

Subdivision 1. **AGREEMENT; FAILURE TO AGREE; ~~COPY~~; POSITION STATEMENT.** (a) If an employee disputes specific information contained in the employee's personnel record:

(1) ~~upon the written request of the employee, the employer shall provide a copy of the disputed information, and may charge a fee for the copy not to exceed the actual cost of making and compiling the copy;~~

(2) the employer and the employee may agree to remove or revise the disputed information; and

(3) (2) if an agreement is not reached, the employee may submit a written statement specifically identifying the disputed information and explaining the employee's position.

(b) The employee's position statement may not exceed five written pages. The position statement must be included along with the disputed information for as long as that information is maintained in the employee's personnel record. A copy of the position statement must also be provided to any other person who receives a copy of the disputed information from the employer after the position statement is submitted.

Presented to the governor April 10, 1992

Signed by the governor April 13, 1992, 1:28 p.m.

CHAPTER 446—H.F.No. 2438

An act relating to retirement; individual retirement account plan; expanding plan coverage to include certain higher education employees; changing the formula for compounding interest on deferred annuities of constitutional officers or commissioners; amending Minnesota Statutes 1990, sections 136.88, subdivision 1; 352C.033; 352D.02, subdivisions 1 and 1a; 352D.03; 354B.01, subdivision 2, and by adding subdivisions; 354B.015; 354B.02, subdivisions 1, 4, and by adding subdivisions; 354B.03, by adding a subdivision; 354B.04, subdivision 1; and 354B.05, subdivision 1; Minnesota Statutes 1991 Supplement, section 354B.04, subdivision 2; repealing Laws 1986, chapter 458, section 36.

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

Section 1. Minnesota Statutes 1990, section 136.88, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** As used in this section, the terms defined in this subdivision have the meanings given them.

(a) "Board" means the state board for community colleges and the state university board.

New language is indicated by underline, deletions by ~~strikeout~~.

(b) "Teacher" means a person on the instructional or administrative staff of the community college or state university system who is a member of the teachers retirement association under chapter 354 or who is covered by the individual retirement account plan under chapter 354B. It shall not include a chancellor or vice-chancellor.

Sec. 2. Minnesota Statutes 1990, section 352C.033, is amended to read:

352C.033 DEFERRED ANNUITIES AUGMENTATION.

The deferred retirement allowance for any former constitutional officer or commissioner shall be augmented as provided in this section. The required reserves applicable to the deferred retirement allowance, determined as of the date the retirement allowance begins to accrue using the appropriate mortality table and an interest assumption of five percent, shall be augmented from the first of the month following termination of service as a constitutional officer or commissioner, or January 1, 1979, whichever is later, to the first day of the month in which the annuity begins to accrue, at the rate of five percent per annum compounded annually until January 1, 1981, and thereafter at the rate of three percent per annum compounded annually until January 1 of the year in which the former constitutional officer or commissioner attains age 55. From that date to the effective date of retirement, the rate is five percent compounded annually.

Sec. 3. Minnesota Statutes 1990, section 352D.02, subdivision 1, is amended to read:

Subdivision 1. **COVERAGE.** (a) Employees enumerated in paragraph (b), if they are in the unclassified service of the state and are eligible for coverage under the general state employees retirement plan under chapter 352, are participants in the unclassified program under this chapter unless the employee gives notice to the executive director of the Minnesota state retirement system within one year following the commencement of employment in the unclassified service that the employee desires coverage under the general state employees retirement plan. For the purposes of this chapter, an employee who does not file notice with the executive director is deemed to have exercised the option to participate in the unclassified plan.

(b) Enumerated employees are:

(1) an employee in the office of the governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, or an employee of the state board of investment;

(2) the head of a department, division, or agency created by statute in the unclassified service, an acting department head subsequently appointed to the position, or an employee enumerated in section 15A.081, subdivision 1 or 15A.083, subdivision 4;

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(3) a permanent, full-time unclassified employee of the legislature or a commission or agency of the legislature or a temporary legislative employee having shares in the supplemental retirement fund as a result of former employment covered by this chapter, whether or not eligible for coverage under the Minnesota state retirement system;

(4) a person other than an employee of the state board of technical colleges who is employed in a position established under section 43A.08, subdivision 1, clause (e) (3), or subdivision 1a, or in a position authorized under a statute creating or establishing a department or agency of the state, which is at the deputy or assistant head of department or agency or director level;

(5) the chair, chief administrator, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan waste control commission as designated by the commission; the chair, executive director, and not to exceed three positions at the division director or assistant to the chair level of the regional transit board; a chief administrator who is an employee of the metropolitan transit commission; and the chair, executive director, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan council as designated by the council; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations may be made without approval of the board of directors of the Minnesota state retirement system;

(6) the executive director, associate executive director, and not to exceed nine positions of the higher education coordinating board in the unclassified service, as designated by the higher education coordinating board; ~~provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations may be made without~~ before January 1, 1992, or subsequently redesignated with the approval of the board of directors of the Minnesota state retirement system, unless the person has elected coverage by the individual retirement account plan under chapter 354B;

(7) the clerk of the appellate courts appointed under article VI, section 2, of the Constitution of the state of Minnesota;

(8) the chief executive officers of correctional facilities operated by the department of corrections and of hospitals and nursing homes operated by the department of human services;

(9) an employee whose principal employment is at the state ceremonial house;

(10) an employee of the Minnesota educational computing corporation;

(11) an employee of the world trade center board; ~~and~~

(12) an employee of the division of the state lottery in the department of gaming who is covered by the managerial plan established under section 43A.18, subdivision 3; and

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(13) an employee of the state board of technical colleges employed in a position established under section 43A.08, subdivision 1, clause (3), or 1a, unless the person has elected coverage by the individual retirement account plan under chapter 354B.

Sec. 4. Minnesota Statutes 1990, section 352D.02, subdivision 1a, is amended to read:

Subd. 1a. **STATE UNIVERSITY PERSONNEL.** Unless the person has elected coverage by the individual retirement account plan under chapter 354B, the following employees chancellor, university presidents, and unclassified managerial employees in the state university system shall participate in the plan if they are eligible for coverage under the state employees retirement fund, or the teachers retirement association, or would have been eligible for coverage under those funds but for this subdivision, shall participate in the plan; subject to the provisions of subdivision 5 and Laws 1986, chapter 458, section 36, and. These employees also shall have social security coverage under the agreement between the state and the secretary of health and human services: the chancellor, university presidents, and unclassified managerial employees in the state university system employed at the level of dean or higher.

Sec. 5. Minnesota Statutes 1990, section 352D.03, is amended to read:

352D.03 TRANSFER OF ASSETS.

Unless an eligible employee enumerated in section 352D.02, subdivision 1 or 1a, has elected coverage under the individual retirement account plan under chapter 354B, a sum of money representing the assets credited to each employee exercising the option contained in section 352D.02, plus an equal employer contribution together with interest for the employment period at the actuarially assumed rates during this period, compounded annually, shall be used for the purchase of shares on behalf of each employee in the accounts of the supplemental retirement fund established by section 11A.17. Any employer's contribution to amortize the deficit in the state employee's retirement fund shall not, however, be used for the purchase of shares.

Sec. 6. Minnesota Statutes 1990, section 354B.01, subdivision 2, is amended to read:

Subd. 2. **COVERED EMPLOYMENT; STATE UNIVERSITIES.** "Covered employment," with respect to employment by the state university system, means employment in a position included in the definition of teacher under section 354.05, subdivision 2; ~~other than that of an administrator covered by or eligible for coverage in the Minnesota state retirement system unclassified employees retirement plan.~~ "Covered employment" does not include employment when the initial appointment is defined as less than 25 percent of a full academic year, exclusive of summer session.

Sec. 7. Minnesota Statutes 1990, section 354B.01, is amended by adding a subdivision to read:

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Subd. 4. COVERED EMPLOYMENT; TECHNICAL COLLEGE MANAGERIAL EMPLOYEES. “Covered employment,” with respect to employment by the state board of technical colleges, means employment in a position described in section 352D.02, subdivision 1, paragraph (b), clause (13).

Sec. 8. Minnesota Statutes 1990, section 354B.01, is amended by adding a subdivision to read:

Subd. 5. COVERED EMPLOYMENT; HIGHER EDUCATION COORDINATING BOARD MANAGERIAL EMPLOYEES. “Covered employment,” with respect to employment by the higher education coordinating board, means employment in a position described in section 352D.02, subdivision 1, paragraph (b), clause (6).

Sec. 9. Minnesota Statutes 1990, section 354B.015, is amended to read:

354B.015 SOCIAL SECURITY COVERAGE.

Plan participants under section 354B.02, subdivision 1, and persons electing participation under section 354B.02, subdivision 2 or 3, remain members of the teachers retirement association or the state unclassified employees retirement program, whichever applies, for purposes of social security coverage only and remain covered by the applicable agreement entered into under section 355.02, but are not members of the teachers retirement association or the state unclassified employees retirement program for any other purpose while employed in covered employment.

Sec. 10. Minnesota Statutes 1990, section 354B.02, subdivision 1, is amended to read:

Subdivision 1. PLAN PARTICIPANTS. (a) Except as provided in subdivision 2, or unless the person has elected retirement coverage under section 352D.02, subdivision 1a, a person who was first employed in covered employment under section 354B.01, subdivision 2 or 3, after June 30, 1989, shall participate in the plan.

(b) Except as provided in subdivision 2, or unless the person has elected retirement coverage under section 352D.02, subdivision 1, paragraph (b), clause (6) or (13), a person who was first employed in covered employment after the effective date of this section shall participate in the plan.

Sec. 11. Minnesota Statutes 1990, section 354B.02, is amended by adding a subdivision to read:

Subd. 3a. UNCLASSIFIED STATE UNIVERSITY SYSTEM EMPLOYEES. State university system employees who would otherwise be covered by section 352D.02, subdivision 1a, may elect coverage under the plan governed by this chapter. Election to participate in the plan must be made within 120 days of the effective date of this section or the start of covered employment, whichever is later. Employees in covered employment on the effective date of this section

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who would otherwise be covered by this section, but are already participating in the teachers retirement association governed by chapter 354 or the general state employees retirement plan governed by chapter 352, shall remain in the applicable plan unless an election is made to transfer to the plan governed by this chapter. The election must be made within 120 days of eligibility under the state unclassified employees retirement program governed by chapter 352D. An election to participate in the unclassified program or this plan is irrevocable during any period of service that would have been covered under chapter 352D or this chapter. This election must be made in the form prescribed in section 352D.12.

Sec. 12. Minnesota Statutes 1990, section 354B.02, is amended by adding a subdivision to read:

Subd. 3b. TECHNICAL COLLEGE OR HIGHER EDUCATION COORDINATING BOARD EMPLOYEES. Employees in covered employment under section 354B.01, subdivision 4 or 5, may elect coverage under the plan. Election to participate in the plan must be made within 120 days of the effective date of this section or the start of covered employment, whichever is later, and is irrevocable during any period of covered employment in a position listed in section 352D.02, subdivision 1, paragraph (b), clause (6) or (13), which is established by the state board of technical colleges. These employees are not eligible for the supplemental retirement plan specified in sections 354B.07 to 354B.09.

Sec. 13. Minnesota Statutes 1990, section 354B.02, subdivision 4, is amended to read:

Subd. 4. PURCHASE OF PRIOR SERVICE CREDIT. A person who is initially excluded from participation, but is subsequently appointed to a position that qualifies for participation, may purchase credit for the prior uncovered employment. This purchase must be made by paying to the employer the amount the person would have paid if the prior service had been covered employment. This payment must be made within 45 days of the start of covered employment, or by the end of the fiscal year in which covered employment commences, whichever is later. Employee payments may be made in a lump sum or by payroll deduction, as the employee elects. The employer must contribute an amount to match any contribution made by an employee under this subdivision. Contributions for prior service must be invested under this section. Once a person is employed in a position that qualifies for participation, all subsequent employment by the person is under the provisions of this plan.

Sec. 14. Minnesota Statutes 1990, section 354B.03, is amended by adding a subdivision to read:

Subd. 4. UNCLASSIFIED EMPLOYEES. (a) If a person in covered employment under section 354B.01, subdivision 4 or 5, or a person in covered employment under section 354B.01, subdivision 2, who would otherwise be covered by section 352D.02, subdivision 1a, elects to participate in the plan under section 354B.02, subdivision 3a or 3b, the executive director shall transfer from the supplemental investment fund to the plan the value of the employee's account, including the employee's member contributions and the employer's contributions.

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(b) Except as provided in paragraph (c), the transfer must be made within 120 days from the date the executive director receives notification of the election.

(c) The amount of the employee's account held in a guaranteed investment contract may not be transferred to the plan until the applicable guaranteed investment contract has expired.

Sec. 15. Minnesota Statutes 1990, section 354B.04, subdivision 1, is amended to read:

Subdivision 1. **MEMBER CONTRIBUTIONS.** (a) Persons in covered employment who would otherwise be eligible to participate in the teachers retirement association, but who participate in the plan, shall make a member contribution in an amount equal to the amount prescribed by section 354.42, subdivision 2.

(b) Persons in covered employment who would otherwise be eligible to participate in the state unclassified employees retirement program, but who participate in the plan, shall make a member contribution in an amount equal to the member contribution amount prescribed in section 352D.04, subdivision 2, paragraph (a).

(c) The contribution must be made by payroll deduction each pay period.

Sec. 16. Minnesota Statutes 1991 Supplement, section 354B.04, subdivision 2, is amended to read:

Subd. 2. **EMPLOYER CONTRIBUTIONS.** (a) The employer of persons in covered employment who participate in the plan described in subdivision 1, paragraph (a), shall make an employer contribution to the plan in an amount equal to the amount prescribed by section 354.42, subdivision 3.

(b) The employer of persons described in subdivision 1, paragraph (b), shall make an employer contribution to the plan in an amount equal to the amount prescribed by section 352D.04, subdivision 2.

Sec. 17. Minnesota Statutes 1990, section 354B.05, subdivision 1, is amended to read:

Subdivision 1. **GOVERNING BOARDS.** The state university board shall administer the plan for persons in covered employment under section 354B.01, ~~subdivision subdivisions 2, 4, and 5.~~ The community college board shall administer the plan for persons in covered employment under section 354B.01, subdivision 3.

Sec. 18. **REPEALER.**

Laws 1986, chapter 458, section 36, is repealed.

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Sec. 19. EFFECTIVE DATE; RETROACTIVE APPLICATION.

Sections 1 and 3 to 18 are effective July 1, 1992. Section 2 is effective on the day following final enactment and applies to any former constitutional officer or commissioner eligible for a deferred retirement allowance on that date.

Presented to the governor April 10, 1992

Became law without the governor's signature April 15, 1992

CHAPTER 447—S.F.No. 1252

An act relating to state lands; authorizing the Minnesota veterans homes board to lease certain land adjacent to Minnehaha state park to the Minneapolis park and recreation board.

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

Section 1. LEASE AUTHORIZED.

The Minnesota veterans homes board may enter into a lease for an additional 20 years with the city of Minneapolis acting by and through its park and recreation board for the following property:

That part of Government Lot 5, Section 17, Township 28 North, Range 23 West, known as the Minnesota Veterans Home property, which lies northeast of the northeast boundary of Minnehaha Park and southerly and southwesterly of a description line described as follows:

Commencing at the northwest corner of Section 17, Township 28 North, Range 23 West, thence east along the north line of said section a distance of 813.75 feet; thence deflect to the right at an angle of 81 degrees 48 minutes along a line that intersects the south line of said section at a point 1,559.4 feet east of the southwest corner of said section a distance of 1,749.0 feet to the boundary line of the land conveyed to the state of Minnesota by the deed dated August 8, 1887, filed August 21, 1888 in Book 246 of Deeds, page 543, in the office of the Hennepin county recorder; thence along said boundary line, deflect to the right at right angle a distance of 165 feet, thence deflect to the left at an angle of 19 degrees 06 minutes a distance of 363 feet, thence deflect to the left at an angle of 94 degrees 02 minutes a distance of 141.03 feet, thence deflect to the right at an angle of 89 degrees 23 minutes a distance of 605.09 feet to point "G1"; thence returning northeasterly from point "G1" along said boundary line a distance of 20 feet to the point of beginning of said description line; thence southerly to a point 20 feet easterly of point "G2" along a line at right angles to a line deflected from point "G1" at an angle of 77 degrees 45 minutes to the left to point "G2" a distance of 275.10 feet; thence to a point 40 feet easterly of

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