

**SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION**

**S.F. No. 4765**

(SENATE AUTHORS: PAPPAS)

DATE  
03/07/2024

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Introduction and first reading  
Referred to State and Local Government and Veterans

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to retirement; Minnesota Secure Choice retirement program; permitting  
1.3 home and community-based services employees to participate in the program;  
1.4 amending Minnesota Statutes 2023 Supplement, sections 187.03, by adding a  
1.5 subdivision; 187.05, subdivision 7.

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

1.7 Section 1. Minnesota Statutes 2023 Supplement, section 187.03, is amended by adding a  
1.8 subdivision to read:

1.9 Subd. 7a. Home and community-based services employee. "Home and  
1.10 community-based services employee" means an individual employed by the individual's  
1.11 child or spouse to provide:

1.12 (1) consumer-directed community supports services under chapter 256S and sections  
1.13 256B.092 and 256B.49 or under the alternative care program authorized under section  
1.14 256B.0913; or

1.15 (2) services under the community first services and supports program authorized under  
1.16 section 256B.85 and Minnesota's federally approved waiver programs.

1.17 EFFECTIVE DATE. This section is effective the day following final enactment.

1.18 Sec. 2. Minnesota Statutes 2023 Supplement, section 187.05, subdivision 7, is amended  
1.19 to read:

1.20 Subd. 7. **Individuals not employed by a covered employer.** (a) In addition to home  
1.21 and community-based services employees under paragraph (b), the board may allow  
1.22 individuals not employed by a covered employer to open and contribute to an account in

2.1 the program, in which case the individual ~~shall~~ must be considered a covered employee for  
2.2 purposes of sections 187.05 to 187.11.

2.3 (b) The board must allow any home and community-based services employee to open  
2.4 and contribute to an account in the program within six months of the opening of the program  
2.5 and must consider a home and community-based services employee a covered employee  
2.6 for purposes of sections 187.05 to 187.11.

2.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.