

Sec. 3. EFFECTIVE DATE.

This act is effective upon compliance with Minnesota Statutes, Section 645.021.

Approved March 12, 1982

CHAPTER 403 — S.F.No. 1727

An act relating to retirement; second class city police relief associations; eliminating a dollar amount limitation on the payment of salaries to relief association officers; amending Minnesota Statutes 1981 Supplement, Section 423.808.

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

Section 1. Minnesota Statutes 1981 Supplement, Section 423.808, is amended to read:

423.808 USES OF PENSION FUND.

The police pension fund shall be used only for the payment of:

- (a) service, disability, or dependency pensions; and
- (b) salaries, in an amount not in excess of \$500 per year; and
- (c) expenses of administration of the association as authorized pursuant to section 69.80.

Sec. 2. EFFECTIVE DATE.

This act is effective on the day following final enactment.

Approved March 12, 1982

CHAPTER 404 — S.F.No. 1547

An act relating to retirement; miscellaneous amendments to the public employees retirement law; amending Minnesota Statutes 1980, Sections 353.01, Subdivisions 12 and 16; 353.35; and 353.657, Subdivision 2a; Minnesota Statutes 1981 Supplement, Sections 353.01, Subdivisions 2a and 2b; 353.27, Subdivision 4; 353.36, Subdivision 2; and 353.64, Subdivision 1; repealing Minnesota Statutes 1980, Sections 353.01, Subdivision 34; and 353.017, Subdivision 4; Minnesota Statutes 1981 Supplement, Section 353.023.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

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

Section 1. Minnesota Statutes 1981 Supplement, Section 353.01, Subdivision 2a, is amended to read:

Subd. 2a. **INCLUDED EMPLOYEES.** The following persons are included in the meaning of "public employee":

- (a) Elected or appointed officers and employees of elected officers.
- (b) District court reporters.
- (c) Officers and employees of the public employees retirement association.
- (d) Employees of the League of Minnesota Cities.
- (e) Officers and employees of public hospitals, owned or operated by or an integral part of, any governmental subdivision or governmental subdivisions.
- (f) Employees of a school district who receive separate salaries for driving their own buses.
- (g) Employees of the Association of Minnesota Counties.
- (h) Employees of the Metropolitan Inter-County Council.
- (i) Employees of the Minnesota Municipal Utilities Association.
- (j) ~~Elected or appointed officers and employees of the city of Minneapolis, or any of the boards, departments or commissions operated as a department of the city of Minneapolis or independently if financed in whole or in part by funds of the city of Minneapolis, if the officer's assumption of the position or the employee's employment initially commences on or after July 1, 1979.~~
- (~~k~~) Employees of the metropolitan airports commission if employment initially commences on or after July 1, 1979.
- (~~l~~) (k) Employees of the Minneapolis municipal employees retirement fund, if employment initially commences on or after July 1, 1979.
- (~~m~~) ~~Employees of special school district number 1 who are not members of the Minneapolis teachers retirement fund association if employment initially commences on or after July 1, 1979.~~
- (~~n~~) (l) Employees of the Range Association of Municipalities and Schools.
- (~~o~~) (m) Employees of the soil and water conservation districts.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 353.01, Subdivision 2b, is amended to read:

Subd. 2b. **EXCLUDED EMPLOYEES.** The following persons are excluded from the meaning of "public employee":

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(a) Persons employed for professional services where such service is incidental to regular professional duties.

(b) Election officers.

(c) Independent contractors and their employees.

(d) Patient and inmate help in governmental subdivision charitable, penal and correctional institutions.

(e) Members of boards, commissions, bands and others who serve the governmental subdivision intermittently.

(f) Employees who hold positions of an essentially temporary or seasonal character, provided such employment does not continue for a period in excess of 120 working days in any calendar year. Immediately following the expiration of such 120 working days if such employees continue in public service and earn in excess of \$325 in any one calendar month, the department heads must then report all such employees for membership and must cause employee contributions to be made on behalf of such employees in accordance with section 353.27, subdivision 4, and they shall remain members until termination of public service.

(g) Part-time employees ~~other than firefighters~~ who receive monthly compensation not exceeding \$325, and part-time employees ~~other than firefighters~~ and elected officials whose annual compensation is stipulated in advance to be not more than \$3,900 per year, except that members shall continue their membership until termination of public service.

(h) Persons who first occupy an elected office after March 1, 1978, the compensation for which does not exceed \$325 per month.

(i) Emergency employees who are employed by reason of work caused by fire, flood, storm or similar disaster.

(j) Employees who by virtue of their employment are required to contribute to any other pension, relief or retirement fund established for the benefit of officers and employees of a governmental subdivision, except as an act of the legislature has specifically enabled participation by employees of a designated governmental subdivision in a plan supplemental to the public employees retirement association; provided that this clause shall not prevent a person from contributing to the public employees retirement association and also belonging to or contributing to another public pension fund for other service occurring during the same period of time.

(k) Police matrons employed in a police department of any city who are transferred to the jurisdiction of a joint city and county detention and corrections authority.

(l) Chaplains and nuns who have taken a vow of poverty as members of a religious order.

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(m) Full-time students who are enrolled and are regularly attending classes at an accredited school, college or university; provided, no person employed full-time by a governmental subdivision shall be exempt under this paragraph.

(n) Resident physicians, medical interns and pharmacist interns who are serving in public hospitals.

(o) Appointed or elected officers, paid entirely on a fee basis, and who were not members on June 30, 1971.

(p) Nothing in Laws 1973, Chapter 753 shall be interpreted to impair or revoke any option exercised under Laws 1963, Chapter 793.

(q) Persons employed in subsidized on-the-job training, work experience or public service employment as enrollees under the federal comprehensive employment and training act from and after March 30, 1978, unless the person has as of the later of March 30, 1978 or the date of employment sufficient service credit in the retirement fund to meet the minimum vesting requirements for a deferred retirement annuity, or the employer agrees in writing on forms prescribed by the executive director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal comprehensive training and employment act, or the person agrees in writing on forms prescribed by the executive director to make the required employer contributions in addition to the required employee contribution.

(r) Town, city or county assessors elected or appointed pursuant to chapter 273 who do not receive compensation in excess of \$325 per month from any one employing governmental subdivision or who are employed pursuant to an employment contract which sets forth the total compensation to be paid and the length of service, not to exceed three months in duration, required for the performance of the contract and which was entered into in advance of the commencement of employment.

(s) ~~Volunteer firefighters as defined in subdivision 34.~~

(~~u~~) A person holding a part time adult supplementary vocational-technical school license who renders part time teaching service in a vocational-technical school if (1) the service is incidental to the person's regular nonteaching occupation; and (2) the applicable vocational-technical school stipulates annually in advance that the part time teaching service will not exceed 300 hours in a fiscal year; and (3) the part time teaching service actually does not exceed 300 hours in a fiscal year.

(~~u~~) (t) A person exempt from licensure pursuant to section 125.031.

Sec. 3. Minnesota Statutes 1980, Section 353.01, Subdivision 12, is amended to read:

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Subd. 12. **TEMPORARY LAYOFF.** "Temporary layoff" including seasonal leave of absence, means a suspension of public employment for a period not exceeding three ~~and one-half~~ months in any calendar year, by action of the employing governmental subdivision evidenced by appropriate record of the employer and promptly transmitted to the association.

Sec. 4. Minnesota Statutes 1980, Section 353.01, Subdivision 16, is amended to read:

Subd. 16. **ALLOWABLE SERVICE.** "Allowable service" means:

(1) Service during years of actual membership in the course of which employee contributions were currently made; periods covered by payments in lieu of salary deductions made as provided in section 353.35, and service in years during which the public employee was not a member but for which he later elected, while a member, to obtain credit by making payments to the fund as permitted by any law then in effect.

(2) Any period of authorized leave of absence with pay from which deductions for employee contributions are made, deposited, and credited to the fund.

(3) Any period of authorized leave of absence without pay which does not exceed one year, and during or for which a member obtained credit by payments to the fund made in lieu of salary deductions, provided that such payments are made in an amount or amounts based on his average salary on which deductions were paid (a) for the last six months of public service, or (b) that portion of the last six months while he was in public service, to apply to the period in either case immediately preceding commencement of such leave of absence; provided, however, that if the employee elects to pay employee contributions for the period of any leave of absence without pay, or for any portion thereof, he shall also, as a condition to the exercise of such election, pay to the fund an amount equivalent to both the required employer and additional employer contributions therefor, such payment to be made currently or within one year from the date the leave of absence terminates, unless the employer by appropriate action of its governing body and made a part of its official records, prior to the date of the first payment of such employee contribution, certifies to the association in writing that it will cause to be paid such employer and additional employer contributions from the proceeds of a tax levy made pursuant to section 353.28. Payments under this clause shall include interest at the rate of six percent per annum from the date of the termination of the leave of absence to the date payment is made.

(4) Any period during which a member is on an authorized sick leave of absence, ~~with or~~ without pay limited to one year, or an authorized temporary layoff.

(5) Any period during which a member is on an authorized leave of absence to enter military service, provided that the member returns to public

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service upon discharge from military service pursuant to section 192.262, and pays into the fund employee contributions based upon his salary at the date of return from military service. After June 30, 1983 payment must be made within five years of the date of discharge from the military service. The amount of these contributions shall be in accord with the contribution rates and salary limitations, if any, in effect during such leave, plus interest thereon at six percent per annum compounded annually from the date of return to public service to the date payment is made. In such cases the matching employer contribution and additional employer contribution provided in section 353.27, subdivisions 3 and 3a, shall be paid by the department employing such member upon his return to public service and the governmental subdivision involved is hereby authorized to appropriate money therefor. Such member shall not receive credit for any voluntary extension of military service at the instance of the member beyond the initial period of enlistment, induction or call to active duty.

Sec. 5. Minnesota Statutes 1981 Supplement, Section 353.27, Subdivision 4, is amended to read:

Subd. 4. **EMPLOYERS REPORTING REQUIREMENTS; CONTRIBUTIONS; MEMBER STATUS.** The head of each department is hereby directed to cause employee contributions to be deducted at least once each month from the salary of each member and to issue or approve one voucher payable to the state treasurer for the aggregate amount so deducted from such salaries, and at the same time to issue or approve one voucher for the aggregate amount of the employer contributions and the additional employer contributions for the same period of employment as that covered by the employee contributions, and to cause the same to be received not later than 20 days thereafter in the office of the association. The head of each department shall, for each pay period in which employee contributions are deducted, submit to the association a salary deduction report, in the form prescribed by the board of trustees, showing (a) the legal names and the association membership numbers, listed in alphabetical or ~~association membership number sequence~~ order, of all members; (b) the legal names of all new public employees and the effective dates of appointment; (c) the amount of each salary deduction; (d) the amount of salary from which each deduction was made; (e) effective dates of all terminations of public service on account of members and if such terminations were caused by death or retirement, there shall be inserted after such date the applicable word, "death" or "retirement"; and (f) effective dates of all temporary layoffs and leaves of absence and if such leaves are sick leaves, there shall be inserted after such date the words, "sick leave". Additionally, reports of contributions shall be accompanied by a membership enrollment form for each new employee in the form prescribed by the board, and it shall be the responsibility of department heads to obtain such enrollment forms from new employees to be submitted to the association within 30 days following the date of employment. The employers shall furnish such additional reports on punch cards, magnetic media or other form of report as may be requested by the association executive director.

Sec. 6. Minnesota Statutes 1980, Section 353.35, is amended to read:

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353.35 CONSEQUENCES OF REFUND; REPAYMENT, RIGHTS RESTORED.

When any former member accepts a refund all existing service credits and all rights and benefits to which the ~~member~~ person was entitled prior to the acceptance of such refund shall terminate and shall not again be restored until the ~~member~~ person acquires not less than 18 months allowable service credit subsequent to taking his last refund and repays all refunds taken and interest received under section 353.34, subdivisions 1 and 2, plus interest at six percent per annum compounded annually. If more than one refund has been taken, all refunds must be repaid by the ~~member~~ person with interest at six percent per annum compounded annually. All refunds must be repaid within three months of the last date of termination of public service.

Sec. 7. Minnesota Statutes 1981 Supplement, Section 353.36, Subdivision 2, is amended to read:

Subd. 2. **EMPLOYEE CONTRIBUTIONS; INTEREST; MATCHING PAYMENT.** A member who has at least one year of allowable service with the association, whose public service terminated before July 1, 1982, and who has prior public service on which salary deductions were not taken for the retirement fund and who does not have the required minimum number of years of allowable service credit to qualify for an annuity, may apply for an annuity if otherwise qualified, and within 90 days thereafter purchase whatever period of the member's prior public service which is necessary to bring the member's total allowable service credit to the minimum, provided that the most recent period of prior uncredited public service shall be purchased first. The member may gain allowable service credit by paying the applicable percentage of the salary covered under the law in effect at the time that the prior public service was performed. If the member is a basic member, the applicable percentage is eight percent, and if the member is a coordinated member, the applicable percentage is four percent. An amount equal to the employer and employer additional contributions specified in section 353.27, subdivisions 3 and 3a, plus interest on the total amount representing employee, employer and employer additional contributions at the rate of six percent per annum compounded annually from the date first payable to the date payment is made, shall also be paid. The employer, at its sole discretion, may agree to pay the amount representing the employer and employer additional contributions pursuant to subdivision 2a. An annuity shall accrue as provided in section 353.29, subdivision 7, but no annuity shall be paid until the applicant's payment is made in full for the prior public service. If payment is not made within such 90 days, the application for retirement shall be void.

Sec. 8. Minnesota Statutes 1981 Supplement, Section 353.64, Subdivision 1, is amended to read:

Subdivision 1. Any person who prior to July 1, 1961, was a member of the police and fire fund, by virtue of being a police officer or firefighter, shall as

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long as the person remains in either position, be deemed to continue membership in the fund. Any person who was employed by a governmental subdivision as a police officer and was a member of the police and fire fund on July 1, 1978 by virtue of being a police officer as defined by this section on that date shall be entitled, if employed by the same governmental subdivision in a position in the same department in which the person was employed on that date, to continue membership in the fund whether or not that person has the power of arrest by warrant after that date. Any other employee serving on a full-time basis as a police officer or firefighter on or after July 1, 1961, shall become a member of the public employees police and fire fund. Any employee serving on less than a full-time basis as a police officer shall become a member of the public employees police and fire fund only after a resolution is adopted by the governing body of the governmental subdivision employing the person declaring that the position which the person holds is that of a police officer. Any employee serving on less than a full-time basis as a firefighter, other than a volunteer firefighter as defined in ~~section 353.01, subdivision 34,~~ shall become a member of the public employees police and fire fund only after a resolution is adopted by the governing body of the governmental subdivision employing the person declaring that the position which the person holds is that of a firefighter and that the position will be compensated at an hourly wage payment rate which will yield a salary on an annual basis in an amount in excess of \$3,000. Any police officer or firefighter who by virtue of that employment is required to contribute to any other pension, relief, or retirement fund established for the benefit of officers or employees of a governmental subdivision other than a volunteer firefighters relief association to which sections 69.771 to 69.776 apply shall not be a member of this fund.

Sec. 9. Minnesota Statutes 1980, Section 353.657, Subdivision 2a, is amended to read:

Subd. 2a. If a member who has attained the age of at least 55 years and has credit for not less than 20 ~~ten~~ years allowable service dies before public service has terminated, or if an employee who has filed a valid application for an annuity or disability benefit prior to termination of public service dies before the annuity or benefit has become payable, notwithstanding any designation of beneficiary to the contrary, the surviving spouse may elect to receive, in lieu of a refund with interest provided in section 353.32, subdivision 1, or survivor benefits otherwise payable pursuant to subdivisions 1 and 2, an annuity equal to the 50 percent joint and survivor annuity which the member could have qualified for on the date of death, computed as provided in sections 353.651, subdivisions 2 and 3, and 353.30, subdivision 3. No payment shall accrue beyond the end of the month in which entitlement to such annuity has terminated. An amount equal to the excess, if any, of the accumulated contributions which were credited to the account of the deceased employee over and above the total of the annuities paid and payable to the surviving spouse shall be paid to the deceased member's last designated beneficiary or, if none, to the legal representative of the estate of such deceased member. Any member may request in writing that this subdivision not

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apply and that payment be made only to the designated beneficiary, as otherwise provided by this chapter.

Sec. 10. **REPEALER.**

Minnesota Statutes 1980, Sections 353.01, Subdivision 34; and 353.017, Subdivision 4; and Minnesota Statutes 1981 Supplement, Section 353.023, are repealed.

Sec. 11. **EFFECTIVE DATE.**

This act is effective July 1, 1982.

Approved March 12, 1982

CHAPTER 405 — S.F.No. 2095

An act relating to state government; implementing the provisions of certain reorganization orders issued by the commissioner of administration; clarifying certain regulations relating to professional boxing; amending Minnesota Statutes 1980, Sections 176.281; and 474.01, Subdivisions 7a and 7b; Minnesota Statutes 1981 Supplement, Section 474.03; and Laws 1982, Chapter 375, Section 1.

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

Section 1. Minnesota Statutes 1980, Section 176.281, is amended to read:

176.281 ORDERS, DECISIONS, AND AWARDS OF COMPENSATION JUDGES, COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY, OR WORKERS' COMPENSATION COURT OF APPEALS; FILING; SERVICE.

When the commissioner of the ~~department of labor and industry~~ or compensation judge or office of administrative hearings or the workers' compensation court of appeals has rendered an order, decision, or award, it shall be filed immediately with the commissioner of the ~~department of labor and industry~~. Where the commissioner of the ~~department of labor and industry~~, compensation judge, office of administrative hearings, or workers' compensation court of appeals has rendered an order, decision, or award, the commissioner of the ~~department of labor and industry~~ or the office of administrative hearings or the workers' compensation court of appeals shall immediately serve a copy upon every party in interest, together with a notification of the time the same was filed.

Sec. 2. Minnesota Statutes 1980, Section 474.01, Subdivision 7a, is amended to read:

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