

S.F. No. 176, as introduced - 87th Legislative Session (2011-2012) [11-0556]

2.1 (ii) county auditor, treasurer, or recorder;
2.2 (iii) city manager as defined in section 353.028 who does not exercise the option
2.3 provided under subdivision 2d; or

2.4 (iv) emergency management director, as provided under section 12.25;

2.5 (4) physicians under section 353D.01, subdivision 2, who do not elect public
2.6 employees defined contribution plan coverage under section 353D.02, subdivision 2;

2.7 (5) full-time employees of the Dakota County Agricultural Society; ~~and~~

2.8 (6) employees of the Minneapolis Firefighters Relief Association or Minneapolis
2.9 Police Relief Association who are not excluded employees under subdivision 2b due
2.10 to coverage by the relief association pension plan and who elected general employee
2.11 retirement plan coverage before August 20, 2009; and

2.12 (7) employees of the Red Wing Port Authority who are not excluded employees
2.13 under subdivision 2b.

2.14 (b) A public employee or elected official who was a member of the association on
2.15 June 30, 2002, based on employment that qualified for membership coverage by the public
2.16 employees retirement plan or the public employees police and fire plan under this chapter,
2.17 or the local government correctional employees retirement plan under chapter 353E as of
2.18 June 30, 2002, retains that membership for the duration of the person's employment in that
2.19 position or incumbency in elected office. Except as provided in subdivision 28, the person
2.20 shall participate as a member until the employee or elected official terminates public
2.21 employment under subdivision 11a or terminates membership under subdivision 11b.

2.22 (c) If the salary of an included public employee is less than \$425 in any subsequent
2.23 month, the member retains membership eligibility.

2.24 (d) For the purpose of participation in the MERF division of the general employees
2.25 retirement plan, public employees include employees who were members of the former
2.26 Minneapolis Employees Retirement Fund on June 29, 2010, and who participate as
2.27 members of the MERF division of the association.

2.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.29 Sec. 2. Minnesota Statutes 2010, section 353.01, subdivision 6, is amended to read:

2.30 Subd. 6. **Governmental subdivision.** (a) "Governmental subdivision" means a
2.31 county, city, town, school district within this state, or a department, unit or instrumentality
2.32 of state or local government, or any public body established under state or local
2.33 authority that has a governmental purpose, is under public control, is responsible for the
2.34 employment and payment of the salaries of employees of the entity, and receives a major
2.35 portion of its revenues from taxation, fees, assessments or from other public sources.

S.F. No. 176, as introduced - 87th Legislative Session (2011-2012) [11-0556]

3.1 (b) Governmental subdivision also means the Public Employees Retirement
3.2 Association, the League of Minnesota Cities, the Association of Metropolitan
3.3 Municipalities, charter schools formed under section 124D.10, service cooperatives
3.4 exercising retirement plan participation under section 123A.21, subdivision 5, joint powers
3.5 boards organized under section 471.59, subdivision 11, paragraph (a), family service
3.6 collaboratives and children's mental health collaboratives organized under section 471.59,
3.7 subdivision 11, paragraph (b) or (c), provided that the entities creating the collaboratives
3.8 are governmental units that otherwise qualify for retirement plan membership, public
3.9 hospitals owned or operated by, or an integral part of, a governmental subdivision or
3.10 governmental subdivisions, the Association of Minnesota Counties, the Minnesota
3.11 Inter-county Association, the Minnesota Municipal Utilities Association, the Metropolitan
3.12 Airports Commission, the University of Minnesota with respect to police officers covered
3.13 by the public employees police and fire retirement plan, the Minneapolis Employees
3.14 Retirement Fund for employment initially commenced after June 30, 1979, the Range
3.15 Association of Municipalities and Schools, soil and water conservation districts, economic
3.16 development authorities created or operating under sections 469.090 to 469.108, the Port
3.17 Authority of the city of St. Paul, the Red Wing Port Authority, the Spring Lake Park Fire
3.18 Department, incorporated, the Lake Johanna Volunteer Fire Department, incorporated,
3.19 the Red Wing Environmental Learning Center, the Dakota County Agricultural Society,
3.20 Hennepin Healthcare System, Inc., and the Minneapolis Firefighters Relief Association
3.21 and Minneapolis Police Relief Association with respect to staff covered by the Public
3.22 Employees Retirement Association general plan.

3.23 (c) Governmental subdivision does not mean any municipal housing and
3.24 redevelopment authority organized under the provisions of sections 469.001 to 469.047;
3.25 or any port authority organized under sections 469.048 to 469.089 other than the Port
3.26 Authority of the city of St. Paul; the Red Wing Port Authority; or any hospital district
3.27 organized or reorganized prior to July 1, 1975, under sections 447.31 to 447.37 or the
3.28 successor of the district; or the board of a family service collaborative or children's mental
3.29 health collaborative organized under sections 124D.23, 245.491 to 245.495, or 471.59, if
3.30 that board is not controlled by representatives of governmental units.

3.31 (d) A nonprofit corporation governed by chapter 317A or organized under Internal
3.32 Revenue Code, section 501(c)(3), which is not covered by paragraph (a) or (b), is not a
3.33 governmental subdivision unless the entity has obtained a written advisory opinion from
3.34 the United States Department of Labor or a ruling from the Internal Revenue Service
3.35 declaring the entity to be an instrumentality of the state so as to provide that any future

4.1 contributions by the entity on behalf of its employees are contributions to a governmental
4.2 plan within the meaning of Internal Revenue Code, section 414(d).

4.3 (e) A public body created by state or local authority may request membership on
4.4 behalf of its employees by providing sufficient evidence that it meets the requirements in
4.5 paragraph (a).

4.6 (f) An entity determined to be a governmental subdivision is subject to the reporting
4.7 requirements of this chapter upon receipt of a written notice of eligibility from the
4.8 association.

4.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.10 Sec. 3. **VALIDATION OF PAST RETIREMENT COVERAGE AND**
4.11 **CONTRIBUTIONS FOR RED WING PORT AUTHORITY EMPLOYEES.**

4.12 (a) Retirement coverage by the general employees retirement plan of the Public
4.13 Employees Retirement Association, allowable service credit, and salary credit for
4.14 employees of the Red Wing Port Authority who were so employed after December 31,
4.15 1984, who had monthly salary in any month of at least \$325 until June 30, 1988, and who
4.16 had monthly salary in any month of at least \$425 after June 30, 1988, who were not
4.17 otherwise excluded under the applicable edition of Minnesota Statutes, section 353.01,
4.18 subdivision 2b, and who had member deductions taken and transferred in a timely manner
4.19 to the general employees retirement fund before the effective date of this section are
4.20 hereby validated.

4.21 (b) Notwithstanding any provision of Minnesota Statutes, chapter 353, to the
4.22 contrary, employee contributions deducted from employees of the Red Wing Port
4.23 Authority described in paragraph (a) before the effective date of this section and associated
4.24 employer contributions are valid assets of the general employees retirement fund and are
4.25 not subject to refund or adjustment for erroneous receipt except as provided in Minnesota
4.26 Statutes, section 353.32, subdivision 1 or 2; or 353.34, subdivisions 1 and 2.

4.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.