

This Document can be made available in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **1977**

March 12, 2007

Authored by Murphy, M.

The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections

A bill for an act

relating to retirement; references to former retirement plans; correcting obsolete references; amending Minnesota Statutes 2006, sections 13.632, subdivision 1; 126C.41, subdivision 4; 353.01, subdivision 2b; 354A.12, subdivision 3b; 354B.21, subdivision 3; 355.01, subdivision 3h; 423A.02, subdivisions 3, 5.

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

Section 1. Minnesota Statutes 2006, section 13.632, subdivision 1, is amended to read:

Subdivision 1. **Beneficiary and survivor data.** The following data on beneficiaries and survivors of the ~~Minneapolis Teachers Retirement Fund Association~~, the St. Paul Teachers Retirement Fund Association; and the Duluth Teachers Retirement Fund Association members are private data on individuals: home address, date of birth, direct deposit number, and tax withholding data.

Sec. 2. Minnesota Statutes 2006, section 126C.41, subdivision 4, is amended to read:

Subd. 4. **Minneapolis health insurance subsidy.** Each year Special School District No. 1, Minneapolis, may make an additional levy not to exceed the amount raised by a net tax rate of .10 percent times the adjusted net tax capacity for taxes payable in 1991 and thereafter of the property in the district for the preceding year. The proceeds may be used only to subsidize health insurance costs for eligible teachers as provided in this section.

"Eligible teacher" means a retired teacher who is a retired member of the Teachers Retirement Association, who was a basic member of the former Minneapolis Teachers Retirement Fund Association, who retired before May 1, 1974, or who had 20 or more years of basic member service in the former Minneapolis Teachers Retirement Fund Association and retired before June 30, 1983, and who is not eligible to receive the hospital insurance benefits of the federal Medicare program of the Social Security Act

2.1 without payment of a monthly premium. The district must notify eligible teachers that a
2.2 subsidy is available. To obtain a subsidy, an eligible teacher must submit to the school
2.3 district a copy of receipts for health insurance premiums paid. The district must disburse
2.4 the health insurance premium subsidy to each eligible teacher according to a schedule
2.5 determined by the district, but at least annually. An eligible teacher may receive a subsidy
2.6 up to an amount equal to the lesser of 90 percent of the cost of the eligible teacher's
2.7 health insurance or up to 90 percent of the cost of the number two qualified plan of health
2.8 coverage for individual policies made available by the Minnesota comprehensive health
2.9 association under chapter 62E.

2.10 If funds remaining from the previous year's health insurance subsidy levy, minus
2.11 the previous year's required subsidy amount, are sufficient to pay the estimated current
2.12 year subsidy, the levy must be discontinued until the remaining funds are estimated by the
2.13 school board to be insufficient to pay the subsidy.

2.14 This subdivision does not extend benefits to teachers who retire after June 30,
2.15 1983, and does not create a contractual right or claim for altering the benefits in this
2.16 subdivision. This subdivision does not restrict the district's right to modify or terminate
2.17 coverage under this subdivision.

2.18 Sec. 3. Minnesota Statutes 2006, section 353.01, subdivision 2b, is amended to read:

2.19 Subd. 2b. **Excluded employees.** The following public employees are not eligible
2.20 to participate as members of the association with retirement coverage by the public
2.21 employees retirement plan, the local government correctional employees retirement plan
2.22 under chapter 353E, or the public employees police and fire retirement plan:

2.23 (1) public officers, other than county sheriffs, who are elected to a governing body,
2.24 or persons who are appointed to fill a vacancy in an elective office of a governing body,
2.25 whose term of office commences on or after July 1, 2002, for the service to be rendered
2.26 in that elective position. Elected governing body officials who were active members of
2.27 the association's coordinated or basic retirement plans as of June 30, 2002, continue
2.28 participation throughout incumbency in office until termination of public service occurs as
2.29 defined in subdivision 11a;

2.30 (2) election officers or election judges;

2.31 (3) patient and inmate personnel who perform services for a governmental
2.32 subdivision;

2.33 (4) except as otherwise specified in subdivision 12a, employees who are hired for
2.34 a temporary position as defined under subdivision 12a, and employees who resign from

3.1 a nontemporary position and accept a temporary position within 30 days in the same
3.2 governmental subdivision;

3.3 (5) employees who are employed by reason of work emergency caused by fire,
3.4 flood, storm, or similar disaster;

3.5 (6) employees who by virtue of their employment in one governmental subdivision
3.6 are required by law to be a member of and to contribute to any of the plans or funds
3.7 administered by the Minnesota State Retirement System, the Teachers Retirement
3.8 Association, the Duluth Teachers Retirement Fund Association, ~~the Minneapolis Teachers~~
3.9 ~~Retirement Fund Association,~~ the St. Paul Teachers Retirement Fund Association, the
3.10 Minneapolis Employees Retirement Fund, or any police or firefighters relief association
3.11 governed by section 69.77 that has not consolidated with the Public Employees Retirement
3.12 Association, or any local police or firefighters consolidation account who have not elected
3.13 the type of benefit coverage provided by the public employees police and fire fund under
3.14 sections 353A.01 to 353A.10, or any persons covered by section 353.665, subdivision 4,
3.15 5, or 6, who have not elected public employees police and fire plan benefit coverage. This
3.16 clause must not be construed to prevent a person from being a member of and contributing
3.17 to the Public Employees Retirement Association and also belonging to and contributing to
3.18 another public pension plan or fund for other service occurring during the same period
3.19 of time. A person who meets the definition of "public employee" in subdivision 2 by
3.20 virtue of other service occurring during the same period of time becomes a member of the
3.21 association unless contributions are made to another public retirement fund on the salary
3.22 based on the other service or to the Teachers Retirement Association by a teacher as
3.23 defined in section 354.05, subdivision 2;

3.24 (7) persons who are members of a religious order and are excluded from coverage
3.25 under the federal Old Age, Survivors, Disability, and Health Insurance Program for the
3.26 performance of service as specified in United States Code, title 42, section 410(a)(8)(A),
3.27 as amended through January 1, 1987, if no irrevocable election of coverage has been made
3.28 under section 3121(r) of the Internal Revenue Code of 1954, as amended;

3.29 (8) employees of a governmental subdivision who have not reached the age of
3.30 23 and are enrolled on a full-time basis to attend or are attending classes on a full-time
3.31 basis at an accredited school, college, or university in an undergraduate, graduate, or
3.32 professional-technical program, or a public or charter high school;

3.33 (9) resident physicians, medical interns, and pharmacist residents and pharmacist
3.34 interns who are serving in a degree or residency program in public hospitals;

3.35 (10) students who are serving in an internship or residency program sponsored
3.36 by an accredited educational institution;

4.1 (11) persons who hold a part-time adult supplementary technical college license who
4.2 render part-time teaching service in a technical college;

4.3 (12) except for employees of Hennepin County or Hennepin Healthcare System,
4.4 Inc., foreign citizens working for a governmental subdivision with a work permit of less
4.5 than three years, or an H-1b visa valid for less than three years of employment. Upon
4.6 notice to the association that the work permit or visa extends beyond the three-year period,
4.7 the foreign citizens must be reported for membership from the date of the extension;

4.8 (13) public hospital employees who elected not to participate as members of the
4.9 association before 1972 and who did not elect to participate from July 1, 1988, to October
4.10 1, 1988;

4.11 (14) except as provided in section 353.86, volunteer ambulance service personnel,
4.12 as defined in subdivision 35, but persons who serve as volunteer ambulance service
4.13 personnel may still qualify as public employees under subdivision 2 and may be members
4.14 of the Public Employees Retirement Association and participants in the public employees
4.15 retirement fund or the public employees police and fire fund, whichever applies, on the
4.16 basis of compensation received from public employment service other than service as
4.17 volunteer ambulance service personnel;

4.18 (15) except as provided in section 353.87, volunteer firefighters, as defined in
4.19 subdivision 36, engaging in activities undertaken as part of volunteer firefighter duties;
4.20 provided that a person who is a volunteer firefighter may still qualify as a public
4.21 employee under subdivision 2 and may be a member of the Public Employees Retirement
4.22 Association and a participant in the public employees retirement fund or the public
4.23 employees police and fire fund, whichever applies, on the basis of compensation received
4.24 from public employment activities other than those as a volunteer firefighter;

4.25 (16) pipefitters and associated trades personnel employed by Independent School
4.26 District No. 625, St. Paul, with coverage under a collective bargaining agreement by the
4.27 pipefitters local 455 pension plan who were either first employed after May 1, 1997, or,
4.28 if first employed before May 2, 1997, elected to be excluded under Laws 1997, chapter
4.29 241, article 2, section 12;

4.30 (17) electrical workers, plumbers, carpenters, and associated trades personnel
4.31 employed by Independent School District No. 625, St. Paul, or the city of St. Paul,
4.32 who have retirement coverage under a collective bargaining agreement by the Electrical
4.33 Workers Local 110 pension plan, the United Association Plumbers Local 34 pension plan,
4.34 or the Carpenters Local 87 pension plan who were either first employed after May 1,
4.35 2000, or, if first employed before May 2, 2000, elected to be excluded under Laws 2000,
4.36 chapter 461, article 7, section 5;

5.1 (18) bricklayers, allied craftworkers, cement masons, glaziers, glassworkers,
 5.2 painters, allied tradesworkers, and plasterers employed by the city of St. Paul or
 5.3 Independent School District No. 625, St. Paul, with coverage under a collective
 5.4 bargaining agreement by the Bricklayers and Allied Craftworkers Local 1 pension plan,
 5.5 the Cement Masons Local 633 pension plan, the Glaziers and Glassworkers Local L-1324
 5.6 pension plan, the Painters and Allied Trades Local 61 pension plan, or the Twin Cities
 5.7 Plasterers Local 265 pension plan who were either first employed after May 1, 2001, or if
 5.8 first employed before May 2, 2001, elected to be excluded under Laws 2001, First Special
 5.9 Session chapter 10, article 10, section 6;

5.10 (19) plumbers employed by the Metropolitan Airports Commission, with coverage
 5.11 under a collective bargaining agreement by the Plumbers Local 34 pension plan, who either
 5.12 were first employed after May 1, 2001, or if first employed before May 2, 2001, elected to
 5.13 be excluded under Laws 2001, First Special Session chapter 10, article 10, section 6;

5.14 (20) employees who are hired after June 30, 2002, to fill seasonal positions under
 5.15 subdivision 12b which are limited in duration by the employer to 185 consecutive calendar
 5.16 days or less in each year of employment with the governmental subdivision;

5.17 (21) persons who are provided supported employment or work-study positions
 5.18 by a governmental subdivision and who participate in an employment or industries
 5.19 program maintained for the benefit of these persons where the governmental subdivision
 5.20 limits the position's duration to three years or less, including persons participating in a
 5.21 federal or state subsidized on-the-job training, work experience, senior citizen, youth, or
 5.22 unemployment relief program where the training or work experience is not provided as a
 5.23 part of, or for, future permanent public employment;

5.24 (22) independent contractors and the employees of independent contractors; and

5.25 (23) reemployed annuitants of the association during the course of that
 5.26 reemployment.

5.27 Sec. 4. Minnesota Statutes 2006, section 354A.12, subdivision 3b, is amended to read:

5.28 Subd. 3b. **Special direct state matching aid to the Teachers Retirement**
 5.29 **Association.** (a) Special School District No. 1 must make an additional employer
 5.30 contribution to the Teachers Retirement Fund Association. The city of Minneapolis must
 5.31 make a contribution to the Teachers Retirement Association. This contribution must be
 5.32 made by a levy of the board of estimate and taxation of the city of Minneapolis and the
 5.33 levy, if made, is classified as that of a special taxing district for purposes of sections
 5.34 275.065 and 276.04, and for all other property tax purposes.

6.1 (b) ~~\$1,125,000~~ \$1,250,000 must be contributed by Special School District No.
 6.2 1 and ~~\$1,125,000~~ \$1,250,000 must be contributed by the city of Minneapolis to the
 6.3 Teachers Retirement Association under paragraph (a), and the state shall pay to the
 6.4 Teachers Retirement Association \$2,500,000 each fiscal year. The superintendent of
 6.5 Special School District No. 1, the mayor of the city of Minneapolis, and the executive
 6.6 director of the Teachers Retirement Association shall jointly certify to the commissioner
 6.7 of finance the total amount that has been contributed by Special School District No. 1
 6.8 and by the city of Minneapolis to the Teachers Retirement Association. Any certification
 6.9 to the commissioner of education must be made quarterly. If the total certifications for a
 6.10 fiscal year exceed the maximum annual direct state matching aid amount in any quarter,
 6.11 the amount of direct state matching aid payable to the Teachers Retirement Association
 6.12 must be limited to the balance of the maximum annual direct state matching aid amount
 6.13 available. The amount required under this paragraph, subject to the maximum direct state
 6.14 matching aid amount, is appropriated annually to the commissioner of finance.

6.15 (c) The commissioner of finance may prescribe the form of the certifications
 6.16 required under paragraph (b).

6.17 Sec. 5. Minnesota Statutes 2006, section 354B.21, subdivision 3, is amended to read:

6.18 Subd. 3. **Default coverage.** (a) Prior to making an election under subdivision 2, or
 6.19 if an eligible person fails to elect coverage by the plan under subdivision 2 or if the person
 6.20 fails to make a timely election, the following retirement coverage applies:

6.21 (1) for employees of the board who are employed in faculty positions in the technical
 6.22 colleges, in the state universities or in the community colleges, the retirement coverage
 6.23 is by the plan established by this chapter;

6.24 (2) for employees of the board who are employed in faculty positions in the technical
 6.25 colleges, the retirement coverage is by the plan established by this chapter unless on June
 6.26 30, 1997, the employee was a member of the Teachers Retirement Association established
 6.27 under chapter 354 and then the retirement coverage is by the Teachers Retirement
 6.28 Association, or, unless the employee was a member of a first class city teacher retirement
 6.29 fund established under chapter 354A on June 30, 1995, and then the retirement coverage
 6.30 is by the Duluth Teachers Retirement Fund Association if the person was a member of
 6.31 that plan on June 30, 1995, or the ~~Minneapolis Teachers Retirement Fund Association~~
 6.32 Teachers Retirement Association if the person was a member of ~~that plan~~ the former
 6.33 Minneapolis Teachers Retirement Fund Association on June 30, 1995, or the St. Paul
 6.34 Teachers Retirement Fund Association if the person was a member of that plan on June
 6.35 30, 1995; and

7.1 (3) for employees of the board who are employed in eligible unclassified
7.2 administrative positions, the retirement coverage is by the plan established by this chapter.

7.3 (b) If an employee fails to correctly certify prior membership in the Teachers
7.4 Retirement Association to the Minnesota State colleges and Universities system, the
7.5 system shall not pay interest on employee contributions, employer contributions, and
7.6 additional employer contributions to the Teachers Retirement Association under section
7.7 354.52, subdivision 4.

7.8 Sec. 6. Minnesota Statutes 2006, section 355.01, subdivision 3h, is amended to read:

7.9 Subd. 3h. **Minneapolis teacher.** "Minneapolis teacher" means a person employed
7.10 by Special School District No. 1, Minneapolis, who holds a position covered by the
7.11 ~~Minneapolis Teachers Retirement Fund Association established~~ Teachers Retirement
7.12 Association under ~~chapter 354A~~ section 354.70.

7.13 Sec. 7. Minnesota Statutes 2006, section 423A.02, subdivision 3, is amended to read:

7.14 Subd. 3. **Reallocation of amortization or supplementary amortization state**
7.15 **aid.** (a) Seventy percent of the difference between \$5,720,000 and the current year
7.16 amortization aid or supplemental amortization aid distributed under subdivisions 1 and 1a
7.17 that is not distributed for any reason to a municipality for use by a local police or salaried
7.18 fire relief association must be distributed by the commissioner of revenue according to this
7.19 paragraph. The commissioner shall distribute 70 percent of the amounts derived under this
7.20 paragraph to the ~~Minneapolis Teachers Retirement Fund Association~~ Teachers Retirement
7.21 Association and 30 percent to the St. Paul Teachers Retirement Fund Association to
7.22 fund the unfunded actuarial accrued liabilities of the respective funds. These payments
7.23 shall be made on or before June 30 each fiscal year. The amount required under this
7.24 paragraph is appropriated annually from the general fund to the commissioner of revenue.
7.25 ~~If either the Minneapolis Teachers Retirement Fund Association or the St. Paul Teachers~~
7.26 ~~Retirement Fund Association becomes funded at the funding ratio applicable to the~~
7.27 ~~teachers retirement association based on the actuarial reports prepared by the actuary for~~
7.28 ~~the Legislative Commission on Pensions and Retirement, then the commissioner shall~~
7.29 ~~distribute that fund's share under this paragraph to the other fund. The appropriation~~
7.30 ~~under this paragraph terminates when both funds become fully funded, its eligibility for~~
7.31 this aid ceases. Amounts remaining in the undistributed balance account at the end of the
7.32 biennium if aid eligibility ceases cancel to the general fund.

7.33 (b) In order to receive amortization and supplementary amortization aid under
7.34 paragraph (a), Independent School District No. 625, St. Paul, must make contributions

8.1 to the St. Paul Teachers Retirement Fund Association in accordance with the following
8.2 schedule:

8.3	Fiscal Year	Amount
8.4	1996	\$0
8.5	1997	\$0
8.6	1998	\$200,000
8.7	1999	\$400,000
8.8	2000	\$600,000
8.9	2001 and thereafter	\$800,000

8.10 (c) ~~In order to receive amortization and supplementary amortization aid under~~
8.11 ~~paragraph (a),~~ Special School District No. 1, Minneapolis, and the city of Minneapolis
8.12 must each make contributions to the ~~Minneapolis Teachers Retirement Fund Association~~
8.13 Teachers Retirement Association in accordance with the following schedule:

8.14		City	School
8.15		amount	district
8.16	Fiscal Year		amount
8.17	1996	\$0	\$0
8.18	1997	\$0	\$0
8.19	1998	\$250,000	\$250,000
8.20	1999	\$400,000	\$400,000
8.21	2000	\$550,000	\$550,000
8.22	2001	\$700,000	\$700,000
8.23	2002	\$850,000	\$850,000
8.24	2003 and thereafter	\$1,000,000	\$1,000,000

8.25 (d) Money contributed under paragraph (a) and either paragraph (b) or (c), as
8.26 applicable, must be credited to a separate account in the applicable teachers retirement
8.27 fund and may not be used in determining any benefit increases. The separate account
8.28 terminates for a fund when the aid payments to the fund under paragraph (a) cease.

8.29 (e) Thirty percent of the difference between \$5,720,000 and the current year
8.30 amortization aid or supplemental amortization aid under subdivisions 1 and 1a that is not
8.31 distributed for any reason to a municipality for use by a local police or salaried firefighter
8.32 relief association must be distributed under section 69.021, subdivision 7, paragraph (d),
8.33 as additional funding to support a minimum fire state aid amount for volunteer firefighter
8.34 relief associations. The amount required under this paragraph is appropriated annually
8.35 to the commissioner of revenue.

8.36 Sec. 8. Minnesota Statutes 2006, section 423A.02, subdivision 5, is amended to read:

8.37 Subd. 5. **Termination of state aid programs.** The amortization state aid,
8.38 supplemental amortization state aid, and additional amortization state aid programs

9.1 terminate as of the December 31, next following the date of the actuarial valuation when
9.2 ~~the assets of the Minneapolis Teachers Retirement Fund Association equal the actuarial~~
9.3 ~~accrued liability of that plan and when the assets of the St. Paul Teachers Retirement~~
9.4 Fund Association equal the actuarial accrued liability of that plan or December 31, 2009,
9.5 whichever is later.

9.6 **Sec. 9. EFFECTIVE DATE.**

9.7 Sections 1 to 3, 5, 6, and 8 are effective on the day following final enactment.

9.8 Sections 4 and 7 are effective retroactively from July 1, 2006.