

funds.

Sec. 3. This act is effective the day following final enactment.

Approved April 2, 1976.

CHAPTER 130—H.F.No.2155

An act relating to retirement; proportionate annuities for members of various funds; classification and allowances of Minneapolis city employees; amending Minnesota Statutes 1974, Sections 422A.09, Subdivision 3; 422A.13, Subdivision 2; and Minnesota Statutes, 1975 Supplement, Section 356.32, Subdivision 2.

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

Section 1. Minnesota Statutes, 1975 Supplement, Section 356.32, Subdivision 2, is amended to read:

Subd. 2. **RETIREMENT; PUBLIC EMPLOYEES; PROPORTIONATE ANNUITIES; COVERED FUNDS.** The provisions of this section shall apply to the following retirement funds:

(1) State employees retirement fund, established pursuant to chapter 352;

(2) Correctional employees retirement program, established pursuant to chapter 352;

(3) Highway patrolmen's retirement fund, established pursuant to chapter 352B;

(4) Public employees retirement fund, established pursuant to chapter 353;

(5) Public employees police and fire fund, established pursuant to chapter 353;

(6) Teachers retirement fund, established pursuant to chapter 354

(7) Minneapolis municipal employees retirement fund, established pursuant to chapter 422A.

Sec. 2. Minnesota Statutes 1974, Section 422A.09, Subdivision 3, is amended to read:

Subd. 3. The exempt class shall consist of:

Changes or additions indicated by underline deletions by ~~strikeout~~

(1) Employees who are members of any other organization or association of the city on behalf of which a tax is levied by the city for the purpose of paying retirement allowances to disabled or superannuated employees.

(2) Persons filling elective position. Provided that any elective officer holding an elective city office, excepting judges of a municipal court, shall, upon written application to the retirement board, be entitled to become a member of the contributing class of the fund, and after becoming a contributor to the fund be entitled to all benefits conferred upon employees of the contributing class except retirement on a service allowance, which shall be granted only upon completion of ten or more years of service.

All retirement allowances shall be computed and determined as provided herein, except that in determining the number of years of service, credit shall be given for time ~~service~~ served as an elective officer or employee, or member of an executive board or commission or any combination thereof. Persons who have served in elective positions which qualified them for membership in the fund prior to July 1, 1967, and who immediately thereafter hold elective office, first being appointed to that elective office in Hennepin county in which they served as an elected official, may retain or resume membership in the fund as an elective officer of the county. The county shall collect and pay to the retirement fund the employee contribution. The employer cost of allowances and benefits credited to an elected officer as set forth above shall be paid from the county revenue fund by the proper county officials upon certification of such costs by the retirement board in the same manner as prescribed in section 422A.08 for the payment of costs by public corporations. A tax shall be levied by Hennepin county to defray the cost of such retirement allowances which may be in addition to all other taxes levied by the county. Before receiving a retirement allowance, or any other benefit, any person who claims credit for service under this section shall contribute to the fund an amount equal to the amount of contributions to the fund which such person would have made had he been a contributor to the fund since the date he first became eligible for membership in the fund, in accordance with the method of contribution herein provided for, plus four percent compound interest.

(3) Persons serving without pay.

(4) ~~Persons not citizens of the United States.~~

(5) ~~Persons who have attained the age of 56; unless such person has past or present service as an employee of the city or any of its boards, departments or commissions or by a public corporation, or in retirement systems as provided in section 422A.16 that will at the time of mandatory retirement equal or exceed ten years; as determined by the retirement board, regardless of the provisions of the veterans preference act or any law, rule or bylaw to the contrary.~~

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~~(6)~~ (4) Persons employed on a temporary basis, as laborers, door-keepers, ticket takers, and attendants at the municipal auditorium, park recreation facilities, or like activities, employed less than 1000 hours, or its equivalent if employed on any other basis than an hourly basis, in any calendar year from January 1 to December 31, inclusive, provided that employees who are contributing members of the fund on July 1, 1959 shall not be affected by the exclusions contained in this section.

~~(7)~~ (5) A person who is exempted from the contributing class by Minnesota Statutes 1974, Section 422A.09, Subdivision 3, clauses (4) and (5), but who is employed by and paid, in whole or in part, by the city or any of its boards, departments, or commissions, operated as a department of the city government or independently, if financed in whole or in part by city funds, including any person employed by a public corporation as herein defined, and including any person employed by the Minneapolis school district, each of whom are not a member of any other retirement system, who later becomes a contributing member of the fund may elect to qualify such time for credit by paying into the fund an amount equal to the amount of contributions to the fund which such person would have made had he been a contributor to the fund since the date he first qualified as an exempt member of the contributing class, in accordance with the method of contribution herein provided, plus four percent compound interest.

~~(8)~~ (6) Any person who is employed by the city or any of its boards, departments, commissions or a public corporation, as herein outlined, and is excluded from participation in the fund by ~~paragraphs (5) or (6)~~ paragraph (4) shall be separated from the service upon reaching the age of 65 regardless of the provisions of the veterans preference act.

Sec. 3. Minnesota Statutes 1974, Section 422A.13, Subdivision 2, is amended to read:

Subd. 2. Subject to the limitations stated in sections 422A.01 to 422A.25, any employee in the contributing class who shall have been employed by the city for ten or more years and shall have attained the established age for retirement, or shall have been employed by the city for 30 or more years all as determined by the retirement board, shall be entitled to retire. Any ~~such~~ employee ~~who shall remain~~ in the ~~service thereafter~~ contributing class shall be retired upon reaching the age of 65 regardless of the provisions of the veterans preference act and receive a service allowance as specified in sections 356.30, 356.32, or 422A.01 to 422A.25.

Sec. 4. This act is effective retroactively to January 1, 1976.

Approved April 2, 1976.

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