

1.1 moves to amend H.F. No. 1234, the first engrossment, as follows:

1.2 Page 1, after line 9, insert:

1.3 "Section 1. Minnesota Statutes 2022, section 299A.42, is amended to read:

1.4 **299A.42 PUBLIC SAFETY OFFICER'S BENEFIT ACCOUNT.**

1.5 Subdivision 1 Public safety officer's benefit account. The public safety officer's benefit
1.6 account is created in the state treasury. Money in the account consists of money transferred
1.7 and appropriated to that account. Money in the account that is not expended in the fiscal
1.8 year in which it is transferred or appropriated does not revert to the general fund until claims
1.9 for reimbursement under section 299A.465 that are submitted in that fiscal year are either
1.10 paid or denied.

1.11 Subd. 2. Annual report. The commissioner of public safety must annually report, no
1.12 later than 30 days after the end of each fiscal year, to the chairs and ranking minority
1.13 members of the legislative committees with jurisdiction over public safety and pensions
1.14 regarding the financial status of the public safety officer's benefit account and the
1.15 reimbursements paid by the commissioner during the preceding fiscal year under sections
1.16 299A.465, 352B.102, and 353.032, and payments, if any, made during the preceding fiscal
1.17 year under sections 352B.103 and 353.033. If the commissioner anticipates, based on
1.18 historical averages, that the public safety officer's benefit account will not have enough
1.19 funds to fund all reimbursements the commissioner reasonably anticipates will be requested
1.20 under sections 299A.465, 352B.102, and 353.032, and payments for which invoices will
1.21 be received under sections 352B.103 and 353.033 for the current and next fiscal year, the
1.22 commissioner must include in the report the amounts the commissioner believes are necessary
1.23 to fund the anticipated reimbursements and payments."

1.24 Page 1, line 11, strike "subject to this section"

- 2.1 Page 1, line 13, reinstate "~~of its costs of complying with this section~~" and before the
- 2.2 period insert ", section 352B.102, and section 353.032"
- 2.3 Page 1, line 15, after "account" insert a period
- 2.4 Page 1, delete lines 16 to 18
- 2.5 Page 2, after line 7, insert:
- 2.6 "**EFFECTIVE DATE.** This section is effective July 1, 2023."
- 2.7 Page 2, delete section 2
- 2.8 Page 2, line 24, before "injury" insert "the " and after "injury " insert "or event "
- 2.9 Page 2, line 25, before "illness" insert "mental " and delete "to" and insert "of"
- 2.10 Page 2, after line 28, insert:
- 2.11 "**EFFECTIVE DATE.** This section is effective July 1, 2023."
- 2.12 Page 3, after line 4, insert:
- 2.13 "**EFFECTIVE DATE.** This section is effective July 1, 2023."
- 2.14 Page 3, after line 15, insert:
- 2.15 "**EFFECTIVE DATE.** This section is effective July 1, 2023."
- 2.16 Page 3, after line 29, insert:
- 2.17 "**EFFECTIVE DATE.** This section is effective July 1, 2023."
- 2.18 Page 5, line 2, before "occupation" insert "employee's "
- 2.19 Page 5, line 11, delete "police and fire" and insert "State Patrol"
- 2.20 Page 5, line 13, delete "353.656, subdivision 1" and insert "352B.10"
- 2.21 Page 5, line 15, delete "353.031" and insert "352B.101"
- 2.22 Page 5, line 17, delete "The" and insert "Within six business days after the application
- 2.23 has been received by the executive director, the"
- 2.24 Page 5, line 18, after "for" insert "treatment of a " and delete "treatment has" and insert
- 2.25 "has"
- 2.26 Page 5, line 20, delete everything after "entity" and insert a period
- 2.27 Page 5, delete line 21

- 3.1 Page 5, line 30 delete "determination" and insert "confirmation" and before the period
3.2 insert ", paragraph (a)"
- 3.3 Page 7, line 8, delete "An employee shall obtain service credit for the" and insert "The"
- 3.4 Page 7, line 9, before the period insert "is allowable service under section 352B.011,
3.5 subdivision 3"
- 3.6 Page 7, line 24, delete "association" and insert "executive director"
- 3.7 Page 8, line 3, after "under" insert "this" and delete "352B.102"
- 3.8 Page 8, line 4, delete everything after "benefit"
- 3.9 Page 8, line 6, delete "association" and insert "executive director"
- 3.10 Page 8, line 7, delete "shall" and insert "must" and delete "because" and insert "if"
- 3.11 Page 8, line 9, delete "this" and after "section" insert "352B.10"
- 3.12 Page 8, line 11, before the period insert "or the date permitted under section 352B.10,
3.13 subdivision 2a, whichever is later"
- 3.14 Page 8, line 13, delete "association shall" and insert "executive director must"
- 3.15 Page 8, line 14, after "benefits" insert ". The executive director must approve the
3.16 employee's application for disability benefits if"
- 3.17 Page 8, line 16, delete "this" and after "section" insert "352B.10"
- 3.18 Page 8, line 18, before the period insert "or the date permitted under section 352B.10,
3.19 subdivision 2a, whichever is later"
- 3.20 Page 9, line 7, delete "determination" and insert "confirmation" and delete "(b)" and
3.21 insert "(c)"
- 3.22 Page 10, line 19, delete "be conducted" and insert "under paragraph (c); and" and delete
3.23 "by a qualified professional selected by the employee from a panel"
- 3.24 Page 10, delete lines 20 to 30
- 3.25 Page 11, after line 3, insert:
- 3.26 "(c) An employee who wishes to appeal the independent medical provider's determination
3.27 under paragraph (a), clause (2), item (ii), may request an examination by a qualified
3.28 professional selected by the employee from a panel established by mutual agreement among
3.29 the League of Minnesota Cities, the Association of Minnesota Counties, the Minnesota
3.30 Peace and Police Officers Association, the Minnesota Professional Fire Fighters Association,

4.1 the Minnesota Chiefs of Police Association, and the Minnesota Law Enforcement
4.2 Association. The panel shall consist of five licensed psychiatrists or psychologists who have
4.3 expertise regarding psychological or emotional disorders and who are qualified to opine as
4.4 to the employee's fitness to engage in police or firefighting duties. The agreed upon panel
4.5 of qualified professionals must be submitted to the executive director and made available
4.6 for use in the appeal process. If the employee fails to select a qualified professional from
4.7 the panel within ten days of any notice of appeal, the employing entity may select the
4.8 qualified professional from the panel. A determination made by a qualified professional
4.9 under this item is binding and not subject to appeal. The panel may be the same panel as
4.10 the panel established under section 353.032, subdivision 10."

4.11 Page 11, delete lines 9 to 13 and insert:

4.12 "Subd. 12. **Relationship to workers' compensation.** Nothing in this section shall be
4.13 construed to affect the procedures for an employee's claim for workers' compensation
4.14 benefits under chapter 176 or diminish or delay an employer's or insurer's obligations related
4.15 to an employee's claim for workers' compensation benefits under chapter 176, except that
4.16 when an employee receives psychological condition treatment pursuant to an application
4.17 approved under subdivision 3, the treatment is not compensable under chapter 176.

4.18 **EFFECTIVE DATE.** This section is effective July 1, 2023."

4.19 Page 11, delete lines 15 to 18 and insert:

4.20 "Subdivision 1. **Account created and money appropriated.** The MSRS psychological
4.21 condition treatment account is created in the special revenue fund. Money in the account is
4.22 appropriated to the executive director of the Minnesota State Retirement System for
4.23 administration of the psychological condition treatment under section 352B.102.

4.24 Subd. 2. **Account to defray administrative costs.** The executive director of the
4.25 Minnesota State Retirement System must pay the costs of administering the psychological
4.26 condition treatment under section 352B.102 using the money in the MSRS psychological
4.27 condition treatment account under subdivision 1 until the money is expended.

4.28 Subd. 3. **Commissioner of public safety to pay costs when account is depleted.** When
4.29 the MSRS psychological condition treatment account is depleted, the executive director of
4.30 the Minnesota State Retirement System may invoice the commissioner of public safety for
4.31 the costs of administering the psychological condition treatment under section 352B.102.
4.32 The commissioner must pay invoices submitted by the executive director of the Minnesota
4.33 State Retirement System from the public safety officer's benefit account under section
4.34 299A.42 within 30 days of receipt.

- 5.1 **EFFECTIVE DATE.** This section is effective July 1, 2023."
- 5.2 Page 14, after line 2, insert:
- 5.3 **"EFFECTIVE DATE.** This section is effective July 1, 2023."
- 5.4 Page 14, line 29, strike "a" and strike "by the board of trustees" and strike "353.03,
5.5 subdivision 3" and insert "356.96"
- 5.6 Page 15, line 20, delete "the day following final enactment" and insert "July 1, 2023"
- 5.7 Page 16, after line 33, insert:
- 5.8 **"EFFECTIVE DATE.** This section is effective July 1, 2023."
- 5.9 Page 17, line 22, delete "the day following final enactment" and insert "July 1, 2023"
- 5.10 Page 17, line 27, strike "within 60 days" and insert "under section 356.96."
- 5.11 Page 17, strike line 28
- 5.12 Page 17, line 29, strike "or " and delete "reapplication" and strike the period
- 5.13 Page 18, line 3, delete "the day following final enactment" and insert "July 1, 2023"
- 5.14 Page 18, line 12, delete the colon
- 5.15 Page 18, delete lines 13 to 15
- 5.16 Page 18, line 16, delete "(iii)" and delete ", subdivision 10;"
- 5.17 Page 18, line 17, delete "(iv) former" and insert "was a" and delete ", subdivision 10,"
5.18 and after "within" insert "the" and delete "of" and insert "preceding the date of the
5.19 application under subdivision 2;"
- 5.20 Page 18, delete line 18
- 5.21 Page 19, line 32, delete "an employee's application" and insert "receiving notice from
5.22 the executive director"
- 5.23 Page 20, line 6, delete "determination" and insert "confirmation"
- 5.24 Page 22, line 15, delete "shall" and insert "must" and delete "because" and insert "if"
- 5.25 Page 22, line 19, before the period insert "and section 353.656, subdivision 4, paragraph
5.26 (a)"
- 5.27 Page 22, line 26, before the period insert "and section 353.656, subdivision 4, paragraph
5.28 (a)"
- 5.29 Page 23, line 15, delete "determination" and insert "confirmation"

6.1 Page 24, line 23, before the semicolon insert "if the employee otherwise meets the
6.2 eligibility requirements under section 353.031"

6.3 Page 24, line 25, delete "be conducted" and insert "under paragraph (c); and" and delete
6.4 "by a qualified professional selected by the employee from a panel"

6.5 Page 24, delete lines 26 to 33

6.6 Page 25, delete lines 1 to 3

6.7 Page 25, after line 8, insert:

6.8 "(c) An employee who wishes to appeal the independent medical provider's determination
6.9 under paragraph (a), clause (2), item (ii), may request an examination by a qualified
6.10 professional selected by the employee from a panel established by mutual agreement among
6.11 the League of Minnesota Cities, the Association of Minnesota Counties, the Minnesota
6.12 Peace and Police Officers Association, the Minnesota Professional Fire Fighters Association,
6.13 the Minnesota Chiefs of Police Association, and the Minnesota Law Enforcement
6.14 Association. The panel shall consist of five licensed psychiatrists or psychologists who have
6.15 expertise regarding psychological or emotional disorders and who are qualified to opine as
6.16 to the employee's fitness to engage in police or firefighting duties. The agreed upon panel
6.17 of qualified professionals must be submitted to the executive director and made available
6.18 for use in the appeal process. If the employee fails to select a qualified professional from
6.19 the panel within ten days of any notice of appeal, the employing entity may select the
6.20 qualified professional from the panel. A determination made by a qualified professional
6.21 under this item is binding and not subject to appeal. This panel may be the same panel as
6.22 the panel established under section 352B.102, subdivision 10."

6.23 Page 25, delete lines 14 to 18 and insert:

6.24 "Subd. 12. **Relationship to workers' compensation.** Nothing in this section shall be
6.25 construed to affect the procedures for an employee's claim for workers' compensation
6.26 benefits under chapter 176 or diminish or delay an employer's or insurer's obligations related
6.27 to an employee's claim for workers' compensation benefits under chapter 176, except that
6.28 when an employee receives psychological condition treatment pursuant to an application
6.29 approved under subdivision 3, the treatment is not compensable under chapter 176."

6.30 "**EFFECTIVE DATE.** This section is effective July 1, 2023."

6.31 Page 25, delete lines 20 to 23 and insert:

6.32 "Subdivision 1. **Account created and money appropriated.** The PERA psychological
6.33 condition treatment account is created in the special revenue fund. Money in the account is

7.1 appropriated to the executive director of the Public Employees Retirement Association for
 7.2 administration of the psychological condition treatment under section 353.032.

7.3 Subd. 2. **Account to defray administrative costs.** The executive director of the Public
 7.4 Employees Retirement Association must pay the costs of administering the PERA
 7.5 psychological condition treatment under section 353.032 using the money in the
 7.6 psychological condition treatment account under subdivision 1 until the money is expended.

7.7 Subd. 3. **Commissioner of public safety to pay costs when account is depleted.** When
 7.8 the PERA psychological condition treatment account is depleted, the executive director of
 7.9 the Public Employees Retirement Association may invoice the commissioner of public
 7.10 safety for the costs of administering the psychological condition treatment under section
 7.11 353.032. The commissioner must pay invoices submitted by the executive director of the
 7.12 Public Employees Retirement Association from the public safety officer's benefit account
 7.13 under section 299A.42 within 30 days of receipt.

7.14 **EFFECTIVE DATE.** This section is effective July 1, 2023."

7.15 Page 25, delete section 17, and insert:

7.16 "Sec. 17. Minnesota Statutes 2022, section 353.335, is amended to read:

7.17 **353.335 DISABILITANT EARNINGS REPORTS.**

7.18 Subdivision 1. **Reemployment earnings reporting required.** Unless waived by the
 7.19 executive director, a disability benefit recipient must report all earnings from reemployment
 7.20 and from income from workers' compensation to the association annually by May 15 in a
 7.21 format prescribed by the executive director. If the form is not submitted by May 15, benefits
 7.22 must be suspended effective June 1. ~~If, upon receipt of the form by the association, if, the~~
 7.23 ~~executive director determines that~~ the disability benefit recipient is ~~deemed by the executive~~
 7.24 ~~director to be~~ eligible for continued payment, benefits must be reinstated retroactive to June
 7.25 1. The executive director may waive the requirements in this section if the medical evidence
 7.26 supports that the disability benefit recipient will not have earnings from reemployment.

7.27 Subd. 2. **Workers' compensation reporting not required.** Notwithstanding subdivision
 7.28 1, a recipient of disability benefits from the police and fire plan must not be required to
 7.29 report to the association any workers' compensation received by the recipient.

7.30 **EFFECTIVE DATE.** This section is effective January 1, 2024."

7.31 Page 26, line 26, delete "the day following final enactment" and insert "July 1, 2023"

7.32 Page 29, line 12, delete "the day following final enactment" and insert "July 1, 2023"

8.1 Page 30, line 3, delete "the day following final enactment" and insert "July 1, 2023"

8.2 Page 31, line 3, delete "the day following final enactment" and insert "July 1, 2023"

8.3 Page 31, delete lines 29 to 33 and insert:

8.4 "(c) This paragraph applies to members who begin disability payments or are required
8.5 to reapply under section 353.031, subdivision 8, on or after July 1, 2023. If a disabled
8.6 member resumes a gainful occupation with earnings, the amount of the member's disability
8.7 benefit must be reduced by a pro rata share each year until normal retirement age of the
8.8 sum of (1) and (2), not to exceed the amount of the member's disability benefit:

8.9 (1) for members with less than 20 years of service for a duty disability benefit or less
8.10 than 15 years of service for a regular disability benefit, one dollar for each dollar of
8.11 reemployment earnings, but not more than the lesser of (i) and (ii), but not to exceed the
8.12 employee contribution rate as defined under section 353.65, subdivision 2, multiplied by
8.13 the average salary used to determine the amount of the member's disability benefit when
8.14 granted:

8.15 (i) an amount equal to the employee contribution rate as defined under section 353.65,
8.16 subdivision 2, multiplied by the average salary used to determine the amount of the member's
8.17 disability benefit, when granted, multiplied by the difference between 20 for a duty disability
8.18 benefit or 15 for a regular disability benefit and the member's years of service, divided by
8.19 55 minus the member's age at the time of disability; or

8.20 (ii) 50% of the member's yearly reemployment earnings; and

8.21 (2) for all members, one dollar for each dollar by which the sum of the current disability
8.22 benefit plus actual monthly reemployment earnings exceeds the base monthly salary currently
8.23 paid by the employing governmental subdivision for similar positions.

8.24 (d) Paragraphs (b) and (c) do not apply to a member receiving total and permanent
8.25 disability benefits under section 353.656, subdivision 1a or 3a."

8.26 Page 32, delete lines 1 to 6

8.27 Page 33, line 4, delete "the day following final enactment" and insert "July 1, 2023"

8.28 Page 33, line 21, delete "the day following final enactment" and insert "July 1, 2023"

8.29 Page 34, after line 16, insert:

8.30 "EFFECTIVE DATE. This section is effective July 1, 2023."

9.1 Page 34, line 17, delete "APPROPRIATION" and insert "TRANSFERS TO THE
9.2 PSYCHOLOGICAL CONDITION TREATMENT ACCOUNTS"

9.3 Page 34, line 18, delete "\$....." and insert "\$1,000,000" and delete "and \$..... in fiscal
9.4 year 2025 are appropriated" and insert "is transferred"

9.5 Page 34, line 19, delete "for transfer" and before "psychological" insert "MSRS"

9.6 Page 34, line 21, delete "\$....." and insert "\$3,000,000" and delete "and \$..... in fiscal
9.7 year 2025 are appropriated" and insert "is transferred"

9.8 Page 34, line 22, delete "for transfer" and before "psychological" insert "PERA"

9.9 Page 34, after line 23, insert:

9.10 "(c) This is a onetime transfer."

9.11 Page 34, after line 23, insert:

9.12 "Sec. 28. TRANSFERS TO THE PUBLIC SAFETY OFFICER'S BENEFIT
9.13 ACCOUNT.

9.14 \$100,000,000 in fiscal year 2024 is transferred from the general fund to the public safety
9.15 officer's benefit account under Minnesota Statutes, section 299A.42, and appropriated to
9.16 the commissioner of public safety for the following uses:

9.17 (1) to cover administrative costs of the department of public safety to administer
9.18 reimbursements under Minnesota Statutes, section 299A.465, and costs to implement and
9.19 administer section 626.8478;

9.20 (2) to cover administrative costs of the Minnesota State Retirement System and the
9.21 Public Employees Retirement Association after the respective psychological condition
9.22 treatment accounts under Minnesota Statutes, section 352B.103 or section 353.033, is
9.23 depleted; and

9.24 (3) to fund reimbursements of public employers under Minnesota Statutes, section
9.25 299A.465.

9.26 This is a onetime transfer. If, for a fiscal year after 2024, the public safety officer's benefit
9.27 account does not have enough funds remaining from the \$100,000,000 transferred to it in
9.28 fiscal year 2024 to cover all administrative costs and reimbursements under clauses (1) to
9.29 (3), the commissioner of public safety must first cover the costs under clause (2) for the
9.30 fiscal year and, if any funds remain in the public safety officer's benefit account, then the
9.31 commissioner must cover the costs under clause (3) next and, if any funds remain in the

- 10.1 public safety officer's benefit account, then the commissioner must cover the costs under
- 10.2 clause (1)."
- 10.3 Renumber the sections in sequence
- 10.4 Amend the title accordingly