

1.1 ..... moves to amend H.F. No. 1741 as follows:

1.2 Page 2, delete section 3 and insert:

1.3 "Sec. 3. Minnesota Statutes 2019 Supplement, section 424A.01, subdivision 6, is amended  
1.4 to read:

1.5 Subd. 6. **Return to active firefighting after break in service.** (a) This subdivision  
1.6 governs the service pension calculation requirements of a firefighter who returns to active  
1.7 service after a break in service and applies to all breaks in service, except that the resumption  
1.8 service requirements of this subdivision do not apply to leaves of absence made available  
1.9 by federal statute, such as the Family Medical Leave Act, United States Code, title 29,  
1.10 section 2691, and the Uniformed Services Employment and Reemployment Rights Act,  
1.11 United States Code, title 38, section 4301, and do not apply to leaves of absence made  
1.12 available by state statute, such as the Parental Leave Act, section 181.941; ~~the~~ leave for  
1.13 bone marrow or organ donation Act, section ~~181.9456~~ 181.945; the Leave for Civil Air  
1.14 Patrol Service Act, section 181.946; the Leave for Immediate Family Members of Military  
1.15 Personnel Injured or Killed in Active Service Act, section 181.947; or the Protection of  
1.16 Jurors' Employment Act, section 593.50.

1.17 (b)(1) If a firefighter who has a break in service of any duration resumes performing  
1.18 active firefighting with the fire department associated with the relief association, and if the  
1.19 bylaws of the relief association so permit, the firefighter may again become an active member  
1.20 of the relief association, subject to the requirements of this paragraph and the service pension  
1.21 calculation requirements under this section.

1.22 (2) A firefighter who has been paid a service pension or disability benefit must wait at  
1.23 least 60 days following receipt of the pension or benefit before resuming active firefighting  
1.24 with the fire department and active membership in the relief association.

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

2.4 (4) A person who has a break in service not exceeding one year but has not been granted  
2.5 an approved leave of absence may be made exempt from the minimum period of resumption  
2.6 service requirement of this section by the relief association bylaws.

2.7 (5) If the bylaws so provide, a firefighter who returns to active relief association  
2.8 membership after a break in service of any duration may continue to collect a monthly  
2.9 service pension from the relief association, notwithstanding the requirement under section  
2.10 424A.02, subdivision 1, that the firefighter has separated from active service.

2.11 (c) If a former firefighter who has been paid a service pension or disability benefit returns  
2.12 to active relief association membership under paragraph (b), the firefighter may qualify for  
2.13 the receipt of a service pension from the relief association for the resumption service period  
2.14 if the firefighter meets the service requirements of section 424A.016, subdivision 3, or  
2.15 424A.02, subdivision 2, as applicable, or meets the resumption minimum service  
2.16 requirements specified in the relief association's bylaws. No firefighter may be paid a service  
2.17 pension more than once for the same period of service.

2.18 (d) If a former firefighter who has not been paid a service pension or disability benefit  
2.19 returns to active relief association membership under paragraph (b), the firefighter may  
2.20 qualify for the receipt of a service pension from the relief association for the original and  
2.21 resumption service periods if the firefighter meets the service requirements of section  
2.22 424A.016, subdivision 3, or 424A.02, subdivision 2, based on the original and resumption  
2.23 years of service credit.

2.24 (e) A firefighter who returns to active lump-sum relief association membership under  
2.25 paragraph (b) and who qualifies for a service pension under paragraph (c) must have, upon  
2.26 a subsequent cessation of duties, any service pension for the resumption service period  
2.27 calculated as a separate benefit. If a lump-sum service pension had been paid to the firefighter  
2.28 upon the firefighter's previous cessation of duties, a second lump-sum service pension for  
2.29 the resumption service period must be calculated by applying the service pension amount  
2.30 in effect on the date of the firefighter's termination of the resumption service for all years  
2.31 of the resumption service.

2.32 (f) A firefighter who had not been paid a lump-sum service pension returns to active  
2.33 relief association membership under paragraph (b), who did not meet the minimum period  
2.34 of resumption service requirement specified in the relief association's bylaws, but who does

3.1 meet the minimum service requirement of section 424A.02, subdivision 2, based on the  
3.2 firefighter's original and resumption years of active service, must have, upon a subsequent  
3.3 cessation of duties, a service pension for the original and resumption service periods  
3.4 calculated by applying the service pension amount in effect on the date of the firefighter's  
3.5 termination of the resumption service, or, if the bylaws so provide, based on the service  
3.6 pension amount in effect on the date of the firefighter's previous cessation of duties. The  
3.7 service pension for a firefighter who returns to active lump-sum relief association membership  
3.8 under this paragraph, but who had met the minimum period of resumption service requirement  
3.9 specified in the relief association's bylaws, must be calculated by applying the service  
3.10 pension amount in effect on the date of the firefighter's termination of the resumption service.

3.11 (g) If a firefighter receiving a monthly benefit service pension returns to active monthly  
3.12 benefit relief association membership under paragraph (b), and if the relief association  
3.13 bylaws do not allow for the firefighter to continue collecting a monthly service pension,  
3.14 any monthly benefit service pension payable to the firefighter is suspended as of the first  
3.15 day of the month next following the date on which the firefighter returns to active  
3.16 membership. If the firefighter was receiving a monthly benefit service pension, and qualifies  
3.17 for a service pension under paragraph (c), the firefighter is entitled to an additional monthly  
3.18 benefit service pension upon a subsequent cessation of duties calculated based on the  
3.19 resumption service credit and the service pension accrual amount in effect on the date of  
3.20 the termination of the resumption service. A suspended initial service pension resumes as  
3.21 of the first of the month next following the termination of the resumption service. If the  
3.22 firefighter was not receiving a monthly benefit service pension and meets the minimum  
3.23 service requirement of section 424A.02, subdivision 2, a service pension must be calculated  
3.24 by applying the service pension amount in effect on the date of the firefighter's termination  
3.25 of the resumption service for all years of service credit.

3.26 (h) A firefighter who was not receiving a monthly benefit service pension returns to  
3.27 active relief association membership under paragraph (b), who did not meet the minimum  
3.28 period of resumption service requirement specified in the relief association's bylaws, but  
3.29 who does meet the minimum service requirement of section 424A.02, subdivision 2, based  
3.30 on the firefighter's original and resumption years of active service, must have, upon a  
3.31 subsequent cessation of duties, a service pension for the original and resumption service  
3.32 periods calculated by applying the service pension amount in effect on the date of the  
3.33 firefighter's termination of the resumption service, or, if the bylaws so provide, based on  
3.34 the service pension amount in effect on the date of the firefighter's previous cessation of  
3.35 duties. The service pension for a firefighter who returns to active relief association

4.1 membership under this paragraph, but who had met the minimum period of resumption  
4.2 service requirement specified in the relief association's bylaws, must be calculated by  
4.3 applying the service pension amount in effect on the date of the firefighter's termination of  
4.4 the resumption service.

4.5 (i) For defined contribution plans, a firefighter who returns to active relief association  
4.6 membership under paragraph (b) and who qualifies for a service pension under paragraph  
4.7 (c) or (d) must have, upon a subsequent cessation of duties, any service pension for the  
4.8 resumption service period calculated as a separate benefit. If a service pension had been  
4.9 paid to the firefighter upon the firefighter's previous cessation of duties, and if the firefighter  
4.10 meets the minimum service requirement of section 424A.016, subdivision 3, or meets the  
4.11 resumption minimum service requirements specified in the relief association's bylaws, as  
4.12 applicable, based on the resumption years of service, a second service pension for the  
4.13 resumption service period must be calculated to include allocations credited to the firefighter's  
4.14 individual account during the resumption period of service and deductions for administrative  
4.15 expenses, if applicable.

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