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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4297

02/26/2024

Authored by Berg

The bill was read for the first time and referred to the Committee on State and Local Government Finance and Policy

1.1 A bill for an act  
1.2 relating to retirement; Public Employees Retirement Association police and fire  
1.3 plan; clarifying eligibility for firefighters; amending Minnesota Statutes 2022,  
1.4 section 353.64, subdivisions 1, 2, 4, 5a.

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

1.6 Section 1. Minnesota Statutes 2022, section 353.64, subdivision 1, is amended to read:

1.7 Subdivision 1. **Police and fire plan membership; mandatory.** (a) A governmental  
1.8 subdivision must report a public employee for membership in the police and fire plan if the  
1.9 employee is employed full time as specified in clause (1), (2), or (3):

1.10 (1) a full-time police officer or a person in charge of a designated police or sheriff's  
1.11 department, who by virtue of that employment is required by the employing governmental  
1.12 subdivision to be and is licensed by the Minnesota peace officer standards and training  
1.13 board under sections 626.84 to 626.863, who is charged with the prevention and detection  
1.14 of crime, who has the full power of arrest, who is assigned to a designated police or sheriff's  
1.15 department, and whose primary job is the enforcement of the general criminal laws of the  
1.16 state;

1.17 (2) a full-time firefighter or a ~~person in charge of a designated fire company or companies~~  
1.18 ~~who~~ supervisor of other firefighters who, in either case, is employed in a fire department,  
1.19 is licensed by the Board of Firefighter Training and Education under section 299N.05 as  
1.20 required by the employing governmental subdivision, and is engaged in the hazards of  
1.21 exposed to hazardous conditions resulting from firefighting or fire prevention, suppression,  
1.22 or investigation; or

2.1 (3) a full-time police officer or firefighter meeting ~~all~~ the requirements of clause (1) or  
 2.2 (2), as applicable, who as part of the employment position is ~~periodically~~ assigned less than  
 2.3 50 percent of the time to perform employment duties in the same department that are not  
 2.4 within the scope of ~~this subdivision~~ the employment duties described in clause (1) or (2).

2.5 (b) An individual to which paragraph (a), clause (3), applies must contribute as a member  
 2.6 of the police and fire plan for ~~both the primary and secondary~~ all services ~~that are~~ provided  
 2.7 to the employing governmental subdivision.

2.8 Sec. 2. Minnesota Statutes 2022, section 353.64, subdivision 2, is amended to read:

2.9 Subd. 2. **Police and fire ~~fund~~ plan membership; part-time employment coverage**  
 2.10 **option.** (a) The governing body of a governmental subdivision may adopt a resolution,  
 2.11 subject to requirements specified in paragraph (b), declaring that a public employee employed  
 2.12 in a position on a part-time basis by that governmental subdivision is covered by the police  
 2.13 and fire plan for that employment.

2.14 (b) If the public employee's position is related to police service, the resolution is valid  
 2.15 if the conditions specified in paragraph (c) are met. If the public employee's position is  
 2.16 related to fire service, the resolution is valid if the conditions specified in paragraph (d) are  
 2.17 met. If the public employee in the applicable position is periodically assigned to employment  
 2.18 duties not within the scope of ~~this~~ the employment duties described in subdivision 1,  
 2.19 paragraph (a), clause (1) or (2), the resolution is considered valid if the governing body of  
 2.20 the governmental subdivision declares that the public employee's position, for ~~primary~~  
 2.21 ~~services provided~~ at least 50 percent of the time worked, satisfies ~~all of~~ the requirements of  
 2.22 subdivision 1, paragraph (a), clause (3), other than the requirement of full-time employment.

2.23 (c) For the governing body of the governmental subdivision to declare a position to be  
 2.24 that of a police officer, the duties and qualifications of the person so employed must, at a  
 2.25 minimum, satisfy all of the requirements of subdivision 1, paragraph (a), clause (1), other  
 2.26 than the requirement of full-time employment.

2.27 (d) For the governing body of a governmental subdivision to declare a position to be  
 2.28 that of a firefighter, the duties and qualifications of the person so employed must, at a  
 2.29 minimum, satisfy ~~all of~~ the requirements of subdivision 1, paragraph (a), clause (2), other  
 2.30 than the requirement of full-time employment.

3.1 Sec. 3. Minnesota Statutes 2022, section 353.64, subdivision 4, is amended to read:

3.2 Subd. 4. **Resolution filing.** (a) A copy of the resolution of the governing body declaring  
3.3 a position to be that of police officer or firefighter shall be promptly filed with the board of  
3.4 trustees and shall be irrevocable.

3.5 (b) Following the receipt of ~~adequate~~ notice from the association, if a valid resolution  
3.6 is not filed with the ~~public employees retirement~~ association within six months following  
3.7 the date of that notice, any contributions or deductions made to the police and fire ~~fund~~ plan  
3.8 for the applicable employment are deemed to be contributions or deductions transmitted in  
3.9 error under section 353.27, subdivision 7a.

3.10 (c) The association must consider the filing by the governing body of a governmental  
3.11 subdivision of a resolution that satisfies the requirements of this section regarding an  
3.12 employee as sufficient evidence that the employee satisfies the eligibility requirements of  
3.13 this section, including subdivision 1, paragraph (a), clause (3), and subdivision 2.

3.14 Sec. 4. Minnesota Statutes 2022, section 353.64, subdivision 5a, is amended to read:

3.15 Subd. 5a. **Transfers.** (a) A member of the police and fire ~~fund~~ plan continues to be a  
3.16 member of ~~that fund~~ the police and fire plan if the member is transferred or has a change  
3.17 in employment:

3.18 (1) to a different position with associated within the same police or fire department  
3.19 functions in the same department or a related;

3.20 (2) to a police department in the same another governmental subdivision provided in  
3.21 the state of Minnesota; or

3.22 (3) to a fire department in another governmental subdivision in the state of Minnesota.

3.23 (b) The governing body sends of the governmental subdivision that employs the member,  
3.24 in the case of a transfer under paragraph (a), clause (1), or the governing body of the  
3.25 governmental subdivision by which the member becomes employed, in the case of a transfer  
3.26 under paragraph (a), clause (2) or (3), must send a copy of a resolution to that effect to the  
3.27 association. A police and fire ~~fund~~ plan member who is elected or assumes an appointive  
3.28 position, including but not limited to, the positions of city council member, city manager,  
3.29 and finance director is not eligible to retain membership in the public employees police and  
3.30 fire ~~fund~~ plan.

4.1 Sec. 5. **EFFECTIVE DATE.**

4.2 Sections 1 to 4 are effective the day following final enactment.