

CHAPTER 535—S.F.No.52

[Coded in Part]

An act relating to the teachers retirement fund and social security employer tax collections; appropriating money; amending Minnesota Statutes 1969, Section 354.05 by adding subdivisions; 354.201 by adding a subdivision; 354.43, Subdivision 1, and by adding subdivisions; 355.46, Subdivision 3; and repealing Minnesota Statutes 1969, Section 355.46, Subdivision 4.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1969, Section 354.05, is amended by adding subdivisions to read:

Subd. 27. TEACHERS RETIREMENT; SOCIAL SECURITY COVERAGE. The term “normal school operating funds” as used in this chapter shall be defined as and limited to the proceeds of property tax levies, state school maintenance cost aids distributed in accordance with statutes governing such funds, state aid to distressed school districts, proceeds from federal forest reserve lands, Smith-Hughes and George-Barden program aids as amended, state transportation aids, and receipts from tuition paid by persons or other school districts and rental charges received.

Subd. 28. The term “satisfactory certification” means a certification executed by a responsible officer of an employing authority in such form and content that false or misleading information would constitute perjury.

Subd. 29. The term “social security receivable” means an amount equal to the request of transfer the trustees are authorized to make in section 5 of this act plus the amounts the state auditor shall determine as of July 1, 1971 that have been paid from the teachers retirement fund pursuant to section 355.46, subdivision 3 (b) for which reimbursement has not already been made during the twelve-month period immediately preceding July 1, 1971.

Sec. 2. Minnesota Statutes 1969, Section 354.201, is amended by adding a subdivision to read:

Subd. 4. The allocation of the state auditor to a teachers retirement fund association in a city of the first class as provided in subdivision 3 of this section shall be reduced by an amount obtained by applying the percentage of payroll calculated in subdivision 3 of this section to that portion of salaries paid from sources other than normal school operating funds as defined in subdivision 27 of section 1 of this act. Before such allocation may be made, each teachers retirement fund association in a city of the first class shall furnish to the state auditor a satisfactory certification which shows the total of

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all salaries paid which are subject to teachers retirement deductions. Such certification shall also show the total amount of salaries paid from normal school operating funds and the total amount of salaries paid from sources other than normal school operating funds as defined in subdivision 27 of section 1 of this act. For each individual salary included in the total of all salaries paid from sources other than normal school operating funds as defined in subdivision 27 of section 1 of this act, the certification shall show each person's name, his salary or related portion of salary and amount of employer contributions determined by applying the percentage of payroll calculated in subdivision 3 of this section to such salary. Such amount of related employer contributions shall be remitted to the state teachers retirement association by the state auditor until the amount of these remittances and those described in subdivision 3 of section 4 of this act are equal to the social security receivable as defined in subdivision 29 of section 1 of this act.

Sec. 3. Minnesota Statutes 1969, Section 354.43, Subdivision 1, is amended to read:

354.43 EMPLOYER CONTRIBUTIONS, FINANCING. Subdivision 1. Except as provided in subdivision 3 of section 4 of this act, at least once each month the board shall determine the amount of money necessary and presently needed to meet the state's obligation as provided in sections 354.05 to 354.14 and 354.31 to 354.61, and acts amendatory thereof, and shall certify the amount so determined to the state auditor. The amount so certified shall be transferred immediately to the teacher's retirement fund.

Sec. 4. Minnesota Statutes 1969, Section 354.43, is amended by adding subdivisions to read:

Subd. 3. Each school district, state college, junior college and any other employing authority of members of the fund shall be obligated for employer contributions in accordance with the provisions of sections 354.32, subdivisions 2 and 3, 354.42, subdivisions 3 and 5, and 355.46, subdivision 3, as provided in this section. That portion of such employer contributions based on salaries paid from sources other than normal school operating funds as defined in subdivision 27 of section 1 of this act shall be remitted to the teachers retirement association. Such remittance shall be accompanied by a satisfactory certification which shows the total of all salaries paid which are subject to teachers retirement deductions. Such certification shall also show the total amount of salaries paid from normal school operating funds and the total amount of salaries paid from sources other than normal school operating funds as defined in subdivision 27 of section 1 of this act. For each individual salary included in the total of all salaries paid from sources other than normal school operating funds as defined in subdivision 27 of section 1 of this act, the certification shall show each person's name, his salary

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or related portion of salary and remittance of employer contributions related to such salary for each person included in the actual remittance.

Subd. 4. When the amount of such remittances described in section 2 and subdivision 3 of this section is equal to the social security receivable as defined in subdivision 29 of section 1 of this act, the board of trustees of the teachers retirement association shall reduce their certifications pursuant to subdivision 1 of this section by an amount equal to the employing authorities' certifications and remittances as described in subdivision 3 of this section.

Subd. 5. Any excess employer contributions paid by the state in behalf of an employing authority of members of the fund as the result of a false or wrongful certification shall be the obligation of the employing authority which made such false or wrongful certification. Such excess employer contributions shall be recovered by the state by appropriate means including recovery from state aid or other funds payable to the employing authority.

Sec. 5. Minnesota Statutes 1969, Section 355.46, Subdivision 3, is amended to read:

Subd. 3. The employer taxes due with respect to employment by educational employees who have made their selection pursuant to section 218(d) (6) (C) of the social security act, shall be paid in the following manner:

(a) Contributions required for retroactive coverage shall be made in the manner provided in subdivision 2.

(b) Contributions required to be made for current service by political subdivisions employing such educational employees and payments required by section 355.49 shall be paid by the state. Beginning July 1, 1971 the state's obligation for services performed subsequent to the date of the agreement or modification shall be paid from the retirement fund, by the state auditor at such times and in such amounts as may be determined by the state agency to be necessary. The amounts herein required are hereby appropriated from the teachers retirement fund to the state auditor from the general fund in the state treasury and the trustees are state auditor is hereby authorized to make the necessary disbursements and transfers therefor except that the first such amount so required shall be reduced by an amount of \$3,000,000 which shall be appropriated from the teachers retirement fund. The trustees are hereby authorized to make this request of transfer to the state auditor .

(c) Contributions required to be made with respect to such educational employees of state departments and institutions and payments required by section 355.49 shall be paid by such depart-

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ments and institutions in accordance with the provisions of sections 355.49 and 355.50.

Sec. 6. Minnesota Statutes 1969, Section 355.46, Subdivision 4, is repealed.

Sec. 7. This act is effective July 1, 1971.

Approved May 26, 1971.

CHAPTER 536—S.F.No.54

[Not Coded]

An act relating to public employees retirement association; providing for payment of survivorship benefits to widows of former village employees who were erroneously denied benefits; amending Laws 1969, Chapter 1108, Section 1.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Laws 1969, Chapter 1108, Section 1, is amended to read:

Section 1. **P.E.R.A.; BENEFITS TO WIDOWS.** Notwithstanding any provisions of Minnesota Statutes ~~1967~~, Chapter 353, to the contrary, former employees of a village who were born on or before February 12, 1896, and died on or before October 8, 1960, and who were employees of a village between January 8, 1958 and December 31, 1959, shall be deemed members of the public employees retirement association on the date of their death where the records of the public employees retirement association indicated that such employees were terminated instead of reporting that they were sick. The surviving widows of such employees shall receive the survivorship benefits to which they are entitled from and after the ~~effective date of this~~ date of death of such employees, notwithstanding records of the public employees retirement association. Survivorship benefits provided for in this section are payable only if a surviving widow of such member of the public employees retirement association has not remarried, and if she repays the refund together with six percent interest which she obtained from the public employees retirement association after the death of her husband.

Approved May 26, 1971.

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