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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 1672

02/23/2017 Authored by Murphy, M.; Thissen and Bly
The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act
1.2 relating to retirement; volunteer firefighter relief associations; implementing the
1.3 recommendations of the state auditor's volunteer firefighter working group; updating
1.4 audit requirements; updating corporate stock requirements; modifying the definition
1.5 of municipality; providing the option to include emergency medical response
1.6 volunteers in plan coverage; making various technical corrections; amending
1.7 Minnesota Statutes 2016, sections 69.051, subdivision 1; 356A.06, subdivision 7;
1.8 424A.001, subdivisions 2, 3, 10, by adding a subdivision; 424A.002, subdivision
1.9 1; 424A.01, subdivisions 1, 5, 6; 424A.015, subdivision 1; 424A.016, subdivision
1.10 2; 424A.02, subdivisions 1, 3a, 7; 424A.04, subdivision 1; 424A.07; 424A.091,
1.11 subdivision 3; 424A.094, subdivision 3; 424A.10, subdivision 1.

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

1.13 Section 1. Minnesota Statutes 2016, section 69.051, subdivision 1, is amended to read:

1.14 Subdivision 1. **Financial report and audit.** (a) The board of the Bloomington Fire
1.15 Department Relief Association and each volunteer firefighters relief association as defined
1.16 in section 424A.001, subdivision 4, with assets of at least \$500,000 or liabilities of at least
1.17 \$500,000 in the prior year or in any previous year, according to the applicable actuarial
1.18 valuation or according to the financial report if no valuation is required, shall prepare a
1.19 financial report covering the special and general funds of the relief association for the
1.20 preceding fiscal year, file the financial report, and submit financial statements.

1.21 (b) The financial report must contain financial statements and disclosures which present
1.22 the true financial condition of the relief association and the results of relief association
1.23 operations in conformity with generally accepted accounting principles and in compliance
1.24 with the regulatory, financing and funding provisions of this chapter and any other applicable
1.25 laws. The financial report must be countersigned by:

2.1 (1) the municipal clerk or clerk-treasurer of the municipality in which the relief
 2.2 association is located if the relief association is a firefighters relief association which is
 2.3 directly associated with a municipal fire department; or

2.4 (2) by the municipal clerk or clerk-treasurer of the largest municipality in population
 2.5 which contracts with the independent nonprofit firefighting corporation if the volunteer
 2.6 firefighter relief association is a subsidiary of an independent nonprofit firefighting
 2.7 corporation and by the secretary of the independent nonprofit firefighting corporation; or

2.8 (3) by the chief financial official of the county in which the volunteer firefighter relief
 2.9 association is located or primarily located if the relief association is associated with a fire
 2.10 department that is not located in or associated with an organized municipality.

2.11 (c) The financial report must be retained in its office for public inspection and must be
 2.12 filed with the governing body of the government subdivision in which the associated fire
 2.13 department is located after the close of the fiscal year. One copy of the financial report must
 2.14 be furnished to the state auditor after the close of the fiscal year.

2.15 (d) Audited financial statements must be attested to by a certified public accountant or
 2.16 by the state auditor and must be filed with the state auditor within 180 days after the close
 2.17 of the fiscal year. Audits must be conducted in compliance with generally accepted
 2.18 governmental auditing standards and section 6.65 governing audit procedures. The state
 2.19 auditor may accept this report in lieu of the report required in paragraph (c).

2.20 **EFFECTIVE DATE.** This section is effective January 1, 2018.

2.21 Sec. 2. Minnesota Statutes 2016, section 356A.06, subdivision 7, is amended to read:

2.22 Subd. 7. **Expanded list of authorized investment securities.** (a) **Authority.** A covered
 2.23 pension plan not described by subdivision 6, paragraph (a), is an expanded list plan and
 2.24 shall invest its assets as specified in this subdivision. The governing board of an expanded
 2.25 list plan may select and appoint investment agencies to act for or on its behalf.

2.26 (b) **Securities generally; investment forms.** An expanded list plan is authorized to
 2.27 purchase, sell, lend, and exchange the investment securities authorized under this subdivision,
 2.28 including puts and call options and future contracts traded on a contract market regulated
 2.29 by a governmental agency or by a financial institution regulated by a governmental agency.
 2.30 These securities may be owned directly or through shares in exchange-traded or mutual
 2.31 funds, or as units in commingled trusts, subject to any limitations specified in this subdivision.

2.32 (c) **Government obligations.** An expanded list plan is authorized to invest funds in
 2.33 governmental bonds, notes, bills, mortgages, and other evidences of indebtedness if the

3.1 issue is backed by the full faith and credit of the issuer or the issue is rated among the top
3.2 four quality rating categories by a nationally recognized rating agency. The obligations in
3.3 which funds may be invested under this paragraph are guaranteed or insured issues of:

3.4 (1) the United States, one of its agencies, one of its instrumentalities, or an organization
3.5 created and regulated by an act of Congress;

3.6 (2) the Dominion of Canada or one of its provinces if the principal and interest are
3.7 payable in United States dollars;

3.8 (3) a state or one of its municipalities, political subdivisions, agencies, or
3.9 instrumentalities; and

3.10 (4) a United States government-sponsored organization of which the United States is a
3.11 member if the principal and interest are payable in United States dollars.

3.12 (d) **Investment-grade corporate obligations.** An expanded list plan is authorized to
3.13 invest funds in bonds, notes, debentures, transportation equipment obligations, or any other
3.14 longer term evidences of indebtedness issued or guaranteed by a corporation organized
3.15 under the laws of the United States or any of its states, or the Dominion of Canada or any
3.16 of its provinces if:

3.17 (1) the principal and interest are payable in United States dollars; and

3.18 (2) the obligations are rated among the top four quality categories by a nationally
3.19 recognized rating agency.

3.20 (e) **Below-investment-grade corporate obligations.** An expanded list plan is authorized
3.21 to invest in unrated corporate obligations or in corporate obligations that are not rated among
3.22 the top four quality categories by a nationally recognized rating agency if:

3.23 (1) the aggregate value of these obligations does not exceed five percent of the covered
3.24 pension plan's market value;

3.25 (2) the covered pension plan's participation is limited to 50 percent of a single offering
3.26 subject to this paragraph; and

3.27 (3) the covered pension plan's participation is limited to 25 percent of an issuer's
3.28 obligations subject to this paragraph.

3.29 (f) **Other obligations.** (1) An expanded list plan is authorized to invest funds in:

3.30 (i) bankers acceptances and deposit notes if issued by a United States bank that is rated
3.31 in the highest four quality categories by a nationally recognized rating agency;

4.1 (ii) certificates of deposit if issued by a United States bank or savings institution rated
4.2 in the highest four quality categories by a nationally recognized rating agency or whose
4.3 certificates of deposit are fully insured by federal agencies, or if issued by a credit union in
4.4 an amount within the limit of the insurance coverage provided by the National Credit Union
4.5 Administration;

4.6 (iii) commercial paper if issued by a United States corporation or its Canadian subsidiary
4.7 and if rated in the highest two quality categories by a nationally recognized rating agency;

4.8 (iv) mortgage securities and asset-backed securities if rated in the top four quality
4.9 categories by a nationally recognized rating agency;

4.10 (v) repurchase agreements and reverse repurchase agreements if collateralized with
4.11 letters of credit or securities authorized in this section;

4.12 (vi) guaranteed investment contracts if issued by an insurance company or a bank that
4.13 is rated in the top four quality categories by a nationally recognized rating agency or
4.14 alternative guaranteed investment contracts if the underlying assets comply with the
4.15 requirements of this subdivision;

4.16 (vii) savings accounts if fully insured by a federal agency; and

4.17 (viii) guaranty fund certificates, surplus notes, or debentures if issued by a domestic
4.18 mutual insurance company.

4.19 (2) Sections 16A.58, 16C.03, subdivision 4, and 16C.05 do not apply to certificates of
4.20 deposit and collateralization agreements executed by the covered pension plan under clause
4.21 (1), item (ii).

4.22 (3) In addition to investments authorized by clause (1), item (iv), an expanded list plan
4.23 is authorized to purchase from the Minnesota Housing Finance Agency all or any part of a
4.24 pool of residential mortgages, not in default, that has previously been financed by the
4.25 issuance of bonds or notes of the agency. The covered pension plan may also enter into a
4.26 commitment with the agency, at the time of any issue of bonds or notes, to purchase at a
4.27 specified future date, not exceeding 12 years from the date of the issue, the amount of
4.28 mortgage loans then outstanding and not in default that have been made or purchased from
4.29 the proceeds of the bonds or notes. The covered pension plan may charge reasonable fees
4.30 for any such commitment and may agree to purchase the mortgage loans at a price sufficient
4.31 to produce a yield to the covered pension plan comparable, in its judgment, to the yield
4.32 available on similar mortgage loans at the date of the bonds or notes. The covered pension
4.33 plan may also enter into agreements with the agency for the investment of any portion of

5.1 the funds of the agency. The agreement must cover the period of the investment, withdrawal
5.2 privileges, and any guaranteed rate of return.

5.3 (g) **Corporate stocks.** An expanded list plan is authorized to invest in stocks or
5.4 convertible issues of any corporation organized under the laws of the United States or any
5.5 of its states, any corporation organized under the laws of the Dominion of Canada or any
5.6 of its provinces, or any corporation listed on an exchange that is regulated by an agency of
5.7 the United States or of the Canadian national government.

5.8 An investment in any corporation must not exceed five percent of the total outstanding
5.9 shares of that corporation, except that an expanded list plan may hold up to 20 percent of
5.10 the shares of a real estate investment trust and up to 20 percent of the shares of a closed
5.11 mutual fund. Purchase of shares of exchange-traded or mutual funds shall be consistent
5.12 with paragraph (b).

5.13 (h) **Other investments.** (1) In addition to the investments authorized in paragraphs (b)
5.14 to (g), and subject to the provisions in clause (2), an expanded list plan is authorized to
5.15 invest funds in:

5.16 (i) equity and debt investment businesses through participation in limited partnerships,
5.17 trusts, private placements, limited liability corporations, limited liability companies, limited
5.18 liability partnerships, and corporations;

5.19 (ii) real estate ownership interests or loans secured by mortgages or deeds of trust or
5.20 shares of real estate investment trusts, through investment in limited partnerships,
5.21 bank-sponsored collective funds, trusts, mortgage participation agreements, and insurance
5.22 company commingled accounts, including separate accounts;

5.23 (iii) resource investments through limited partnerships, trusts, private placements, limited
5.24 liability corporations, limited liability companies, limited liability partnerships, and
5.25 corporations; and

5.26 (iv) international securities.

5.27 (2) The investments authorized in clause (1) must conform to the following provisions:

5.28 (i) the aggregate value of all investments made under clause (1), items (i), (ii), and (iii),
5.29 may not exceed 35 percent of the market value of the fund for which the expanded list plan
5.30 is investing;

5.31 (ii) there must be at least four unrelated owners of the investment other than the expanded
5.32 list plan for investments made under clause (1), item (i), (ii), or (iii);

6.1 (iii) the expanded list plan's participation in an investment vehicle is limited to 20 percent
6.2 thereof for investments made under clause (1), item (i), (ii), or (iii);

6.3 (iv) the expanded list plan's participation in a limited partnership does not include a
6.4 general partnership interest or other interest involving general liability. The expanded list
6.5 plan may not engage in any activity as a limited partner which creates general liability;

6.6 (v) the aggregate value of all unrated obligations and obligations that are not rated among
6.7 the top four quality categories by a nationally recognized rating agency authorized by
6.8 paragraph (e) and clause (1), item (iv), must not exceed five percent of the covered plan's
6.9 market value; and

6.10 (vi) for volunteer firefighter relief associations, emerging market equity and international
6.11 debt investments authorized under clause (1), item (iv), must not exceed 15 percent of the
6.12 association's special fund market value.

6.13 (i) **Supplemental plan investments.** The governing body of an expanded list plan may
6.14 certify assets to the State Board of Investment for investment under section 11A.17.

6.15 (j) **Asset mix limitations.** The aggregate value of an expanded list plan's investments
6.16 under paragraphs (g) and (h) and equity investments under paragraph (i), regardless of the
6.17 form in which these investments are held, must not exceed 85 percent of the covered plan's
6.18 market value.

6.19 **EFFECTIVE DATE.** This section is effective January 1, 2018.

6.20 Sec. 3. Minnesota Statutes 2016, section 424A.001, subdivision 2, is amended to read:

6.21 Subd. 2. **Fire department.** "Fire department" includes a municipal fire department ~~or~~,
6.22 an independent nonprofit firefighting corporation, and a fire department serving a joint
6.23 powers entity established under section 471.59.

6.24 **EFFECTIVE DATE.** This section is effective January 1, 2018.

6.25 Sec. 4. Minnesota Statutes 2016, section 424A.001, is amended by adding a subdivision
6.26 to read:

6.27 Subd. 2a. **Municipal.** "Municipal" means of a city or township.

6.28 **EFFECTIVE DATE.** This section is effective January 1, 2018.

7.1 Sec. 5. Minnesota Statutes 2016, section 424A.001, subdivision 3, is amended to read:

7.2 Subd. 3. **Municipality.** "Municipality" means a ~~municipality~~ city or township which
 7.3 has established a fire department with which the relief association is directly associated, ~~or~~
 7.4 ~~the municipalities~~ a city or township which ~~have~~ has entered into a contract with the
 7.5 independent nonprofit firefighting corporation of which the relief association is ~~a subsidiary~~
 7.6 directly associated, or a city or township that has entered into a contract with a joint powers
 7.7 entity established under section 471.59 of which the relief association is directly associated.

7.8 **EFFECTIVE DATE.** This section is effective January 1, 2018.

7.9 Sec. 6. Minnesota Statutes 2016, section 424A.001, subdivision 10, is amended to read:

7.10 Subd. 10. **Volunteer firefighter.** "Volunteer firefighter" means a person who is a member
 7.11 of the applicable fire department or the independent nonprofit firefighting corporation and
 7.12 is eligible for membership in the applicable relief association and:

7.13 (i) is engaged in providing emergency response services or delivering fire education or
 7.14 prevention services as a member of a ~~municipal~~ fire department, ~~a joint powers entity fire~~
 7.15 ~~department, or an independent nonprofit firefighting corporation;~~

7.16 (ii) is trained in or is qualified to provide fire suppression duties or to provide fire
 7.17 prevention duties under subdivision 8; and

7.18 (iii) meets any other minimum firefighter and service standards established by the fire
 7.19 department ~~or the independent nonprofit firefighting corporation~~ or specified in the articles
 7.20 of incorporation or bylaws of the relief association.

7.21 **EFFECTIVE DATE.** This section is effective January 1, 2018.

7.22 Sec. 7. Minnesota Statutes 2016, section 424A.002, subdivision 1, is amended to read:

7.23 Subdivision 1. **Authorization.** A ~~municipal~~ fire department ~~or an independent nonprofit~~
 7.24 ~~firefighting corporation~~, with approval by the applicable municipality or municipalities,
 7.25 may establish a new volunteer firefighter relief association or may retain an existing volunteer
 7.26 firefighter relief association. A ~~municipal~~ fire department ~~or an independent nonprofit~~
 7.27 ~~firefighting corporation~~ may be associated with only one volunteer firefighter relief
 7.28 association at one time.

7.29 **EFFECTIVE DATE.** This section is effective January 1, 2018.

8.1 Sec. 8. Minnesota Statutes 2016, section 424A.01, subdivision 1, is amended to read:

8.2 Subdivision 1. **Minors.** No volunteer firefighters relief association associated with a
8.3 municipality, a joint powers entity, or an independent nonprofit firefighting corporation
8.4 may include as a relief association member a minor serving as a volunteer firefighter.

8.5 **EFFECTIVE DATE.** This section is effective January 1, 2018.

8.6 Sec. 9. Minnesota Statutes 2016, section 424A.01, subdivision 5, is amended to read:

8.7 Subd. 5. **Fire prevention personnel.** (a) If the ~~fire department is a municipal department~~
8.8 ~~and the applicable municipality approves, or if the fire department is an independent nonprofit~~
8.9 ~~firefighting corporation and the contracting municipality~~ or municipalities approve, the fire
8.10 department may employ or otherwise utilize the services of persons as volunteer firefighters
8.11 to perform fire prevention duties and to supervise fire prevention activities.

8.12 (b) Personnel serving in fire prevention positions are eligible to be members of the
8.13 applicable volunteer firefighter relief association and to qualify for service pension or other
8.14 benefit coverage of the relief association on the same basis as fire department personnel
8.15 who perform fire suppression duties.

8.16 (c) Personnel serving in fire prevention positions also are eligible to receive any other
8.17 benefits under the applicable law or practice for services on the same basis as personnel
8.18 who are employed to perform fire suppression duties.

8.19 **EFFECTIVE DATE.** This section is effective January 1, 2018.

8.20 Sec. 10. Minnesota Statutes 2016, section 424A.01, subdivision 6, is amended to read:

8.21 Subd. 6. **Return to active firefighting after break in service.** (a) This subdivision
8.22 governs the service pension calculation requirements of a firefighter who returns to active
8.23 service after a break in service and applies to all breaks in service, except that the resumption
8.24 service requirements of this subdivision do not apply to leaves of absence made available
8.25 by federal statute, such as the Family Medical Leave Act, United States Code, title 29,
8.26 section 2691, and the Uniformed Services Employment and Reemployment Rights Act,
8.27 United States Code, title 38, section 4301, and do not apply to leaves of absence made
8.28 available by state statute, such as the Parental Leave Act, section 181.941; the Leave for
8.29 Organ Donation Act, section 181.9456; the Leave for Civil Air Patrol Service Act, section
8.30 181.946; the Leave for Immediate Family Members of Military Personnel Injured or Killed
8.31 in Active Service Act, section 181.947; or the Protection of Jurors' Employment Act, section
8.32 593.50.

9.1 (b)(1) If a firefighter who has ceased to perform or supervise fire suppression and fire
9.2 prevention duties for at least 60 days resumes performing active firefighting with the fire
9.3 department associated with the relief association, if the bylaws of the relief association so
9.4 permit, the firefighter may again become an active member of the relief association. A
9.5 firefighter who returns to active service and membership is subject to the service pension
9.6 calculation requirements under this section.

9.7 (2) A firefighter who has been granted an approved leave of absence not exceeding one
9.8 year by the fire department or by the relief association is exempt from the minimum period
9.9 of resumption service requirement of this section.

9.10 (3) A person who has a break in service not exceeding one year but has not been granted
9.11 an approved leave of absence and who has not received a service pension or disability benefit
9.12 may be made exempt from the minimum period of resumption service requirement of this
9.13 section by the relief association bylaws.

9.14 (4) If the bylaws so provide, a firefighter who returns to active relief association
9.15 membership under this paragraph may continue to collect a monthly service pension,
9.16 notwithstanding the service pension eligibility requirements under chapter 424A.

9.17 (c) If a former firefighter who has received a service pension or disability benefit returns
9.18 to active relief association membership under paragraph (b), the firefighter may qualify for
9.19 the receipt of a service pension from the relief association for the resumption service period
9.20 if the firefighter meets the service requirements of section 424A.016, subdivision 3, or
9.21 424A.02, subdivision 2. No firefighter may be paid a service pension more than once for
9.22 the same period of service.

9.23 (d) If a former firefighter who has not received a service pension or disability benefit
9.24 returns to active relief association membership under paragraph (b), the firefighter may
9.25 qualify for the receipt of a service pension from the relief association for the original and
9.26 resumption service periods if the firefighter meets the service requirements of section
9.27 424A.016, subdivision 3, or 424A.02, subdivision 2, based on the original and resumption
9.28 years of service credit.

9.29 (e) A firefighter who returns to active lump-sum relief association membership under
9.30 paragraph (b) and who qualifies for a service pension under paragraph (c) must have, upon
9.31 a subsequent cessation of duties, any service pension for the resumption service period
9.32 calculated as a separate benefit. If a lump-sum service pension had been paid to the firefighter
9.33 upon the firefighter's previous cessation of duties, a second lump-sum service pension for
9.34 the resumption service period must be calculated by applying the service pension amount

10.1 in effect on the date of the firefighter's termination of the resumption service for all years
10.2 of the resumption service.

10.3 (f) A firefighter who had not been paid a lump-sum service pension returns to active
10.4 relief association membership under paragraph (b), who did not meet the minimum period
10.5 of resumption service requirement specified in the relief association's bylaws, but who does
10.6 meet the minimum service requirement of section 424A.02, subdivision 2, based on the
10.7 firefighter's original and resumption years of active service, must have, upon a subsequent
10.8 cessation of duties, a service pension for the original and resumption service periods
10.9 calculated by applying the service pension amount in effect on the date of the firefighter's
10.10 termination of the resumption service, or, if the bylaws so provide, based on the service
10.11 pension amount in effect on the date of the firefighter's previous cessation of duties. The
10.12 service pension for a firefighter who returns to active lump-sum relief association membership
10.13 under this paragraph, but who had met the minimum period of resumption service requirement
10.14 specified in the relief association's bylaws, must be calculated by applying the service
10.15 pension amount in effect on the date of the firefighter's termination of the resumption service.

10.16 (g) If a firefighter receiving a monthly benefit service pension returns to active monthly
10.17 benefit relief association membership under paragraph (b), and if the relief association
10.18 bylaws do not allow for the firefighter to continue collecting a monthly service pension,
10.19 any monthly benefit service pension payable to the firefighter is suspended as of the first
10.20 day of the month next following the date on which the firefighter returns to active
10.21 membership. If the firefighter was receiving a monthly benefit service pension, and qualifies
10.22 for a service pension under paragraph (c), the firefighter is entitled to an additional monthly
10.23 benefit service pension upon a subsequent cessation of duties calculated based on the
10.24 resumption service credit and the service pension accrual amount in effect on the date of
10.25 the termination of the resumption service. A suspended initial service pension resumes as
10.26 of the first of the month next following the termination of the resumption service. If the
10.27 firefighter was not receiving a monthly benefit service pension and meets the minimum
10.28 service requirement of section 424A.02, subdivision 2, a service pension must be calculated
10.29 by applying the service pension amount in effect on the date of the firefighter's termination
10.30 of the resumption service for all years of service credit.

10.31 (h) A firefighter who was not receiving a monthly benefit service pension returns to
10.32 active relief association membership under paragraph (b), who did not meet the minimum
10.33 period of resumption service requirement specified in the relief association's bylaws, but
10.34 who does meet the minimum service requirement of section 424A.02, subdivision 2, based
10.35 on the firefighter's original and resumption years of active service, must have, upon a

11.1 subsequent cessation of duties, a service pension for the original and resumption service
 11.2 periods calculated by applying the service pension amount in effect on the date of the
 11.3 firefighter's termination of the resumption service, or, if the bylaws so provide, based on
 11.4 the service pension amount in effect on the date of the firefighter's previous cessation of
 11.5 duties. The service pension for a firefighter who returns to active relief association
 11.6 membership under this paragraph, but who had met the minimum period of resumption
 11.7 service requirement specified in the relief association's bylaws, must be calculated by
 11.8 applying the service pension amount in effect on the date of the firefighter's termination of
 11.9 the resumption service.

11.10 (i) For defined contribution plans, a firefighter who returns to active relief association
 11.11 membership under paragraph (b) and who qualifies for a service pension under paragraph
 11.12 (c) or (d) must have, upon a subsequent cessation of duties, any service pension for the
 11.13 resumption service period calculated as a separate benefit. If a service pension had been
 11.14 paid to the firefighter upon the firefighter's previous cessation of duties, and if the firefighter
 11.15 meets the minimum service requirement of section 424A.016, subdivision 3, based on the
 11.16 resumption years of service, a second service pension for the resumption service period
 11.17 must be calculated to include allocations credited to the firefighter's individual account
 11.18 during the resumption period of service and deductions for administrative expenses, if
 11.19 applicable.

11.20 (j) For defined contribution plans, if a firefighter who had not been paid a service pension
 11.21 returns to active relief association membership under paragraph (b), and who meets the
 11.22 minimum service requirement of section 424A.016, subdivision 3, based on the firefighter's
 11.23 original and resumption years of service, must have, upon a subsequent cessation of duties,
 11.24 a service pension for the original and resumption service periods calculated to include
 11.25 allocations credited to the firefighter's individual account during the original and resumption
 11.26 periods of service and deductions for administrative expenses, if applicable, less any amounts
 11.27 previously forfeited under section 424A.016, subdivision 4.

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

11.29 Sec. 11. Minnesota Statutes 2016, section 424A.015, subdivision 1, is amended to read:

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

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

12.5 (1) the person discontinues volunteer firefighter duties with the ~~municipality or the~~
 12.6 ~~independent nonprofit firefighting corporation, whichever applies,~~ fire department and
 12.7 performs duties within the ~~municipal~~ fire department ~~or corporation~~ on a full-time basis;

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

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

12.14 **EFFECTIVE DATE.** This section is effective January 1, 2018.

12.15 Sec. 12. Minnesota Statutes 2016, section 424A.016, subdivision 2, is amended to read:

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

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

12.20 (2) reaches age 50;

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

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

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

12.27 (b) In the case of a member who has completed at least five years of active service as
 12.28 an active member of the fire department to which the relief association is associated on the
 12.29 date that the relief association is established and incorporated, the requirement that the
 12.30 member complete at least five years of active membership with the relief association before
 12.31 separation from active service may be waived by the board of trustees of the relief association
 12.32 if the member completes at least five years of inactive membership with the relief association

13.1 before the date of the payment of the service pension. During the period of inactive
 13.2 membership, the member is not entitled to receive any disability benefit coverage, is not
 13.3 entitled to receive additional individual account allocation of fire state aid or municipal
 13.4 contribution towards a service pension, and is considered to have the status of a person
 13.5 entitled to a deferred service pension.

13.6 (c) The service pension earned by a volunteer under this chapter and the articles of
 13.7 incorporation and bylaws of the relief association may be paid whether or not the municipality
 13.8 or independent nonprofit firefighting corporation to which the relief association is associated
 13.9 qualifies for the receipt of fire state aid under chapter 69.

13.10 **EFFECTIVE DATE.** This section is effective January 1, 2018.

13.11 Sec. 13. Minnesota Statutes 2016, section 424A.02, subdivision 1, is amended to read:

13.12 Subdivision 1. **Authorization.** (a) A defined benefit relief association, when its articles
 13.13 of incorporation or bylaws so provide, may pay out of the assets of its special fund a defined
 13.14 benefit service pension to each of its members who: (1) separates from active service with
 13.15 the fire department; (2) reaches age 50; (3) completes at least five years of active service
 13.16 as an active member of the ~~municipal~~ fire department to which the relief association is
 13.17 associated; (4) completes at least five years of active membership with the relief association
 13.18 before separation from active service; and (5) complies with any additional conditions as
 13.19 to age, service, and membership that are prescribed by the bylaws of the relief association.
 13.20 A service pension computed under this section may be prorated monthly for fractional years
 13.21 of service as the bylaws or articles of incorporation of the relief association so provide. The
 13.22 bylaws or articles of incorporation may define a "month," but the definition must require a
 13.23 calendar month to have at least 16 days of active service. If the bylaws or articles of
 13.24 incorporation do not define a "month," a "month" is a completed calendar month of active
 13.25 service measured from the member's date of entry to the same date in the subsequent month.
 13.26 The service pension earned by a volunteer firefighter under this chapter and the articles of
 13.27 incorporation and bylaws of the volunteer firefighters relief association may be paid whether
 13.28 or not the municipality or independent nonprofit firefighting corporation to which the relief
 13.29 association is associated qualifies for the receipt of fire state aid under chapter 69.

13.30 (b) In the case of a member who has completed at least five years of active service as
 13.31 an active member of the fire department to which the relief association is associated on the
 13.32 date that the relief association is established and incorporated, the requirement that the
 13.33 member complete at least five years of active membership with the relief association before
 13.34 separation from active service may be waived by the board of trustees of the relief association

14.1 if the member completes at least five years of inactive membership with the relief association
 14.2 before the date of the payment of the service pension. During the period of inactive
 14.3 membership, the member is not entitled to receive disability benefit coverage, is not entitled
 14.4 to receive additional service credit towards computation of a service pension, and is
 14.5 considered to have the status of a person entitled to a deferred service pension under
 14.6 subdivision 7.

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

14.12 **EFFECTIVE DATE.** This section is effective January 1, 2018.

14.13 Sec. 14. Minnesota Statutes 2016, section 424A.02, subdivision 3a, is amended to read:

14.14 Subd. 3a. **Penalty for paying pension greater than applicable maximum.** (a) If a
 14.15 defined benefit relief association pays a service pension greater than the maximum service
 14.16 pension associated with the applicable average amount of available financing per active
 14.17 covered firefighter under the table in subdivision 3, paragraph (c) or (d), whichever applies,
 14.18 the maximum service pension under subdivision 3, paragraph (f), or the applicable maximum
 14.19 service pension amount specified in subdivision 3, paragraph (g), whichever is less, the
 14.20 state auditor shall:

14.21 (1) disqualify the municipality or the independent nonprofit firefighting corporation
 14.22 associated with the relief association from receiving fire state aid by making the appropriate
 14.23 notification to the municipality and the commissioner of revenue, with the disqualification
 14.24 applicable for the next apportionment and payment of fire state aid; and

14.25 (2) order the treasurer of the applicable relief association to recover the amount of the
 14.26 overpaid service pension or pensions from any retired firefighter who received an
 14.27 overpayment.

14.28 (b) Fire state aid amounts from disqualified municipalities for the period of
 14.29 disqualifications under paragraph (a), clause (1), must be credited to the amount of fire
 14.30 insurance premium tax proceeds available for the next subsequent fire state aid
 14.31 apportionment.

15.1 (c) The amount of any overpaid service pension recovered under paragraph (a), clause
15.2 (2), must be credited to the amount of fire insurance premium tax proceeds available for
15.3 the next subsequent fire state aid apportionment.

15.4 (d) The determination of the state auditor that a relief association has paid a service
15.5 pension greater than the applicable maximum must be made on the basis of the information
15.6 filed by the relief association and the municipality with the state auditor under sections
15.7 69.011, subdivision 2, and 69.051, subdivision 1 or 1a, whichever applies, and any other
15.8 relevant information that comes to the attention of the state auditor. The determination of
15.9 the state auditor is final. An aggrieved municipality, relief association, or person may appeal
15.10 the determination under section 480A.06.

15.11 (e) The state auditor may certify, upon learning that a relief association overpaid a service
15.12 pension based on an error in the maximum service pension calculation, the municipality or
15.13 independent nonprofit firefighting corporation associated with the relief association for fire
15.14 state aid if (1) there is evidence that the error occurred in good faith, and (2) the relief
15.15 association has initiated recovery of any overpayment amount. Notwithstanding paragraph
15.16 (c), all overpayments recovered under this paragraph must be credited to the relief
15.17 association's special fund.

15.18 **EFFECTIVE DATE.** This section is effective January 1, 2018.

15.19 Sec. 15. Minnesota Statutes 2016, section 424A.02, subdivision 7, is amended to read:

15.20 Subd. 7. **Deferred service pensions.** (a) A member of a defined benefit relief association
15.21 is entitled to a deferred service pension if the member separates from active service and
15.22 membership and has completed the minimum service and membership requirements in
15.23 subdivision 1. The requirement that a member separate from active service and membership
15.24 is waived for persons who have discontinued their volunteer firefighter duties and who are
15.25 employed on a full-time basis under section 424A.015, subdivision 1.

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

15.30 (c) A defined benefit relief association that provides a lump-sum service pension governed
15.31 by subdivision 3 may, when its governing bylaws so provide, pay interest on the deferred
15.32 lump-sum service pension during the period of deferral. If provided for in the bylaws, interest
15.33 must be paid in one of the following manners:

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

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

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

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

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

16.18 (f) Unless the bylaws of a relief association that has elected to pay interest or additional
16.19 investment performance on deferred lump-sum service pensions under paragraph (c) specifies
16.20 a different interest or additional investment performance method, including the interest or
16.21 additional investment performance period starting date and ending date, the interest or
16.22 additional investment performance on a deferred service pension is creditable as follows:

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

16.28 (2) for a relief association that has elected to pay interest or additional investment
16.29 performance under paragraph (c), clause (2), beginning on the date that the member separates
16.30 from active service and membership and ending on the date that the separate investment
16.31 vehicle is valued immediately before the date on which the deferred member commences
16.32 receipt of the deferred service pension.

17.1 (g) For a deferred service pension that is transferred to a separate account established
17.2 and maintained by the relief association or separate investment vehicle held by the relief
17.3 association, the deferred member bears the full investment risk subsequent to transfer and
17.4 in calculating the accrued liability of the volunteer firefighters relief association that pays
17.5 a lump-sum service pension, the accrued liability for deferred service pensions is equal to
17.6 the separate relief association account balance or the fair market value of the separate
17.7 investment vehicle held by the relief association.

17.8 **EFFECTIVE DATE.** This section is effective January 1, 2018.

17.9 Sec. 16. Minnesota Statutes 2016, section 424A.04, subdivision 1, is amended to read:

17.10 Subdivision 1. **Membership.** (a) A relief association that is directly associated with a
17.11 municipal fire department must be managed by a board of trustees consisting of nine
17.12 members. Six trustees must be elected from the membership of the relief association and
17.13 three trustees must be drawn from the officials of the municipalities served by the fire
17.14 department to which the relief association is directly associated. The bylaws of a relief
17.15 association which provides a monthly benefit service pension may provide that one of the
17.16 six trustees elected from the relief association membership may be a retired member receiving
17.17 a monthly pension who is elected by the membership of the relief association. The three
17.18 municipal trustees must be one elected municipal official and one elected or appointed
17.19 municipal official who are designated as municipal representatives by the municipal
17.20 governing board annually and the chief of the municipal fire department.

17.21 (b) A relief association that is a subsidiary of an independent nonprofit firefighting
17.22 corporation must be managed by a board of trustees consisting of nine members. Six trustees
17.23 must be elected from the membership of the relief association, two trustees must be drawn
17.24 from the officials of the municipalities served by the fire department to which the relief
17.25 association is directly associated, and one trustee must be the fire chief serving with the
17.26 independent nonprofit firefighting corporation. The bylaws of a relief association may
17.27 provide that one of the six trustees elected from the relief association membership may be
17.28 a retired member receiving a monthly pension who is elected by the membership of the
17.29 relief association. The two municipal trustees must be elected or appointed municipal
17.30 officials, selected as follows:

17.31 (1) if only one municipality contracts with the independent nonprofit firefighting
17.32 corporation, the municipal trustees must be two officials of the contracting municipality
17.33 who are designated annually by the governing body of the municipality; or

18.1 (2) if two or more municipalities contract with the independent nonprofit corporation,
 18.2 the municipal trustees must be one official from each of the two largest municipalities in
 18.3 population who are designated annually by the governing bodies of the applicable
 18.4 municipalities.

18.5 (c) The municipal trustees for a relief association that is directly associated with a fire
 18.6 department operated as or by a joint powers entity must be the fire chief of the fire department
 18.7 and two trustees designated annually by the joint powers board. The municipal trustees for
 18.8 a relief association that is directly associated with a fire department service area township
 18.9 must be the fire chief of the fire department and two trustees designated by the township
 18.10 board.

18.11 (d) If a relief association lacks the municipal board members provided for in paragraph
 18.12 (a), (b), or (c) because the fire department is not located in or associated with ~~an organized~~
 18.13 a municipality, or joint powers entity, or township, the municipal board members must be
 18.14 the fire chief of the fire department and two board members appointed from the fire
 18.15 department service area by the board of commissioners of the applicable county.

18.16 (e) The term of the appointed municipal board members is one year or until the person's
 18.17 successor is qualified, whichever is later.

18.18 (f) A municipal trustee under paragraph (a), (b), (c), or (d) has all the rights and duties
 18.19 accorded to any other trustee, except the right to be an officer of the relief association board
 18.20 of trustees.

18.21 (g) A board must have at least three officers, who are a president, a secretary and a
 18.22 treasurer. These officers must be elected from among the elected trustees by either the full
 18.23 board of trustees or by the relief association membership, as specified in the bylaws. In no
 18.24 event may any trustee hold more than one officer position at any one time. The terms of the
 18.25 elected trustees and of the officers of the board must be specified in the bylaws of the relief
 18.26 association, but may not exceed three years. If the term of the elected trustees exceeds one
 18.27 year, the election of the various trustees elected from the membership must be staggered
 18.28 on as equal a basis as is practicable.

18.29 **EFFECTIVE DATE.** This section is effective January 1, 2018.

18.30 Sec. 17. Minnesota Statutes 2016, section 424A.07, is amended to read:

18.31 **424A.07 NONPROFIT FIREFIGHTING CORPORATIONS; ESTABLISHMENT**
 18.32 **OF RELIEF ASSOCIATIONS.**

19.1 Before paying any service pensions or retirement benefits under section 424A.02 or
 19.2 before becoming entitled to receive any amounts of fire state aid upon transmittal from a
 19.3 contracting municipality under section 69.031, subdivision 5, a an independent nonprofit
 19.4 firefighting corporation shall establish a volunteer firefighters relief association governed
 19.5 by this chapter.

19.6 **EFFECTIVE DATE.** This section is effective January 1, 2018.

19.7 Sec. 18. Minnesota Statutes 2016, section 424A.091, subdivision 3, is amended to read:

19.8 Subd. 3. **Remedy for noncompliance; determination.** (a) A municipality in which
 19.9 there exists a firefighters relief association as specified in subdivision 1 which does not
 19.10 comply with the applicable provisions of sections 424A.091 to 424A.096 or the provisions
 19.11 of any applicable special law relating to the funding or financing of the association does
 19.12 not qualify initially to receive, and is not entitled subsequently to retain, fire state aid under
 19.13 sections 69.011 to 69.051 until the reason for the disqualification specified by the state
 19.14 auditor is remedied, whereupon the municipality or relief association, if otherwise qualified,
 19.15 is entitled to again receive fire state aid for the year occurring immediately subsequent to
 19.16 the year in which the disqualification is remedied.

19.17 (b) The state auditor shall determine if a municipality to which a firefighters' relief
 19.18 association is directly associated or a firefighters relief association fails to comply with the
 19.19 provisions of sections 424A.091 to 424A.096 or the funding or financing provisions of any
 19.20 applicable special law based upon the information contained in the annual financial report
 19.21 of the firefighters relief association required under section 69.051, the actuarial valuation
 19.22 of the relief association, if applicable, the relief association officers' financial requirements
 19.23 of the relief association and minimum municipal obligation determination documentation
 19.24 under section 424A.092, subdivisions 3 and 4; 424A.093, subdivisions 4 and 5; or 424A.094,
 19.25 subdivision 2, if requested to be filed by the state auditor, the applicable municipal or
 19.26 independent nonprofit firefighting corporation budget, if requested to be filed by the state
 19.27 auditor, and any other relevant documents or reports obtained by the state auditor.

19.28 (c) The municipality or independent nonprofit firefighting corporation and the associated
 19.29 relief association are not eligible to receive or to retain fire state aid if:

19.30 (1) the relief association fails to prepare or to file the financial report or financial
 19.31 statement under section 69.051;

19.32 (2) the relief association treasurer is not bonded in the manner and in the amount required
 19.33 by section 69.051, subdivision 2;

20.1 (3) the relief association officers fail to determine or improperly determine the accrued
20.2 liability and the annual accruing liability of the relief association under section 424A.092,
20.3 subdivisions 2, 2a, and 3, paragraph (c), clause (2), if applicable;

20.4 (4) if applicable, the relief association officers fail to obtain and file a required actuarial
20.5 valuation or the officers file an actuarial valuation that does not contain the special fund
20.6 actuarial liability calculated under the entry age normal actuarial cost method, the special
20.7 fund current assets, the special fund unfunded actuarial accrued liability, the special fund
20.8 normal cost under the entry age normal actuarial cost method, the amortization requirement
20.9 for the special fund unfunded actuarial accrued liability by the applicable target date, a
20.10 summary of the applicable benefit plan, a summary of the membership of the relief
20.11 association, a summary of the actuarial assumptions used in preparing the valuation, and a
20.12 signed statement by the actuary attesting to its results and certifying to the qualifications of
20.13 the actuary as an approved actuary under section 356.215, subdivision 1, paragraph (c);

20.14 (5) the municipality failed to provide a municipal contribution, or the independent
20.15 nonprofit firefighting corporation failed to provide a corporate contribution, in the amount
20.16 equal to the minimum municipal obligation if the relief association is governed under section
20.17 424A.092, or the amount necessary, when added to the fire state aid actually received in
20.18 the plan year in question, to at least equal in total the calculated annual financial requirements
20.19 of the special fund of the relief association if the relief association is governed under section
20.20 424A.093, and, if the municipal or corporate contribution is deficient, the municipality
20.21 failed to include the minimum municipal obligation certified under section 424A.092,
20.22 subdivision 3, or 424A.093, subdivision 5, in its budget and tax levy or the independent
20.23 nonprofit firefighting corporation failed to include the minimum corporate obligation certified
20.24 under section 424A.094, subdivision 2, in the corporate budget;

20.25 (6) the defined benefit relief association did not receive municipal ratification for the
20.26 most recent plan amendment when municipal ratification was required under section 424A.02,
20.27 subdivision 10; 424A.092, subdivision 6; or 424A.093, subdivision 6;

20.28 (7) the relief association invested special fund assets in an investment security that is
20.29 not authorized under section 424A.095;

20.30 (8) the relief association had an administrative expense that is not authorized under
20.31 section 69.80 or 424A.05, subdivision 3, or the municipality had an expenditure that is not
20.32 authorized under section 424A.08;

20.33 (9) the relief association officers fail to provide a complete and accurate public pension
20.34 plan investment portfolio and performance disclosure under section 356.219;

21.1 (10) the relief association fails to obtain the acknowledgment from a broker of the
 21.2 statement of investment restrictions under section 356A.06, subdivision 8b;

21.3 (11) the relief association officers permitted to occur a prohibited transaction under
 21.4 section 356A.06, subdivision 9, or 424A.04, subdivision 2a, or failed to undertake correction
 21.5 of a prohibited transaction that did occur; or

21.6 (12) the relief association pays a defined benefit service pension in an amount that is in
 21.7 excess of the applicable service pension maximum under section 424A.02, subdivision 3.

21.8 **EFFECTIVE DATE.** This section is effective January 1, 2018.

21.9 Sec. 19. Minnesota Statutes 2016, section 424A.094, subdivision 3, is amended to read:

21.10 Subd. 3. **Authorized pension disbursements.** Authorized disbursements of assets of
 21.11 the special fund of the subsidiary relief association of the independent nonprofit firefighting
 21.12 corporation shall be governed by the provisions of section 424A.05.

21.13 **EFFECTIVE DATE.** This section is effective January 1, 2018.

21.14 Sec. 20. Minnesota Statutes 2016, section 424A.10, subdivision 1, is amended to read:

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

21.16 (1) "qualified recipient" means ~~an individual~~ a volunteer firefighter who receives a
 21.17 lump-sum distribution of pension or retirement benefits from a volunteer firefighters relief
 21.18 association or from the voluntary statewide lump-sum volunteer firefighter retirement plan
 21.19 ~~for service that the individual has performed as a volunteer firefighter;~~

21.20 (2) "survivor of a deceased active or deferred volunteer firefighter" means the surviving
 21.21 spouse of a deceased active or deferred volunteer firefighter or, if none, the surviving child
 21.22 or children of a deceased active or deferred volunteer firefighter;

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

21.24 (i) regularly renders fire suppression service, the performance or supervision of authorized
 21.25 fire prevention duties, or the performance or supervision of authorized emergency medical
 21.26 response activities for a ~~municipal~~ fire department ~~or an independent nonprofit firefighting~~
 21.27 ~~corporation, who;~~

21.28 (ii) has met the statutory and other requirements for relief association membership; and
 21.29 ~~who~~

22.1 (iii) is deemed by the relief association under law and its bylaws to be a fully qualified
22.2 member of the relief association or from the voluntary statewide lump-sum volunteer
22.3 firefighter retirement plan for at least one month; ~~and~~

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

22.5 (i) terminated active firefighting service, the performance or supervision of authorized
22.6 fire prevention duties, or the performance or supervision of authorized emergency medical
22.7 response activities; and

22.8 (ii) has sufficient service credit from the applicable relief association or from the voluntary
22.9 statewide lump-sum volunteer firefighter retirement plan to be entitled to a service pension
22.10 under the bylaws of the relief association, but has not applied for or has not received the
22.11 service pension; and

22.12 (5) "volunteer firefighter" includes an individual whose services were utilized to perform
22.13 or supervise fire prevention duties if authorized under section 424A.01, subdivision 5, and
22.14 individuals whose services were used to perform emergency medical response duties or
22.15 supervise emergency medical response activities if authorized under section 424A.01,
22.16 subdivision 5a.

22.17 **EFFECTIVE DATE.** This section is effective January 1, 2018.