353G.11 LUMP-SUM DIVISION SERVICE PENSION LEVELS.

Subdivision 1. MS 2023 Supp [Repealed, 2024 c 102 art 3 s 46]

Subd. 1a. MS 2023 Supp [Repealed, 2024 c 102 art 3 s 46]

Subd. 1b. **Applicable benefit level.** (a) In determining a member's retirement benefit under section 353G.09, subdivision 1a, the benefit level applicable to the member is the benefit level in effect as of the date the member terminated firefighting services for the fire department of a participating employer.

(b) Except as provided under section 353G.09, subdivision 4:

(1) the benefit level for a member of the lump-sum division is the benefit level selected under section 353G.05, subdivision 1d, by the member's relief association or, if applicable, the municipality or firefighting corporation that employs the member or the benefit level as modified under subdivision 2, whichever is in effect as of the date the member terminated firefighting services; or

(2) the benefit level for a member of the monthly division is the benefit level under the retirement benefit plan document applicable to the member's former relief association or the benefit level under the retirement benefit plan document as modified under subdivision 2a, whichever is in effect as of the date the member terminated firefighting services.

Subd. 2. **Benefit level changes in the lump-sum division.** (a) A fire department's fire chief or the governing body operating a fire department may request an increase in the benefit level as provided in this subdivision.

(b) The fire chief or governing body must request a cost estimate from the executive director of an increase in the benefit level applicable to the active firefighters of the fire department.

(c) The executive director must prepare the cost estimate using a procedure certified as accurate by the approved actuary retained by the association.

(d) Within 120 days after receiving the cost estimate from the executive director, the governing body may approve the benefit level change, effective for January 1 of the following calendar year unless the governing body specifies in the approval document an effective date that is January 1 of the second year following the approval date. If the approval occurs after April 30, the required municipal contribution for the following calendar year must be recalculated and the results reported to the governing body. If not approved within 120 days of the receipt of the cost estimate, the benefit level change is considered to have been disapproved.

Subd. 2a. **Benefit level changes in the monthly division.** (a) A fire department's fire chief or the governing body operating a fire department that has an active membership covered by the monthly division may request an increase in the benefit level provided in the retirement benefit plan document under this subdivision.

(b) The modification procedure is initiated when the fire chief or governing body files with the executive director a written summary of the desired modification, the proposed modification language, a written request for the preparation of an actuarial cost estimate for the proposed modification, and payment of the estimated cost of the actuarial cost estimate.

(c) Upon receipt of the modification request and related documents, the executive director must review the language of the proposed modification and, if a clarification is needed in the submitted language, inform the fire chief or governing body of the necessary clarification. After the fire chief or governing body has

submitted the clarified language to the executive director, the executive director must prepare the cost estimate using a procedure certified as accurate by the approved actuary retained by the association. Upon completion of the cost estimate, the executive director must forward the estimate to the fire chief and to the chief financial officer of the municipality or entity with which the fire department is primarily associated.

(d) The fire chief, upon receipt of the cost estimate, must distribute the cost estimate to the active firefighters in the fire department and take reasonable steps to provide the cost estimate to any affected retired members of the fire department and their beneficiaries. The chief financial officer of the municipality or entity associated with the fire department must present the proposed modification language and the cost estimate to the governing body of the municipality or entity for its consideration at a public hearing held for that purpose.

(e) If the governing body of the municipality or entity approves the modification language, the chief administrative officer of the municipality or entity must notify the executive director of that approval. The modification is effective on January 1 following the date of filing the approval with the association.

Subd. 3. MS 2023 Supp [Repealed, 2024 c 102 art 3 s 46]

Subd. 4. MS 2023 Supp [Repealed, 2024 c 102 art 3 s 46]

History: *2009 c 169 art 9 s 20; 2010 c 359 art 6 s 6,7; 2015 c 68 art 7 s 2-5; art 8 s 20; 2018 c 211 art 16 s 9; 2020 c 108 art 7 s 7; 2021 c 22 art 10 s 35; 2022 c 65 art 4 s 9,25; 2023 c 47 art 10 s 9; 2024 c 102 art 3 s 37,38,45; 2025 c 37 art 19 s 2-4*