Summary of Amendment H3903-4A
Provisions Related to Firefighter Relief Associations

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Introduction

The H3903-4A amendment is a compilation of eight bills related to firefighter relief associations. The amendment amends the delete-everything amendment H3903-DE1 to HF3903 (Murphy); SF3808 (Rosen). None of the bills have been considered by the Legislative Commission on Pensions and Retirement (LCPR) this session.

The amendment is organized into seven articles, one article for each bill except that article 11 contains the text of two bills relating to allocating fire state aid. The articles in the amendment are numbered starting with Article 10 and ending with Article 16 and, if adopted, would be added to the end of the DE amendment.

The bills included in the H3903-4A amendment are:

- HF3921 (Nelson); SF3550 (Rosen): Increasing the maximum for lump sum pensions from $10,000 to $15,000 per year of service. The bill as introduced has been revised to correct one typographical error.
- HF3870 (Nelson); SF3547 (Rosen): Permitting the allocation of fire state aid between a relief association and the affiliated, as recommended by the Fire State Aid Work Group. The bill as introduced has been revised to add a section grandfathering existing aid allocation arrangements, to allow the Austin and Hibbing relief associations to continue to allocate fire state aid under their existing agreement and court-approved settlement agreement, respectively, and to repeal an obsolete session law relating to the Hibbing allocation.
- HF2925 (Halverson); SF4399 (Carlson): Permitting the Eagan firefighter relief association to allocate fire state aid to the City of Eagan. The bill as introduced has been revised to change the expiration date to June 30, 2022.
- HF4107 (Nelson); SF4123 (Rosen): Providing new procedures for dissolution of a relief association and the termination of its retirement plan, as recommended by the Conversions and Dissolutions Work Group. The bill as introduced has been revised to incorporate an agreement among stakeholders as to the disposition of surplus assets, changes suggested by the State Auditor's office to conform to administrative practice and other state law, and changes made by LCPR staff to correct or clarify provisions.
- HF3153 (Nelson); SF3900 (Hoffman): Providing for the dissolution of the Brooklyn Park firefighter relief association and the termination of the retirement plan it administers. The bill as introduced

has been revised to incorporate changes requested by representatives of Brooklyn Park and the relief association, but only if agreed to by both, and changes made by LCPR staff to correct or clarify provisions.

- SF4424 (Benson): Providing for the transfer of retirement accounts related to Nowthen firefighters from the Ramsey firefighter relief association and to another relief association with which Nowthen will be affiliated. The bill as introduced has been revised to incorporate changes requested by representatives of Ramsey and Nowthen, but only if agreed to by both, and changes made by LCPR staff to correct or clarify provisions.
- SF4438 (Rosen): Providing procedures for converting a defined benefit relief association to a defined contribution relief association. The bill as introduced has been revised to incorporate changes suggested by the State Auditor's office to conform to administrative practice and other state law and changes made by LCPR staff to correct or clarify provisions.
- HF3778 (Nelson); SF3673 (Nelson): Revisions to the relief association statutes as recommended by the State Auditor's Volunteer Firefighter Working Group.

Article-by-Article Summary

Article 10: VFRAs: Increase in the Maximum Lump-Sum Pension Amount *(HF3921-Nelson, M.; SF3550-Rosen)*

Article 10 increases the maximum lump-sum pension amount that is multiplied by years of service to compute lump sum benefits under a defined benefit relief association. The bill increases the maximum from $10,000 to $15,000 and adds incremental amounts between $10,000 and $15,000. With the exception of fixing one typographical error,[1] the language in Article 10 is identical to HF3921 (Nelson M.); SF3550 (Rosen). The LCPR staff summary of HF3921; SF3550 can be found at: https://www.lcpr.leg.mn/documents/mtgmaterials/2020/H3921-S3550.Summary.pdf

Background

Volunteer firefighter relief associations ("relief associations") provide retirement benefits that are either defined benefit or defined contribution. Defined benefit relief associations can provide either a single lump sum benefit or a monthly annuity upon retirement and some relief associations offer both a lump sum and an annuity. In the case of a defined benefit relief association that pays lump sum benefits, the lump sum benefit is calculated by multiplying years of service times a "lump-sum amount." This lump-sum amount is set forth in the bylaws of the relief association and limited by Minnesota statutes.

A relief association's bylaws may specify any lump-sum amount up to the maximum lump-sum amount applicable to the relief association, which depends on its "minimum average amount of available financing per firefighter" (an amount that takes into account fire state aid, supplemental state aid, and

[1] *See* Amendment H3921-1A: The lump sum amount of "7311" in the table of dollar amounts is a typographical error and is deleted and the correct amount of "7611" is inserted.

municipal contributions paid to the relief association and the amount of surplus assets). The maximum lump-sum amount a relief association may use in calculating benefits is determined by reference to a table set forth in Minnesota Statutes, Section 424A.02, Subdivision 3, Paragraph (d).

As set forth in the table in Section 424A.02, Subdivision 3, Paragraph (d), the highest lump-sum amount a relief association is able to offer per year of service is currently set at $10,000, which is the applicable maximum if the relief association has an average of at least $5,397 of available financing per active firefighter.

Current benefit levels

For a lump-sum plan, each firefighter's retirement benefit is the lump-sum amount determined by the relief association multiplied by years of service. Benefit levels vary greatly among relief associations in Minnesota. Typically, relief associations with more assets and larger fire state aid payments are able to offer higher benefits to their members. In 2018 (the most recent year for which data is available), the average benefit level for lump-sum plans was $1,935, a 6 percent increase from the 2017 average of $1,826. Only 33.3 percent of lump-sum plans offered a benefit level higher than the 2018 average of $1,935. The median benefit level for lump-sum plans was $1,450 in 2018.[2]

In 2018, the lump-sum plans with the highest lump sum amount were the Brainerd Relief Association and the Northfield Fire Relief Association, both of which offered a $10,000 lump sum benefit (times years of service). In 2018, the monthly/lump-sum combination plans (plans which pay both a lump sum and a monthly annuity) with the highest lump sum amount were Plymouth ($10,00) and Eden Prairie ($12,400). The 2018 pension bill increased the maximum lump sum benefit levels for Eden Prairie and Plymouth to $15,000 and $12,500, respectively.[3]

Description of the Article

Article 10 modifies Minnesota Statutes, Section 424A.02, Subdivision 3, by extending the table that details the maximum lump-sum pension amount and the corresponding minimum average amount of available financing per firefighter a relief association is able to specify in its bylaws. The new maximum lump sum amount in the extended table is $15,000 per year of service. To be entitled to offer a benefit equal to $15,000 per year of service, a relief association's maximum required financing is $8,097 per firefighter.

Section 2 of Article 10 repeals Laws 2018, Chapter 211, Article 14, Section 29, which permits Plymouth to increase its lump-sum amount up to $12,500. The section is repealed because under Section 1, the new maximum lump-sum amount is higher than the current $12,500 maximum available to Plymouth. Under

[2] STATE OF MINNESOTA OFFICE OF THE STATE AUDITOR, Financial and Investment Report of Volunteer Fire Relief Associations (For the year ended December 31, 2018) p 25.

[3] *See* Laws 2018, Ch. 211, Art. 14, §§ 28 and 29.

Section 1, Plymouth would be able to continue at its current benefit level or increase the benefit level to up to $15,000 per year or service.

Article 11: VFRAs: Allocation of Fire State Aid *(HF3870-Nelson, M.; SF3547-Rosen)*

Article 11 contains the recommendations of the Fire State Aid Work Group to permit a municipality to allocate (or split) its fire state aid between its career firefighters and its volunteer firefighters, but only if the amount allocated to the career firefighters is agreed to by the relief association. The article includes the language from HF3870 (Nelson M.); SF3547 (Rosen); the language from HF2925 (Halverson); SF4399 (Carlson), which deals with the allocation of fire state aid for the city of Eagan, and language from two proposed amendments to accommodate allocation agreements already in place for the cities of Hibbing and Austin.

The LCPR staff summary of HF3870; SF3547 can be found at:
https://www.lcpr.leg.mn/documents/mtgmaterials/2020/H3870-S3547.Summary.pdf.

The LCPR staff summary of HF2925; SF4399 can be found at:
https://www.lcpr.leg.mn/documents/mtgmaterials/2020/H2925-S4399.Summary.pdf.

Work Group's Recommendation.

Under current law if a municipality is affiliated with a relief association, any fire state aid the municipality receives must be sent to the relief association. This remains true regardless of whether the municipality also has full-time or career firefighters covered by the Public Employees Retirement Association (PERA) Police and Fire Plan.

In the 2018 pension bill, the legislature established a working group to investigate whether municipalities with combination departments (fire departments with both career firefighters and volunteer firefighters) should be permitted to allocate their fire state aid between their volunteer firefighters and career firefighters.[4] The work group produced a report[5] recommending that municipalities be permitted to allocate fire state aid in certain circumstances as detailed below. The Commission considered the work group's report at a meeting on March 12, 2019.[6]

The work group recommended that the law be changed to allow municipalities with combination fire departments to allocate fire state aid to both their volunteer firefighters and their full-time firefighters, but only if the municipality and the fire relief association agree on the amount of fire state aid that would be allocated to the relief association. If no agreement is reached, the group recommended that fire state aid continue to be transferred to the relief association, as is required under current law.

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[4] *Minnesota Laws 2018, Ch. 211, Art 14, Sec. 27.*

[5] Fire State Aid Work Group Report

[6] *Draft legislation was circulated to the Commission and public, but Commission staff recommended that the draft legislation required more work before it could be considered for inclusion in the omnibus bill.*

Description of the Article

Sections 1 and 2 of Article 11 implement most of the work group's recommendation, with one notable exception: it does not address fire state aid allocation for fire departments covered by the PERA Statewide Volunteer Firefighter Plan (Statewide Plan). A discussion of this decision can be found in the LCPR staff summary for HF3870; SF3547. In short, Sections 1 and 2 do the following:

- Authorize municipalities to allocate fire state aid between their affiliated volunteer firefighter relief association and their career firefighters if there is an aid allocation agreement between the municipality and the relief association;
- Require that any aid allocated to career firefighters must be used to pay PERA employer contributions within 18 months of the transfer or be returned to the relief association;
- Describes the requirements for an acceptable aid allocation agreement;
- Provides for the termination of an aid allocation agreement by the mutual consent of the municipality and the relief association or by either party upon a 50% or more change in the fire state aid transmitted to the municipality by the state; and
- Establishes a requirement that aid allocation agreements must be filed with the State Auditor.

Section 3 of Article 11 grandfathers the fire state aid allocation arrangements of the cities of Hibbing and Austin. Hibbing is allocating fire state aid under a court ordered settlement agreement and a 1980, session law. Austin is allocating fire state aid under a session law passed in 2019. Both cities are permitted to continue their current arrangement until such time as their arrangement changes. At that point, the city would be required to comply with Sections 1 and 2, as described above. Hibbing's 1980 session law is repealed in Section 5 of Article 11.

Section 4 of Article 11 permits the city of Eagan to allocate fire state aid paid in 2020. Sections 1 and 2 apply to fire state aids payable in 2021 and beyond. Eagan's fire department has approximately 30 part-time and 18 full-time career firefighters.[7] Eagan's relief association, which has fewer than 30 active members, received $353,680 in fire state aid and $81,877 in supplemental aid (totaling $438,557) as its annual aid allocation on October 1, 2019.[8] Under Section 4 and Eagan's existing agreement with its relief association, Eagan would transfer $8,509 to the relief association for each active relief association member (totaling about $255,270).

Article 12: VFRAs; Relief Association Dissolution and Retirement Plan Termination *(HF4107-Nelson, M); SF4123-Rosen)*

Article 12 is legislation resulting from the recommendations of the Conversions and Dissolutions Work Group. The 2018 pension bill directed that a work group be established to study the current state of applicable law and the prevalence of overfunding among defined benefit relief associations, and make

[7] CITY OF EAGAN, www.cityofeagan.com/about-the-fire-department.
[8] MN DEPT. OF REVENUE, *2019 Fire State Aid Amounts (2019).*

recommendations for revising the statutes regarding dissolutions of relief associations and to add new procedures that would allow relief associations to convert the retirement plan they administer from defined benefit to defined contribution.[9] The work group produced a report[10] recommending that the current law regarding dissolutions, Minnesota Statutes, Sections 424B.20 and 424B.21, be replaced entirely and that new law be enacted to provide procedures for conversions. Article 15 of the DE amendment proposes new law regarding conversions and is summarized later in this summary.

The Commission considered the work group's report at a meeting on March 12, 2019, but no action was taken.

Description of the Article.

Sections 1 through 14 are new subdivisions for new definitions to supplement definitions already provided in Minnesota Statutes, Section 424B.01. New definitions include definitions for "defined benefit plan" and "defined contribution plan", "municipality," which addresses municipalities that are part to a joint powers agreement, "required contribution," and "retiree in pay status."

Section 15 sets forth new Section 424B.22, titled "Relief Association Dissolution and Retirement Plan Termination," which consists of 12 subdivisions:

Subdivision 1 states that this section applies to the termination of a relief association retirement plan and the dissolution of a relief association, but does not address dissolution or termination due to a change in coverage to the PERA Statewide volunteer firefighter plan. This section provides an overview of the steps required for each, each of which is explained in detail in the rest of this new statutory section.

Subdivision 2 provides that a relief association is dissolved and the retirement plan is terminated automatically if the fire department is dissolved or the employment of all active firefighters is terminated. The effective date of the automatic dissolution is the December 31 that is at least eight months after the date on which the fire department is dissolved or all the active firefighters' employment is terminated.

Subdivision 3 requires full vesting of all members. "Members" as defined in Section 6 means members of a fire department, including active firefighters, inactive firefighters, and former firefighters, who have been credited with at least one year of service and have not yet received a distribution of any of their retirement benefit from the relief association plan.

Subdivision 4 allows the relief association to increase the lump sum amount or monthly benefit amount to reduce any surplus and pay the surplus to firefighters in the form of larger retirement benefits. "Surplus" is defined in Section 14 as the amount by which assets exceed liabilities. The lump sum amount or monthly benefit amount is the amount that is multiplied by years of service to arrive at a retirement benefit. The relief association may increase the amount up to 125% of the largest maximum

[9] *Minnesota Laws 2018, Ch. 211, Art 14, Sec. 32.*

[10] Report of the Work Group on Firefighter Relief Association Conversions and Dissolutions, dated February 21, 2019.

set forth in the statutes, without regard to the limitations in the statute unique to each relief association, which are based on the average amount of fire state aid and contributions per firefighter. 125% of the largest lump sum maximum of $10,000, under current law, is $12,500. If the law is changed to increase the largest lump sum maximum to $15,000, 125% of that maximum will be $18,750.

Subdivision 5 requires the board of trustees to determine the value of the relief association's assets in the special fund, which are for the payment of retirement benefits, and the value of each retirement benefit payable to each member and any former firefighter who is receiving a monthly annuity or payment of a benefit in installments. The board of trustees is required to compile a schedule that sets forth the name of each individual to whom a benefit is owed and the amount of the benefit.

Subdivision 6 requires the board of trustees to invest assets in low-risk investments to avoid investment losses during the plan termination process.

Subdivision 7 requires the board of trustees to transfer any remaining surplus to the affiliated municipality up to the amount of required contributions made by the municipality during the preceding 10 years. If the municipality made no required contributions during the preceding 10 years or, even after repaying 10 years' of requirement contributions, there is still surplus remaining, the municipality and the relief association are to attempt to reach agreement on how to allocate the remaining surplus. If, after 180 days, there is no agreement, the surplus is to be shared equally (50-50) between the relief association and the municipality. The relief association is to allocate its share of the surplus among members and may include former firefighters and retirees in that allocation. The municipality is to use its share of the surplus to pay for fire equipment, the fire station, or to fund contributions to the PERA Police and Fire Plan for its career firefighters.

Subdivision 8 requires payment of all retirement benefits within 210 days of the effective date of plan termination. This will allow firefighters to receive their benefits immediately, rather than waiting until they reach age 50. If any retiree is receiving a monthly annuity, the retiree is to be offered a lump sum distribution of the remaining value of the annuity. If the retiree does not want a lump sum distribution, the board of trustees must purchase an annuity from an insurance company to continue the monthly payments to the retiree.

Subdivision 9 provides a process for tracking down members who are missing or do not respond to the offer of a retirement benefit. If the member cannot be located, the board of trustees must transfer the member's benefit to an individual retirement account in the name of the member at a financial institution or to the State where it will be handled as abandoned property that can be claimed by the member at any time in the future.

Subdivision 10 requires the municipality to pay supplemental benefits required by Minnesota Statutes, Section 424A.10 to all members and survivors. These are the $1,000 or $2,000 amounts payable to members and survivors, respectively, who receive a retirement benefit to help them pay income tax on the retirement benefits they are receiving. The Department of Revenue is required to reimburse the municipality for the supplemental benefits paid, as required under current law.

Subdivision 11 requires the board of trustees to notify the Department of Revenue and the State Auditor regarding the termination of the retirement plan later date prior to the effective date of the termination of the retirement plan.

Subdivision 12 requires the board of trustees to take certain actions to wind-up the relief association, as required under current law.

Section 16 (following *Section* 15, which contains the subdivisions summarized above) repeals current law on dissolution of relief associations, since the process under current law is being entirely replaced with the foregoing new law.

Section 17 states that Article 12 is effective the date following final enactment.

Article 13: Brooklyn Park Firefighters' Relief Association; Dissolution of the Relief Association and Plan Termination *(HF3153-Nelson, M.; SF3900-Hoffman)*

Article 13 provides for the dissolution of the volunteer firefighter relief association affiliated with Brooklyn Park and termination of the retirement plan. Article 13 contains the text of HF3153 (Nelson, M.); SF3900 (Hoffman) as amended by the H3153-1A amendment. The LCPR staff summary of HF3153; SF3900 and the amendment can be found at https://www.lcpr.leg.mn/documents/mtgmaterials/2020/H3153-S3900.Summary.pdf.

Background

The city of Brooklyn Park terminated the services of all of its paid on call firefighters by December 31, 2019, as part of its transition to a fire department staffed by full-time and part-time "career" firefighters. The Brooklyn Park Firefighters' Relief Association met on July 9, 2020, and voted to begin the dissolution process.

The relief association is a defined contribution plan, which means that each firefighter has an account in the fund to which an equal allocation of the fire state aid, any contributions from the city, forfeitures, and net investment earnings are credited, and from which administrative expenses are deducted.

Current law sets forth a process for dissolving a relief association but does not explicitly provide for full vesting of accounts or allow immediate distribution or direct rollover of accounts.

Description of the Article

The bill on which the article is based, HF3153 (Nelson); SF3900 (Hoffman), provides for the dissolution of the Brooklyn Park Firefighters' Relief Association and the termination of the retirement plan administered by the relief association. The bill requires the relief association to fully vest all accounts in the relief association retirement plan and make immediate distributions of accounts, among other requirements.

Paragraph (a) states that the Brooklyn Park Firefighters' Relief Association is dissolved and the retirement plan it administers is terminated in accordance with the bill.

Paragraph (b) provides definitions for "alternate payee," "city," "relief association," "retirement plan," and "volunteer firefighter." An alternate payee is an individual who is entitled to all or a portion of a firefighter's account under the terms of a divorce decree.

Paragraph (c) states that all volunteer firefighters become 100% vested in their accounts in the retirement plan, effective December 31, 2019, or, if earlier, the date all volunteer firefighters' employment was terminated by the City. A volunteer firefighter's employment is considered terminated for purposes of full vesting and the bill, generally, even if the firefighter continues to be employed as a part-time or full-time firefighter for the City.

Paragraph (d) addresses forfeitures within the plan, which occur when a volunteer firefighter has left active service with a partially vested account or before vesting at all. Under the bylaws of the relief association, the non-vested portion of a partially vested account is forfeited immediately at the end of the year in which the firefighter left active service. An account in which the firefighter is not at all vested is forfeited at the end of a five-year break in service. Forfeitures are allocated among the accounts of active firefighters. This paragraph requires the forfeitures to occur and be allocated so forfeitures will have been added to the accounts of active firefighters before the accounts become fully vested.

Paragraph (e) sets forth the steps that the relief association must take in order to dissolve:

- File audited financial statements with the State Auditor;
- Settle all legal obligations;
- Distribute all accounts of volunteer firefighters and alternate payees in the form of a lump sum or as a direct rollover as soon as possible after enactment of the legislation; and
- Transfer records to the City and provide notice to the specified government agencies.

Paragraph (f) requires the City to pay supplemental lump sum benefits to each volunteer firefighter and survivor. Supplemental lump sum benefits are the $1,000 and $2,000 payments required by Minnesota Statutes, Section 424A.10, Subdivision 2, to help recipients of a benefit payment from a relief association pay taxes on the distribution. The City must also reimburse the relief association for any supplemental benefits the relief association paid during 2020, which may have occurred before the enactment of the legislation. The City is to be reimbursed by the Department of Revenue for all supplemental benefits paid, either directly or as a reimbursement of the relief association for supplemental benefits previously paid by the relief.

Paragraph (g) requires the Commissioner of Revenue to reimburse the City for the supplemental benefits paid by the City as required by paragraph (f).

Paragraph (h) states that the City is required to disburse the fire state aid it receives in 2020 in accordance with Minnesota Statutes, Section 424A.08. Section 424A.08 requires a municipality without

a relief association to use the fire state aid it receives to fund employer contributions to the Public Employees Police and Fire Retirement Plan (PERA P&F) for its firefighters covered by the P&F Plan.

The effective date section states that Article 13 is effective the day after compliance with the local approval requirements in Minnesota Statutes, Section 645.021, which require approval by the Brooklyn Park City Council and the filing of the Council's resolution with the Secretary of State.

Article 14: Ramsey Volunteer Firefighters' Relief Association; Division of the Relief Association *(SF4424-Benson)*

Article 14 provides for the division of the Ramsey Firefighters' Relief Association. The cities of Ramsey and Nowthen are in the process of terminating a joint powers agreement by which fire services were provided through one fire department. Ramsey currently employs all the firefighters who provide firefighting services under the agreement, but will be terminating the employment of the firefighters assigned to the Nowthen fire station. Nowthen intends to hire most of the firefighters whose employment is terminated by Ramsey. This process is to be completed by December 31, 2021.

The Ramsey relief association is a defined contribution plan, which means that each member receives a lump sum benefit based on the size of the member's account in the plan. Fire state aid is allocated each year in equal shares to the accounts of active firefighters.

The division of the relief association is to be accomplished through legislation that will require the relief association to transfer the retirement accounts of the firefighters assigned to the Nowthen fire station to a new relief association. The new relief association will cover firefighters whose employment with the City of Ramsey is terminated and who are subsequently employed by the City of Nowthen. Accounts of former firefighters who had been assigned to the Nowthen fire station, but are not hired by the Nowthen, are to be transferred to the new Nowthen relief association, to allow for any forfeitures to occur in the new relief association that will cover the Nowthen firefighters and be allocated among the accounts of the Nowthen firefighters.

If firefighters are terminated by Ramsey during 2020, Ramsey is required to share with Nowthen a portion of the fire state aid it will receive in 2021 and would otherwise have transferred to its relief association.

This bill includes the option to transfer the Nowthen-related accounts to a defined contribution plan administered by PERA in the PERA Statewide Volunteer Firefighter Plan. If this is an option Nowthen wants to pursue, legislation will be needed next session to establish a defined contribution plan within the PERA Plan. Currently, the PERA Statewide Plan does not permit defined contribution accounts.

Representatives of both cities and the relief association worked on the bill and reached agreement on its provisions.

Description of the Article

The bill on which this article is based is SF4424. If enacted, Article 14 will be an uncodified session law. The article consists of one section with 7 subdivisions:

Subdivision 1: New definitions are provided unique to this article, including definitions for "account balance," "inactive or deferred Nowthern firefighters," "joint powers agreement," "Nowthen firefighter," and "Ramsey firefighter."

Subdivision 2: The application of this session law to the Ramsey relief association is conditioned on a number of events occurring, including the termination of the existing joint powers agreement, Nowthen establishing a fire department or entering into another joint powers agreement, and Nowthen hiring firefighters whose employment is terminated by Ramsey. Subdivision 2 lists those conditions.

Subdivision 3: Subdivision 3 requires the Ramsey relief association to transfer accounts to the new Nowthen relief association. Firefighters terminated during 2020 are addressed separately from firefighter terminated during 2021. The Ramsey relief association is also required to transfer records relating to service and account activity to the Nowthen relief association for the firefighters whose accounts are transferred.

Subdivision 4: Subdivision 4 requires the Ramsey relief association to transfer a proportionate share of the general fund to the Nowthen relief association when the accounts are transferred.

Subdivision 5: Subdivision 5 requires Ramsey to transfer to Nowthen a portion of the 2021 fire state aid it receives if accounts are transferred during 2020. The portion is to be determined based on the 2020 property value and population estimates to be provided by the Department of Revenue, on which the allocation of fire state aid is based.

Subdivision 6: Subdivision 6 requires the Nowthen relief association to credit firefighters whose accounts are transferred to the relief association with the same amount of service credit the firefighters had under the Ramsey relief association.

Subdivision 7: Subdivision 7 requires the Ramsey relief association to fully (100%) vest all firefighers assigned to the Nowthen fire station who are terminated by Ramsey, but not hired by Nowthen.

Effective date: This article is effective the day following final enactment.

Article 15: VFRAs; Conversions from Defined Benefit Plan to Defined Contribution Plan *(SF4438-Rosen)*

Article 15 is the second bill resulting from the recommendations of the Conversions and Dissolutions Work Group, the first of which is Article 12 and is summarized earlier in this memo. The 2018 pension bill directed that a work group be established to study the current state of applicable law and the prevalence of overfunding among defined benefit relief associations, and make recommendations for revising the statutes regarding dissolutions of relief associations and to add new procedures that would allow relief associations to convert the retirement plan they administer from defined benefit to defined

contribution.[11] The work group produced a report[12] recommending that the current law regarding dissolutions, Minnesota Statutes, Sections 424B.20 and 424B.21, be replaced entirely and that new law be enacted to provide procedures for conversions. This article is new law regarding conversions.

The Commission considered the work group's report at a meeting on March 12, 2019, but no action was taken.

Description of the Article.

Sections 1 through 12 are new subdivisions for new definitions to supplement definitions already provided in Minnesota Statutes, Section 424B.01. New definitions mostly duplicate the new definitions included in Article 12, such as for "defined benefit plan," "defined contribution plan," "member," and "surplus".

Section 13 sets forth new Section 424B.13, titled "Conversion of Relief Association Defined Benefit Plan to Defined Contribution Plan," which consists of 10 subdivisions:

Subdivision 1 authorizes relief associations that are defined benefit relief associations to convert their defined benefit plan to a defined contribution plan and states that the conversion process consists of the termination of the defined benefit plan, establishment of a new defined contribution plan, and the transfer of assets to accounts in the new defined contribution plan.

Subdivision 2 directs the board of trustees as to the steps it must follow to accomplish a conversion, which includes fully vesting all members in their lump sum retirement benefit or monthly pension, allocating surplus among all members, adopt a new defined contribution plan document, and determine the present value of each member's retirement benefit in the defined benefit plan for transfer to a new defined contribution account.

Subdivision 3 requires the relief association to obtain the consent of the affiliated municipality only if the relief association does not have a surplus as of the end of its most recent fiscal year.

Subdivision 4 permits the board of trustees to increase the lump sum or monthly pension amount to absorb the surplus by allocating it among the firefighters as an addition to their retirement benefits. The increase is not subject to any limitations under applicable law, but cannot cause the relief association to become underfunded, where liabilities exceed assets.

Subdivision 5 requires the board of trustees to determine the present value of each member's retirement benefit, using the valuation method provided in Minnesota Statutes, Section 424A.092 or by retaining an actuary. Any retired firefighter who is receiving a monthly pension is to be offered a lump sum distribution equal to the present value of the retiree's remaining pension or, if the retiree does not want a lump sum, the board of trustees is required to purchase an annuity from an insurance company to provide the annuity for the remainder of the retiree's life.

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[11] *Minnesota Laws 2018, Ch. 211, Art 14, Sec. 32.*

[12] Report of the Work Group on Firefighter Relief Association Conversions and Dissolutions, dated February 21, 2019.

Subdivision 6 requires the board of trustees to allocate any remaining surplus using any of three methods provided in this subdivision. The allocation can be in equal shares per member, or allocated on the basis of years of service, or can be allocated under either of the foregoing methods, after transferring a share to the affiliated municipality.

Subdivision 7 states that a relief association that is running a deficit, in that its benefit liabilities exceed assets, may convert its defined benefit plan to a defined contribution plan but requires the consent of the municipality to do so. In addition, the relief association must either reduce the level of benefits so there will be no deficit or enter into an agreement with the affiliated municipality to make a contributions in an amount sufficient to fully fund the relief association.

Subdivision 8 requires the board of trustees to provide notice to all members at least 90 days before the conversion effective date. The notice must provide an explanation of the conversion, a summary of the new defined contribution plan, benefit amount information specific to each member, and contact information for obtaining more information from the board of trustees.

Subdivision 9 requires notice to the municipality and the state auditor that includes the same information as required by subdivision 8.

Subdivision 10 requires an account to be established for each member in the defined contribution plan that indicates the amount of the member's benefit, taking into account any additional surplus and 100% vesting.

Section 14 (following *Section* 13, which contains the subdivisions summarized above) states that Article 15 is effective the date following final enactment.

Article 16: Volunteer Fire Relief Associations; Implementing the Recommendations of the State Auditor's Volunteer Firefighter Working Group. *(HF3778-Nelson M.; SF3673-Rosen)*

Article 16 contains the recommendations of State Auditor's Volunteer Fire Relief Association Working Group found in HF3778 (Nelson M.); SF3673 (Rosen). The working group's recommendations are the result of the work of the group's work during 2019 and early 2020. The group is convened by the State Auditor and meets through the fall and early winter preceding each legislative session. The group's proposed legislation addresses a variety of issues identified by the State Auditor and members of the working group, all of which affect Minnesota's volunteer firefighter relief associations. The full LCPR staff summary of HF3778; SF3673 and the amendment can be found at https://www.lcpr.leg.mn/documents/mtgmaterials/2020/H3778-S3673.Summary.pdf.

Description of the article

Article 16 consists of 8 sections making administrative and substantive changes to the administration of relief associations including:

- Reducing the period from 60 days to 21 days during which a firefighter can dispute a fire chief's certification of the amount of service credit the firefighter earned during the previous year;
- Requiring defined contribution plans to credit inactive members with investment returns/losses;

- Moving accrued liability tables in Minn. Stat. § 434A.092, Subd. 2, from that statute to the appendix to the Standards for Actuarial Work established by the LCPR; and
- Making other technical and conforming changes.

Section 8 of Article 16 retroactively modifies supplemental benefits for firefighters. Under current law, when a relief association pays a lump-sum distribution, the relief association is required to pay a supplemental benefit. The supplemental benefit is intended to help offset taxes that must be paid on the service pension or benefit distribution. For service pensions and disability benefits the amount of the supplemental benefit is equal to 10 percent of the lump-sum distribution, up to a maximum of $1,000. For survivor benefits, the amount of the supplemental benefit is equal to 20 percent of the survivor benefit distribution, up to a maximum of $2,000. Relief associations are eligible to apply for reimbursement from the Department of Revenue ("Revenue") for supplemental benefits paid to qualifying recipients. Revenue reimburses reliefs for supplemental benefits through an appropriation from the State General Fund.

Current law does not clearly address multiple supplemental benefit payments made to the same individual. As a result, Revenue has done the following:

1. For Firefighters who receive multiple distributions from the same entity, Revenue does not reimburse for multiple supplemental plan payments; and
2. For firefighters who receive distributions from multiple entities, Revenue reimburses each entity.

Section 8 clarifies that firefighters may receive multiple supplemental benefit payments and that if they receive multiple payments, Revenue will reimburse each relief each time resulting in a slight increase in reimbursement payments. The Dept. of Revenue estimates that this will change will cause an increase in expenditures for reimbursements of approximately $4,500 in FY 2021 and $1,500 per year thereafter.[13] The higher amount in FY 2021 is to pay retroactive claims from 2018 and 2019.

Section 8 is effective retroactively for supplemental benefits paid in 2018 and thereafter.

Legislative Commission on Pensions and Retirement

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[13] Consolidated Fiscal Note, 2019-2020 Legislative Session, SF3673-0 Firefighters' Pensions; Changes.