provide that notice due  
23.4 to the emergency nature of the situation.

23.5 **EFFECTIVE DATE.** This section is effective July 1, 2024.

23.6 Sec. 20. Minnesota Statutes 2022, section 424A.094, subdivision 1, is amended to read:

23.7 Subdivision 1. **Authorized inclusion in fire state aid program; covered nonprofit**  
23.8 **corporations.** (a) This section applies to any independent nonprofit firefighting corporation  
23.9 incorporated or organized under chapter 317A ~~which that~~: (1) operates exclusively for  
23.10 firefighting purposes; (2) ~~which that~~ is composed of volunteer firefighters and paid on-call  
23.11 firefighters; and (3) ~~which that~~ has a duly established separate subsidiary incorporated  
23.12 firefighters relief association ~~which that~~ provides retirement coverage for or pays a service  
23.13 pension to a retired firefighter or a retirement benefit to a surviving dependent of either an  
23.14 active or a retired firefighter, and ~~which that~~ is subject to the applicable provisions of chapter  
23.15 424A.

23.16 (b) Notwithstanding any law to the contrary, a municipality contracting with an  
23.17 independent nonprofit firefighting corporation must be included in the distribution of fire  
23.18 state aid to the appropriate county auditor by the state auditor only if the independent  
23.19 nonprofit firefighting corporation complies with the provisions of this section.

23.20 **EFFECTIVE DATE.** This section is effective July 1, 2024.

23.21 Sec. 21. Minnesota Statutes 2022, section 424A.095, subdivision 2, is amended to read:

23.22 Subd. 2. **Investment report.** (a) Annually, the state auditor must provide an investment  
23.23 report to each relief association that has complied with the reporting requirements under  
23.24 section 356.219, subdivisions 1 and 3. The investment report must contain the following  
23.25 information:

23.26 (1) the relief association's average annual rates of return for at least the previous one-,  
23.27 three-, five-, ten-, 15-, and 20-year periods for which the state auditor has investment  
23.28 information;

23.29 (2) the relief association's asset allocation;

23.30 (3) the average annual one-year and ten-year benchmark rates of return;

24.1 (4) the average annual one-year and ten-year rates of return for the statewide volunteer  
24.2 firefighter plan;

24.3 (5) the one-year and ten-year average annual rates of return for the State Board of  
24.4 Investment supplemental investment fund; and

24.5 (6) a graphical comparison between:

24.6 (i) the relief association's average annual rates of return for the previous year and for  
24.7 the previous multiyear periods provided under clause (1); and

24.8 (ii) the average annual rates of return for the same periods for the supplemental investment  
24.9 fund's balanced fund or any successor fund.

24.10 (b) The state auditor shall select the benchmark rates of return based on the best practice  
24.11 in the industry.

24.12 (c) An officer of the relief association's board of trustees must certify to the state auditor  
24.13 that the board reviewed the investment report. The certification must accompany the audited  
24.14 financial statements or detailed financial statement under section 424A.014, subdivision 1  
24.15 or 2, whichever applies. A copy of the report must be kept on file by the relief association  
24.16 and must be available for inspection by any member of the public.

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

24.18 Sec. 22. Minnesota Statutes 2022, section 424A.10, is amended to read:

24.19 **424A.10 STATE SUPPLEMENTAL BENEFIT; ~~VOLUNTEER~~ FIREFIGHTERS.**

24.20 Subdivision 1. **Definitions.** For purposes of this section:

24.21 (1) "qualified recipient" means a ~~volunteer~~ firefighter who receives a lump-sum  
24.22 distribution of pension or retirement benefits from a ~~volunteer~~ firefighters relief association  
24.23 or from the statewide volunteer firefighter plan;

24.24 (2) "survivor of a deceased active or deferred ~~volunteer~~ firefighter" means the surviving  
24.25 spouse of a deceased active or deferred ~~volunteer~~ firefighter or, if none, the surviving child  
24.26 or children of a deceased active or deferred ~~volunteer~~ firefighter, or, if none, the designated  
24.27 beneficiary of the deceased active or deferred ~~volunteer~~ firefighter, or, if no beneficiary has  
24.28 been designated, the estate of the deceased active or deferred ~~volunteer~~ firefighter;

24.29 (3) "active ~~volunteer~~ firefighter" means a person who:

25.1 (i) regularly renders fire suppression service, the performance or supervision of authorized  
25.2 fire prevention duties, or the performance or supervision of authorized emergency medical  
25.3 response activities for a fire department;

25.4 (ii) has met the statutory and other requirements for relief association membership; and

25.5 (iii) is deemed by the relief association under law and its bylaws to be a fully qualified  
25.6 member of the relief association or from the statewide volunteer firefighter plan for at least  
25.7 one month;

25.8 (4) "deferred ~~volunteer~~ firefighter" means a former active ~~volunteer~~ firefighter who:

25.9 (i) terminated active firefighting service, the performance or supervision of authorized  
25.10 fire prevention duties, or the performance or supervision of authorized emergency medical  
25.11 response activities; and

25.12 (ii) has sufficient service credit from the applicable relief association or from the statewide  
25.13 volunteer firefighter plan to be entitled to a service pension under the bylaws of the relief  
25.14 association, but has not applied for or has not received the service pension; and

25.15 (5) "~~volunteer~~ firefighter" includes an individual whose services were utilized to perform  
25.16 or supervise fire prevention duties if authorized under section 424A.01, subdivision 5, and  
25.17 individuals whose services were used to perform emergency medical response duties or  
25.18 supervise emergency medical response activities if authorized under section 424A.01,  
25.19 subdivision 5a.

25.20 Subd. 2. **Payment of supplemental benefit.** (a) Upon the payment by a ~~volunteer~~  
25.21 firefighters relief association or by the statewide volunteer firefighter plan of a lump-sum  
25.22 distribution to a qualified recipient, the association or retirement plan, as applicable, must  
25.23 pay a supplemental benefit to the qualified recipient. Notwithstanding any law to the contrary,  
25.24 the relief association must pay the supplemental benefit out of its special fund and the  
25.25 statewide volunteer firefighter plan must pay the supplemental benefit out of the statewide  
25.26 volunteer firefighter plan. This benefit is an amount equal to ten percent of the regular  
25.27 lump-sum distribution that is paid on the basis of the recipient's service as a ~~volunteer~~  
25.28 firefighter. In no case may the amount of the supplemental benefit exceed \$1,000. A  
25.29 supplemental benefit under this paragraph may not be paid to a survivor of a deceased active  
25.30 or deferred ~~volunteer~~ firefighter in that capacity.

25.31 (b) Upon the payment by a relief association or the retirement plan of a lump-sum  
25.32 survivor benefit to a survivor of a deceased active ~~volunteer~~ firefighter or of a deceased  
25.33 deferred ~~volunteer~~ firefighter, the association or retirement plan, as applicable, must pay a

26.1 supplemental survivor benefit to the survivor of the deceased active or deferred ~~volunteer~~  
26.2 firefighter from the special fund of the relief association and the retirement plan must pay  
26.3 a supplemental survivor benefit to the survivor of the deceased active or deferred ~~volunteer~~  
26.4 firefighter from the retirement fund if chapter 353G so provides. The amount of the  
26.5 supplemental survivor benefit is 20 percent of the survivor benefit, but not to exceed \$2,000.

26.6 (c) For purposes of this section, the term "regular lump-sum distribution" means the  
26.7 pretax lump-sum distribution excluding any interest that may have been credited during a  
26.8 ~~volunteer~~ firefighter's period of deferral.

26.9 (d) An individual may receive a supplemental benefit under paragraph (a) or under  
26.10 paragraph (b), but not under both paragraphs with respect to one lump-sum ~~volunteer~~  
26.11 firefighter benefit.

26.12 (e) If a qualified recipient receives more than one lump-sum distribution, the qualified  
26.13 recipient is eligible to receive a supplemental benefit or supplemental survivor benefit,  
26.14 whichever is applicable, with each lump-sum distribution. Each supplemental benefit shall  
26.15 be calculated pursuant to paragraph (a) or (b), as applicable, and shall be subject to a separate  
26.16 limit.

26.17 (f) Qualified recipients who elect to receive their lump-sum distribution in installments  
26.18 under section 424A.016, subdivision 5, or 424A.02, subdivision 8, are eligible to receive  
26.19 one supplemental benefit calculated on the total lump-sum distribution amount under  
26.20 paragraph (a) or (b), as applicable.

26.21 Subd. 3. **State reimbursement.** (a) Each year, to be eligible for state reimbursement of  
26.22 the amount of supplemental benefits paid under subdivision 2 during the preceding calendar  
26.23 year, the ~~volunteer~~ firefighters relief association or the statewide volunteer firefighter plan  
26.24 shall apply to the commissioner of revenue by February 15. By March 15, the commissioner  
26.25 shall reimburse the relief association for the amount of the supplemental benefits paid by  
26.26 the relief association to qualified recipients and to survivors of deceased active or deferred  
26.27 ~~volunteer~~ firefighters.

26.28 (b) The commissioner of revenue shall prescribe the form of and supporting information  
26.29 that must be supplied as part of the application for state reimbursement. The commissioner  
26.30 of revenue shall reimburse the relief association by paying the reimbursement amount to  
26.31 the treasurer of the municipality where the association is located and shall reimburse the  
26.32 retirement plan by paying the reimbursement amount to the executive director of the Public  
26.33 Employees Retirement Association. Within 30 days after receipt, the municipal treasurer  
26.34 shall transmit the state reimbursement to the treasurer of the association if the association

27.1 has filed a financial report with the municipality. If the relief association has not filed a  
27.2 financial report with the municipality, the municipal treasurer shall delay transmission of  
27.3 the reimbursement payment to the association until the complete financial report is filed.  
27.4 If the association has dissolved or has been removed as a trustee of state aid, the treasurer  
27.5 shall deposit the money in a special account in the municipal treasury, and the money may  
27.6 be disbursed only for the purposes and in the manner provided in section 424A.08. When  
27.7 paid to the association, the reimbursement payment must be deposited in the special fund  
27.8 of the relief association and when paid to the retirement plan, the reimbursement payment  
27.9 must be deposited in the retirement fund of the plan.

27.10 (c) A sum sufficient to make the payments is appropriated from the general fund to the  
27.11 commissioner of revenue.

27.12 Subd. 4. **In lieu of income tax exclusion.** (a) The supplemental benefit provided by this  
27.13 section is in lieu of the state income tax exclusion for lump-sum distributions of retirement  
27.14 benefits paid to ~~volunteer~~ firefighters.

27.15 (b) If the law is modified to exclude or exempt ~~volunteer~~ firefighters' lump-sum  
27.16 distributions from state income taxation, the supplemental benefits under this section are  
27.17 no longer payable, beginning with the first calendar year in which the exclusion or exemption  
27.18 is effective. This subdivision does not apply to exemption of all or part of a lump-sum  
27.19 distribution under section 290.032 or 290.0802.

27.20 **EFFECTIVE DATE.** This section is effective July 1, 2024.

27.21 Sec. 23. **REVISOR INSTRUCTION.**

27.22 In Minnesota Statutes, the revisor of statutes shall change the terms "volunteer firefighters  
27.23 relief association," "volunteer firefighter relief association," "volunteer firefighters' relief  
27.24 association," and "volunteer fire relief association" to "firefighters relief association"  
27.25 wherever the terms appear in statutes. The revisor shall make any necessary grammatical  
27.26 changes or changes to sentence structure necessary to preserve the meaning of the text as  
27.27 a result of the changes.

- 1.1 ..... moves to amend H.F. No. 3286; S.F. No. 3316, as follows:
- 1.2 Page 3, line 17, delete "relief association" and insert "board of trustees"
- 1.3 Page 3, line 20, strike "such" and insert "the"
- 1.4 Page 3, line 25, strike "is not required to provide financial support" and insert "does not
- 1.5 have a minimum obligation"
- 1.6 Page 3, line 28, reinstate "The" and delete the new language
- 1.7 Page 3, line 30, strike "if"
- 1.8 Page 4, line 12, strike the first comma
- 1.9 Page 4, line 13, strike " special fund of the relief association "
- 1.10 Page 4, line 14, delete "requires an increase in the"
- 1.11 Page 4, line 15, before "the" insert "increases, "
- 1.12 Page 4, line 16, strike "and" and insert "on July 31. "
- 1.13 Page 4, line 29, delete "municipal"
- 1.14 Page 4, lines 30 to 31, strike "the board of trustees of the relief association may adopt
- 1.15 an" and insert "any"
- 1.16 Page 4, line 31, after "bylaws " insert "adopted by the board of trustees"
- 1.17 Page 4, lines 32 to 33, strike ". The amendment"
- 1.18 Page 5, line 2, strike "such" and insert "the"
- 1.19 Page 5, line 7, delete "municipal"
- 1.20 Page 5, line 25, strike the first comma

2.1 Page 5, line 28, strike "which" and insert "that" and strike "and" and insert "on July 31.

2.2 "

2.3 Page 6, line 6, delete "service pension" and insert "retirement benefit"

2.4 Page 6, line 7, after "receives" insert ", respectively,"

2.5 Page 6, line 9, strike "independent nonprofit"

2.6 Page 6, after line 13, insert:

2.7 **"ARTICLE 2**

2.8 **MODIFICATION OF INVESTMENT REPORT REQUIREMENT**

2.9 Section 1. Minnesota Statutes 2022, section 424A.095, subdivision 2, is amended to read:

2.10 Subd. 2. **Investment report.** (a) Annually, the state auditor must provide an investment  
2.11 report to each relief association that has complied with the reporting requirements under  
2.12 section 356.219, subdivisions 1 and 3. The investment report must contain the following  
2.13 information:

2.14 (1) the relief association's average annual rates of return for at least the previous one-,  
2.15 three-, five-, ten-, 15-, and 20-year periods for which the state auditor has investment  
2.16 information;

2.17 (2) the relief association's asset allocation;

2.18 (3) the average annual one-year and ten-year benchmark rates of return;

2.19 (4) the average annual one-year and ten-year rates of return for the statewide volunteer  
2.20 firefighter plan;

2.21 (5) the one-year and ten-year average annual rates of return for the State Board of  
2.22 Investment supplemental investment fund; and

2.23 (6) a graphical comparison between:

2.24 (i) the relief association's average annual rates of return for the previous year and for  
2.25 the previous multiyear periods provided under clause (1); and

2.26 (ii) the average annual rates of return for the same periods for the supplemental investment  
2.27 fund's balanced fund or any successor fund.

2.28 (b) The state auditor shall select the benchmark rates of return based on the best practice  
2.29 in the industry.

3.1 (c) An officer of the relief association's board of trustees must certify to the state auditor  
3.2 that the board reviewed the investment report. The certification must accompany the audited  
3.3 financial statements or detailed financial statement under section 424A.014, subdivision 1  
3.4 or 2, whichever applies. A copy of the report must be kept on file by the relief association  
3.5 and must be available for inspection by any member of the public.

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

3.7 Page 7, line 24, strike " with a particular "

3.8 Page 7, line 25, strike "fire department, permanently ceases to perform" and before "fire"  
3.9 insert "and" and before the comma insert "and"

3.10 Page 7, line 26, strike "duties" and strike "permanently ceases to supervise"

3.11 Page 7, line 27, after "duties" insert "with a particular fire department"

3.12 Page 8, line 24, delete "a fund operated pursuant to" and insert "the general employees  
3.13 retirement plan or the public employees police and fire plan under" and delete everything  
3.14 after "353" and insert a period

3.15 Page 8, line 25, delete everything before the semicolon

3.16 Page 8, line 27, delete "through"

3.17 Page 8, line 29, delete "a fund operated pursuant to" and insert "the general employees  
3.18 retirement plan or the public employees police and fire plan under" and delete everything  
3.19 after "353" and insert a period

3.20 Page 8, delete line 30

3.21 Page 9, line 4, strike "the" and before "firefighters" insert "a "

3.22 Page 10, line 22, delete "Any" and insert "A"

3.23 Page 22, lines 4, 5, 8, and 9, strike "volunteer fire" and insert "firefighters"

3.24 Page 23, lines 10 and 11, delete "that"

3.25 Page 24, line 29, strike the old language

3.26 Page 25, strike lines 1 to 19

3.27 Page 25, lines 29 to 30, strike "active or deferred volunteer"

3.28 Page 25, line 32, strike "active" and strike "of a deceased "

3.29 Page 25, line 33, strike "deferred" and strike "firefighter"

- 4.1 Page 26, lines 1, 3, and 26, strike "active or deferred "
- 4.2 Renumber the articles and sections in sequence and correct the internal references
- 4.3 Amend the title accordingly

## **144F.01 FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES SPECIAL TAXING DISTRICTS.**

### **Subd. 2. Authority to establish.**

(a) Two or more political subdivisions may establish, by resolution of their governing bodies, a special taxing district to provide fire protection or emergency medical services, or both, in the area of the district, comprising the jurisdiction of each of the political subdivisions forming the district. For a county that participates in establishing a district, the county's jurisdiction comprises the unorganized territory of the county that it designated in its resolution for inclusion in the district. The area of the special taxing district need not be contiguous or its boundaries continuous.

(b) Before establishing a district under this section, the participating political subdivisions must enter into an agreement that specifies how any liabilities, other than debt issued under subdivision 6, and assets of the district will be distributed if the district is dissolved. The agreement may also include other terms, including a method for apportioning the levy of the district among participating political subdivisions under subdivision 4, paragraph (b), as the political subdivisions determine appropriate. The agreement must be adopted no later than upon passage of the resolution establishing the district under paragraph (a), but may be later amended by agreement of each of the political subdivisions participating in the district.

(c) If two or more political subdivisions that currently operate separate fire departments seek to merge fire departments into one fire department, or if a political subdivision with an existing fire department requests to join a special taxing district with an established fire department, the resolution under paragraph (a) or agreement under paragraph (b) must specify which, if any, ~~volunteer~~ firefighter pension plan is associated with the district. A special taxing district that operates a fire department under this section may be associated with only one ~~volunteer~~ firefighters relief association or one account in the statewide volunteer firefighter plan at one time.

(d) If the special taxing district includes the operation of a fire department, it must file its resolution establishing the fire protection special taxing district, and any agreements required for the establishment of the special taxing district, with the commissioner of revenue, including any subsequent amendments. If the resolution or agreement does not include sufficient information defining the fire department service area of the fire protection special taxing district, the secretary of the district board must file a written statement with the commissioner defining the fire department service area.

### **181.101 WAGES; HOW OFTEN PAID.**

(a) Except as provided in paragraph (b), every employer must pay all wages, including salary, earnings, and gratuities earned by an employee at least once every 31 days and all commissions earned by an employee at least once every three months, on a regular payday designated in advance by the employer regardless of whether the employee requests payment at longer intervals. Unless paid earlier, the wages earned during the first half of the first 31-day pay period become due on the first regular payday following the first day of work. If wages or commissions earned are not paid, the commissioner of labor and industry or the commissioner's representative may serve a demand for payment on behalf of an employee. In addition to other remedies under section 177.27, if payment of wages is not made within ten days of service of the demand, the commissioner may charge and collect the wages earned at the employee's rate or rates of pay or at the rate or rates required by law, including any applicable statute, regulation, rule, ordinance, government resolution or policy, contract, or other legal authority, whichever rate of pay is greater, and a penalty in the amount of the employee's average daily earnings at the same rate or rates for each day beyond the ten-day limit following the demand. If payment of commissions is not made within ten days of service of the demand, the commissioner may charge and collect the commissions earned and a penalty equal to 1/15 of the commissions earned but unpaid for each day beyond the ten-day limit. Money collected by the commissioner must be paid to the employee concerned. This section does not prevent an employee from prosecuting a claim for wages. This section does not prevent a school district, other public school entity, or other school, as defined under section 120A.22, from paying any wages earned by its employees during a school year on regular paydays in the manner provided by an applicable contract or collective bargaining agreement, or a personnel policy adopted by the governing board. For purposes of this section, "employee" includes a person who performs agricultural labor as defined in section 181.85, subdivision 2. For purposes of this section, wages are earned on the day an employee works. This section provides a substantive right for employees to the payment of wages, including salary, earnings, and gratuities, as well as commissions, in addition to the right to be paid at certain times.

(b) An employer of a volunteer paid on-call firefighter, as defined in section 424A.001, subdivision 10, a member of an organized first responder squad that is formally recognized by a political subdivision in the state, or a volunteer ambulance driver or attendant must pay all wages earned by the volunteer paid on-call firefighter, first responder, or volunteer ambulance driver or attendant at least once every 31 days, unless the employer and the employee mutually agree upon payment at longer intervals.

## **268.047 EFFECT ON EMPLOYER OF UNEMPLOYMENT BENEFITS PAID.**

### **Subd. 2. Exceptions for all employers.**

Unemployment benefits paid will not be used in computing the future tax rate of a taxpaying base period employer or charged to the reimbursable account of a base period nonprofit or government employer that has elected to be liable for reimbursements when:

(1) the applicant was discharged from the employment because of aggravated employment misconduct as determined under section 268.095. This exception applies only to unemployment benefits paid for periods after the applicant's discharge from employment;

(2) an applicant's discharge from that employment occurred because a law required removal of the applicant from the position the applicant held;

(3) the employer provided regularly scheduled part-time employment to the applicant during the applicant's base period and continues to provide the applicant with regularly scheduled part-time employment during the benefit year of at least 90 percent of the part-time employment provided in the base period, and is an involved employer because of the applicant's loss of other employment. This exception terminates effective the first week that the employer fails to meet the benefit year employment requirements. This exception applies to educational institutions without consideration of the period between academic years or terms;

(4) the employer is a fire department or firefighting corporation or operator of a life-support transportation service, and continues to provide employment for the applicant as a volunteer or paid-on call firefighter, as defined in section 424A.001, subdivision 10, or a volunteer ambulance service personnel during the benefit year on the same basis that employment was provided in the base period. This exception terminates effective the first week that the employer fails to meet the benefit year employment requirements;

(5) the applicant's unemployment from this employer was a direct result of the condemnation of property by a governmental agency, a fire, flood, or act of nature, where 25 percent or more of the employees employed at the affected location, including the applicant, became unemployed as a result. This exception does not apply where the unemployment was a direct result of the intentional act of the employer or a person acting on behalf of the employer;

(6) the unemployment benefits were paid by another state as a result of the transferring of wage credits under a combined wage arrangement provided for in section 268.131;

(7) the applicant stopped working because of a labor dispute at the applicant's primary place of employment if the employer was not a party to the labor dispute;

(8) the unemployment benefits were determined overpaid unemployment benefits subject to section 268.18;

(9) the applicant was employed as a replacement worker, for a period of six months or longer, for an employee who is in the military reserve and was called for active duty during

the time the applicant worked as a replacement, and the applicant was laid off because the employee returned to employment after active duty; or

(10) the trust fund was reimbursed for the unemployment benefits by the federal government.

**268.085 ELIGIBILITY REQUIREMENTS; PAYMENTS THAT AFFECT BENEFITS.**

**Subd. 5. Deductible earnings.**

(a) If the applicant has earnings, including holiday pay, with respect to any week, from employment, covered employment, noncovered employment, self-employment, or volunteer work, equal to or in excess of the applicant's weekly unemployment benefit amount, the applicant is ineligible for unemployment benefits for that week.

(b) If the applicant has earnings, including holiday pay, with respect to any week, that is less than the applicant's weekly unemployment benefit amount, from employment, covered employment, noncovered employment, self-employment, or volunteer work, 50 percent of the earnings are deducted from the weekly unemployment benefit amount.

(c) No deduction is made from an applicant's weekly unemployment benefit amount for earnings from service in the National Guard or a United States military reserve unit or from direct service as a volunteer or paid on-call firefighter, as defined in section 424A.001, subdivision 10, or volunteer ambulance service personnel. This exception to paragraphs (a) and (b) does not apply to on-call or standby pay provided to a volunteer firefighter or volunteer ambulance service personnel. No deduction is made for jury duty pay or for pay as an election judge.

(d) The applicant may report deductible earnings on continued requests for unemployment benefits at the next lower whole dollar amount.

(e) Deductible earnings does not include any money that is a deductible payment under subdivision 3.

## **352.98 HEALTH CARE SAVINGS PLAN.**

02

### **Subdivision 1. Plan created.**

This section must be administered by the executive director of the system with the advice and consent of the board of directors. The executive director shall establish a plan or plans, known as health care savings plans, through which an officer or employee of the state or of a political subdivision, including officers or employees covered by a plan or fund specified in chapter 353D, 354B, 354D, 424A, or section 356.20, subdivision 2, may save to cover health care costs. For purposes of this section, a ~~volunteer~~ paid on-call firefighter, as defined in section 424A.001, subdivision 10, is an employee. The executive director shall make available one or more trusts, including a governmental trust or governmental trusts, authorized under the Internal Revenue Code to be eligible for tax-preferred or tax-free treatment through which employers and employees can save to cover health care costs.

#### **424A.092 RELIEF ASSOCIATIONS PAYING LUMP-SUM SERVICE PENSIONS.**

##### **Subd. 3. Financial requirements of relief association; minimum obligation of municipality.**

(a) During the month of July, the officers of the relief association shall determine the overall funding balance of the special fund for the current calendar year, the financial requirements of the special fund for the following calendar year and the minimum obligation of the municipality with respect to the special fund for the following calendar year in accordance with the requirements of this subdivision.

(b) The overall funding balance of the special fund for the current calendar year must be determined in the following manner:

(1) The total accrued liability of the special fund for all active and deferred members of the relief association as of December 31 of the current year must be calculated under subdivisions 2 and 2a, if applicable.

(2) The total present assets of the special fund projected to December 31 of the current year, including receipts by and disbursements from the special fund anticipated to occur on or before December 31, must be calculated. To the extent possible, for those assets for which a market value is readily ascertainable, the current market value as of the date of the calculation for those assets must be utilized in making this calculation. For any asset for which no market value is readily ascertainable, the cost value or the book value, whichever is applicable, must be utilized in making this calculation.

(3) The amount of the total present assets of the special fund calculated under clause (2) must be subtracted from the amount of the total accrued liability of the special fund calculated under clause (1). If the amount of total present assets exceeds the amount of the total accrued liability, then the special fund is considered to have a surplus over full funding. If the amount of the total present assets is less than the amount of the total accrued liability, then the special fund is considered to have a deficit from full funding. If the amount of total present assets is equal to the amount of the total accrued liability, then the special fund is considered to be fully funded.

(c) The financial requirements of the special fund for the following calendar year must be determined in the following manner:

(1) The total accrued liability of the special fund for all active and deferred members of the relief association as of December 31 of the calendar year next following the current calendar year must be calculated under subdivisions 2 and 2a, if applicable.

(2) The increase in the total accrued liability of the special fund for the following calendar year over the total accrued liability of the special fund for the current year must be calculated.

(3) The amount of anticipated future administrative expenses of the special fund must be calculated by multiplying the dollar amount of the administrative expenses of the special fund for the most recent prior calendar year by the factor of 1.035.

(4) If the special fund is fully funded, the financial requirements of the special fund for the following calendar year are the total of the amounts calculated under clauses (2) and (3).

(5) If the special fund has a deficit from full funding, the financial requirements of the special fund for the following calendar year are the financial requirements of the special fund calculated as though the special fund were fully funded under clause (4) plus an amount equal to one-tenth of the original amount of the deficit from full funding of the special fund as determined under clause (2) resulting either from an increase in the amount of the service pension occurring in the last ten years or from a net annual investment loss occurring during the last ten years until each increase in the deficit from full funding is fully retired. The annual amortization contribution under this clause may not exceed the amount of the deficit from full funding.

(6) If the special fund has a surplus over full funding, the financial requirements of the special fund for the following calendar year are the financial requirements of the special fund calculated as though the special fund were fully funded under clause (4) reduced by an amount equal to one-tenth of the amount of the surplus over full funding of the special fund.

(d) The minimum obligation of the municipality with respect to the special fund is the financial requirements of the special fund reduced by the amount of any fire state aid and police and firefighter retirement supplemental state aid payable under chapter 477B and section 423A.022 reasonably anticipated to be received by the municipality for transmittal to the special fund during the following calendar year; and an amount of interest on the assets of the special fund projected to the beginning of the following calendar year calculated at the rate of five percent per annum, ~~and the amount of any contributions to the special fund required by the relief association bylaws from the active members of the relief association reasonably anticipated to be received during the following calendar year.~~ A reasonable amount of anticipated fire state aid is an amount that does not exceed the fire state aid actually received in the prior year multiplied by the factor 1.035.

## **424B.10 CONSOLIDATION; BENEFITS; FUNDING.**

### **Subd. 1b. Benefits.**

(a) The successor relief association following the consolidation of two or more defined benefit relief associations must be a defined benefit relief association.

(b) Notwithstanding any provision of section 424A.02, subdivision 3, to the contrary, the initial service pension amount of the subsequent defined benefit relief association as of the effective date of consolidation is either the service pension amount specified in clause (1) or the service pension amounts specified in clause (2), as provided for in the consolidated relief association's articles of incorporation or bylaws:

(1) the highest dollar amount service pension amount of any prior volunteer firefighters relief association in effect immediately before the consolidation initiation if the pension amount was implemented consistent with section 424A.02; or

(2) for service rendered by each individual volunteer ~~or paid on-call~~ firefighter, ~~as defined in section 424A.001, subdivision 10.~~ before consolidation, the service pension amount under the consolidating volunteer firefighters relief association that the firefighter belonged to immediately before the consolidation if the pension amount was implemented consistent with section 424A.02 and for service rendered after the effective date of the consolidation, the highest dollar amount service pension of any of the consolidating volunteer firefighters relief associations in effect immediately before the consolidation if the pension amount was implemented consistent with section 424A.02.

(c) Any increase in the service pension amount beyond the amount implemented under paragraph (a) must conform with the requirements and limitations of section 424A.02 and sections 424A.091 to 424A.095.

## **477B.03 CALCULATION OF FIRE STATE AID; APPEAL.**

### **Subd. 5. Minimum fire state aid allocation amount.**

(a) The minimum fire state aid allocation amount is the amount derived from any additional funding amount to support a minimum fire state aid amount under section 423A.02, subdivision 3. The minimum fire state aid allocation amount is allocated to municipalities or independent nonprofit firefighting corporations with ~~volunteer firefighters'~~ ~~firefighters~~ relief associations or covered by the statewide volunteer firefighter plan. The amount is based on the number of active ~~volunteer~~ firefighters who are (1) members of the relief association as reported to the Office of the State Auditor in a specific annual financial reporting year as specified in paragraphs (b) to (d), or (2) covered by the statewide volunteer firefighter plan as specified in paragraph (e).

(b) For relief associations established in calendar year 1993 or a prior year, the number of active ~~volunteer~~ firefighters equals the number of active ~~volunteer~~ firefighters who were

members of the relief association as reported in the annual financial reporting for calendar year 1993, but not to exceed 30 active ~~volunteer~~ firefighters.

(c) For relief associations established in calendar year 1994 through calendar year 1999, the number of active ~~volunteer~~ firefighters equals the number of active ~~volunteer~~ firefighters who were members of the relief association as reported in the annual financial reporting for calendar year 1998 to the Office of the State Auditor, but not to exceed 30 active ~~volunteer~~ firefighters.

(d) For relief associations established after calendar year 1999, the number of active ~~volunteer~~ firefighters equals the number of active ~~volunteer~~ firefighters who are members of the relief association as reported in the first annual financial reporting submitted to the Office of the State Auditor, but not to exceed 20 active ~~volunteer~~ firefighters.

(e) If a relief association is terminated as a result of providing retirement coverage for volunteer firefighters by the statewide volunteer firefighter plan ~~under chapter 353G~~, the number of active volunteer firefighters equals the number of active volunteer firefighters of the municipality or independent nonprofit firefighting corporation covered by the statewide plan as certified by the executive director of the Public Employees Retirement Association to the commissioner and the state auditor, but not to exceed 30 active firefighters.

#### **477B.042 ALLOCATION OF FIRE STATE AID FOR RELIEF ASSOCIATIONS.**

##### **Subdivision 1. Applicability.**

(a) This section applies to fire state aid payable each year under section 477B.04, subdivision 3, paragraph (b), if, during the prior year, the municipality or independent nonprofit firefighting corporation:

(1) employs one or more ~~volunteer~~ firefighters covered by the relief association affiliated with the municipality or independent nonprofit firefighting corporation under chapter 424A; and

(2) contributes on behalf of one or more firefighters to the public employees police and fire retirement plan under chapter 353.

(b) This section does not apply to police and firefighter supplemental state aid under section 423A.022.

## Fire Relief Association Working Group

### 2023/2024 Potential Topic Requests

| Topic   | Description  | Source             | Type                  |
|---|--|--------------------|-----------------------|
| Benefit Levels<br>(424A.02)   | 1. Consider allowing relief associations to set different benefit levels for members who solely provide firefighting or emergency medical services than for members who provide both types of services.  | VFRAs              | Broad Policy Change   |
|   | 2. Consider allowing relief associations that pay defined benefit, lump-sum pensions to provide post-retirement benefit increases to deferred members.   | VFRAs              | Broad Policy Change   |
| Defined Contribution Plans<br>(424A.016, subds. 4 and 6)                        | 3. Clarify the investment return allocation method for active and deferred members.  | OSA                | Broad Policy Change   |
| Dissolutions<br>(424B.22)   | 4. Clarify that the requirements of Section 424B.22 apply to relief associations that are involuntarily dissolved.   | VFRAs              | Limited Policy Change |
|   | 5. Consider adding language that defines how general fund assets may be disbursed for relief associations that dissolve.   | OSA                | Limited Policy Change |
| Municipal Ratification and Contribution Requirements<br>(424A.092 and 424A.093) | 6. Consider providing authority for a city council to pass a single resolution that allows the relief association to set a benefit level, and change the benefit level, as long as the funding ratio remains above a specific percentage (e.g., 105%). This would provide some flexibility for relief associations to make small benefit level changes to respond to market fluctuations, without needing to get municipal ratification for each change. | VFRAs              | Broad Policy Change   |
| Service Credit<br>(424A.015, subd. 6)   | 7. Consider requiring that minimum service requirements be approved by both the municipal governing board and the relief association's board of trustees.  | VFRAs              | Broad Policy Change   |
|   | 8. Consider ways in which a relief association could allow for a bonus payment from the special fund for firefighters with at least 20 years of service, for example, as a way to retain firefighters. Ideas include authorizing a higher per-year-of-service benefit level for these years.   | VFRAs              | Broad Policy Change   |
| Supplemental Benefits<br>(424A.10)  | 9. Consider a change to make clear that supplemental benefit payments to alternate payees who receive a portion, or all, of the benefit pursuant to a QDRO are authorized and may be reimbursed by the State.  | Prior-Year Working | Limited Policy Change |