

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 1191

(SENATE AUTHORS: PAPPAS)

DATE	D-PG	OFFICIAL STATUS
03/07/2013	690	Introduction and first reading Referred to State and Local Government
04/10/2013	1693a	Comm report: To pass as amended and re-refer to Finance Joint rule 2.03, referred to Rules and Administration
04/19/2013	2011	Comm report: Adopt previous comm report
05/03/2013	3240a	Comm report: To pass as amended
	3241	Second reading
05/20/2013	5239	General Orders: Stricken and returned to author See SF489

A bill for an act

1.1 relating to retirement; various retirement plans; redefining salary for benefit
1.2 and contribution purposes; increasing member and employer contributions;
1.3 increasing vesting to ten years for new hires; capping allowable service for
1.4 computing annuities; modifying the trigger for increasing or lowering annual
1.5 postretirement adjustments for all plans; modifying duty disability definitions
1.6 and clarifying disability application requirements for the public employees
1.7 police and fire and local government correctional plan; increasing the reduction
1.8 for early retirement; clarifying survivor benefit provisions; delaying the first
1.9 annual postretirement adjustment for the public employees police and fire
1.10 retirement plan; increase the normal retirement age for new judge; permitting
1.11 existing judges to elect to be treated as a new judge for benefit and contribution
1.12 purposes; mandating certain dues and other payment deductions by MSRS and
1.13 PERA; modifying the Teachers Retirement Association level benefit tier early
1.14 retirement reduction factors; increasing member and employer contributions to
1.15 the Duluth Teachers Retirement Fund Association and the St. Paul Teachers
1.16 Retirement Fund Association; increasing direct state aid to the DTRFA and to
1.17 the SPTRFA; increasing the DTRFA and SPTRFA benefit accrual rates for
1.18 prospective allowable service; revising the DTRFA postretirement adjustment
1.19 provision; modifying certain salary increase and payroll growth actuarial
1.20 assumptions; amending Minnesota Statutes 2012, sections 352B.011, subdivision
1.21 4; 352B.02, subdivisions 1a, 1c; 352B.08, subdivisions 1, 2, 2a; 352B.10,
1.22 subdivision 5; 352B.11, subdivisions 1, 2b; 353.01, subdivisions 10, 17a, 41,
1.23 47; 353.031, subdivision 4; 353.35, subdivision 1; 353.65, subdivisions 2, 3;
1.24 353.651, subdivisions 3, 4; 353.657, subdivisions 2a, 3a; 353E.001, subdivision
1.25 1; 354.44, subdivision 6; 354A.011, subdivision 21; 354A.12, subdivisions 1,
1.26 2a, 3a, 3c, 7, by adding subdivisions; 354A.27, subdivision 7, by adding a
1.27 subdivision; 354A.31, subdivisions 3, 4, 4a, 7; 354A.35, subdivision 2; 356.215,
1.28 subdivision 8; 356.315, by adding a subdivision; 356.415, subdivisions 1,
1.29 1b, 1c, 1e, by adding a subdivision; 356.47, subdivision 1; 356.91; 423A.02,
1.30 subdivision 5; 490.121, subdivisions 21f, 22, by adding subdivisions; 490.123,
1.31 subdivisions 1a, 1b; 490.124, subdivision 1; proposing coding for new law in
1.32 Minnesota Statutes, chapters 354; 490; repealing Minnesota Statutes 2012,
1.33 sections 352B.11, subdivision 2c; 354A.27, subdivision 6.

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

2.1 **ARTICLE 1**

2.2 **STATE PATROL RETIREMENT PLAN FINANCIAL SOLVENCY MEASURES**

2.3 Section 1. Minnesota Statutes 2012, section 352B.011, subdivision 4, is amended to
2.4 read:

2.5 Subd. 4. **Average monthly salary.** (a) Subject to the limitations of section 356.611,
2.6 "average monthly salary" means the average of the highest monthly salaries for five years
2.7 of service as a member upon which contributions were deducted from pay under section
2.8 352B.02, or upon which appropriate contributions or payments were made to the fund to
2.9 receive allowable service and salary credit as specified under the applicable law. Average
2.10 monthly salary must be based upon all allowable service if this service is less than five years.

2.11 (b) The salary used for the calculation of "average monthly salary" means the salary
2.12 of the member as defined in section 352.01, subdivision 13. "Average monthly salary"
2.13 includes the salary of the member during the period of covered employment rendered after
2.14 reaching the allowable service credit limit of section 352B.08, subdivision 2, paragraph
2.15 (b). The salary used for the calculation of "average monthly salary" does not include any
2.16 lump-sum annual leave payments and overtime payments made at the time of separation
2.17 from state service, any amounts of severance pay, or any reduced salary paid during the
2.18 period the person is entitled to workers' compensation benefit payments for temporary
2.19 disability.

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

2.21 Sec. 2. Minnesota Statutes 2012, section 352B.02, subdivision 1a, is amended to read:

2.22 Subd. 1a. **Member contributions.** (a) The member contribution is the following
2.23 percentage of the member's salary:

- | | |
|--|--------------------------------------|
| 2.24 (1) before the first day of the first pay period beginning | |
| 2.25 after July 1, 2011 <u>2014</u> | 10.40 <u>12.4</u> percent |
| 2.26 (2) on or after the first day of the first pay period | |
| 2.27 beginning after July 1, 2011 <u>2014, to June 30, 2016</u> | 12.40 <u>13.4</u> percent |
| 2.28 (3) after June 30, 2016 | <u>14.4</u> percent |

2.29 (b) These contributions must be made by deduction from salary as provided in
2.30 section 352.04, subdivision 4.

2.31 **EFFECTIVE DATE.** This section is effective July 1, 2013.

2.32 Sec. 3. Minnesota Statutes 2012, section 352B.02, subdivision 1c, is amended to read:

3.1 Subd. 1c. **Employer contributions.** (a) In addition to member contributions,
 3.2 department heads shall pay a sum equal to the specified percentage of the salary upon which
 3.3 deductions were made, which constitutes the employer contribution to the fund as follows:

- | | | |
|-----|--|--------------------------------------|
| 3.4 | (1) before the first day of the first pay period beginning | |
| 3.5 | after July 1, 2011 <u>2014</u> | 15.60 <u>18.6</u> percent |
| 3.6 | (2) on or after the first day of the first pay period | |
| 3.7 | beginning after July 1, 2011 <u>2014</u> , to June 30, 2016 | 18.60 <u>20.1</u> percent |
| 3.8 | (3) after June 30, 2016 | <u>21.6</u> percent |

3.9 (b) Department contributions must be paid out of money appropriated to departments
 3.10 for this purpose.

3.11 **EFFECTIVE DATE.** This section is effective July 1, 2013.

3.12 Sec. 4. Minnesota Statutes 2012, section 352B.08, subdivision 1, is amended to read:

3.13 Subdivision 1. **Eligibility; when to apply; accrual.** (a) Every member who is
 3.14 credited with three or more years of allowable service if first employed before July 1, ~~2010~~
 3.15 2013, or with at least ~~five~~ ten years of allowable service if first employed after June 30,
 3.16 ~~2010~~ 2013, is entitled to separate from state service and upon becoming 50 years old, is
 3.17 entitled to receive a life annuity, upon separation from state service.

3.18 (b) Members must apply for an annuity in a form and manner prescribed by the
 3.19 executive director.

3.20 (c) No application may be made more than 90 days before the date the member is
 3.21 eligible to retire by reason of both age and service requirements.

3.22 (d) An annuity begins to accrue no earlier than 180 days before the date the
 3.23 application is filed with the executive director.

3.24 **EFFECTIVE DATE.** This section is effective July 1, 2013.

3.25 Sec. 5. Minnesota Statutes 2012, section 352B.08, subdivision 2, is amended to read:

3.26 Subd. 2. **Normal retirement annuity.** (a) The annuity must be paid in monthly
 3.27 installments. The annuity shall be equal to the amount determined by multiplying
 3.28 the average monthly salary of the member by the percent specified in section 356.315,
 3.29 subdivision 6, for each year of allowable service and ~~pro-rata~~ prorated for additional
 3.30 completed months of allowable service, unless restricted under paragraph (b).

3.31 (b) Allowable service in excess of 33 years must not be used in computing the
 3.32 annuity. This restriction does not apply to any member who has at least 28 years of
 3.33 allowable service before July 1, 2013.

4.1 (c) When the annuity commences, any member contributions attributable to
 4.2 allowable service not used to compute the annuity due to the restrictions in paragraph (b)
 4.3 must be refunded using procedures specified in section 352B.11, subdivision 1.

4.4 **EFFECTIVE DATE.** This section is effective July 1, 2013.

4.5 Sec. 6. Minnesota Statutes 2012, section 352B.08, subdivision 2a, is amended to read:

4.6 Subd. 2a. **Early retirement.** Any member who has become at least 50 years old
 4.7 and who has at least three years of allowable service if first employed before July 1,
 4.8 ~~2010~~ 2013, or who has at least ~~five~~ ten years of allowable service if first employed after
 4.9 June 30, ~~2010~~ 2013, is entitled upon application to a reduced retirement annuity equal
 4.10 to the annuity calculated under subdivision 2, reduced by one-tenth of one percent for
 4.11 each month that the member is under age 55 at the time of retirement, ~~if first employed~~
 4.12 the effective date of retirement is before July 1, 2010, or reduced by two-tenths of one
 4.13 percent 2015. If the effective date of retirement is after June 30, 2015, the reduction is
 4.14 0.34 percent for each month that the member is under age 55 at the time of retirement ~~if~~
 4.15 ~~first employed after June 30, 2010.~~

4.16 **EFFECTIVE DATE.** This section is effective July 1, 2013.

4.17 Sec. 7. Minnesota Statutes 2012, section 352B.10, subdivision 5, is amended to read:

4.18 Subd. 5. **Optional annuity.** A disabiltant may elect, in lieu of spousal survivorship
 4.19 coverage under section 352B.11, ~~subdivisions~~ subdivision 2b and 2e, the normal disability
 4.20 benefit or an optional annuity as provided in section 352B.08, subdivision 3. The choice
 4.21 of an optional annuity must be made in writing, on a form prescribed by the executive
 4.22 director, and must be made before the commencement of the payment of the disability
 4.23 benefit, or within 90 days before reaching age 55 or before reaching the five-year
 4.24 anniversary of the effective date of the disability benefit, whichever is later. The optional
 4.25 annuity is effective on the date on which the disability benefit begins to accrue, or the
 4.26 month following the attainment of age 55 or following the five-year anniversary of the
 4.27 effective date of the disability benefit, whichever is later.

4.28 Sec. 8. Minnesota Statutes 2012, section 352B.11, subdivision 1, is amended to read:

4.29 Subdivision 1. **Refund of payments.** (a) A member who has not received other
 4.30 benefits under this chapter is entitled to a refund of payments made by salary deduction,
 4.31 plus interest, if the member is separated, either voluntarily or involuntarily, from the state
 4.32 service that entitled the member to membership.

5.1 (b) A refund under section 352B.08, subdivision 2, paragraph (c), does not result in
 5.2 a forfeiture of salary credit for the allowable service credit covered by the refund.

5.3 ~~(b)~~ (c) In the event of the member's death, if there are no survivor benefits payable
 5.4 under this chapter, a refund plus interest is payable to the last designated beneficiary on
 5.5 a form filed with the director before death, or if no designation is filed, is payable to
 5.6 the member's estate. Interest under this subdivision must be calculated as provided in
 5.7 section 352.22, subdivision 2. To receive a refund, the application must be made on a
 5.8 form prescribed by the executive director.

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

5.10 Sec. 9. Minnesota Statutes 2012, section 352B.11, subdivision 2b, is amended to read:

5.11 Subd. 2b. **Surviving spouse benefit eligibility.** (a) If an active member with
 5.12 three or more years of allowable service if first employed before July 1, ~~2010~~ 2013, or
 5.13 with at least five years of allowable service if first employed after June 30, ~~2010~~ 2013,
 5.14 dies before attaining age 55, the surviving spouse is entitled to ~~the a benefit specified in~~
 5.15 ~~subdivision 2e, paragraph (b)~~ for life equal to 50 percent of the average monthly salary
 5.16 of the deceased member. On the first of the month next following the date on which the
 5.17 deceased member would have attained exact age 55, in lieu of continued receipt of the
 5.18 prior benefit, the surviving spouse is eligible to commence receipt of the second half of
 5.19 a 100 percent joint and survivor annuity if this provides a larger benefit. The joint and
 5.20 survivor annuity must be computed assuming the exact age 55 for the deceased member
 5.21 and the age of the surviving spouse on the date of death.

5.22 (b) If an active member with less than three years of allowable service if first
 5.23 employed before July 1, ~~2010~~ 2013, or with fewer than five years of allowable service if
 5.24 first employed after June 30, ~~2010~~ 2013, dies at any age, the surviving spouse is entitled to
 5.25 receive ~~the a benefit specified in subdivision 2e, paragraph (e)~~ for life equal to 50 percent
 5.26 of the average monthly salary of the deceased member.

5.27 (c) If an active member with three or more years of allowable service if first
 5.28 employed before July 1, ~~2010~~ 2013, or with at least five years of allowable service if first
 5.29 employed after June 30, ~~2010~~ 2013, dies on or after attaining exact age 55, the surviving
 5.30 spouse is entitled to receive ~~the benefits specified in subdivision 2e, paragraph (d)~~ a benefit
 5.31 for life equal to 50 percent of the average monthly salary of the deceased member, or the
 5.32 second half of a 100 percent joint and survivor annuity, whichever is larger. The joint and
 5.33 survivor annuity must be computed using the age of the deceased member on the date of
 5.34 death and the age of the surviving spouse on that same date.

6.1 (d) If a disabilitant dies while receiving a disability benefit under section 352B.10
 6.2 or before the benefit under that section commenced, and an optional annuity was not
 6.3 elected under section 352B.10, subdivision 5, the surviving spouse is entitled to receive
 6.4 ~~the a benefit specified in subdivision 2c, paragraph (b)~~ for life equal to 50 percent of the
 6.5 average monthly salary of the deceased member. On the first of the month next following
 6.6 the date on which the deceased member would have attained exact age 55, in lieu of
 6.7 continued receipt of the prior benefit, the surviving spouse is eligible to commence receipt
 6.8 of the second half of a 100 percent joint and survivor annuity if this provides a larger
 6.9 benefit. The joint and survivor annuity must be computed assuming the exact age 55 for
 6.10 the deceased member and the age of the surviving spouse on the date of death.

6.11 (e) If a former member with three or more years of allowable service if first employed
 6.12 before July 1, ~~2010~~ 2013, or with at least five years of allowable service if first employed
 6.13 after June 30, ~~2010~~ 2013, who terminated from service and has not received a refund or
 6.14 commenced receipt of any other benefit provided by this chapter, dies, the surviving
 6.15 spouse is entitled to receive ~~the as a benefit specified in subdivision 2c, paragraph (e)~~ the
 6.16 second half of a 100 percent joint and survivor annuity, commencing on the first of the
 6.17 month next following the deceased member's date of death, or the first of the month next
 6.18 following the date on which the deceased member would have attained age 55, whichever
 6.19 is later. The joint and survivor annuity must be computed using the age of the deceased
 6.20 member on the date of death and the age of the surviving spouse on that same date.

6.21 (f) If a former member with less than three years of allowable service if first
 6.22 employed before July 1, ~~2010~~ 2013, or with fewer than five years of allowable service if
 6.23 first employed after June 30, ~~2010~~ 2013, who terminated from service and has not received
 6.24 a refund or commenced receipt of any other benefit, if applicable, provided by this chapter,
 6.25 dies, the surviving spouse ~~is entitled to receive the refund specified in subdivision 2c,~~
 6.26 ~~paragraph (f) or, if none, the children or, if none, the deceased member's estate is entitled to~~
 6.27 a refund of the employee contributions plus interest computed as specified in subdivision 1.

6.28 **EFFECTIVE DATE.** This section is effective July 1, 2013.

6.29 Sec. 10. Minnesota Statutes 2012, section 356.415, subdivision 1e, is amended to read:

6.30 Subd. 1e. **Annual postretirement adjustments; State Patrol retirement plan.**

6.31 (a) Retirement annuity, disability benefit, or survivor benefit recipients of the State Patrol
 6.32 retirement plan are entitled to a postretirement adjustment annually on January 1, as
 6.33 follows:

6.34 (1) a postretirement increase of ~~1.5~~ one percent must be applied each year, effective
 6.35 on January 1, to the monthly annuity or benefit of each annuitant or benefit recipient

7.1 who has been receiving an annuity or a benefit for at least 18 full months before the
7.2 January 1 increase; and

7.3 (2) for each annuitant or benefit recipient who has been receiving an annuity or a
7.4 benefit for at least six full months, an annual postretirement increase of 1/12 of ~~1.5~~ one
7.5 percent for each month that the person has been receiving an annuity or benefit must be
7.6 applied, effective January 1, following the calendar year in which the person has been
7.7 retired for at least six months, but has been retired for less than 18 months.

7.8 (b) The increases provided by this subdivision commence on January 1, ~~2011~~
7.9 2014. Increases under ~~this subdivision~~ paragraph (a) for the State Patrol retirement plan
7.10 terminate on December 31 of the calendar year in which the actuarial valuation prepared
7.11 by the approved actuary under sections 356.214 and 356.215 and the standards for
7.12 actuarial work promulgated by the Legislative Commission on Pensions and Retirement
7.13 indicates that the market value of assets of the retirement plan equals or exceeds ~~90~~
7.14 85 percent of the actuarial accrued liability of the retirement plan and increases under
7.15 ~~subdivision 1~~ paragraph (c) recommence after that date.

7.16 (c) Retirement annuity, disability benefit, or survivor benefit recipients of the State
7.17 Patrol retirement plan are entitled to a postretirement adjustment annually on January
7.18 1, as follows:

7.19 (1) a postretirement increase of 1.5 percent must be applied each year, effective on
7.20 January 1, to the monthly annuity or benefit of each annuitant or benefit recipient who
7.21 has been receiving an annuity or a benefit for at least 18 full months before the January 1
7.22 increase; and

7.23 (2) for each annuitant or benefit recipient who has been receiving an annuity or a
7.24 benefit for at least six full months, an annual postretirement increase of 1/12 of 1.5 percent
7.25 for each month that the person has been receiving an annuity or benefit must be applied,
7.26 effective January 1, following the calendar year in which the person has been retired for at
7.27 least six months, but has been retired for less than 18 months.

7.28 (d) Increases under paragraph (c) for the State Patrol retirement plan terminate on
7.29 December 31 of the calendar year in which the actuarial valuation prepared by the approved
7.30 actuary under sections 356.214 and 356.215 and the standards for actuarial work adopted by
7.31 the Legislative Commission on Pensions and Retirement indicates that the market value of
7.32 assets of the retirement plan equals or exceeds 90 percent of the actuarial accrued liability
7.33 of the retirement plan and increases under subdivision 1 recommence after that date.

7.34 (e) (e) An increase in annuity or benefit payments under this subdivision must be
7.35 made automatically unless written notice is filed by the annuitant or benefit recipient

8.1 with the executive director of the applicable covered retirement plan requesting that the
8.2 increase not be made.

8.3 **EFFECTIVE DATE.** This section is effective July 1, 2013.

8.4 Sec. 11. **PUBLIC SAFETY; APPROPRIATIONS.**

8.5 The following amounts are appropriated to the Department of Public Safety for the
8.6 increased employer contribution in section 3:

8.7 (1) \$95,000 in fiscal year 2015 is appropriated from the general fund. The general
8.8 fund base appropriation for fiscal year 2017 is \$189,000;

8.9 (2) \$546,000 in fiscal year 2015 is appropriated from the trunk highway fund. The
8.10 trunk highway fund base appropriation for fiscal year 2017 is \$1,093,000; and

8.11 (3) \$8,000 in fiscal year 2015 is appropriated from the highway user tax distribution
8.12 fund. The highway user tax distribution fund base appropriation for fiscal year 2017 is
8.13 \$16,000.

8.14 Sec. 12. **REPEALER.**

8.15 Minnesota Statutes 2012, section 352B.11, subdivision 2c, is repealed.

8.16 **EFFECTIVE DATE.** This section is effective July 1, 2013.

8.17 **ARTICLE 2**

8.18 **PERA PLANS SALARY DEFINITION**

8.19 Section 1. Minnesota Statutes 2012, section 353.01, subdivision 10, is amended to read:

8.20 Subd. 10. **Salary.** (a) Subject to the limitations of section 356.611, "salary" means:

8.21 (1) the wages or periodic compensation of payable to a public employee; by the
8.22 employing governmental subdivision before;

8.23 (i) employee retirement deductions that are designated as picked-up contributions
8.24 under section 356.62;

8.25 (ii) any employee-elected deductions for deferred compensation, supplemental
8.26 retirement plans, or other voluntary salary reduction programs; ~~and also means "wages"~~
8.27 ~~and includes net income from fees~~ that would have otherwise been available as a cash
8.28 payment to the employee; and

8.29 (iii) employee deductions for contributions to a supplemental plan or to a
8.30 governmental trust established under section 356.24, subdivision 1, clause (7), to save for
8.31 postretirement health care expenses, unless otherwise excluded under paragraph (b);

9.1 (2) for a public employee who is covered by a supplemental retirement plan under
9.2 section 356.24, subdivision 1, clause (8), (9), ~~or (10), or (12)~~ which require all plan
9.3 ~~contributions be made by the employer, the contribution~~ contributions to the applicable
9.4 supplemental retirement plan when an agreement between the parties establishes that the
9.5 ~~contribution~~ contributions will either result in a mandatory reduction of employees' wages
9.6 through payroll withholdings, or be made in lieu of an amount that would otherwise be
9.7 paid as wages; ~~and~~

9.8 (3) for a public employee who has prior service covered by a local police or
9.9 firefighters relief association that has consolidated with the Public Employees Retirement
9.10 Association or to which section 353.665 applies and who has elected coverage either
9.11 under the public employees police and fire fund benefit plan under section 353A.08
9.12 following the consolidation or under section 353.665, subdivision 4, the rate of salary
9.13 upon which member contributions to the special fund of the relief association were made
9.14 prior to the effective date of the consolidation as specified by law and by bylaw provisions
9.15 governing the relief association on the date of the initiation of the consolidation procedure
9.16 and the actual periodic compensation of the public employee after the effective date of
9.17 consolidation;

9.18 (4) a payment from a public employer through a grievance proceeding, settlement,
9.19 or court order that is attached to a specific earnings period in which the employee's regular
9.20 salary was not earned or paid to the member due to a suspension or a period of involuntary
9.21 termination that is not a wrongful discharge under section 356.50; provided the amount is
9.22 not less than the equivalent of the average of the hourly base salary rate in effect during
9.23 the last six months of allowable service prior to the suspension or period of involuntary
9.24 termination, plus any applicable increases awarded during the period that would have been
9.25 paid under a collective bargaining agreement or personnel policy but for the suspension
9.26 or involuntary termination, multiplied by the average number of regular hours for which
9.27 the employee was compensated during the six months of allowable service prior to the
9.28 suspension or period of involuntary termination, but not to exceed the compensation that
9.29 the public employee would have earned if regularly employed during the applicable period;

9.30 (5) the amount paid to a member who is absent from employment by reason of
9.31 personal, parental, or military leave of absence if equivalent to the hourly base salary
9.32 rate in effect during the six months of allowable service, or portions thereof, prior to the
9.33 leave, multiplied by the average number of regular hours for which the employee was
9.34 compensated during the six months of allowable service prior to the applicable leave of
9.35 absence;

10.1 (6) the amount paid to a member who is absent from employment by reason of an
 10.2 authorized medical leave of absence if specified in advance to be at least one-half, but
 10.3 no more than equal to the earnings the member received, on which contributions were
 10.4 reported and allowable service credited during the six months immediately preceding
 10.5 the medical leave of absence; and

10.6 (7) for a public employee who receives in addition to regular salary or in lieu
 10.7 of regular salary increases performance or merit bonus payment under a written
 10.8 compensation plan, policy, or collective bargaining agreement, the compensation paid to
 10.9 the employee for attaining or exceeding performance goals, duties, or measures during a
 10.10 specified period of employment.

10.11 (b) Salary does not mean:

10.12 (1) ~~the fees paid to district court reporters;~~₂

10.13 (2) unused annual leave, vacation, or sick leave payments, in the form of lump-sum
 10.14 or periodic payments;₂

10.15 (3) for the donor, payment to another person of the value of hours donated under a
 10.16 benevolent vacation, personal, or sick leave donation program;

10.17 (4) any form of severance payments, or retirement incentive payments;

10.18 (5) an allowance payment or per diem payments for or reimbursement of expenses;₂

10.19 (6) lump-sum settlements not attached to a specific earnings period;~~or;~~₂

10.20 (7) workers' compensation payments or disability insurance payments, including
 10.21 payments from employer self-insurance arrangements;

10.22 ~~(2)~~ (8) employer-paid amounts used by an employee toward the cost of insurance
 10.23 coverage, employer-paid fringe benefits, flexible spending accounts, cafeteria plans, health
 10.24 care expense accounts, day care expenses, or any payments in lieu of any employer-paid
 10.25 group insurance coverage, including the difference between single and family rates that
 10.26 may be paid to a member with single coverage and certain amounts determined by the
 10.27 executive director to be ineligible;

10.28 (9) employer-paid fringe benefits, including, but not limited to:

10.29 (i) employer-paid premiums or supplemental contributions for employees for all
 10.30 types of insurance;

10.31 (ii) membership dues or fees for the use of fitness or recreational facilities;

10.32 (iii) incentive payments or cash awards relating to a wellness program;

10.33 (iv) the value of any nonmonetary benefits;

10.34 (v) any form of payment made in lieu of an employer-paid fringe benefit;

10.35 (vi) an employer-paid amount made to a deferred compensation or tax-sheltered
 10.36 annuity program; and

11.1 (vii) any amount paid by the employer as a supplement to salary, either as a
 11.2 lump-sum amount or a fixed or matching amount paid on a recurring basis, that is not
 11.3 available to the employee as cash;

11.4 ~~(3)~~ (10) the amount equal to that which the employing governmental subdivision
 11.5 would otherwise pay toward single or family insurance coverage for a covered employee
 11.6 when, through a contract or agreement with some but not all employees, the employer:

11.7 (i) discontinues, or for new hires does not provide, payment toward the cost of the
 11.8 employee's selected insurance coverages under a group plan offered by the employer;

11.9 (ii) makes the employee solely responsible for all contributions toward the cost of
 11.10 the employee's selected insurance coverages under a group plan offered by the employer,
 11.11 including any amount the employer makes toward other employees' selected insurance
 11.12 coverages under a group plan offered by the employer; and

11.13 (iii) provides increased salary rates for employees who do not have any
 11.14 employer-paid group insurance coverages;

11.15 ~~(4)~~ (11) except as provided in section 353.86 or 353.87, compensation of any
 11.16 kind paid to volunteer ambulance service personnel or volunteer firefighters, as defined
 11.17 in subdivision 35 or 36;

11.18 ~~(5)~~ (12) the amount of compensation that exceeds the limitation provided in section
 11.19 356.611; ~~and~~

11.20 ~~(6)~~ (13) amounts paid by a federal or state grant for which the grant specifically
 11.21 prohibits grant proceeds from being used to make pension plan contributions, unless the
 11.22 contributions to the plan are made from sources other than the federal or state grant; and

11.23 (14) bonus pay that is not performance or merit pay under paragraph (a), clause (6).

11.24 (c) Amounts, other than those provided under paragraph (a), clause (4), provided to
 11.25 an employee by the employer through a grievance proceeding, a court order, or a legal
 11.26 settlement are salary only if the settlement or court order is reviewed by the executive
 11.27 director and the amounts are determined by the executive director to be consistent with
 11.28 paragraph (a) and prior determinations.

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

11.30

ARTICLE 3

11.31 **PUBLIC EMPLOYEES POLICE AND FIRE RETIREMENT PLAN**
 11.32 **FINANCIAL SOLVENCY MEASURES**

11.33 Section 1. Minnesota Statutes 2012, section 353.01, subdivision 17a, is amended to read:

12.1 Subd. 17a. **Average salary.** (a) "Average salary," for purposes of calculating a
 12.2 retirement annuity under section 353.29, subdivision 3, means an amount equivalent to
 12.3 the average of the highest salary of the member, police officer, or firefighter, whichever
 12.4 applies, upon which employee contributions were paid for any five successive years of
 12.5 allowable service, based on dates of salary periods as listed on salary deduction reports.
 12.6 "Average salary" includes the salary of the employee during the period of covered
 12.7 employment rendered after reaching the allowable service credit limit of section 353.651,
 12.8 subdivision 3, paragraph (b). Average salary must be based upon all allowable service if
 12.9 this service is less than five years.

12.10 (b) "Average salary" may not include any reduced salary paid during a period
 12.11 in which the employee is entitled to benefit payments from workers' compensation for
 12.12 temporary disability, unless the average salary is higher, including this period.

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

12.14 Sec. 2. Minnesota Statutes 2012, section 353.01, subdivision 41, is amended to read:

12.15 Subd. 41. **Duty disability.** "Duty disability," physical or psychological, means a
 12.16 condition that is expected to prevent a member, for a period of not less than 12 months,
 12.17 from performing the normal duties of the position held by a person who is a member of the
 12.18 public employees police and fire retirement plan, and that is the direct result of an injury
 12.19 incurred during, or a disease arising out of, the performance of ~~normal duties or the actual~~
 12.20 ~~performance of less frequent~~ inherently dangerous duties, ~~either of which are specific to~~
 12.21 ~~protecting the property and personal safety of others and that present inherent dangers that~~
 12.22 are specific to the positions covered by the public employees police and fire retirement plan.

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

12.24 Sec. 3. Minnesota Statutes 2012, section 353.01, subdivision 47, is amended to read:

12.25 Subd. 47. **Vesting.** (a) "Vesting" means obtaining a nonforfeitable entitlement
 12.26 to an annuity or benefit from a retirement plan administered by the Public Employees
 12.27 Retirement Association by having credit for sufficient allowable service under paragraph
 12.28 (b) ~~or~~ (c), or (d), whichever applies.

12.29 (b) For purposes of qualifying for an annuity or benefit as a basic or coordinated plan
 12.30 member of the general employees retirement plan of the Public Employees Retirement
 12.31 Association:

13.1 (1) a public employee who first became a member of the association before July
 13.2 1, 2010, is 100 percent vested when the person has accrued credit for not less than three
 13.3 years of allowable service as defined under subdivision 16; and

13.4 (2) a public employee who first becomes a member of the association after June 30,
 13.5 2010, is 100 percent vested when the person has accrued credit for not less than five years
 13.6 of allowable service as defined under subdivision 16.

13.7 (c) For purposes of qualifying for an annuity or benefit as a member of the ~~police~~
 13.8 ~~and fire plan or a member of the~~ local government correctional employees retirement plan:

13.9 (1) a public employee who first became a member of the association before July
 13.10 1, 2010, is 100 percent vested when the person has accrued credit for not less than three
 13.11 years of allowable service as defined under subdivision 16; and

13.12 (2) a public employee who first becomes a member of the association after June
 13.13 30, 2010, is vested at the following percentages when the person has accrued credited
 13.14 allowable service as defined under subdivision 16, as follows:

13.15 (i) 50 percent after five years;

13.16 (ii) 60 percent after six years;

13.17 (iii) 70 percent after seven years;

13.18 (iv) 80 percent after eight years;

13.19 (v) 90 percent after nine years; and

13.20 (vi) 100 percent after ten years.

13.21 (d) For purposes of qualifying for an annuity or benefit as a member of the public
 13.22 employees police and fire retirement plan:

13.23 (1) a public employee who first became a member of the association before July
 13.24 1, 2010, is 100 percent vested when the person has accrued credit for not less than three
 13.25 years of allowable service as defined under subdivision 16;

13.26 (2) a public employee who first becomes a member of the association after June 30,
 13.27 2010, and before July 1, 2014, is vested at the following percentages when the person has
 13.28 accrued credited allowable service as defined under subdivision 16, as follows:

13.29 (i) 50 percent after five years;

13.30 (ii) 60 percent after six years;

13.31 (iii) 70 percent after seven years;

13.32 (iv) 80 percent after eight years;

13.33 (v) 90 percent after nine years; and

13.34 (vi) 100 percent after ten years; and

14.1 (3) a public employee who first becomes a member of the association after June
 14.2 30, 2014, is vested at the following percentages when the person has accrued credited
 14.3 allowable service as defined under subdivision 16, as follows:

- 14.4 (i) 50 percent after ten years;
 14.5 (ii) 55 percent after 11 years;
 14.6 (iii) 60 percent after 12 years;
 14.7 (iv) 65 percent after 13 years;
 14.8 (v) 70 percent after 14 years;
 14.9 (vi) 75 percent after 15 years;
 14.10 (vii) 80 percent after 16 years;
 14.11 (viii) 85 percent after 17 years;
 14.12 (ix) 90 percent after 18 years;
 14.13 (x) 95 percent after 19 years; and
 14.14 (xi) 100 percent after 20 or more years.

14.15 Sec. 4. Minnesota Statutes 2012, section 353.031, subdivision 4, is amended to read:

14.16 Subd. 4. **Additional requirements; eligibility for police and fire or local**
 14.17 **government correctional service retirement plan disability benefits.** (a) If an
 14.18 application for disability benefits is filed within two years of the date of the injury or the
 14.19 onset of the illness that gave rise to the disability application, the application must be
 14.20 supported by evidence that the applicant is unable to perform the duties of the position
 14.21 held by the applicant on the date of the injury or the onset of the illness causing the
 14.22 disability. The employer must provide evidence indicating whether the applicant is able or
 14.23 unable to perform the duties of the position held on the date of the injury or onset of the
 14.24 illness causing the disability ~~and the specifications,~~ a clear explanation of any duties that
 14.25 the individual can or cannot perform, and an explanation of why the employer may or may
 14.26 not authorize continued employment to the applicant in the current or some other position.

14.27 (b) If an application for disability benefits is filed more than two years after the
 14.28 date of injury or the onset of an illness causing the disability, the application must be
 14.29 supported by evidence that the applicant is unable to perform the ~~most recent~~ duties that
 14.30 ~~are~~ were expected to be performed by the applicant during the 90 days ~~before~~ preceding
 14.31 ~~the filing of last day the application~~ applicant performed services for the employer. The
 14.32 employer must provide evidence of the duties that ~~are~~ were expected to be performed by
 14.33 the applicant during the 90 days ~~before~~ preceding ~~the filing of last day the application~~
 14.34 applicant performed services, whether the applicant can or cannot perform those duties
 14.35 overall, ~~and the specifications~~ a clear explanation of any duties that the applicant can

15.1 or cannot perform, and an explanation of why the employer may or may not authorize
 15.2 continued employment to the applicant in the current or some other position.

15.3 (c) Any report supporting a claim to disability benefits under section 353.656 or
 15.4 353E.06 must specifically relate the disability to its cause; and for any claim to duty
 15.5 disability from an injury or illness arising out of an act of duty, the report must state the
 15.6 specific act of duty giving rise to the claim, and relate the cause of disability to inherently
 15.7 dangerous duties specific tasks or functions required to be performed by the employee in
 15.8 fulfilling the employee's duty-related acts which must be specific to the inherent dangers of
 15.9 the positions eligible for membership in covered by the public employees police and fire
 15.10 fund plan and the local government correctional service retirement plan. Any report that
 15.11 does not relate the cause of disability to specific acts or functions inherently dangerous
 15.12 duties performed by the employee may not be relied upon as evidence to support eligibility
 15.13 for benefits and may be disregarded in the executive director's decision-making process.

15.14 (d) Any application for duty disability must be supported by a first report of injury as
 15.15 defined in section 176.231.

15.16 (e) If a member who has applied for and been approved for disability benefits before
 15.17 the termination of service does not terminate service or is not placed on an authorized
 15.18 leave of absence as certified by the governmental subdivision within 45 days following
 15.19 the date on which the application is approved, the application shall be canceled. If an
 15.20 approved application for disability benefits has been canceled, a subsequent application
 15.21 for disability benefits may not be filed on the basis of the same medical condition for a
 15.22 minimum of one year from the date on which the previous application was canceled.

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

15.24 Sec. 5. Minnesota Statutes 2012, section 353.35, subdivision 1, is amended to read:

15.25 Subdivision 1. **Refund rights.** (a) Except as provided in paragraph (b), when any
 15.26 former member accepts a refund, all existing service credits and all rights and benefits to
 15.27 which the person was entitled prior to the acceptance of the refund must terminate.

15.28 (b) A refund under section 353.651, subdivision 3, paragraph (c), does not result in a
 15.29 forfeiture of salary credit for the allowable service credit covered by the refund.

15.30 (c) The rights and benefits of a former member must not be restored until the person
 15.31 returns to active service and acquires at least six months of allowable service credit
 15.32 after taking the last refund and repays the refund or refunds taken and interest received
 15.33 under section 353.34, subdivisions 1 and 2, plus interest at an annual rate of 8.5 percent
 15.34 compounded annually. If the person elects to restore service credit in a particular fund
 15.35 from which the person has taken more than one refund, the person must repay all refunds

16.1 to that fund. All refunds must be repaid within six months of the last date of termination
16.2 of public service.

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

16.4 Sec. 6. Minnesota Statutes 2012, section 353.65, subdivision 2, is amended to read:

16.5 Subd. 2. **Employee contribution.** (a) For members other than members who were
16.6 active members of the former Minneapolis Firefighters Relief Association on December
16.7 29, 2011, or for members other than members who were active members of the former
16.8 Minneapolis Police Relief Association on December 29, 2011, the employee contribution
16.9 is ~~9.4 percent~~ an amount equal to the following percentage of the total salary of the each
16.10 member in calendar year 2010 and is, as follows: 9.6 percent of the salary of the member
16.11 in each before calendar year after 2010 2014; 10.2 percent in calendar year 2014; and 10.8
16.12 percent in calendar year 2015 and thereafter.

16.13 (b) For members who were active members of the former Minneapolis Firefighters
16.14 Relief Association on December 29, 2011, the employee contribution is an amount
16.15 equal to eight percent of the monthly unit value under section 353.01, subdivision 10a,
16.16 multiplied by 80 and expressed as a biweekly amount for each member. The employee
16.17 contribution made by a member with at least 25 years of service credit as an active
16.18 member of the former Minneapolis Firefighters Relief Association must be deposited in
16.19 the postretirement health care savings account established under section 352.98.

16.20 (c) For members who were active members of the former Minneapolis Police Relief
16.21 Association on December 29, 2011, the employee contribution is an amount equal to eight
16.22 percent of the monthly unit value under section 353.01, subdivision 10b, multiplied by 80
16.23 and expressed as a biweekly amount for each member. The employee contribution made
16.24 by a member with at least 25 years of service credit as an active member of the former
16.25 Minneapolis Police Relief Association must be deposited in the postretirement health care
16.26 savings account established under section 352.98.

16.27 (d) Contributions under this section must be made by deduction from salary in
16.28 the manner provided in subdivision 4. Where any portion of a member's salary is paid
16.29 from other than public funds, the member's employee contribution is based on the total
16.30 salary received from all sources.

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

16.32 Sec. 7. Minnesota Statutes 2012, section 353.65, subdivision 3, is amended to read:

17.1 Subd. 3. **Employer contribution.** (a) With respect to members other than members
17.2 who were active members of the former Minneapolis Firefighters Relief Association on
17.3 December 29, 2011, or for members other than members who were active members of
17.4 the former Minneapolis Police Relief Association on December 29, 2011, the employer
17.5 contribution is ~~14.1 percent~~ an amount equal to the following percentage of the total salary
17.6 of the each member in calendar year 2010 and is, as follows: 14.4 percent of the salary of
17.7 the member in each before calendar year after 2010 2014; 15.3 percent in calendar year
17.8 2014; and 16.2 percent in calendar year 2015 and thereafter.

17.9 (b) With respect to members who were active members of the former Minneapolis
17.10 Firefighters Relief Association on December 29, 2011, the employer contribution is an
17.11 amount equal to the amount of the member contributions under subdivision 2, paragraph
17.12 (b).

17.13 (c) With respect to members who were active members of the former Minneapolis
17.14 Police Relief Association on December 29, 2011, the employer contribution is an amount
17.15 equal to the amount of the member contributions under subdivision 2, paragraph (c).

17.16 (d) Contributions under this subdivision must be made from funds available to the
17.17 employing subdivision by the means and in the manner provided in section 353.28.

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

17.19 Sec. 8. Minnesota Statutes 2012, section 353.651, subdivision 3, is amended to read:

17.20 Subd. 3. **Retirement annuity formula.** (a) The average salary as defined in
17.21 section 353.01, subdivision 17a, multiplied by the percent specified in section 356.315,
17.22 subdivision 6, ~~per year~~ multiplied by years of allowable service, multiplied by the
17.23 applicable vesting percentage indicated in section 353.01, subdivision 47, determines the
17.24 amount of the normal retirement annuity. If the member has earned allowable service
17.25 for performing services other than those of a police officer or firefighter, the annuity
17.26 representing that service must be computed under sections 353.29 and 353.30.

17.27 (b) For a member first enrolled in the public employees police and fire retirement
17.28 plan after June 30, 2014, the average salary as defined in section 353.01, subdivision 17a,
17.29 paragraph (a), includes salary for all years for which contributions have been reported to
17.30 the public employees police and fire retirement plan, but allowable service included in
17.31 the calculation is limited to 33 years and the normal retirement annuity must not exceed
17.32 99 percent of the average salary.

17.33 (c) When the annuity begins for members of the public employees police and fire
17.34 retirement plan enrolled after June 30, 2014, a prorated share of the contributions for
17.35 allowable service exceeding 33 years must be refunded to the member. The prorated

18.1 share of the contributions to be refunded is determined by multiplying the accumulated
18.2 deductions paid by the member to the public employees police and fire retirement plan by
18.3 a percentage determined using the number of months of service in excess of 396 as the
18.4 numerator and the total number of months of allowable service on which contributions
18.5 were reported as the denominator. Interest as defined in section 353.34, subdivision 2,
18.6 is to be applied to the prorated share of contributions from the first of the 397th month
18.7 of allowable service reported to the public employees police and fire retirement plan to
18.8 the first of the month the annuity begins.

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

18.10 Sec. 9. Minnesota Statutes 2012, section 353.651, subdivision 4, is amended to read:

18.11 Subd. 4. **Early retirement.** (a) A person who becomes a public employees police
18.12 and fire retirement plan member after June 30, 2007, or a former member who is reinstated
18.13 as a member of the plan after that date, who is at least 50 years of age and who is at least
18.14 partially vested under section 353.01, subdivision 47, upon the termination of public
18.15 service before July 1, 2014, if the person is other than a county sheriff or after January 4,
18.16 2015, if the person is a county sheriff is entitled upon application to a retirement annuity
18.17 equal to the normal annuity calculated under subdivision 3, reduced by two-tenths of one
18.18 percent for each month that the member is under age 55 at the time of retirement.

18.19 (b) Upon the termination of public service before July 1, 2014, if the person is
18.20 other than a county sheriff or upon the termination of public service before January 5,
18.21 2015, if the person is a county sheriff, any public employees police and fire retirement
18.22 plan member who first became a member of the plan before July 1, 2007, and who is
18.23 not specified in paragraph (a), upon attaining at least 50 years of age with at least three
18.24 years of allowable service is entitled upon application to a retirement annuity equal to the
18.25 normal annuity calculated under subdivision 3, reduced by one-tenth of one percent for
18.26 each month that the member is under age 55 at the time of retirement.

18.27 (c) A person other than a county sheriff who is a member of the public employees
18.28 police and fire retirement plan on or after July 1, 2014, or a county sheriff who is a
18.29 member of the public employees police and fire retirement plan on or after January 5,
18.30 2015, and who is at least 50 years old and is at least partially vested under section 353.01,
18.31 subdivision 47, and whose benefit effective date is after July 1, 2014, if other than a
18.32 county sheriff or after January 4, 2015, if a county sheriff and on or before July 1, 2019, is
18.33 entitled upon application to a retirement annuity equal to the normal annuity calculated
18.34 under subdivision 3, reduced for each month the member is under age 55 at the time of
18.35 retirement by applying a blended monthly rate that is equivalent to the sum of:

19.1 (1) one-sixtieth of the annual rate of five percent, prorated for each month the
19.2 person's benefit effective date is after July 1, 2014, or after December 31, 2014, whichever
19.3 applies; and

19.4 (2) one-sixtieth of the annual rate provided under paragraph (a) or (b), whichever
19.5 applies, for each month the person's benefit effective date is before July 1, 2019.

19.6 (d) A person other than a county sheriff who is a member of the public employees
19.7 police and fire retirement plan on or after July 1, 2014, or a county sheriff who is a member
19.8 of the public employees police and fire retirement plan on or after January 5, 2015, and
19.9 who is at least 50 years old and is at least partially vested under section 353.01, subdivision
19.10 47, whose benefit effective date is after July 1, 2019, is entitled, upon application, to a
19.11 retirement annuity equal to the normal annuity calculated under subdivision 3, reduced by
19.12 five percent annually, prorated for each month that the member is under age 55.

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

19.14 Sec. 10. Minnesota Statutes 2012, section 353.657, subdivision 2a, is amended to read:

19.15 Subd. 2a. **Death while eligible survivor benefit.** (a) If a member or former member
19.16 who has attained the age of at least 50 years and either who is vested under section
19.17 353.01, subdivision 47, or who has credit for at least 30 years of allowable service,
19.18 regardless of age attained, dies before the annuity or disability benefit becomes payable,
19.19 notwithstanding any designation of beneficiary to the contrary, the surviving spouse may
19.20 elect to receive a death while eligible survivor benefit.

19.21 (b) Notwithstanding the definition of surviving spouse in section 353.01, subdivision
19.22 20, a former spouse of the member, if any, is entitled to a portion of the death while
19.23 eligible survivor benefit if stipulated under the terms of a marriage dissolution decree
19.24 filed with the association. If there is no surviving spouse or child or children, a former
19.25 spouse may be entitled to a lump-sum refund payment under section 353.32, subdivision
19.26 1, if provided for in a marriage dissolution decree but not a death while eligible survivor
19.27 benefit despite the terms of a marriage dissolution decree filed with the association.

19.28 (c) The benefit may be elected instead of a refund with interest under section 353.32,
19.29 subdivision 1, or surviving spouse benefits otherwise payable under subdivisions 1 and
19.30 2. The benefit must be an annuity equal to the 100 percent joint and survivor annuity
19.31 which the member could have qualified for on the date of death, computed as provided in
19.32 sections 353.651, ~~subdivisions 2 and~~ subdivision 3, and 353.30, subdivision 3.

19.33 (d) The surviving spouse may apply for the annuity at any time after the date
19.34 on which the deceased employee would have attained the required age for retirement

20.1 based on the employee's allowable service. Sections 353.34, subdivision 3, and 353.71,
20.2 subdivision 2, apply to a deferred annuity payable under this subdivision.

20.3 (e) No payment accrues beyond the end of the month in which entitlement to
20.4 such annuity has terminated. An amount equal to the excess, if any, of the accumulated
20.5 contributions which were credited to the account of the deceased employee over and
20.6 above the total of the annuities paid and payable to the surviving spouse must be paid to
20.7 the deceased member's last designated beneficiary or, if none, to the legal representative of
20.8 the estate of such deceased member.

20.9 (f) Any member may request in writing, with the signed consent of the spouse, that
20.10 this subdivision not apply and that payment be made only to the designated beneficiary, as
20.11 otherwise provided by this chapter.

20.12 (g) For a member who is employed as a full-time firefighter by the Department of
20.13 Military Affairs of the state of Minnesota, allowable service as a full-time state Military
20.14 Affairs Department firefighter credited by the Minnesota State Retirement System may be
20.15 used in meeting the minimum allowable service requirement of this subdivision.

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

20.17 Sec. 11. Minnesota Statutes 2012, section 353.657, subdivision 3a, is amended to read:

20.18 Subd. 3a. **Maximum and minimum family benefits.** (a) The maximum monthly
20.19 benefit per family must not exceed the following percentages of the member's average
20.20 monthly salary as specified in subdivision 3:

20.21 (1) 80 percent, if the member's death was a line of duty death; or

20.22 (2) 70 percent, if the member's death was not a line of duty death or occurred while
20.23 the member was receiving a disability benefit that accrued before July 1, 2007.

20.24 (b) The minimum monthly benefit per family, including the joint and survivor
20.25 optional annuity under subdivision 2a, and section 353.656, subdivision 1a, must not be
20.26 less than the following percentage of the member's average monthly salary as specified in
20.27 subdivision 3:

20.28 (1) 60 percent, if the death was a line of duty death; or

20.29 (2) 50 percent, if the death was not a line of duty death or occurred while the member
20.30 was receiving a disability benefit that accrued before July 1, 2007.

20.31 (c) If the maximum under paragraph (a) is exceeded, the monthly benefit of the
20.32 joint annuitant, surviving spouse, and dependent children, as applicable, must each be
20.33 reduced ~~to the amount necessary~~ proportionately so that the total family benefit does
20.34 not exceed the applicable maximum. The joint and survivor optional annuity, surviving
20.35 spouse, or dependent children benefit, as applicable, must be restored, plus applicable

21.1 postretirement adjustments under Minnesota Statutes 2008, section 356.41 or section
 21.2 356.415, as the dependent child or children become no longer dependent under section
 21.3 353.01, subdivision 15, or in the event of the death of the joint and survivor annuity
 21.4 recipient or the surviving spouse.

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

21.6 Sec. 12. Minnesota Statutes 2012, section 353E.001, subdivision 1, is amended to read:

21.7 Subdivision 1. **Duty disability.** "Duty disability," physical or psychological, means
 21.8 a condition that is expected to prevent a member, for a period of not less than 12 months,
 21.9 from performing the normal duties of a local government correctional service employee as
 21.10 defined under section 353E.02 and that is the direct result of an injury incurred during, or
 21.11 a disease arising out of, the performance of ~~normal duties or the actual performance of~~
 21.12 ~~less frequent~~ inherently dangerous duties, ~~either of which are specific to protecting the~~
 21.13 ~~property and personal safety of others and that present inherent dangers~~ that are specific to
 21.14 the positions covered by the local government correctional service retirement plan.

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

21.16 Sec. 13. Minnesota Statutes 2012, section 356.415, subdivision 1b, is amended to read:

21.17 Subd. 1b. **Annual postretirement adjustments; PERA; general employees**
 21.18 **retirement plan and local government correctional retirement plan.** (a) Retirement
 21.19 annuity, disability benefit, or survivor benefit recipients of the general employees
 21.20 retirement plan of the Public Employees Retirement Association and the local government
 21.21 correctional service retirement plan are entitled to a postretirement adjustment annually
 21.22 on January 1, as follows:

21.23 (1) for ~~January 1, 2011,~~ and each successive January 1 until funding stability is
 21.24 restored for the applicable retirement plan, a postretirement increase of one percent must
 21.25 be applied each year, effective on January 1, to the monthly annuity or benefit amount of
 21.26 each annuitant or benefit recipient who has been receiving an annuity or benefit for at least
 21.27 12 full months as of the current June 30;

21.28 (2) for ~~January 1, 2011,~~ and each successive January 1 until funding stability is
 21.29 restored for the applicable retirement plan, for each annuitant or benefit recipient who has
 21.30 been receiving an annuity or a benefit for at least one full month, but less than 12 full
 21.31 months as of the current June 30, an annual postretirement increase of 1/12 of one percent
 21.32 for each month the person has been receiving an annuity or benefit must be applied;

22.1 (3) for each January 1 following the restoration of funding stability for the applicable
22.2 retirement plan, a postretirement increase of 2.5 percent must be applied each year,
22.3 effective January 1, to the monthly annuity or benefit amount of each annuitant or benefit
22.4 recipient who has been receiving an annuity or benefit for at least 12 full months as of
22.5 the current June 30; and

22.6 (4) for each January 1 following restoration of funding stability for the applicable
22.7 retirement plan, for each annuity or benefit recipient who has been receiving an annuity or
22.8 a benefit for at least one full month, but less than 12 full months as of the current June
22.9 30, an annual postretirement increase of 1/12 of 2.5 percent for each month the person
22.10 has been receiving an annuity or benefit must be applied.

22.11 (b) Funding stability is restored when the market value of assets of the applicable
22.12 retirement plan equals or exceeds 90 percent of the actuarial accrued liabilities of the
22.13 applicable plan in the two most recent prior consecutive actuarial valuation valuations
22.14 prepared under section 356.215 and the standards for actuarial work by the approved
22.15 actuary retained by the Public Employees Retirement Association under section 356.214.

22.16 (c) ~~If, after applying the increase as provided for in paragraph (a), clauses (3)~~
22.17 ~~and (4), the market value of the applicable retirement plan is determined in the next~~
22.18 ~~subsequent actuarial valuation prepared under section 356.215 to be less than 90 percent~~
22.19 ~~of the actuarial accrued liability of any of the applicable Public Employees Retirement~~
22.20 ~~Association plans; After having met the definition of funding stability under paragraph~~
22.21 ~~(b), the increase provided in paragraph (a), clauses (1) and (2), are rather than an increase~~
22.22 ~~under subdivision 1, is again to be applied as of the next successive January until funding~~
22.23 ~~stability is again restored. in a subsequent year or years if the market value of assets of~~
22.24 ~~the applicable plan equals or is less than:~~

22.25 (1) 85 percent of the actuarial accrued liabilities of the applicable plan for two
22.26 consecutive actuarial valuations; or

22.27 (2) 80 percent of the actuarial accrued liabilities of the applicable plan for the most
22.28 recent actuarial valuation.

22.29 (d) An increase in annuity or benefit payments under this section must be made
22.30 automatically unless written notice is filed by the annuitant or benefit recipient with the
22.31 executive director of the Public Employees Retirement Association requesting that the
22.32 increase not be made.

22.33 (e) The retirement annuity payable to a person who retires before becoming eligible
22.34 for Social Security benefits and who has elected the optional payment, as provided in
22.35 section 353.29, subdivision 6, must be treated as the sum of a period-certain retirement
22.36 annuity and a life retirement annuity for the purposes of any postretirement adjustment.

23.1 The period-certain retirement annuity plus the life retirement annuity must be the
 23.2 annuity amount payable until age 62 for section 353.29, subdivision 6. A postretirement
 23.3 adjustment granted on the period-certain retirement annuity must terminate when the
 23.4 period-certain retirement annuity terminates.

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

23.6 Sec. 14. Minnesota Statutes 2012, section 356.415, subdivision 1c, is amended to read:

23.7 Subd. 1c. **Annual postretirement adjustments; PERA-police and fire.** (a)

23.8 Retirement annuity, disability benefit, or survivor benefit recipients of the public
 23.9 employees police and fire retirement plan are entitled to a postretirement adjustment
 23.10 annually on January 1, until funding stability is restored, as follows:

23.11 (1) for ~~January 1, 2011, and for January 1, 2012~~, for each annuitant or benefit
 23.12 recipient whose annuity or benefit effective date is on or before June 1, 2014, who has
 23.13 been receiving the annuity or benefit for at least 12 full months as of the immediate
 23.14 preceding June 30, an amount equal to one percent in each year; or

23.15 (2) for ~~January 1, 2011, and for January 1, 2012~~, for each annuitant or benefit
 23.16 recipient whose annuity or benefit effective date is on or before June 1, 2014, who has
 23.17 been receiving the annuity or benefit for at least one full month, but not less than 11
 23.18 months, as of the immediate preceding June 30, an amount equal to 1/12 of one percent ~~in~~
 23.19 each year for each month of annuity or benefit receipt; and

23.20 (3) for ~~January 1, 2013, and each successive January 1 that follows the loss of~~
 23.21 ~~funding stability as defined under paragraph (b) until funding stability as defined under~~
 23.22 ~~paragraph (b) is again restored~~, for each annuitant or benefit recipient whose annuity
 23.23 or benefit effective date is after June 1, 2014, who has will have been receiving the an
 23.24 annuity or benefit for at least ~~12~~ 36 full months as of the immediate preceding June 30,
 23.25 an amount equal to ~~the percentage increase in the Consumer Price Index for urban wage~~
 23.26 ~~earners and clerical workers all items index published by the Bureau of Labor Statistics of~~
 23.27 ~~the United States Department of Labor between the immediate preceding June 30 and the~~
 23.28 ~~June 30 occurring 12 months previous, but not to exceed 1.5~~ one percent; or

23.29 (4) for ~~January 1, 2013, and each successive January 1 that follows the loss of funding~~
 23.30 ~~stability as defined under paragraph (b) until funding stability as defined under paragraph~~
 23.31 ~~(b) is again restored~~, for each annuitant or benefit recipient whose annuity or benefit
 23.32 effective date is after June 1, 2014, who has been receiving the annuity or benefit for at
 23.33 least ~~one~~ 25 full month months, but less than 36 months as of the immediate preceding June
 23.34 30, an amount equal to 1/12 of ~~the percentage increase in the Consumer Price Index for~~
 23.35 ~~urban wage earners and clerical workers all items index published by the Bureau of Labor~~

24.1 ~~Statistics of the United States Department of Labor between the immediate preceding June~~
24.2 ~~30 and the June 30 occurring 12 months previous for each full month of annuity or benefit~~
24.3 ~~receipt, but not to exceed 1/12 of 1.5~~ one percent for each full month of annuity or benefit
24.4 receipt during the fiscal year in which the annuity or benefit was effective;

24.5 ~~(5) for~~ (b) Retirement annuity, disability benefit, or survivor benefit recipients of
24.6 the public employees police and fire retirement plan are entitled to a postretirement
24.7 adjustment annually on each January 1 following the restoration of funding stability as
24.8 defined under paragraph (b) (c) and during the continuation of funding stability as defined
24.9 under paragraph (b) (c), as follows:

24.10 (1) for each annuitant or benefit recipient who has been receiving the annuity or
24.11 benefit for at least 12 36 full months as of the immediate preceding June 30, an amount
24.12 equal to the percentage increase in the Consumer Price Index for urban wage earners and
24.13 clerical workers all items index published by the Bureau of Labor Statistics of the United
24.14 States Department of Labor between the immediate preceding June 30 and the June 30
24.15 occurring 12 months previous, but not to exceed 2.5 percent; and

24.16 ~~(6) for each January 1 following the restoration of funding stability as defined under~~
24.17 ~~paragraph (b) and during the continuation of funding stability as defined under paragraph~~
24.18 ~~(b);~~ (2) for each annuitant or benefit recipient who has been receiving the annuity or benefit
24.19 for at least one 25 full month months, but less than 36 full months, as of the immediate
24.20 preceding June 30, an amount equal to 1/12 of the percentage increase in the Consumer
24.21 Price Index for urban wage earners and clerical workers all items index published by
24.22 the Bureau of Labor Statistics of the United States Department of Labor between the
24.23 immediate preceding June 30 and the June 30 occurring 12 months previous for each full
24.24 month of annuity or benefit receipt during the fiscal year in which the annuity or benefit
24.25 was effective, but not to exceed 1/12 of 2.5 percent for each full month of annuity or
24.26 benefit receipt during the fiscal year in which the annuity or benefit was effective.

24.27 ~~(b) (c)~~ (c) Funding stability is restored when the market value of assets of the public
24.28 employees police and fire retirement plan equals or exceeds 90 percent of the actuarial
24.29 accrued liabilities of the applicable plan in the two most recent ~~prior~~ consecutive actuarial
24.30 ~~valuation~~ valuations prepared under section 356.215 and under the standards for actuarial
24.31 work of the Legislative Commission on Pensions and Retirement by the approved actuary
24.32 retained by the Public Employees Retirement Association under section 356.214.

24.33 (d) After having met the definition of funding stability under paragraph (c), a full
24.34 or prorated increase, as provided in paragraph (a), clause (1), (2), (3), or (4), whichever
24.35 applies, rather than adjustments under paragraph (b), is again applied in a subsequent year

25.1 or years if the market value of assets of the public employees police and fire retirement
 25.2 plan equals or is less than:

25.3 (1) 85 percent of the actuarial accrued liabilities of the applicable plan for two
 25.4 consecutive actuarial valuations; or

25.5 (2) 80 percent of the actuarial accrued liabilities of the applicable plan for the most
 25.6 recent actuarial valuation.

25.7 (e) (e) An increase in annuity or benefit payments under this section must be made
 25.8 automatically unless written notice is filed by the annuitant or benefit recipient with the
 25.9 executive director of the Public Employees Retirement Association requesting that the
 25.10 increase not be made.

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

25.12 **ARTICLE 4**

25.13 **TEACHERS RETIREMENT ASSOCIATION EARLY RETIREMENT** 25.14 **REDUCTION FACTORS**

25.15 Section 1. Minnesota Statutes 2012, section 354.44, subdivision 6, is amended to read:

25.16 Subd. 6. **Computation of formula program retirement annuity.** (a) The formula
 25.17 retirement annuity must be computed in accordance with the applicable provisions of the
 25.18 formulas stated in paragraph (b) or (d) on the basis of each member's average salary under
 25.19 section 354.05, subdivision 13a, for the period of the member's formula service credit.

25.20 (b) This paragraph, in conjunction with paragraph (c), applies to a person who first
 25.21 became a member of the association or a member of a pension fund listed in section
 25.22 356.30, subdivision 3, before July 1, 1989, unless paragraph (d), in conjunction with
 25.23 paragraph (e), produces a higher annuity amount, in which case paragraph (d) applies. The
 25.24 average salary as defined in section 354.05, subdivision 13a, multiplied by the following
 25.25 percentages per year of formula service credit shall determine the amount of the annuity to
 25.26 which the member qualifying therefor is entitled for service rendered before July 1, 2006:

	Coordinated Member	Basic Member
25.27		
25.28	Each year of service during	the percent specified
25.29	first ten	in section 356.315,
25.30		subdivision 1, per year
25.31	Each year of service	the percent specified
25.32	thereafter	in section 356.315,
25.33		subdivision 2, per year
		subdivision 4, per year

25.34 For service rendered on or after July 1, 2006, the average salary as defined in section
 25.35 354.05, subdivision 13a, multiplied by the following percentages per year of service credit,
 25.36 determines the amount the annuity to which the member qualifying therefor is entitled:

		Coordinated Member	Basic Member
26.1			
26.2	Each year of service during	the percent specified	the percent specified
26.3	first ten	in section 356.315,	in section 356.315,
26.4		subdivision 1a, per year	subdivision 3, per year
26.5	Each year of service after	the percent specified	the percent specified
26.6	ten years of service	in section 356.315,	in section 356.315,
26.7		subdivision 2b, per year	subdivision 4, per year

26.8 (c)(i) This paragraph applies only to a person who first became a member of the
 26.9 association or a member of a pension fund listed in section 356.30, subdivision 3, before
 26.10 July 1, 1989, and whose annuity is higher when calculated under paragraph (b), in
 26.11 conjunction with this paragraph than when calculated under paragraph (d), in conjunction
 26.12 with paragraph (e).

26.13 (ii) Where any member retires prior to normal retirement age under a formula
 26.14 annuity, the member shall be paid a retirement annuity in an amount equal to the normal
 26.15 annuity provided in paragraph (b) reduced by one-quarter of one percent for each month
 26.16 that the member is under normal retirement age at the time of retirement except that for
 26.17 any member who has 30 or more years of allowable service credit, the reduction shall be
 26.18 applied only for each month that the member is under age 62.

26.19 (iii) Any member whose attained age plus credited allowable service totals 90 years
 26.20 is entitled, upon application, to a retirement annuity in an amount equal to the normal
 26.21 annuity provided in paragraph (b), without any reduction by reason of early retirement.

26.22 (d) This paragraph applies to a member who has become at least 55 years old and
 26.23 first became a member of the association after June 30, 1989, and to any other member
 26.24 who has become at least 55 years old and whose annuity amount when calculated under
 26.25 this paragraph and in conjunction with paragraph (e), is higher than it is when calculated
 26.26 under paragraph (b), in conjunction with paragraph (c). For a basic member, the average
 26.27 salary, as defined in section 354.05, subdivision 13a, multiplied by the percent specified
 26.28 by section 356.315, subdivision 4, for each year of service for a basic member shall
 26.29 determine the amount of the retirement annuity to which the basic member is entitled.
 26.30 The annuity of a basic member who was a member of the former Minneapolis Teachers
 26.31 Retirement Fund Association as of June 30, 2006, must be determined according to the
 26.32 annuity formula under the articles of incorporation of the former Minneapolis Teachers
 26.33 Retirement Fund Association in effect as of that date. For a coordinated member, the
 26.34 average salary, as defined in section 354.05, subdivision 13a, multiplied by the percent
 26.35 specified in section 356.315, subdivision 2, for each year of service rendered before July
 26.36 1, 2006, and by the percent specified in section 356.315, subdivision 2b, for each year of
 26.37 service rendered on or after July 1, 2006, determines the amount of the retirement annuity
 26.38 to which the coordinated member is entitled.

27.1 (e) This paragraph applies to a person who has become at least 55 years old and first
27.2 becomes a member of the association after June 30, 1989, and to any other member who
27.3 has become at least 55 years old and whose annuity is higher when calculated under
27.4 paragraph (d) in conjunction with this paragraph than when calculated under paragraph
27.5 (b), in conjunction with paragraph (c). An employee who retires under the formula annuity
27.6 before the normal retirement age shall be paid the normal annuity provided in paragraph
27.7 (d) reduced so that the reduced annuity is the actuarial equivalent of the annuity that
27.8 would be payable to the employee if the employee deferred receipt of the annuity and the
27.9 annuity amount were augmented at an annual rate of three percent compounded annually
27.10 from the day the annuity begins to accrue until the normal retirement age if the employee
27.11 became an employee before July 1, 2006, and at 2.5 percent compounded annually if the
27.12 employee becomes an employee after June 30, 2006. Except in regards to section 354.46,
27.13 this paragraph remains in effect until June 30, 2015.

27.14 (f) After June 30, 2020, this paragraph applies to a person who has become at least
27.15 55 years old and first becomes a member of the association after June 30, 1989, and to any
27.16 other member who has become at least 55 years old and whose annuity is higher when
27.17 calculated under paragraph (d) in conjunction with this paragraph than when calculated
27.18 under paragraph (b), in conjunction with paragraph (c). An employee who retires under
27.19 the formula annuity before the normal retirement age is entitled to receive the normal
27.20 annuity provided in paragraph (d). For a person who is at least age 62 or older and has at
27.21 least 30 years of service, the annuity must be reduced by an early reduction factor of six
27.22 percent per year of the annuity that would be payable to the employee if the employee
27.23 deferred receipt of the annuity and the annuity amount were augmented at an annual rate
27.24 of three percent compounded annually from the day the annuity begins to accrue until the
27.25 normal retirement age if the employee became an employee before July 1, 2006, and at 2.5
27.26 percent compounded annually if the employee became an employee after June 30, 2006.
27.27 For a person who is not at least age 62 or older and does not have at least 30 years of
27.28 service, the annuity would be reduced by an early reduction factor of four percent per year
27.29 for ages 55 through 59 and seven percent per year of the annuity that would be payable
27.30 to the employee if the employee deferred receipt of the annuity and the annuity amount
27.31 were augmented at an annual rate of three percent compounded annually from the day
27.32 the annuity begins to accrue until the normal retirement age if the employee became an
27.33 employee before July 1, 2006, and at 2.5 percent compounded annually if the employee
27.34 became an employee after June 30, 2006.

27.35 (g) After June 30, 2015, and before July 1, 2020, for a person who would have
27.36 a reduced retirement annuity under either paragraph (e) or (f) if they were applicable,

28.1 the employee is entitled to receive a reduced annuity which must be calculated using
 28.2 a blended reduction factor augmented monthly by 1/60 of the difference between the
 28.3 reduction required under paragraph (e) and the reduction required under paragraph (f).

28.4 ~~(f)~~ (h) No retirement annuity is payable to a former employee with a salary that
 28.5 exceeds 95 percent of the governor's salary unless and until the salary figures used in
 28.6 computing the highest five successive years average salary under paragraph (a) have been
 28.7 audited by the Teachers Retirement Association and determined by the executive director
 28.8 to comply with the requirements and limitations of section 354.05, subdivisions 35 and 35a.

28.9 **EFFECTIVE DATE.** This section is effective July 1, 2013.

28.10 **ARTICLE 5**

28.11 **FIRST CLASS CITY TEACHER RETIREMENT INCREASES AND** 28.12 **FINANCIAL SOLVENCY MEASURES**

28.13 Section 1. **[354.436] DIRECT STATE AID ON BEHALF OF THE FORMER**
 28.14 **MINNEAPOLIS TEACHERS RETIREMENT FUND ASSOCIATION.**

28.15 Subdivision 1. **Aid authorization.** The state shall pay \$12,954,000 to the Teachers
 28.16 Retirement Association on behalf of the former Minneapolis Teachers Retirement Fund
 28.17 Association.

28.18 Subd. 2. **Aid appropriation.** The commissioner of management and budget shall
 28.19 pay the aid annually on October 1. The amount required is appropriated annually from the
 28.20 general fund to the commissioner of management and budget.

28.21 Subd. 3. **Aid expiration.** The aid specified in this section terminates and this
 28.22 section expires when the current assets of the Teachers Retirement Association fund equal
 28.23 or exceed the actuarial accrued liabilities of the fund as determined in the most recent
 28.24 actuarial valuation report for the Teachers Retirement Association fund by the actuary
 28.25 retained under section 356.214, or on the established date for full funding under section
 28.26 356.215, subdivision 11, whichever occurs earlier.

28.27 **EFFECTIVE DATE.** This section is effective July 1, 2014.

28.28 Sec. 2. Minnesota Statutes 2012, section 354A.011, subdivision 21, is amended to read:

28.29 Subd. 21. **Retirement.** (a) "Retirement" means the time after the date of cessation
 28.30 of active teaching service by a teacher who is ~~thereafter~~ then entitled to an accrued
 28.31 retirement annuity ~~commencing~~ beginning as designated by the board of trustees and
 28.32 payable ~~pursuant to an~~ upon filing a valid application for an annuity ~~filed~~ with the board.

29.1 The applicable provisions of law, articles of incorporation and bylaws in effect on the date
 29.2 of cessation of active teaching service thereafter determine the rights of the person.

29.3 (b) For members of the St. Paul Teachers Retirement Fund Association, a right to
 29.4 a retirement annuity requires a complete and continuous separation for 90 days from
 29.5 employment in any form with Independent School District No. 625, including service
 29.6 provided to the school district as an independent contractor or as an employee of an
 29.7 independent contractor.

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

29.9 Sec. 3. Minnesota Statutes 2012, section 354A.12, subdivision 1, is amended to read:

29.10 Subdivision 1. **Employee contributions.** (a) The contribution required to be paid
 29.11 by each member of a teachers retirement fund association is the percentage of total salary
 29.12 specified below for the applicable association and program:

29.13	Association and Program	Percentage of Total Salary
29.14	Duluth Teachers Retirement Fund Association	
29.15	old law and new law	
29.16	coordinated programs	
29.17	before July 1, 2011 <u>2013</u>	5.5 <u>6.5</u> percent
29.18	effective July 1, 2011 <u>2013</u>	6.0 <u>7.0</u> percent
29.19	effective July 1, 2012 <u>2014</u>	6.5 <u>7.5</u> percent
29.20	St. Paul Teachers Retirement Fund Association	
29.21	basic program before July 1, 2011	8 percent
29.22	basic program after June 30, 2011	8.25 percent
29.23	basic program after June 30, 2012	8.5 percent
29.24	basic program after June 30, 2013	8.75 percent
29.25	basic program after June 30, 2014	9.0 percent
29.26	<u>basic program after June 30, 2015</u>	<u>9.5</u> percent
29.27	<u>basic program after June 30, 2016</u>	<u>10.0</u> percent
29.28	coordinated program before July 1, 2011	5.5 percent
29.29	coordinated program after June 30, 2011	5.75 percent
29.30	coordinated program after June 30, 2012	6.0 percent
29.31	coordinated program after June 30, 2013	6.25 percent
29.32	coordinated program after June 30, 2014	6.50 percent
29.33	<u>coordinated program after June 30, 2015</u>	<u>7.0</u> percent
29.34	<u>coordinated program after June 30, 2016</u>	<u>7.50</u> percent

29.35 (b) Contributions shall be made by deduction from salary and must be remitted
 29.36 directly to the respective teachers retirement fund association at least once each month.

30.1 (c) When an employee contribution rate changes for a fiscal year, the new
 30.2 contribution rate is effective for the entire salary paid by the employer with the first
 30.3 payroll cycle reported.

30.4 **EFFECTIVE DATE.** This section is effective with respect to the Duluth Teachers
 30.5 Retirement Fund Association on July 1, 2013, and is effective with respect to the St. Paul
 30.6 Teachers Retirement Fund Association on the day following final enactment.

30.7 Sec. 4. Minnesota Statutes 2012, section 354A.12, subdivision 2a, is amended to read:

30.8 Subd. 2a. **Employer regular and additional contributions.** (a) The employing
 30.9 units shall make the following employer contributions to teachers retirement fund
 30.10 associations:

30.11 (1) for any coordinated member of one of the following teachers retirement fund
 30.12 associations in a city of the first class, the employing unit shall make a regular employer
 30.13 contribution to the respective retirement fund association in an amount equal to the
 30.14 designated percentage of the salary of the coordinated member as provided below:

30.15 Duluth Teachers Retirement Fund Association

30.16	before July 1, 2011 <u>2013</u>	5.79 <u>6.79</u> percent
30.17	effective July 1, 2011 <u>2013</u>	6.29 <u>7.29</u> percent
30.18	effective July 1, 2012 <u>2014</u>	6.79 <u>7.50</u> percent

30.19 St. Paul Teachers Retirement Fund Association

30.20	before July 1, 2011	4.50 percent
30.21	after June 30, 2011	4.75 percent
30.22	after June 30, 2012	5.0 percent
30.23	after June 30, 2013	5.25 percent
30.24	after June 30, 2014	5.5 percent
30.25	<u>after June 30, 2015</u>	<u>6.0</u> percent
30.26	<u>after June 30, 2016</u>	<u>6.25</u> percent
30.27	<u>after June 30, 2017</u>	<u>6.5</u> percent

30.28 (2) for any basic member of the St. Paul Teachers Retirement Fund Association, the
 30.29 employing unit shall make a regular employer contribution to the respective retirement
 30.30 fund in an amount according to the schedule below:

30.31	before July 1, 2011	8.0 percent of salary
30.32	after June 30, 2011	8.25 percent of salary
30.33	after June 30, 2012	8.5 percent of salary
30.34	after June 30, 2013	8.75 percent of salary
30.35	after June 30, 2014	9.0 percent of salary
30.36	<u>after June 30, 2015</u>	<u>9.5</u> percent of salary

31.1 after June 30, 2016 9.75 percent of salary
 31.2 after June 30, 2017 10.0 percent of salary

31.3 (3) for a basic member of the St. Paul Teachers Retirement Fund Association, the
 31.4 employing unit shall make an additional employer contribution to the respective fund in
 31.5 an amount equal to 3.64 percent of the salary of the basic member;

31.6 (4) for a coordinated member of the St. Paul Teachers Retirement Fund Association,
 31.7 the employing unit shall make an additional employer contribution to the respective fund
 31.8 in an amount equal to the applicable percentage of the coordinated member's salary,
 31.9 as provided below:

31.10 St. Paul Teachers Retirement Fund Association 3.84 percent

31.11 (b) The regular and additional employer contributions must be remitted directly to
 31.12 the respective teachers retirement fund association at least once each month. Delinquent
 31.13 amounts are payable with interest under the procedure in subdivision 1a.

31.14 (c) Payments of regular and additional employer contributions for school district
 31.15 or technical college employees who are paid from normal operating funds must be made
 31.16 from the appropriate fund of the district or technical college.

31.17 (d) When an employer contribution rate changes for a fiscal year, the new
 31.18 contribution rate is effective for the entire salary paid by the employer with the first
 31.19 payroll cycle reported.

31.20 **EFFECTIVE DATE.** This section is effective with respect to the Duluth Teachers
 31.21 Retirement Fund Association on July 1, 2013, and is effective with respect to the St. Paul
 31.22 Teachers Retirement Fund Association on the day following final enactment.

31.23 Sec. 5. Minnesota Statutes 2012, section 354A.12, is amended by adding a subdivision
 31.24 to read:

31.25 **Subd. 2c. Duluth Teachers Retirement Fund Association; employer**
 31.26 **contributions for reemployed annuitants.** The school district shall make the regular
 31.27 employer contributions and additional employer contributions specified in subdivision 2a
 31.28 on behalf of any retired member of the Duluth Teachers Retirement Fund Association who
 31.29 is reemployed by Independent School District No. 709, including providing service to the
 31.30 school district as an independent contractor or as an employee of an independent contractor.

31.31 **EFFECTIVE DATE.** This section is effective July 1, 2013.

31.32 Sec. 6. Minnesota Statutes 2012, section 354A.12, is amended by adding a subdivision
 31.33 to read:

32.1 Subd. 2d. **St. Paul Teachers Retirement Fund Association; employer**
 32.2 **contributions for reemployed annuitants.** Independent School District No. 625 shall
 32.3 make the regular employer contribution and additional employer contribution specified in
 32.4 subdivision 2a, plus a supplemental contribution equal to 2.5 percent of salary, on behalf
 32.5 of any retired member of the St. Paul Teachers Retirement Fund Association who is
 32.6 reemployed by Independent School District No. 625, including providing service to the
 32.7 school district as an independent contractor or as an employee of an independent contractor.

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

32.9 Sec. 7. Minnesota Statutes 2012, section 354A.12, subdivision 3a, is amended to read:

32.10 Subd. 3a. **Special direct state aid to first class city teachers retirement fund**
 32.11 **associations.** (a) The state shall pay ~~\$346,000~~ \$6,346,000 as special direct state aid to
 32.12 the Duluth Teachers Retirement Fund Association; and ~~\$2,827,000~~ \$9,827,000 to the St.
 32.13 Paul Teachers Retirement Fund Association and, ~~for the former Minneapolis Teachers~~
 32.14 ~~Retirement Fund Association,~~ ~~\$12,954,000~~ to the Teachers Retirement Association.

32.15 (b) The ~~direct state aids~~ under this subdivision are payable October 1 annually. The
 32.16 commissioner of management and budget shall pay the ~~direct state aid~~ aids specified in
 32.17 this subdivision. The ~~amount~~ amounts required ~~under this subdivision is~~ are appropriated
 32.18 annually from the general fund to the commissioner of management and budget.

32.19 **EFFECTIVE DATE.** This section is effective July 1, 2014.

32.20 Sec. 8. Minnesota Statutes 2012, section 354A.12, subdivision 3c, is amended to read:

32.21 Subd. 3c. **Termination of supplemental contributions and direct matching**
 32.22 **and state aid.** (a) The supplemental contributions payable to the St. Paul Teachers
 32.23 Retirement Fund Association by Independent School District No. 625 under section
 32.24 423A.02, subdivision 3, ~~or the direct~~ and all forms of state aid under subdivision 3a to the
 32.25 St. Paul Teachers Retirement Fund Association must continue until the current assets of
 32.26 the fund equal or exceed the actuarial accrued liability of the fund as determined in the
 32.27 most recent actuarial report for the fund by the actuary retained under section 356.214 or
 32.28 until June 30, 2037, whichever occurs earlier.

32.29 (b) The aid to the Duluth Teachers Retirement Fund Association under section
 32.30 423A.02, subdivision 3, and all forms of state aid under subdivision 3a to the Duluth
 32.31 Teachers Retirement Fund Association must continue until the current assets of the fund
 32.32 equal or exceed the actuarial accrued liability of the fund as determined in the most
 32.33 recent actuarial report for the fund by the actuary retained under section 356.214 or until

33.1 the established date for full funding under section 356.215, subdivision 11, whichever
33.2 occurs earlier.

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

33.4 Sec. 9. Minnesota Statutes 2012, section 354A.12, subdivision 7, is amended to read:

33.5 Subd. 7. **Recovery of benefit overpayments.** (a) If the executive director discovers,
33.6 within the time period specified in subdivision 8 following the payment of a refund or
33.7 the accrual date of any retirement annuity, survivor benefit, or disability benefit, that
33.8 benefit overpayment has occurred due to using invalid service or salary, or due to any
33.9 erroneous calculation procedure, the executive director must recalculate the annuity or
33.10 benefit payable and recover any overpayment. The executive director shall recover the
33.11 overpayment by requiring direct repayment or by suspending or reducing the payment of a
33.12 retirement annuity or other benefit payable under this chapter to the applicable person or
33.13 the person's estate, whichever applies, until all outstanding amounts have been recovered.
33.14 If a benefit overpayment or improper payment of benefits occurred caused by a failure
33.15 of the person to satisfy length of separation requirements for retirement under section
33.16 354A.011, subdivision 21, the executive director shall recover the improper payments by
33.17 requiring direct repayment. The repayment must include interest at the rate of 0.71 percent
33.18 per month from the first of the month in which a monthly benefit amount was paid to the
33.19 first of the month in which the amount is repaid, with annual compounding.

33.20 (b) In the event the executive director determines that an overpaid annuity or benefit
33.21 that is the result of invalid salary included in the average salary used to calculate the
33.22 payment amount must be recovered, the executive director must determine the amount of
33.23 the employee deductions taken in error on the invalid salary, with interest as determined
33.24 under 354A.37, subdivision 3, and must subtract that amount from the total annuity or
33.25 benefit overpayment, and the remaining balance of the overpaid annuity or benefit, if
33.26 any, must be recovered.

33.27 (c) If the invalid employee deductions plus interest exceed the amount of the
33.28 overpaid benefits, the balance must be refunded to the person to whom the benefit or
33.29 annuity is being paid.

33.30 (d) Any invalid employer contributions reported on the invalid salary must be
33.31 credited against future contributions payable by the employer.

33.32 (e) If a member or former member, who is receiving a retirement annuity or
33.33 disability benefit for which an overpayment is being recovered, dies before recovery of the
33.34 overpayment is completed and an optional annuity or refund is payable, the remaining

34.1 balance of the overpaid annuity or benefit must continue to be recovered from the payment
34.2 to the optional annuity beneficiary or refund recipient.

34.3 (f) The board of trustees shall adopt policies directing the period of time and manner
34.4 for the collection of any overpaid retirement or optional annuity, and survivor or disability
34.5 benefit, or a refund that the executive director determines must be recovered as provided
34.6 under this section.

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

34.8 Sec. 10. Minnesota Statutes 2012, section 354A.27, is amended by adding a
34.9 subdivision to read:

34.10 **Subd. 6a. Postretirement adjustment transition.** (a) If the funded ratio of the
34.11 retirement plan based on the actuarial value of assets is at least 90 percent as reported
34.12 in the most recent actuarial valuation prepared under sections 356.214 and 356.215,
34.13 this subdivision expires and subsequent postretirement adjustments are governed by
34.14 subdivision 7.

34.15 (b) Each annuity or benefit recipient of the retirement plan who has been receiving
34.16 that annuity or benefit for at least 12 months as of the applicable January 1 is eligible to
34.17 receive a postretirement adjustment of one percent, payable on January 1.

34.18 **EFFECTIVE DATE.** This section is effective July 1, 2013, and applies to the
34.19 January 1, 2014, postretirement increase.

34.20 Sec. 11. Minnesota Statutes 2012, section 354A.27, subdivision 7, is amended to read:

34.21 **Subd. 7. Calculation of postretirement adjustments.** (a) This subdivision applies
34.22 if subdivision 6 6a has expired.

34.23 (b) A percentage adjustment must be computed and paid under this subdivision to
34.24 eligible persons under subdivision 5. This adjustment is determined by reference to the
34.25 Consumer Price Index for urban wage earners and clerical workers all items index as
34.26 reported by the Bureau of Labor Statistics within the United States Department of Labor
34.27 each year as part of the determination of annual cost-of-living adjustments to recipients
34.28 of federal old-age, survivors, and disability insurance. For calculations of cost-of-living
34.29 adjustments under paragraph (c), the term "average third quarter Consumer Price Index
34.30 value" means the sum of the monthly index values as initially reported by the Bureau of
34.31 Labor Statistics for the months of July, August, and September, divided by 3.

34.32 (c) Before January 1 of each year, the executive director must calculate the amount
34.33 of the cost-of-living adjustment by dividing the most recent average third quarter index

35.1 value by the same average third quarter index value from the previous year, subtract one
35.2 from the resulting quotient, and express the result as a percentage amount, which must be
35.3 rounded to the nearest one-tenth of one percent.

35.4 (d) The amount calculated under paragraph (c) is the full cost-of-living adjustment
35.5 to be applied as a permanent increase to the regular payment of each eligible member
35.6 on January 1 of the next calendar year. For any eligible member whose effective date
35.7 of benefit commencement occurred during the calendar year before the cost-of-living
35.8 adjustment is applied, the full increase amount must be prorated on the basis of whole
35.9 calendar quarters in benefit payment status in the calendar year prior to the January 1 on
35.10 which the cost-of-living adjustment is applied, calculated to the third decimal place.

35.11 (e) The adjustment must not be less than zero nor greater than five percent.

35.12 (f) If the funding ratio of the plan as determined in the most recent actuarial
35.13 valuation using the actuarial value of assets is less than 80 percent there will be no
35.14 postretirement adjustment the following January 1.

35.15 **EFFECTIVE DATE.** This section is effective July 1, 2013.

35.16 Sec. 12. Minnesota Statutes 2012, section 354A.31, subdivision 3, is amended to read:

35.17 Subd. 3. **Resumption of teaching after commencement of a retirement annuity.**

35.18 (a) Any person who retired and is receiving a coordinated program retirement annuity
35.19 under the provisions of sections 354A.31 to 354A.41 or any person receiving a basic
35.20 program retirement annuity under the governing sections in the articles of incorporation
35.21 or bylaws and who has resumed teaching service for the school district in which the
35.22 teachers retirement fund association exists is entitled to continue to receive retirement
35.23 annuity payments, except that all or a portion of the annuity payments must be deferred
35.24 during the calendar year immediately following the calendar year in which the person's
35.25 salary from the teaching service is in an amount greater than \$46,000. The amount of the
35.26 annuity deferral is one-third the salary amount in excess of \$46,000 and must be deducted
35.27 from the annuity payable for the calendar year immediately following the calendar year
35.28 in which the excess amount was earned.

35.29 (b) If the person is retired for only a fractional part of the calendar year during the
35.30 initial year of retirement, the maximum reemployment salary exempt from triggering a
35.31 deferral as specified in this subdivision must be prorated for that calendar year.

35.32 (c) After a person has reached the Social Security normal retirement age, no deferral
35.33 requirement is applicable regardless of the amount of any compensation received for
35.34 teaching service for the school district in which the teachers retirement fund association
35.35 exists.

36.1 (d) The amount of the retirement annuity deferral must be handled or disposed
36.2 of as provided in section 356.47.

36.3 (e) Notwithstanding other paragraphs of this subdivision, for any retired Duluth
36.4 Teachers Retirement Fund Association member whose effective date of retirement is after
36.5 June 30, 2013, amounts specified as deferred under this subdivision must instead be
36.6 forfeited to the Duluth Teachers Retirement Fund Association fund.

36.7 (f) Notwithstanding other paragraphs of this subdivision, for any retired St. Paul
36.8 Teachers Retirement Fund Association basic or coordinated program member whose
36.9 effective date of retirement is after June 30, 2013, amounts specified as deferred under
36.10 this subdivision must instead be forfeited to the St. Paul Teachers Retirement Fund
36.11 Association fund.

36.12 (e) (g) For the purpose of this subdivision, salary from teaching service includes: (i)
36.13 all income for services performed as a consultant or independent contractor; or income
36.14 resulting from working with the school district in any capacity; and (ii) the greater of either
36.15 the income received or an amount based on the rate paid with respect to an administrative
36.16 position, consultant, or independent contractor in the school district in which the teachers
36.17 retirement fund association exists and at the same level as the position occupied by the
36.18 person who resumes teaching service.

36.19 (f) (h) On or before February 15 of each year, each applicable employing unit
36.20 shall report to the teachers retirement fund association the amount of postretirement
36.21 salary as defined in this subdivision, earned as a teacher, consultant, or independent
36.22 contractor during the previous calendar year by each retiree of the teachers retirement
36.23 fund association for teaching service performed after retirement. The report must be in
36.24 a format approved by the executive secretary or director.

36.25 **EFFECTIVE DATE.** This section is effective with respect to the Duluth Teachers
36.26 Retirement Fund Association on July 1, 2013, and is effective with respect to the St. Paul
36.27 Teachers Retirement Fund Association on the day following final enactment.

36.28 Sec. 13. Minnesota Statutes 2012, section 354A.31, subdivision 4, is amended to read:

36.29 Subd. 4. **Computation of normal coordinated retirement annuity; St. Paul**
36.30 **fund.** (a) This subdivision applies to the coordinated program of the St. Paul Teachers
36.31 Retirement Fund Association.

36.32 (b) The normal coordinated retirement annuity is an amount equal to a retiring
36.33 coordinated member's average salary under section 354A.011, subdivision 7a, multiplied
36.34 by the retirement annuity formula percentage.

37.1 (c) This paragraph, in conjunction with subdivision 6, applies to a person who first
37.2 became a member or a member in a pension fund listed in section 356.30, subdivision 3,
37.3 before July 1, 1989, unless paragraph (d), in conjunction with subdivision 7, produces
37.4 a higher annuity amount, in which case paragraph (d) will apply. For service rendered
37.5 before July 1, 2015, the retirement annuity formula percentage for purposes of this
37.6 paragraph is the percent specified in section 356.315, subdivision 1, per year for each year
37.7 of coordinated service for the first ten years and the percent specified in section 356.315,
37.8 subdivision 2, for each year of coordinated service thereafter. For service rendered after
37.9 June 30, 2015, the retirement annuity formula percentage for purposes of this paragraph
37.10 is the percent specified in section 356.315, subdivision 1a, per year for each year of
37.11 coordinated service for the first ten years and the percent specified in section 356.315,
37.12 subdivision 2b, for each year of coordinated service thereafter.

37.13 (d) This paragraph applies to a person who has become at least 55 years old and who
37.14 first becomes a member after June 30, 1989, and to any other member who has become
37.15 at least 55 years old and whose annuity amount, when calculated under this paragraph
37.16 and in conjunction with subdivision 7 is higher than it is when calculated under paragraph
37.17 (c), in conjunction with the provisions of subdivision 6. The retirement annuity formula
37.18 percentage for purposes of this paragraph is the percent specified in section 356.315,
37.19 subdivision 2, for each year of coordinated service rendered before July 1, 2015, and
37.20 the percent specified in section 356.215, subdivision 2b, for each year of coordinated
37.21 service thereafter.

37.22 **EFFECTIVE DATE.** This section is effective July 1, 2014.

37.23 Sec. 14. Minnesota Statutes 2012, section 354A.31, subdivision 4a, is amended to read:

37.24 Subd. 4a. **Computation of normal coordinated retirement annuity; Duluth**
37.25 **fund.** (a) This subdivision applies to the new law coordinated program of the Duluth
37.26 Teachers Retirement Fund Association.

37.27 (b) The normal coordinated retirement annuity is an amount equal to a retiring
37.28 coordinated member's average salary under section 354A.011, subdivision 7a, multiplied
37.29 by the retirement annuity formula percentage.

37.30 (c) This paragraph, in conjunction with subdivision 6, applies to a person who first
37.31 became a member or a member in a pension fund listed in section 356.30, subdivision 3,
37.32 before July 1, 1989, unless paragraph (d), in conjunction with subdivision 7, produces a
37.33 higher annuity amount, in which case paragraph (d) applies. The retirement annuity
37.34 formula percentage for purposes of this paragraph is the percent specified in section
37.35 356.315, subdivision 1, per year for each year of coordinated program service for the first

38.1 ten years rendered through June 30, 2013, and the percent specified in section 356.315,
 38.2 subdivision 1a, per year for each year of coordinated program service rendered after June
 38.3 30, 2013, and the percent specified in section 356.315, subdivision 2, for each subsequent
 38.4 year of coordinated program service through June 30, 2013, and the percent specified in
 38.5 section 356.315, subdivision 2b, per year for each year of coordinated program service
 38.6 rendered after June 30, 2013.

38.7 (d) This paragraph applies to a person who is at least 55 years old and who first
 38.8 becomes a member after June 30, 1989, and to any other member who is at least 55 years
 38.9 old and whose annuity amount, when calculated under this paragraph and in conjunction
 38.10 with subdivision 7, is higher than it is when calculated under paragraph (c) in conjunction
 38.11 with subdivision 6. The retirement annuity formula percentage for purposes of this
 38.12 paragraph is the percent specified in section 356.315, subdivision 2, for each year of
 38.13 coordinated program service through June 30, 2013, and the percent specified in section
 38.14 356.315, subdivision 2b, per year for each year of coordinated program service rendered
 38.15 after June 30, 2013.

38.16 **EFFECTIVE DATE.** This section is effective July 1, 2013.

38.17 Sec. 15. Minnesota Statutes 2012, section 354A.31, subdivision 7, is amended to read:

38.18 Subd. 7. **Actuarial reduction for early retirement.** (a) This subdivision applies to
 38.19 a person who has become at least 55 years old and first becomes a coordinated member
 38.20 after June 30, 1989, and to any other coordinated member who has become at least 55
 38.21 years old and whose annuity is higher when calculated using the retirement annuity
 38.22 formula percentage in subdivision 4, paragraph (d), ~~and~~ or subdivision 4a, paragraph (d),
 38.23 as applicable, in conjunction with this subdivision than when calculated under subdivision
 38.24 4, paragraph (c), or subdivision 4a, paragraph (c), in conjunction with subdivision 6.

38.25 (b) A coordinated member who retires before the ~~full benefit~~ normal retirement
 38.26 age shall be paid the retirement annuity calculated using the retirement annuity formula
 38.27 percentage in subdivision 4, paragraph (d), or subdivision 4a, paragraph (d), reduced so
 38.28 that the reduced annuity is the actuarial equivalent of the annuity that would be payable
 38.29 to the member if the member deferred receipt of the annuity and the annuity amount
 38.30 were augmented at an annual rate of three percent compounded annually from the day
 38.31 the annuity begins to accrue until the normal retirement age if the employee became an
 38.32 employee before July 1, 2006, and at 2.5 percent compounded annually from the day the
 38.33 annuity begins to accrue until the normal retirement age if the person initially becomes a
 38.34 teacher after June 30, 2006. whichever is applicable, multiplied by the applicable early
 38.35 retirement factor specified below:

	<u>Under age 62</u>		<u>Age 62 or older</u>	
	<u>or less than 30 years of service</u>		<u>with 30 years of service</u>	
39.3	<u>65</u>	<u>66</u>	<u>65</u>	<u>66</u>
39.4	<u>Age at retirement</u>			
39.5	<u>55</u>	<u>0.5376</u>	<u>0.4592</u>	
39.6	<u>56</u>	<u>0.5745</u>	<u>0.4992</u>	
39.7	<u>57</u>	<u>0.6092</u>	<u>0.5370</u>	
39.8	<u>58</u>	<u>0.6419</u>	<u>0.5726</u>	
39.9	<u>59</u>	<u>0.6726</u>	<u>0.6062</u>	
39.10	<u>60</u>	<u>0.7354</u>	<u>0.6726</u>	
39.11	<u>61</u>	<u>0.7947</u>	<u>0.7354</u>	
39.12	<u>62</u>	<u>0.8507</u>	<u>0.7947</u>	<u>0.8831</u>
39.13	<u>63</u>	<u>0.9035</u>	<u>0.8507</u>	<u>0.9246</u>
39.14	<u>64</u>	<u>0.9533</u>	<u>0.9035</u>	<u>0.9246</u>
39.15	<u>65</u>	<u>1.0000</u>	<u>0.9533</u>	<u>0.9635</u>
39.16	<u>66</u>		<u>1.0000</u>	<u>1.0000</u>

39.17 For normal retirement ages between ages 65 and 66, the early retirement factors will
 39.18 be determined by linear interpolation between the early retirement factors applicable for
 39.19 normal retirement ages 65 and 66.

39.20 **EFFECTIVE DATE.** This section is effective July 1, 2013.

39.21 Sec. 16. Minnesota Statutes 2012, section 354A.35, subdivision 2, is amended to read:

39.22 Subd. 2. **Death while eligible to retire; surviving spouse optional annuity.** (a)

39.23 The surviving spouse of a vested coordinated member who dies prior to retirement may
 39.24 elect to receive, instead of a refund with interest under subdivision 1, an annuity equal
 39.25 to the 100 percent joint and survivor annuity the member could have qualified for had
 39.26 the member terminated service on the date of death. The surviving spouse eligible for
 39.27 a surviving spouse benefit under this paragraph may apply for the annuity at any time
 39.28 after the date on which the deceased employee would have attained the required age for
 39.29 retirement based on the employee's allowable service. A surviving spouse eligible for
 39.30 surviving spouse benefits under paragraph (b) or (c) may apply for an annuity at any time
 39.31 after the member's death. The member's surviving spouse shall be paid a joint and survivor
 39.32 annuity under section 354A.32 and computed under section 354A.31.

39.33 (b) If the member was under age 55 and has credit for at least 30 years of allowable
 39.34 service on the date of death, the surviving spouse may elect to receive a 100 percent joint
 39.35 and survivor annuity based on the age of the member and surviving spouse on the date
 39.36 of death. The annuity is payable using the full early retirement reduction under section

40.1 354A.31, subdivision 6, paragraph (a), to age 55 and one-half of the early retirement
40.2 reduction from age 55 to the age payment begins.

40.3 (c) If a vested member of the Duluth Teachers Retirement Fund Association was
40.4 under age 55 on the date of death but did not yet qualify for retirement, the surviving
40.5 spouse may elect to receive the 100 percent joint and survivor annuity based on the age
40.6 of the member and the survivor at the time of death. The annuity is payable using the
40.7 full early retirement reduction under section 354A.31, subdivision 6 or 7, to age 55 and
40.8 one-half of the early retirement reduction from age 55 to the date payment begins.

40.9 (d) If a vested member of the St. Paul Teachers Retirement Fund Association was
40.10 under age 55 on the date of death but did not yet qualify for retirement, the surviving
40.11 spouse may elect to receive the 100 percent joint and survivor annuity based on the age
40.12 of the member and the survivor at the time of death. The annuity is payable using the
40.13 full early retirement reduction under section 354A.31, subdivision 6 or 7, to age 55 and
40.14 one-half of the actuarial equivalent reduction from age 55 to the date payment begins.
40.15 The actuarial equivalent reduction is calculated so that the reduced annuity is the actuarial
40.16 equivalent of the annuity that would be payable to the member if the member deferred
40.17 receipt of the annuity and the annuity amount were augmented at an annual rate of 2.5
40.18 percent compounded annually from the day the annuity begins to accrue until the normal
40.19 retirement age.

40.20 ~~(d)~~ (e) Sections 354A.37, subdivision 2, and 354A.39 apply to a deferred annuity
40.21 or surviving spouse benefit payable under this section. The benefits are payable for the
40.22 life of the surviving spouse, or upon expiration of the term certain benefit payment under
40.23 subdivision 2b.

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

40.25 Sec. 17. Minnesota Statutes 2012, section 356.215, subdivision 8, is amended to read:

40.26 Subd. 8. **Interest and salary assumptions.** (a) The actuarial valuation must use
40.27 the applicable following preretirement interest assumption and the applicable following
40.28 postretirement interest assumption:

40.29 (1) select and ultimate interest rate assumption

	ultimate preretirement interest rate assumption	ultimate postretirement interest rate assumption
plan		
40.34 general state employees retirement plan	8.5%	6.0%
40.35 correctional state employees retirement plan	8.5	6.0
40.36 State Patrol retirement plan	8.5	6.0

41.1	legislators retirement plan	0.0	-2.0 until June 30,
41.2			2040, and -2.5 after
41.3			June 30, 2040
41.4	elective state officers retirement plan	0.0	-2.0 until June 30,
41.5			2040, and -2.5 after
41.6			June 30, 2040
41.7	judges retirement plan	8.5	6.0
41.8	general public employees retirement plan	8.5	6.0
41.9	public employees police and fire retirement plan	8.5	6.0
41.10	local government correctional service	8.5	6.0
41.11	retirement plan		
41.12	teachers retirement plan	8.5	6.0
41.13	Duluth teachers retirement plan	8.5	8.5
41.14	St. Paul teachers retirement plan	8.5	8.5

41.15 Except for the legislators retirement plan and the elective state officers retirement
 41.16 plan, the select preretirement interest rate assumption for the period after June 30, 2012,
 41.17 through June 30, 2017, is 8.0 percent. Except for the legislators retirement plan and the
 41.18 elective state officers retirement plan, the select postretirement interest rate assumption for
 41.19 the period after June 30, 2012, through June 30, 2017, is 5.5 percent, except for the Duluth
 41.20 teachers retirement plan and the St. Paul teachers retirement plan, each with a select
 41.21 postretirement interest rate assumption for the period after June 30, 2012, through June
 41.22 30, 2017, of 8.0 percent.

41.23 (2) single rate preretirement and postretirement interest rate assumption

41.24		interest rate
41.25	plan	assumption
41.26	Bloomington Fire Department Relief Association	6.0
41.27	local monthly benefit volunteer firefighters relief	5.0
41.28	associations	

41.29 (b) The actuarial valuation must use the applicable following single rate future salary
 41.30 increase assumption, the applicable following modified single rate future salary increase
 41.31 assumption, or the applicable following graded rate future salary increase assumption:

41.32 (1) single rate future salary increase assumption

41.33	plan	future salary increase assumption
41.34	legislators retirement plan	5.0%
41.35	judges retirement plan	3.0
41.36	Bloomington Fire Department Relief	4.0
41.37	Association	

41.38 (2) age-related future salary increase age-related select and ultimate future salary
 41.39 increase assumption or graded rate future salary increase assumption

42.1 plan future salary increase assumption
 42.2 local government correctional service retirement plan assumption C
 42.3 Duluth teachers retirement plan assumption A
 42.4 St. Paul teachers retirement plan assumption B

42.5 For plans other than the Duluth teachers
 42.6 retirement plan, the select calculation
 42.7 is: during the designated select period, a
 42.8 designated percentage rate is multiplied by
 42.9 the result of the designated integer minus T,
 42.10 where T is the number of completed years
 42.11 of service, and is added to the applicable
 42.12 future salary increase assumption. The
 42.13 designated select period is ten years and the
 42.14 designated integer is ten for all retirement
 42.15 plans covered by this clause the Duluth
 42.16 Teachers Retirement Fund Association
 42.17 and for the local government correctional
 42.18 service retirement plan and 15 for the St.
 42.19 Paul Teachers Retirement Fund Association.
 42.20 The designated percentage rate is ~~0.3~~ 0.2
 42.21 percent for the St. Paul Teachers Retirement
 42.22 Fund Association. The select calculation
 42.23 for the Duluth Teachers Retirement Fund
 42.24 Association is 8.00 percent per year for
 42.25 service years one through seven, 7.25 percent
 42.26 per year for service years seven and eight,
 42.27 and 6.50 percent per year for service years
 42.28 eight and nine.

42.29 The ultimate future salary increase assumption is:

42.30 age	A	B	C
42.31 16	8.00% <u>6.00%</u>	6.90% <u>5.90%</u>	9.00%
42.32 17	8.00 <u>6.00</u>	6.90 <u>5.90</u>	9.00
42.33 18	8.00 <u>6.00</u>	6.90 <u>5.90</u>	9.00
42.34 19	8.00 <u>6.00</u>	6.90 <u>5.90</u>	9.00
42.35 20	6.90 <u>6.00</u>	6.90 <u>5.90</u>	9.00
42.36 21	6.90 <u>6.00</u>	6.90 <u>5.90</u>	8.75
42.37 22	6.90 <u>6.00</u>	6.90 <u>5.90</u>	8.50

43.1	23	6.85 <u>6.00</u>	6.85 <u>5.85</u>	8.25
43.2	24	6.80 <u>6.00</u>	6.80 <u>5.80</u>	8.00
43.3	25	6.75 <u>6.00</u>	6.75 <u>5.75</u>	7.75
43.4	26	6.70 <u>6.00</u>	6.70 <u>5.70</u>	7.50
43.5	27	6.65 <u>6.00</u>	6.65 <u>5.65</u>	7.25
43.6	28	6.60 <u>6.00</u>	6.60 <u>5.60</u>	7.00
43.7	29	6.55 <u>6.00</u>	6.55 <u>5.55</u>	6.75
43.8	30	6.50 <u>6.00</u>	6.50 <u>5.50</u>	6.75
43.9	31	6.45 <u>6.00</u>	6.45 <u>5.45</u>	6.50
43.10	32	6.40 <u>6.00</u>	6.40 <u>5.40</u>	6.50
43.11	33	6.35 <u>6.00</u>	6.35 <u>5.35</u>	6.50
43.12	34	6.30 <u>6.00</u>	6.30 <u>5.30</u>	6.25
43.13	35	6.25 <u>6.00</u>	6.25 <u>5.25</u>	6.25
43.14	36	6.20 <u>5.86</u>	6.20 <u>5.20</u>	6.00
43.15	37	6.15 <u>5.73</u>	6.15 <u>5.15</u>	6.00
43.16	38	6.10 <u>5.59</u>	6.10 <u>5.10</u>	6.00
43.17	39	6.05 <u>5.45</u>	6.05 <u>5.05</u>	5.75
43.18	40	6.00 <u>5.31</u>	6.00 <u>5.00</u>	5.75
43.19	41	5.90 <u>5.18</u>	5.95 <u>4.95</u>	5.75
43.20	42	5.80 <u>5.04</u>	5.90 <u>4.90</u>	5.50
43.21	43	5.70 <u>4.90</u>	5.85 <u>4.85</u>	5.25
43.22	44	5.60 <u>4.76</u>	5.80 <u>4.80</u>	5.25
43.23	45	5.50 <u>4.63</u>	5.75 <u>4.75</u>	5.00
43.24	46	5.40 <u>4.49</u>	5.70 <u>4.70</u>	5.00
43.25	47	5.30 <u>4.35</u>	5.65 <u>4.65</u>	5.00
43.26	48	5.20 <u>4.21</u>	5.60 <u>4.60</u>	5.00
43.27	49	5.10 <u>4.08</u>	5.55 <u>4.55</u>	5.00
43.28	50	5.00 <u>3.94</u>	5.50 <u>4.50</u>	5.00
43.29	51	4.90 <u>3.80</u>	5.45 <u>4.45</u>	5.00
43.30	52	4.80 <u>3.66</u>	5.40 <u>4.40</u>	5.00
43.31	53	4.70 <u>3.53</u>	5.35 <u>4.35</u>	5.00
43.32	54	4.60 <u>3.39</u>	5.30 <u>4.30</u>	5.00
43.33	55	4.50 <u>3.25</u>	5.25 <u>4.25</u>	4.75
43.34	56	4.40 <u>3.25</u>	5.20 <u>4.20</u>	4.75
43.35	57	4.30 <u>3.25</u>	5.15 <u>4.15</u>	4.50
43.36	58	4.20 <u>3.25</u>	5.10 <u>4.10</u>	4.25
43.37	59	4.10 <u>3.25</u>	5.05 <u>4.05</u>	4.25
43.38	60	4.00 <u>3.25</u>	5.00 <u>4.00</u>	4.25
43.39	61	3.90 <u>3.25</u>	5.00 <u>4.00</u>	4.25
43.40	62	3.80 <u>3.25</u>	5.00 <u>4.00</u>	4.25
43.41	63	3.70 <u>3.25</u>	5.00 <u>4.00</u>	4.25
43.42	64	3.60 <u>3.25</u>	5.00 <u>4.00</u>	4.25
43.43	65	3.50 <u>3.25</u>	5.00 <u>4.00</u>	4.00

44.1	66	3.50 <u>3.25</u>	5.00 <u>4.00</u>	4.00
44.2	67	3.50 <u>3.25</u>	5.00 <u>4.00</u>	4.00
44.3	68	3.50 <u>3.25</u>	5.00 <u>4.00</u>	4.00
44.4	69	3.50 <u>3.25</u>	5.00 <u>4.00</u>	4.00
44.5	70	3.50 <u>3.25</u>	5.00 <u>4.00</u>	4.00

44.6 (3) service-related ultimate future salary increase assumption

44.7	general state employees retirement plan of the	assumption A
44.8	Minnesota State Retirement System	
44.9	general employees retirement plan of the Public	assumption B
44.10	Employees Retirement Association	
44.11	Teachers Retirement Association	assumption C
44.12	public employees police and fire retirement plan	assumption D
44.13	State Patrol retirement plan	assumption E
44.14	correctional state employees retirement plan of the	assumption F
44.15	Minnesota State Retirement System	

44.16	service						
44.17	length	A	B	C	D	E	F
44.18	1	10.50%	12.03%	12.00%	13.00%	8.00%	6.00%
44.19	2	8.10	8.90	9.00	11.00	7.50	5.85
44.20	3	6.90	7.46	8.00	9.00	7.00	5.70
44.21	4	6.20	6.58	7.50	8.00	6.75	5.55
44.22	5	5.70	5.97	7.25	6.50	6.50	5.40
44.23	6	5.30	5.52	7.00	6.10	6.25	5.25
44.24	7	5.00	5.16	6.85	5.80	6.00	5.10
44.25	8	4.70	4.87	6.70	5.60	5.85	4.95
44.26	9	4.50	4.63	6.55	5.40	5.70	4.80
44.27	10	4.40	4.42	6.40	5.30	5.55	4.65
44.28	11	4.20	4.24	6.25	5.20	5.40	4.55
44.29	12	4.10	4.08	6.00	5.10	5.25	4.45
44.30	13	4.00	3.94	5.75	5.00	5.10	4.35
44.31	14	3.80	3.82	5.50	4.90	4.95	4.25
44.32	15	3.70	3.70	5.25	4.80	4.80	4.15
44.33	16	3.60	3.60	5.00	4.80	4.65	4.05
44.34	17	3.50	3.51	4.75	4.80	4.50	3.95
44.35	18	3.50	3.50	4.50	4.80	4.35	3.85
44.36	19	3.50	3.50	4.25	4.80	4.20	3.75
44.37	20	3.50	3.50	4.00	4.80	4.05	3.75
44.38	21	3.50	3.50	3.90	4.70	4.00	3.75
44.39	22	3.50	3.50	3.80	4.60	4.00	3.75
44.40	23	3.50	3.50	3.70	4.50	4.00	3.75
44.41	24	3.50	3.50	3.60	4.50	4.00	3.75
44.42	25	3.50	3.50	3.50	4.50	4.00	3.75
44.43	26	3.50	3.50	3.50	4.50	4.00	3.75

45.1	27	3.50	3.50	3.50	4.50	4.00	3.75
45.2	28	3.50	3.50	3.50	4.50	4.00	3.75
45.3	29	3.50	3.50	3.50	4.50	4.00	3.75
45.4	30 or	3.50	3.50	3.50	4.50	4.00	3.75
45.5	more						

45.6 (c) The actuarial valuation must use the applicable following payroll growth
 45.7 assumption for calculating the amortization requirement for the unfunded actuarial
 45.8 accrued liability where the amortization retirement is calculated as a level percentage
 45.9 of an increasing payroll:

45.10	plan	payroll growth assumption
45.11	general state employees retirement plan of the	3.75%
45.12	Minnesota State Retirement System	
45.13	correctional state employees retirement plan	3.75
45.14	State Patrol retirement plan	3.75
45.15	judges retirement plan	3.00
45.16	general employees retirement plan of the Public	3.75
45.17	Employees Retirement Association	
45.18	public employees police and fire retirement plan	3.75
45.19	local government correctional service retirement plan	3.75
45.20	teachers retirement plan	3.75
45.21	Duluth teachers retirement plan	4.50 <u>3.50</u>
45.22	St. Paul teachers retirement plan	5.00 <u>4.00</u>

45.23 (d) The assumptions set forth in paragraphs (b) and (c) continue to apply, unless a
 45.24 different salary assumption or a different payroll increase assumption:

- 45.25 (1) has been proposed by the governing board of the applicable retirement plan;
- 45.26 (2) is accompanied by the concurring recommendation of the actuary retained under
- 45.27 section 356.214, subdivision 1, if applicable, or by the approved actuary preparing the
- 45.28 most recent actuarial valuation report if section 356.214 does not apply; and
- 45.29 (3) has been approved or deemed approved under subdivision 18.

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

45.31 Sec. 18. Minnesota Statutes 2012, section 356.47, subdivision 1, is amended to read:

45.32 Subdivision 1. **Application.** (a) This section applies to the balance of annual
 45.33 retirement annuities on the amount of retirement annuity reductions after reemployed
 45.34 annuitant earnings limitations for retirement plans governed by section 352.115,
 45.35 subdivision 10; 353.37; 354.44, subdivision 5; or 354A.31, subdivision 3.

45.36 (b) This section also applies to the balance of annual retirement annuities on
 45.37 the amount of retirement annuity reductions under section 354A.31, subdivision 3, for

46.1 members of the Duluth Teachers Retirement Fund Association whose effective date of
 46.2 retirement is before July 1, 2013.

46.3 (c) This section also applies to the balance of annual retirement annuities on
 46.4 the amount of retirement annuity reductions under section 354A.31, subdivision 3, for
 46.5 members of the St. Paul Teachers Retirement Fund Association whose effective date of
 46.6 retirement is before July 1, 2013.

46.7 **EFFECTIVE DATE.** This section is effective with respect to the Duluth Teachers
 46.8 Retirement Fund Association on July 1, 2013, and is effective with respect to the St. Paul
 46.9 Teachers Retirement Fund Association on the day following final enactment.

46.10 Sec. 19. Minnesota Statutes 2012, section 423A.02, subdivision 5, is amended to read:

46.11 Subd. 5. **Termination of state aid programs.** The amortization state aid,
 46.12 supplemental amortization state aid, and additional amortization state aid programs
 46.13 terminate as of the December 31, next following the date of the actuarial valuation when
 46.14 the assets of the St. Paul Teachers Retirement Fund Association equal the actuarial accrued
 46.15 liability of that plan or ~~December 31, 2009~~ June 30, 2037, whichever is ~~later~~ earlier.

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

46.17 Sec. 20. **DULUTH TEACHERS RETIREMENT FUND ASSOCIATION BYLAW**
 46.18 **AMENDMENT AUTHORIZATION.**

46.19 Consistent with Minnesota Statutes, section 354A.12, subdivision 4, the Duluth
 46.20 Teachers Retirement Fund Association is authorized to amend its articles of incorporation
 46.21 or its bylaws to specify the revised contribution rates under sections 3 and 4, required
 46.22 employee contributions on behalf of reemployed annuitants as specified under section 5,
 46.23 and revised treatment of reemployed annuitant holding accounts under sections 12 and 18.

46.24 **EFFECTIVE DATE.** This section is effective July 1, 2013.

46.25 Sec. 21. **ST. PAUL TEACHERS RETIREMENT FUND ASSOCIATION BYLAW**
 46.26 **AMENDMENT AUTHORIZATION.**

46.27 Consistent with Minnesota Statutes, section 354A.12, subdivision 4, the St. Paul
 46.28 Teachers Retirement Fund Association is authorized to amend its articles of incorporation
 46.29 or its bylaws to apply the reduction factors stated in section 15 rather than the actuarial
 46.30 reduction factors previously authorized.

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

48.1 Sec. 2. Minnesota Statutes 2012, section 356.415, subdivision 1, is amended to read:

48.2 Subdivision 1. **Annual postretirement adjustments; generally.** (a) Except as
48.3 otherwise provided in subdivision 1a, 1b, 1c, 1d, ~~or 1e~~, or 1f, retirement annuity, disability
48.4 benefit, or survivor benefit recipients of a covered retirement plan are entitled to a
48.5 postretirement adjustment annually on January 1, as follows:

48.6 (1) a postretirement increase of 2.5 percent must be applied each year, effective
48.7 January 1, to the monthly annuity or benefit of each annuitant or benefit recipient who has
48.8 been receiving an annuity or a benefit for at least 12 full months prior to the January 1
48.9 increase; and

48.10 (2) for each annuitant or benefit recipient who has been receiving an annuity or a
48.11 benefit amount for at least one full month, an annual postretirement increase of 1/12 of 2.5
48.12 percent for each month that the person has been receiving an annuity or benefit must be
48.13 applied, effective on January 1 following the calendar year in which the person has been
48.14 retired for less than 12 months.

48.15 (b) The increases provided by this subdivision commence on January 1, 2010.

48.16 (c) An increase in annuity or benefit payments under this section must be made
48.17 automatically unless written notice is filed by the annuitant or benefit recipient with the
48.18 executive director of the covered retirement plan requesting that the increase not be made.

48.19 (d) The retirement annuity payable to a person who retires before becoming eligible
48.20 for Social Security benefits and who has elected the optional payment as provided in
48.21 section 353.29, subdivision 6, must be treated as the sum of a period certain retirement
48.22 annuity and a life retirement annuity for the purposes of any postretirement adjustment.
48.23 The period certain retirement annuity plus the life retirement annuity must be the
48.24 annuity amount payable until age 62 for section 353.29, subdivision 6. A postretirement
48.25 adjustment granted on the period certain retirement annuity must terminate when the
48.26 period certain retirement annuity terminates.

48.27 **EFFECTIVE DATE.** This section is effective July 1, 2013.

48.28 Sec. 3. Minnesota Statutes 2012, section 356.415, is amended by adding a subdivision
48.29 to read:

48.30 Subd. 1f. **Annual postretirement adjustments; Minnesota State Retirement**
48.31 **System judges retirement plan.** (a) The increases provided under this subdivision begin
48.32 on January 1, 2014, and are in lieu of increases under subdivision 1 or 1a for retirement
48.33 annuity, disability benefit, or survivor benefit recipients of the judges retirement plan.

49.1 (b) Retirement annuity, disability benefit, or survivor benefit recipients of the
 49.2 judges retirement plan are entitled to a postretirement adjustment annually on January
 49.3 1, as follows:

49.4 (1) a postretirement increase of 1.75 percent must be applied each year, effective
 49.5 on January 1, to the monthly annuity or benefit of each annuitant or benefit recipient
 49.6 who has been receiving an annuity or a benefit for at least 18 full months before the
 49.7 January 1 increase; and

49.8 (2) for each annuitant or benefit recipient who has been receiving an annuity or a
 49.9 benefit for at least six full months, an annual postretirement increase of 1/12 of 1.75
 49.10 percent for each month that the person has been receiving an annuity or benefit must be
 49.11 applied, effective January 1, following the calendar year in which the person has been
 49.12 retired for at least six months, but has been retired for less than 18 months.

49.13 (c) Increases under this subdivision terminate on December 31 of the calendar
 49.14 year in which the actuarial valuation prepared by the approved actuary under sections
 49.15 356.214 and 356.215 and the standards for actuarial work promulgated by the Legislative
 49.16 Commission on Pensions and Retirement indicates that the market value of assets of the
 49.17 judges retirement plan equals or exceeds 70 percent of the actuarial accrued liability of
 49.18 the retirement plan. Increases under subdivision 1 or 1a, whichever is applicable, begin
 49.19 on the January 1 next following that date.

49.20 (d) An increase in annuity or benefit payments under this subdivision must be made
 49.21 automatically unless written notice is filed by the annuitant or benefit recipient with the
 49.22 executive director of the applicable covered retirement plan requesting that the increase
 49.23 not be made.

49.24 **EFFECTIVE DATE.** This section is effective July 1, 2013.

49.25 Sec. 4. Minnesota Statutes 2012, section 490.121, subdivision 21f, is amended to read:

49.26 Subd. 21f. **Normal retirement date.** (a) For a judge in the tier I program, "normal
 49.27 retirement date" means the date a the judge attains ~~the~~ age of 65.

49.28 (b) For a judge in the tier II program, "normal retirement date" means the date
 49.29 the judge attains age 66.

49.30 **EFFECTIVE DATE.** This section is effective July 1, 2013.

49.31 Sec. 5. Minnesota Statutes 2012, section 490.121, subdivision 22, is amended to read:

49.32 Subd. 22. **Service credit limit.** "Service credit limit" means, for a judge covered
 49.33 by tier I, the greater of: (1) 24 years of allowable service under this chapter; or (2), for

50.1 judges a judge with allowable service rendered before July 1, 1980, the number of years of
 50.2 allowable service under chapter 490, which, when multiplied by the percentage listed in
 50.3 section 356.315, subdivision 7 or 8, whichever is applicable to each year of service, equals
 50.4 76.8. For a judge covered by tier II, there is no service credit limit.

50.5 **EFFECTIVE DATE.** This section is effective July 1, 2013.

50.6 Sec. 6. Minnesota Statutes 2012, section 490.121, is amended by adding a subdivision
 50.7 to read:

50.8 Subd. 25. Tier I. "Tier I" is the benefit program of the retirement plan with a
 50.9 membership specified by section 490.1221, paragraph (b), and governed by sections
 50.10 356.315, subdivisions 7 and 8; 356.415, subdivisions 1 and 1f; and 490.121 to 490.133,
 50.11 except as modified in sections 356.315, subdivision 8a; 490.121, subdivision 21f,
 50.12 paragraph (b); 490.1222; 490.123, subdivision 1a, paragraph (b); and 490.124, subdivision
 50.13 1, paragraphs (c) and (d).

50.14 **EFFECTIVE DATE.** This section is effective July 1, 2013.

50.15 Sec. 7. Minnesota Statutes 2012, section 490.121, is amended by adding a subdivision
 50.16 to read:

50.17 Subd. 26. Tier II. "Tier II" is the benefit program of the retirement plan with a
 50.18 membership specified by section 490.1221, paragraph (c), and governed by sections
 50.19 356.315, subdivision 8a; 356.415, subdivisions 1 and 1f; 490.121 to 490.133, as modified
 50.20 in section 490.121, subdivision 21f, paragraph (b); 490.1222; 490.123, subdivision 1a,
 50.21 paragraph (b); and 490.124, subdivision 1, paragraphs (c) and (d).

50.22 **EFFECTIVE DATE.** This section is effective July 1, 2013.

50.23 Sec. 8. **[490.1221] JUDGES PLAN PROGRAMS.**

50.24 (a) Members of the judges retirement plan are members of either the tier I or tier II
 50.25 program.

50.26 (b) A tier I program judge is a person who was first appointed or elected as a judge
 50.27 before July 1, 2013, who was not eligible for the tier II program because the judge had
 50.28 five or more years of allowable service on or before December 30, 2013, or did not elect
 50.29 that program.

50.30 (c) A tier II program judge is a person who:

50.31 (1) was first appointed or elected as a judge after June 30, 2013; or

51.1 (2) was first appointed or elected as a judge before July 1, 2013, had less than five
 51.2 years of allowable service on or before December 30, 2013, and made an election under
 51.3 section 14 to be in the tier II program.

51.4 **EFFECTIVE DATE.** This section is effective July 1, 2013.

51.5 Sec. 9. **[490.1222] APPLICATION OF SERVICE CREDIT LIMIT.**

51.6 The service credit limit specified in section 490.121, subdivision 22, does not apply
 51.7 to a judge in the tier II program.

51.8 **EFFECTIVE DATE.** This section is effective July 1, 2013.

51.9 Sec. 10. Minnesota Statutes 2012, section 490.123, subdivision 1a, is amended to read:

51.10 Subd. 1a. **Member contribution rates.** (a) ~~A judge who is covered by the federal~~
 51.11 ~~Old Age, Survivors, Disability, and Health Insurance Program and in the tier I program~~
 51.12 whose service does not exceed the service credit limit in section 490.121, subdivision 22,
 51.13 shall contribute to the fund from each salary payment a sum equal to ~~8.00~~ 9.00 percent
 51.14 of salary.

51.15 (b) A judge in the tier II program shall contribute to the fund from each salary
 51.16 payment a sum equal to 7.00 percent of salary.

51.17 ~~(b) The contribution~~ (c) Contributions under this subdivision ~~is~~ are payable by salary
 51.18 deduction. The deduction must be made by the state court administrator under section
 51.19 352.04, subdivisions 4, 5, and 8.

51.20 **EFFECTIVE DATE.** This section is effective beginning on the first day of the first
 51.21 full payroll period following an increase in judicial salaries of at least one percent due to
 51.22 action by the legislature during calendar year 2013 or later.

51.23 Sec. 11. Minnesota Statutes 2012, section 490.123, subdivision 1b, is amended to read:

51.24 Subd. 1b. **Employer contribution rate.** (a) The employer contribution rate to the
 51.25 fund on behalf of a judge is ~~20.5~~ 22.5 percent of salary. The employer obligation continues
 51.26 after a judge exceeds the service credit limit in section 490.121, subdivision 22.

51.27 (b) The employer contribution must be paid by the state court administrator. The
 51.28 employer contribution is payable at the same time as member contributions are made
 51.29 under subdivision 1a or as employee contributions are made to the unclassified program
 51.30 governed by chapter 352D for judges whose service exceeds the limit in section 490.121,
 51.31 subdivision 22, are remitted.

52.1 **EFFECTIVE DATE.** This section is effective the first day of the first full payroll
52.2 period after June 30, 2013.

52.3 Sec. 12. Minnesota Statutes 2012, section 490.124, subdivision 1, is amended to read:

52.4 Subdivision 1. **Basic Retirement annuity.** (a) Except as qualified hereinafter from
52.5 and after the mandatory retirement date, the normal retirement date, the early retirement
52.6 date, or one year from the disability retirement date, as the case may be, a retiring judge is
52.7 eligible to receive a retirement annuity from the judges' retirement fund.

52.8 (b) For a tier I program judge, the retirement annuity is an amount equal to:

52.9 (1) the percent specified in section 356.315, subdivision 7, multiplied by the judge's
52.10 final average compensation with that result then multiplied by the number of years and
52.11 fractions of years of allowable service rendered before July 1, 1980; plus

52.12 (2) the percent specified in section 356.315, subdivision 8, multiplied by the judge's
52.13 final average compensation with that result then multiplied by the number of years and
52.14 fractions of years of allowable service rendered after June 30, 1980.

52.15 (c) For a tier II program judge who was first appointed or elected as a judge before
52.16 July 1, 2013, the retirement annuity is an amount equal to:

52.17 (1) the percent specified in section 356.315, subdivision 8, multiplied by the judge's
52.18 final average compensation with that result then multiplied by the number of years and
52.19 fractions of years of allowable service rendered before January 1, 2014; plus

52.20 (2) the percentage specified in section 356.315, subdivision 8a, multiplied by the
52.21 judge's final average compensation with that result then multiplied by the number of years
52.22 and fractions of years of allowable service rendered after December 31, 2013.

52.23 (d) For a tier II program judge who was first appointed or elected as a judge after
52.24 June 30, 2013, the retirement annuity is an amount equal to the percent specified in section
52.25 356.315, subdivision 8a, multiplied by the judge's final average compensation with that
52.26 result then multiplied by the number of years and fractions of years of allowable service.

52.27 (e) (e) For a judge in the tier I program, service that exceeds the service credit limit in
52.28 section 490.121, subdivision 22, must be excluded in calculating the retirement annuity, but
52.29 the compensation earned by the judge during this period of judicial service must be used in
52.30 determining a judge's final average compensation and calculating the retirement annuity.

52.31 **EFFECTIVE DATE.** This section is effective July 1, 2013.

52.32 Sec. 13. **MEMBER CONTRIBUTION INCREASE CONDITION.**

52.33 Any increase in judicial salaries enacted by the legislature during calendar year 2013
52.34 or later is not applicable to a judge in the tier I program if the member contribution rate

53.1 applicable to that judge in the tier I program under section 10 is not deducted from the
 53.2 salary of the judge.

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

53.4 Sec. 14. **TIER II PROGRAM ELECTION; PRE-JULY 1, 2013, JUDGES.**

53.5 Subdivision 1. **Authority.** A person who was first appointed or elected as a judge
 53.6 covered by the Minnesota State Retirement System judges retirement plan before July 1,
 53.7 2013, is eligible to elect treatment as a tier II program judge if the judge has less than five
 53.8 years of allowable service on the date the judge makes a valid election under subdivision 2.

53.9 Subd. 2. **Election procedure.** An eligible judge under subdivision 1 may elect
 53.10 to be subject to provisions of Minnesota Statutes, chapter 490, applicable to a tier II
 53.11 program judge rather than the tier I program by electing that treatment in writing before
 53.12 January 1, 2014, on a form provided by the executive director of the Minnesota State
 53.13 Retirement System.

53.14 Subd. 3. **Effect of election.** (a) The election is irrevocable.

53.15 (b) An eligible judge who fails to make an election remains in the tier I program.

53.16 (c) If the tier II program is elected by an eligible judge, member contributions based on
 53.17 revised member contribution rates under Minnesota Statutes, section 490.123, subdivision
 53.18 1a, begin on the first day of the first full pay period occurring after January 1, 2014.

53.19 **EFFECTIVE DATE.** This section is effective July 1, 2013.

53.20

ARTICLE 7

53.21

MISCELLANEOUS PROVISIONS

53.22 Section 1. Minnesota Statutes 2012, section 356.91, is amended to read:

53.23 **356.91 VOLUNTARY MEMBERSHIP DUES DEDUCTION.**

53.24 (a) Upon written authorization of a person receiving an annuity from a public
 53.25 pension fund administered by the Minnesota State Retirement System or the Public
 53.26 Employees Retirement Association, the executive director of the public pension fund ~~may~~
 53.27 shall deduct from the retirement annuity an amount requested by the annuitant to be paid
 53.28 as membership dues or other payments to any labor organization that is an exclusive
 53.29 bargaining agent representing public employees or an organization representing retired
 53.30 public employees of which the annuitant is a member and shall, on a monthly basis, pay
 53.31 the amount to the organization so designated by the annuitant.

54.1 (b) A pension fund and the plan fiduciaries which authorize or administer deductions
54.2 of dues payments under paragraph (a) are not liable for failure to properly deduct or transmit
54.3 the dues amounts, provided that the fund and the fiduciaries have acted in good faith.

54.4 (c) ~~The deductions under paragraph (a) may occur no more frequently than two times~~
54.5 ~~per year and may not be used for political purposes.~~ Any labor organization that is an
54.6 exclusive bargaining agent representing public employees or an organization representing
54.7 retired public employees may conduct blind mailings to the annuitants of a retirement
54.8 system specified in paragraph (a) by requesting that the retirement system mail voluntary
54.9 membership information and dues deduction cards to annuitants. Such mailings shall not
54.10 be for the purpose of supporting or opposing any candidate, political party, or ballot
54.11 measure. The organization requesting the blind mailing shall pay all costs associated
54.12 with these mailings, including but not limited to copying, labeling, mailing, postage, and
54.13 record keeping. In lieu of administering a blind mailing in-house, a retirement system
54.14 may transmit annuitant data necessary for conducting a blind mailing to a mail center
54.15 pursuant to a secure data share agreement with the mail center which provides that neither
54.16 the organization nor any other entity shall have direct access to the data transmitted by
54.17 the retirement system. The retirement system shall have no obligation to approve or
54.18 disapprove, or otherwise be responsible for, the content of the mailings. No organization
54.19 shall conduct more than two blind mailings per calendar year.

54.20 (d) ~~Any labor organization specified in paragraph (a) shall reimburse the public~~
54.21 ~~pension fund for the administrative expense of withholding premium amounts.~~

APPENDIX
Article locations in S1191-2

ARTICLE 1	STATE PATROL RETIREMENT PLAN FINANCIAL SOLVENCY MEASURES	Page.Ln 2.1
ARTICLE 2	PERA PLANS SALARY DEFINITION	Page.Ln 8.17
ARTICLE 3	PUBLIC EMPLOYEES POLICE AND FIRE RETIREMENT PLAN FINANCIAL SOLVENCY MEASURES	Page.Ln 11.30
ARTICLE 4	TEACHERS RETIREMENT ASSOCIATION EARLY RETIREMENT REDUCTION FACTORS	Page.Ln 25.12
ARTICLE 5	FIRST CLASS CITY TEACHER RETIREMENT INCREASES AND FINANCIAL SOLVENCY MEASURES	Page.Ln 28.10
ARTICLE 6	JUDGES RETIREMENT PLAN FINANCIAL SOLVENCY MEASURES	Page.Ln 47.27
ARTICLE 7	MISCELLANEOUS PROVISIONS	Page.Ln 53.20

352B.11 RETIREES.

Subd. 2c. **Surviving spouse benefit entitlements.** (a) A surviving spouse specified in subdivision 2b is eligible to receive, following the filing of a valid application and consistent with any other applicable requirements, a benefit as specified in this subdivision. A 100 percent joint and survivor annuity under paragraph (b) must be computed assuming the exact age 55 for the deceased member and the age of the surviving spouse on the date of death. A 100 percent joint and survivor annuity under paragraph (d) or (e) must be computed using the age of the deceased member on the date of death and the age of the surviving spouse on that same date.

(b) For a surviving spouse specified in subdivision 2b, paragraph (a) or (d), the surviving spouse benefit is a benefit for life equal to 50 percent of the average monthly salary of the deceased member. On the first of the month next following the date on which the deceased member would have attained exact age 55, in lieu of continued receipt of the prior benefit, the surviving spouse is eligible to commence receipt of the second half of a 100 percent joint and survivor annuity, if this provides a larger benefit.

(c) For a surviving spouse specified in subdivision 2b, paragraph (b), the surviving spouse benefit is a benefit for life equal to 50 percent of the average monthly salary of the deceased member.

(d) For a surviving spouse specified in subdivision 2b, paragraph (c), the surviving spouse benefit is a benefit for life equal to 50 percent of the average monthly salary of the deceased member, or the second half of a 100 percent joint and survivor annuity, whichever is larger.

(e) For a surviving spouse specified in subdivision 2b, paragraph (e), the surviving spouse benefit is the second half of a 100 percent joint and survivor annuity, commencing on the first of the month next following the deceased member's date of death, or the first of the month next following the date on which the deceased member would have attained age 55, whichever is later.

(f) For a surviving spouse specified in subdivision 2b, paragraph (f), the surviving spouse or, if none, the children or, if none, the deceased member's estate, is entitled to a refund of the employee contributions plus interest computed as specified in subdivision 1.

**354A.27 DULUTH TEACHERS RETIREMENT FUND ASSOCIATION;
POSTRETIREMENT ADJUSTMENT MECHANISM.**

Subd. 6. **Calculation of postretirement adjustments; transitional provision.** (a) For purposes of computing postretirement adjustments after July 1, 2010, for eligible benefit recipients of the Duluth Teachers Retirement Fund Association, the funding ratio of the plan, as determined by dividing the market value of assets by the actuarial accrued liability as reported in the most recent actuarial valuation prepared under sections 356.214 and 356.215, determines the postretirement increase as follows:

Funding Ratio	Postretirement Increase
less than 80 percent	0 percent
at least 80 percent but less than 90 percent	1 percent
at least 90 percent	2 percent

(b) If the funding ratio of the plan based on actuarial value, rather than market value, is at least 90 percent as reported in the most recent actuarial valuation prepared under sections 356.214 and 356.215, this subdivision expires and subsequent postretirement increases must be paid as specified under subdivision 7.