CHAPTER 11

STATE BOARD OF INVESTMENT

11.01 MEMBERSHIP; RECORDS. The governor shall be ex officio president of the state board of investment, which shall have a permanent executive secretary, who shall keep a record of its proceedings. Both the executive secretary of the board and the auditor shall keep appropriate investment and accounting records.

[*1921 c 516 s 1; 1925 c 131 s 1; 1929 c 254 s 1; 1931 c 346 s 1; 1935 c 337 s 1; 1939 c 387 s 1; 1941 c 172 s 1; 1943 c 152 s 1; 1963 c 567 s 3*] *(6303)*

11.015 PERMANENT SCHOOL FUND, INVESTMENT. Subdivision 1. The state board of investment may invest the permanent school funds of the state of Minnesota in such securities as are duly authorized by Article 11, Section 8, of the Constitution of the state of Minnesota subject, however, to the limitations provided in this section. Such investments shall be made with such prudence, discretion, and intelligence as will protect the safety of the principal of such fund as well as the income to be derived therefrom. The state board of investment shall sell such securities when the overall investment portfolio of the fund will be improved through such action and may reinvest the proceeds in securities herein provided for.

Subd. 2. Bonds of any municipal or political subdivision of this state, issued pursuant to a law of this state, are legal investments for the permanent school fund; provided, however, that the issuer has not, within ten years prior to the making of the investment, been in default for more than 30 days in the payment of any part of the principal or interest on any debt evidenced by its bonds, and provided further, that the assessed value of the real and personal property within the municipality issuing such bonds is more than double the sum of the bonded indebtedness of such municipality and the bonded indebtedness of any other political subdivision imposing taxes upon the property within such municipality for the payments of its bonded indebtedness. Where the area of such other political subdivision is greater than the area of the municipality issuing such bonds, the amount of bonded indebtedness of such other political subdivision to be used in making the foregoing calculations shall be such figure as is arrived at by dividing the bonded indebtedness of such other political subdivision by the total assessed value of real and personal property in such other subdivision and multiplying the result by the assessed value of the real and personal property of such other political subdivision within such municipality.

Subd. 3. Not more than 50 percent of the bonds of any municipal or political subdivision of this state issued at one time and due on any one maturity date may be purchased for accounts managed by the state board of investment. Such bonds must bear the same coupon rate as those of the same maturity sold to other investors and must be purchased at a price no higher than that offered to other buyers of the issue at the time of purchase.

Subd. 4. Bonds, notes, debentures, equipment obligations, or any other obligation of any corporation organized within any of the states of the United States or in Canada provided that obligations of Canadian corporations shall be payable in United States dollars, are legal investments for the permanent school fund; provided, however, that no bonds, notes, debentures, equipment obligations, or any other obligation of any corporation with assets of less than ten million dollars may be purchased, nor shall the book value of the outstanding capital stock of such corporation at the time of such investment be equal to less than 50 percent of its total funded debt. For a period of five consecutive years or longer immediately prior to the date of such investment, the pretax earnings of the corporation shall have been at least three times the interest requirements on outstanding bonds, and for such period the gross operating revenues of any such corporation shall have averaged per year not less than one million dollars; provided that the investment in such securities shall not exceed 40 per cent of the total assets of the fund at any time.

Subd. 5. All investments made under subdivisions 2, 3, and 4 hereof shall be rated among the top third of the quality categories, not applicable to defaulted bonds, used by a nationally recognized rating agency for rating the quality of the same.

Subd. 6. Preferred and common stocks of any corporation organized within any of the states of the United States or in Canada listed on a United States national stock exchange and insurance and bank common and preferred stocks are legal investments for the permanent school fund, providing these stocks conform to the limitations prescribed in the Constitution, Article 11, Section 8. The aggregate of common and preferred stock investments may not exceed 20 per cent of the total assets of the fund at any time. Furthermore, the board may invest no more than five percent of the assets of the fund in common or preferred stocks in any one year, the intent of this provision being that the fund may not attain a position of 20 percent in stocks within a period of less than four years. All percentage restrictions concerning stock investments, both by constitutional provisions and by statute, shall be computed on the basis of the cost price of such stocks at the time of investment. No investment shall be made in the common or preferred stocks of any corporation with assets of less than ten million dollars.

Subd. 7. At the end of each fiscal year, the total amount of losses on the sales of securities, not offset by gains on the sales of securities during that year, shall be computed, with a portion of these losses to be deducted each fiscal year from the interest and dividend income and such amount of interest and dividend income added to the principal of the fund. Losses taken on the sales of bonds shall be accumulated over a period equal to the average remaining life of the bonds sold, and losses taken on the sales of stocks shall be accumulated within a period of five years, unless these losses are offset by gains on future sales of securities. In any fiscal year in which the gains on the sales of securities exceed the losses on the sales of securities, such excess shall be added to the principal of the fund.

Subd. 8. Income arising from the investment of the permanent school fund shall be invested in short term obligations of the United States of America or an agency thereof until such investment income is needed for payment to the school districts.
[*1963 c 567 s 1; 1976 c 2 s 172*]

11.02 [Repealed, 1959 c 693 s 7]

11.03 [Repealed, 1959 c 693 s 7]

11.04 SECRETARY TO HAVE ACCESS TO BONDS AND SECURITIES BEING PART OF TRUST FUNDS. The state treasurer shall continue to have the custody of the bonds and securities belonging to the trust funds of the state, but the secretary shall have access thereto, in the presence of a representative of the state treasurer, during the usual office hours of the treasury department.
[*1917 c 271 s 7*] *(6310)*

11.05 APPROPRIATION FOR INVESTMENT. Subdivision 1. **Annually.** There are hereby annually appropriated for the purposes of investment all moneys received into the state treasury to the credit of the permanent school fund, permanent university fund, internal improvement land fund, and all other funds required to be invested in securities or which may be loaned as provided by law.

Subd. 2. **Coverage.** The annual appropriations herein provided for shall cover the full purchase price of bonds or other securities to be purchased, including premiums when bonds or securities are purchased above par. All premiums to be paid out of such appropriation of trust funds shall be amortized from the income from said bonds or securities as follows: The yield on said bonds or securities shall be calculated on the basis of cost including premiums. From each interest payment to be received there is hereby appropriated and there shall be transferred to the respective trust funds the difference between the yield of the bond or security so calculated for that interest period and the interest received, so that at the maturity of the bond, or security the respective trust funds will be completely reimbursed for the amount of premiums paid. When United States government obligations are purchased below par, all discounts shall be accumulated on such bonds or securities as follows: At the time each interest payment is received there shall be transferred from the principal to the income of the respective trust funds the difference between the yield of the bond, or security so calculated for that interest period and the interest received so that at the maturity of the bond, or security, income will be credited with the full amount of the interest yield, namely the amount received from the coupons plus the amount of the discount. The amount received from the bond, or security, at maturity will be credited to principal and will completely reimburse the principal for: (1) The amount paid from principal for the purchase of the bond at a discount, and (2) the amounts transferred from principal to income to cover the difference between the yield of the bond, or security, and the interest received from the coupons. The yield from United States treasury bills shall be the difference between the cost price and selling price or maturity value and shall be regarded as interest income. The state board of investment shall initiate those entries that are necessary to give effect to the above provision applicable to those investments purchased on and after January 1, 1955.

Subd. 3. **Profit credited to trust fund.** If the state board of investment shall sell any bonds or other securities held in the trust funds of the state above the purchase price therefor, the profit therefrom shall be credited to the principal of the trust fund in which they are held.

Subd. 4. **Collection of unearned interest.** If the state board of investment shall accept payment of any bonds or other securities, by the issuers thereof, prior to maturity, upon payment of their face value and accrued interest, plus the difference in interest between that which the face value of said bonds or securities would have yielded if they had not been paid before maturity and the interest, if less, that will be received on the reinvestment of the principal so prepaid up to the date of its original maturity, the unearned interest so paid in advance shall be distributed in the same manner and at such times as the interest on such bonds or securities would have been distributed if such interest had not been so prepaid.
[*RL s 2436; 1945 c 312 s 1; Ex1961 c 34 s 1*] *(6313)*

11.06 STANDING APPROPRIATION FOR EXPENSE OF INVESTMENT. There are hereby annually appropriated such sums as shall be found necessary for the incidental expenses of purchase, including the payment of interest accrued at the time of purchase, of bonds for the permanent school and university funds, payable from the current or general school or university funds, respectively, and for like expenses of the purchase of bonds for the other permanent funds referred to in section 11.05, payable from the respective current or general funds.
[*RL s 2437*] *(6314)*

11.07 [Repealed, 1961 c 561 s 17]

11.08 ESCHEATED PROPERTY, REPORT, SALE. The commissioner of finance shall report immediately to the state board of investment all personal property other than money received by the state of Minnesota as escheated property. When the state board of investment shall determine that it is for the best interest of the state to sell such property it shall direct the state treasurer to sell the same to the highest bidder in such manner and upon such terms and conditions as it may prescribe. All moneys received from such sale shall be credited to the general fund of the state.
[*1941 c 198 s 1; 1957 c 861 s 2; 1969 c 399 s 1; 1973 c 492 s 14*]

11.09 [Repealed, 1961 c 561 s 17]

11.10 INVESTMENT OF MONEY IN STATE TREASURY NOT CURRENTLY NEEDED. Subdivision 1. **Investment of treasury fund.** The state treasurer shall make a report to the commissioner of finance daily or at such other times as the commissioner of finance shall determine of the moneys in the state treasury together with such other information which the commissioner may prescribe. When there is money in the state treasury over and above the amount that the commissioner of finance has advised the treasurer is currently needed, the state treasurer shall certify to the state board of investment the amount thereof. The board of investment may then invest said amount, or any part thereof, in the following:

(a) Treasury bonds, certificates of indebtedness, bonds or notes of the United States of America or bonds, notes or certificates of indebtedness of the state of Minnesota, all of which must mature not later than three years from date of purchase.

(b) Bonds, notes, debentures or other obligations issued by any agency or instrumentality of the United States or any securities guaranteed by the United States government, or for which the credit of the United States is pledged for the payment of the principal and interest thereof, all of which must mature not later than three years from date of purchase.

(c) Commercial paper of prime quality, or rated among the top third of the quality categories, not applicable to defaulted paper, as defined by a nationally recognized organization which rates such securities as eligible for investment in the state employees retirement fund except that any non-banking issuing corporation, or parent company in the case of paper issued by operating utility or finance subsidiaries, must have total assets exceeding $500,000,000. Such commercial paper may constitute no more than 30 percent of the book value of the fund at the time of purchase, and the commercial paper of any one corporation shall not constitute more than four percent of the book value of the fund at the time of such investment.

(d) Any securities eligible under the preceding provisions, purchased with simultaneous repurchase agreement under which the securities will be sold to the particular dealer on a specified date at a predetermined price. In such instances, all maturities of United States government securities, or securities issued or guaranteed by the United States government or an agency thereof, may be purchased so long as any such securities which mature later than three years from the date of purchase have a current market value exceeding the purchase price by at least five percent on the date of purchase, and so long as such repurchase agreement involving securities extending beyond three years in maturity be limited to a period not exceeding 45 days.

Subd. 2. [Renumbered 16A.25]

Subd. 3. **Interest and profit credited to general fund.** All interest and profit accruing from said investments shall be credited to and be a part of the general fund, except as otherwise provided by law; and any loss incurred in the principal of said investments shall be borne by the general fund.

[*1949 c 110 s 1-3; 1969 c 72 s 1; 1969 c 399 s 12; 1971 c 210 s 1; 1973 c 492 s 9; 1974 c 152 s 1*]

11.11 EXECUTIVE SECRETARY; CONSULTANTS. The board of investment shall employ an executive secretary to perform the duties provided by law, and may employ or engage such expert consultants and technical and other assistants as it deems necessary. Such persons so employed or engaged are in the unclassified service of the state. The employment of the executive secretary shall be subject to confirmation by the senate in the same manner as the appointment of executive officers is confirmed by the senate.

[*1959 c 693 s 1*]

11.115 REIMBURSEMENT FOR CERTAIN EXPENSES. The state board of investment may reimburse a person, who is not a public official or employee and who advises the board, for his travel expenses in the performance of his duties. Such reimbursement is to be made from moneys appropriated to the board for supplies and expense.

[*Ex1971 c 48 s 19*]

11.12 DUTIES OF EXECUTIVE SECRETARY; BOND. The executive secretary shall manage and direct the work of the board of investment on a full time basis. He shall be a chartered financial analyst or a person of equivalent qualifications. He shall be well qualified by training to administer and invest the money available for investment and have at least seven years experience in the management of institutional investment portfolios. He shall have free access to all files and records of the various funds assigned to the board for investment purposes, and may inspect and audit the various accounts thereof as he deems necessary. He shall devote his full time and attention to the duties of his office, and shall not engage in any other occupation or profession. He shall be paid such salary as is determined by the board, subject to such maximum amount as may be set by the legislature. He shall perform duties prescribed by the board. He shall attend all board meetings and report to the board all operations and negotiations under his control and supervision. Before he assumes the office to which he has been appointed, the executive secretary shall give bond to the state in the sum of at least $100,000 conditioned for the faithful discharge of his official duties.

[*1959 c 693 s 2; 1967 c 404 s 1*]

11.13 INVESTMENT POLICIES. The board shall invest the funds over which it has supervision in securities authorized by law and may dispose of or convert such securities when in its judgment it is to the best interest of the funds so to do. The board shall formulate and establish, and may from time to time amend, modify or repeal such policies as it deems necessary and proper which shall govern the methods, practices or procedures for the investment, reinvestment, purchase, sale, or exchange of securities, to be followed by the executive secretary. All securities purchased or sold by the state board of investment, except stocks listed or traded on a major United States stock exchange, securities bound by underwriting restrictions, or securities classified as private placements and offered only to a limited number of institutional investors, shall be purchased or sold on the basis of competitive offerings or bids received from at least two firms known to specialize in the securities being traded and likely to position these securities in relevant quantities. A record of the offerings or bids shall be kept by the executive secretary. All securities purchased shall be kept in the custody of the state treasurer and shall be held as an asset of the fund from which the money was spent, and except as otherwise provided by law, any loss or gain shall inure to such fund.

[*1959 c 693 s 3; 1965 c 306 s 1*]

11.14 OFFICE SPACE. The custodian of the state capitol building shall provide the executive secretary and staff with suitable office and storage space in the state capitol complex as near as possible to the office of the state treasurer.

[*1959 c 693 s 4; 1967 c 404 s 2*]

11.15 INVESTMENT OF STATE BOND FUND. Subdivision 1. All money received in the state treasury to the credit of the separate and special state bond fund, which the state treasurer is directed by Article 11, Section 7, of the Constitution to maintain on his official books and records, is annually appropriated for the purpose of investment and reinvestment in accordance with this section, and so much of the income arising therefrom as may be necessary to pay expenses incidental thereto is annually appropriated for that purpose.

Subd. 2. When there is any money in the state bond fund not needed to pay principal or interest due on state bonds within 30 days, the amount thereof shall be invested by the state board of investment in securities which are direct general obligations of the United States. No investment in securities maturing more than three years from the date of purchase thereof shall be made at any time unless the aggregate face amount of all securities then held in the fund, maturing within three years from said date, is equal to the aggregate amount of principal and interest to become due on state bonds within 12 months from said date. Subject to these limitations, the fund shall be invested and reinvested so as to produce the maximum yield thereon.

Subd. 3. When any of such invested money is needed to pay principal or interest due on state bonds, in excess of cash on hand or receivable from investments in the fund on or before the due date, the state board of investment shall convert securities into cash in an amount sufficient to make the payment.

Subd. 4. All interest and profit accruing from any investment of the state bond fund shall be credited to and be a part of the state bond fund, and all loss from the sale thereof and all necessary expenses of investment and reinvestment shall be charged to that fund.

Subd. 5. Whenever money for the payment of any issue or class of issues of state bonds is transferred to the state bond fund out of the proceeds of such bonds, or is transferred thereafter pursuant to a standing annual appropriation in the law authorizing the issuance of the bonds, the net income from time to time received from the investment of this money shall be deducted from the amounts subsequently required to be transferred pursuant to such annual appropriation.

[*1965 c 901 s 84; 1969 c 9 s 5; 1976 c 2 s 172*]

11.16 MINNESOTA STATE RETIREMENT SYSTEM, INVESTMENT SECURITIES. Subdivision 1. **Securities generally, standard.** The state board of investment shall invest any sum certified by the Minnesota state retirement system or any pension, retirement, or other type of fund authorized by law in such securities as are defined in this section, provided, however, that any investments shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which men of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived. The state board of investment shall have authority to sell, convey, and exchange such securities and invest and reinvest the funds when it deems it desirable to do so. The board shall sell securities upon request of the retirement board or other appropriate official when such retirement board or official determines that funds are needed for authorized purposes.

Subd. 2. **U.S. Government bonds or notes.** Bonds, notes, mortgages, or other obligations of the United States, or those guaranteed by, or for which the credit of the United States is pledged for the payment of the principal and interest or dividends thereof are legal investments for the purposes of this section.

Subd. 3. **Bonds of Minnesota or other states.** Bonds or other evidences of indebtedness of this state, and full faith and credit obligations of, or obligations unconditionally guaranteed as to principal and interest by any other state of the United States are legal investments for the purposes of this section.

Subd. 4. **Obligations of Canada.** Bonds, debentures, notes, or other full faith and credit obligations issued, guaranteed, or assumed as to both principal and interest by the government of the Dominion of Canada, or by any province of Canada; provided that the principal and interest thereof shall be payable in United States funds, either unconditionally or at the option of the holder are legal investments for the purposes of this section.

Subd. 5. **Municipal obligations of Minnesota.** Bonds, notes, or obligations of any municipal or political subdivision of this state, issued pursuant to a law of this state; provided that the issuer has not, within ten years prior to the making of the investment, been in default for more than three months in the payment of any part of the principal or interest on any debt evidenced by its bonds, notes, or obligations; and provided further, if the bonds are revenue bonds, the revenues of the obligor, other than for payment of operation and maintenance expenses, are pledged wholly to the payment of the interest on and principal of such indebtedness, and the obligor has been completely self-supporting for a period of five years next preceding the date of investment are legal investments for the purposes of this section.

Subd. 6. **Municipal obligations of other states.** Bonds, notes, or other obligations issued, guaranteed, or assumed by any municipal or political subdivision of any other state of the United States; provided, (a) that any such municipal or political subdivision, or the total of its component parts, shall have a population as shown by the last preceding federal census of not less than 10,000, and (b) the issuer, guarantor, or assumer of such bonds, notes, or other obligations: (i) shall have pledged its faith and credit for the payment of the principal and interest of such bonds, notes, or other obligations; (ii) shall have the power to levy taxes on the taxable real property therein for the payment of both principal and interest of such bonds, notes, or other obligations without limitation of rate or amount; (iii) shall not within ten years prior to the making of the investment have defaulted in payment of principal or interest of any debt evidenced by its bonds, notes, or other obligations for more than 90 days are legal investments for the purposes of this section.

Subd. 7. **Municipal obligations of Canada.** Bonds, debentures, notes, or other obligations issued, guaranteed, or assumed as to both principal and interest by any city of Canada which has a population of not less than 100,000 inhabitants; provided that the principal and interest thereof shall be payable in United States funds, either unconditionally or at the option of the holder; and provided further that all the conditions as prescribed in subdivision 6(b) of this section have likewise been met are legal investments for the purposes of this section.

Subd. 8. **Obligations issued by International Bank for Reconstruction and Development, Inter-American Development Bank and Asian Development Bank.** Bonds, notes, or other obligations issued, assumed, or unconditionally guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank are legal investments for the purposes of this section.

Subd. 9. **Obligations issued by agency of United States.** Bonds, debentures, or other obligations issued by any agency or instrumentality of the United States and obligations guaranteed by the federal small business administration are legal investments for the purposes of this section.

Subd. 10. **Public housing obligations.** Obligations of any public housing authority or urban redevelopment authority issued pursuant to the laws of this state relating to the creation or operation of a public housing or urban redevelopment authority are legal investments for the purposes of this section.

Subd. 11. **Obligations of state, municipal, or public authority.** Obligations of any state, municipal, or public authority issued pursuant to the laws of any state of the United States; provided that for each of the five years next preceding the date of investment the income of such authority available for fixed charges shall have been not less than 1 1/5 times its average annual fixed charges requirements over the life of such obligations are legal investments for the purposes of this section.

Subd. 12. **Corporate obligations.** Bonds, notes, debentures, equipment obligations, or any other type of absolute obligation of any corporation organized and operating within any of the 50 states of the United States or in Canada, provided that obligations of Canadian corporations shall be payable in United States dollars, are legal investments for the purposes of this section; provided, however, that no bonds, notes, debentures, or equipment obligations may be purchased of any corporation with assets of less than $10,000,000. The book value of the outstanding capital stock of such corporation, not including finance corporations, at the time of such investment shall not be less than 50 percent of its total funded debt, except in the instance of a corporation owned by another corporation or other corporations, one or more of which meet this requirement and which guarantee the payment of the debt securities of the subsidiary corporation. In the case of a finance corporation, the owning parent company shall meet the above requirement, or, if such finance corporation be independent, the book value of the outstanding capital stock of such corporation at the time of such investment shall not be less than 25 percent of its total funded debt. For a period of five fiscal years next preceding the date of such investment, the net pretax earnings of such corporation, or of one or more corporations guaranteeing the debt, shall have been each year not less than 1 1/2 times the annual interest charges on its total funded debt applicable to that period, and for such period the gross operating revenues of any such corporation shall have averaged per year not less than $1,000,000. The investment in such securities shall not exceed 60 percent of the total assets of the fund at any time. All such corporate bond investments shall be rated among the top third of the quality categories, not applicable to defaulted bonds, used by a nationally recognized rating agency for rating the quality of the same.

Subd. 13. **Corporate stocks.** Preferred or common stocks of any corporation organized and operating within the United States are legal investments for the purposes of this section. The aggregate of common and preferred stock investments may not exceed 50 percent of the total assets of the fund at any time. Furthermore, the board may increase its holdings of stocks by no more than five percent of the assets of the fund during any one fiscal year. No more than three percent of the assets of the fund may be invested in the stock of any one corporation and at no time shall the fund together with other Minnesota public retirement funds own more than five percent of the voting stock of any one corporation. All such percentages shall be computed on the basis of the cost price of such stock at the time of investment.

No investment shall be made in the common or preferred stock of any corporation with assets of less than $10,000,000.

No investment shall be made in the preferred stock of any corporation unless the latter shall have had earnings available for the payment of interest and preferred dividends equal, on the average, for the last five years, to at least one and one-half times the aggregate of interest and preferred dividend requirements. No investment shall be made in a common stock unless the latter shall have paid cash dividends for at least five years immediately prior to purchase nor unless the aggregate earnings of such corporation available for payment of dividends on the common stock during the last five years has been at least equal to the aggregate of such cash dividends. A maximum of five percent of the assets in the account may be placed in equity investments, including fixed-income securities convertible into common stock, not conforming with these dividend and earnings standards so long as the corporation maintains the asset value indicated and evidences appropriate growth potential and probable earnings gain.

The corporate stock portfolio purchased under the terms of this subdivision, at the discretion of the board of trustees of the retirement association, may be valued at a total amount other than original book cost if the following procedures be used:

(a) The corporate stock portfolio must be valued bi-monthly, using the closing market prices on the last business days of February, April, June, August, October, and December.

(b) Whenever the portfolio has shown a total market valuation exceeding the original book cost by 10 percent for six consecutive valuation dates, the book value of the portfolio shall be increased by three percent for accounting and actuarial purposes, and such three percent increase may apply until further adjustments be made in the stock valuations.

(c) Whenever the new adjusted value has been exceeded by 10 percent for six consecutive bi-monthly periods, the valuation for accounting and actuarial purposes shall again be increased by three percent; this process may be continued as consistent with continuing market changes.

(d) Whenever the market value of the stock portfolio has decreased by 10 percent below cost or most recent adjusted value, whichever is applicable, for six consecutive bi-monthly periods, the valuation of the stock portfolio for accounting and actuarial purposes shall be reduced by three percent below the original cost or adjusted value. This procedure shall continue in accordance with market fluctuations.

Any unrealized gain or loss computed under the provisions of this paragraph shall be recorded in an unrealized appreciation account and used only for the accounting and actuarial purposes of the fund and shall not apply to the credit or detriment of any individual contribution, participant, or member of the retirement association. If any increase or decrease is to be considered as an adjustment to the income of the fund, the amount thereof shall be distributed to or from the income account over a period of not less than three nor more than five years.

Subd. 14. **Bank certificates of deposit, savings accounts, and subordinated debt securities.** Certificates of deposit or savings accounts in any bank which is insured by the Federal Deposit Insurance Corporation or in any savings and loan association insured by the Federal Savings and Loan Insurance Corporation to the extent such investment is insured are legal investments for the purposes of this section. It is the intent that these investments shall be only to maintain necessary and desirable liquidity.

The capital notes and debentures of Minnesota banks are eligible for use even though they may be subordinated in right of payment, in the event of the banks' insolvency or liquidation, to the prior payment of deposits in the banks and the claims of other creditors of the banks, provided:

(a) That all such securities be purchased from banks with total resources exceeding $40,000,000;

(b) That all such notes or securities mature within ten years of date of issue;

(c) That, at the time of purchase, such securities comprise no more than an amount equal to 100 percent of the bank's unimpaired paid-in capital stock plus 50 percent of the amount of its unimpaired surplus fund;

(d) That no such securities be purchased unless, during the last five years, the aggregate earnings of such bank available for the payment of dividends on its common stock has been at least 50 percent greater than the aggregate of cash dividends paid to stockholders;

(e) That such securities shall, at no time, constitute more than four percent of the book value of the investments in any one fund;

(f) That the total holdings of these securities in all Minnesota state retirement funds comprise not over 25 percent of such securities issued or authorized to be issued by any one bank; and

(g) That such securities be used only when the net yield is equal to or greater than that obtainable from other securities of comparable quality.

Subd. 15. **Commercial paper.** Commercial paper of prime quality, or rated among the top third of the quality categories, not applicable to defaulted paper, as defined by a nationally recognized organization which rates such securities, issued by any corporation organized and operating within any of the 50 states of the United States, provided:

(a) That all such securities mature in 270 days or less;

(b) That the issuing corporation, or parent company in the case of paper issued by operating utility or finance subsidiaries, show a ratio of current assets to current liabilities, including that portion of long-term debt maturing within one year, of at least one and one-half to one; except that; (1) if the issuing corporation, or parent company, has total assets exceeding $250,000,000, the ratio of current assets to current liabilities, including that portion of long-term debt maturing within one year, may be one and one-fourth to one; or (2) if the issuing corporation is a bank holding company, no current ratio test applies provided that the assets of such company exceed $250,000,000 and the consolidated assets of all banking organizations owned by such company exceed $2,000,000,000;

(c) That the net income of the issuing corporation, or parent company, average $1,000,000 or greater annually for the past five years;

(d) That the commercial paper shall, at no time, constitute more than eight percent of the book value of the investments in any one fund; and

(e) That the commercial paper of any one corporation shall not constitute more than two percent of the book value of the investments in the fund, are legal investments for the purposes of this section.

Subd. 16. **State or municipal securities, notice of disposition.** In the sale or disposition of any securities issued by any state or municipal or political subdivision in the United States authorized by this act, the state board of investment shall give ten days' published notice of such proposed disposition in a financial publication published in a city of the first class and in a national financial publication and insofar as possible receive competitive bids therefor, provided that in sales of less than $250,000 face value of bonds of any one Minnesota municipal or political subdivision, the requirement for national publication may be waived upon resolution by the state board of investment. No published notice shall be required when a Minnesota subdivision wishes to retire, in any one year, not over $50,000 face value of its indebtedness before maturity or call date and agrees with the state board of investment to retire such securities at a price deemed reasonable by both parties, but at not less than acquisition cost or face value, whichever is lower.

Subd. 17. **Computation of interest income.** For the purpose of determining the interest income earned by the state employees retirement fund, premiums on all bonds or securities purchased shall be amortized to the earliest call date and discounts shall be accumulated to the maturity date of the bonds or securities.

The yield from United States treasury bills and short term corporate notes purchased at a discount without a stated interest rate shall be the difference between the cost price and selling price or maturity value. When such yield is realized from securities held for a period involving all or parts of two or more fiscal or calendar years, as the case may be, the yield shall be apportioned equitably to each fiscal or calendar year. The amount of yield so apportioned to each fiscal or calendar year shall be regarded as interest income and shall be credited as earnings in the year in which the interest is earned.

The yield on all other debt securities shall be computed in accordance with the provisions establishing a deferred yield adjustment account for debt securities in section 356.20.

[*1967 c 404 s 3; 1969 c 60 s 1,2; 1971 c 25 s 8; 1971 c 197 s 1; 1971 c 210 s 2,3; 1971 c 366 s 1; 1973 c 129 s 1; 1974 c 4 s 1; 1974 c 152 s 2; 1975 c 277 s 1*]

11.17 INVESTMENT OF HIGHWAY FUNDS. Any moneys in the trunk highway fund, the county state aid highway fund, and the municipal state aid street fund, upon certification by the commissioner of transportation, and funds otherwise authorized by statute, shall be invested by the state board of investment in bonds, certificates of indebtedness and other fixed income securities, except preferred stocks, which are legal investments for the permanent school fund and, to the extent of 35 percent of the book value of the fund, in such prime quality commercial paper as is an eligible investment for the state employees retirement fund, except that the commercial paper of any one corporation shall not constitute more than five percent of the book value of the investments in the fund.

[*1967 c 404 s 4; 1969 c 60 s 3; 1976 c 166 s 7*]

MINNESOTA RETIREMENT FUNDS

11.18 MINNESOTA SUPPLEMENTAL RETIREMENT FUND ESTABLISHED. Subdivision 1. There is hereby established a Minnesota supplemental retirement fund which shall be administered by the state board of investment and shall consist of the investment accounts as provided in this section.

Subd. 2. There shall be an income share account which shall be invested in securities which are legal investments for the state employees retirement fund, except that commercial paper may constitute 15 percent of the assets in the account, with the face amount of notes of any one corporation limited to five percent of the assets in the account.

Subd. 3. There shall be a growth share account which shall be invested in securities which are legal investments for the state employees retirement fund, except that: 100 percent of the assets in the account may be invested in corporate stocks; up to six percent of the assets in the account or $15,000 in cost, whichever is greater, may be invested in the stock of any one corporation; and commercial paper may constitute 15 percent of the assets in the account, with the face amount of notes of any one corporation limited to five percent of the assets in the account or $25,000, whichever is greater. Not to exceed ten percent of the assets in the account may be invested in corporate stocks which do not conform with the dividend and earnings standards provided for investments of the state employees retirement fund. In addition to the investment standards indicated for the state employees retirement fund, the state board of investment shall consider possible growth potential and probable earnings gains of the companies in making commitments for this account.

Subd. 3a. There shall be a fixed-return account which shall be invested in debt securities which are legal investments for the state employees retirement fund. At the beginning of each fiscal year, the state board of investment shall set an assumed interest rate for moneys invested in such account during that year, with the rate applicable to all sums invested during the 12 month period. At the end of the 12 months, the board may determine the period of time over which such an assumed rate is to apply to funds so invested, depending upon the average yield and maturity of the securities purchased. Any earnings accrued to the account above the rate earlier indicated may be distributed among participants at fiscal year-end, except that appropriate reserves may first be established from the income of the fund in order to assure such a future rate of return. The account shall be established on July 1, 1974, with the initial unit valuations set at $5 per unit. The income from earnings on shares in this account shall be used to purchase additional units as such income is available.

Subd. 4. All distributions in the nature of capital, income, or interest received by the state board of investment in respect of investments held in any account of the supplemental retirement fund shall be held and invested by the board to the credit of said account in the same manner as are moneys received by the board from participating public retirement funds.

Subd. 5. All moneys on hand in such supplemental retirement fund from time to time, except moneys appropriated under section 11.22, are hereby appropriated for the purchase of investments as provided in this section.

[*1967 c 795 s 1; 1971 c 210 s 4; 1973 c 129 s 2; 1974 c 152 s 3-6*]

11.19 PARTICIPATION IN FUND. Subdivision 1. The state board of investment shall allocate shares of participation in the supplemental retirement fund to public retirement funds created by law and authorized to participate in the supplemental retirement fund and redeem such shares of participation as provided in subdivision 2.

Subd. 2. Upon application for purchase or redemption of shares of participation in the fund by a public retirement fund, the board shall, on the first business day of the next month after the application is received, allocate to such public retirement fund shares of participation in the account or accounts designated in the application, or if none is designated, as it shall determine, or redeem shares of participation allocated to such public retirement fund, as the case may be. Prior to October 1, 1967, one share shall be allocated for the appropriate account for each $10 deposited for investment by a public retirement fund. Each share of both funds shall be split on a two for one basis as of June 30, 1973, and thereafter at any time when the market value of each share of either account has exceeded $10 for six consecutive months. Thereafter, for the purpose of determining the number of shares or amount to which a public retirement fund depositing funds for investment or requesting the redemption of shares of participation in the income share or growth share accounts is entitled, shares shall be valued at their respective market values as of the last business day of the month in which application for the allocation or redemption of such shares is received. The market value of shares in the income share or growth share accounts shall be determined by dividing the total market value of the account by the number of shares then outstanding in the account. The board shall allocate or redeem only full shares in the accounts.

[*1967 c 795 s 2; 1973 c 129 s 3; 1974 c 152 s 7*]

11.20 PROSPECTUS. Once on or before July 1, 1968, and annually thereafter, the board shall prepare and issue to the public retirement fund or funds authorized or required by law to participate in the Minnesota supplemental retirement fund, a prospectus for each of the accounts in such fund. The prospectus for each account shall list the current assets of the account with the purchase price, the current market value, the current dividend rate, and the Standard & Poor or Moody rating of each debt asset; except that securities guaranteed by the United States government need not be rated and cash shall be listed at par. Each prospectus shall set forth the provisions of section 11.18, subdivisions 2, 3, or 3a, whichever relates to the account for which the prospectus is issued. The prospectuses for the accounts may be printed and distributed together. Sufficient copies of each prospectus shall be issued to each public retirement fund authorized or required by law to participate in the Minnesota supplemental retirement fund as is necessary to meet the requirements of the public retirement fund or funds prescribed by law. A copy of each prospectus shall be provided to each member of the legislature and shall be filed with the chief clerk of the house of representatives and the secretary of the senate.

[*1967 c 795 s 3; 1974 c 152 s 8*]

11.21 PARTICIPATION BY PUBLIC EMPLOYEE RETIREMENT FUNDS. Any public retirement fund authorized or required by law to participate in the Minnesota supplemental retirement fund may, from time to time pursuant to law authorizing such participation, deposit funds for the purchase of shares in any supplemental retirement fund account or accounts, which purchase shall be credited to the name of the public retirement fund on the books of the state board of investment and confirmed in writing to the fund. It shall be the duty of the public retirement fund or funds to enter on its records the portion of the shares in the name of the fund which are attributable to the contribution and matching contribution of and for each participating employee. No certificates evidencing shares of participation in the supplemental retirement fund shall be issued, and the entry on the books of the state board of investment as herein provided shall be sufficient evidence of the rights of any participating public employee retirement fund in the supplemental retirement fund. In all instances in which funds may be certified to the Minnesota state board of investment for investment purposes, under the investment provisions applicable to the state employees retirement fund, such moneys may be invested in the income share account of the Minnesota supplemental retirement fund. The units of such fund shall be recorded in the name of the participating association, fund, or account in those instances in which the contributions are not to be attributed to any particular employee.

[*1967 c 795 s 4; 1969 c 60 s 4; 1974 c 152 s 9*]

11.22 REDEMPTIONS. The state board of investment shall, after redeeming shares of participation pursuant to an application for redemption as provided in section 11.19, deliver to the public retirement fund requesting such redemption cash representing the value of the shares as computed pursuant to section 11.19. So much of the moneys or proceeds of investments on hand in the supplemental retirement fund from time to time as may be necessary to make such redemptions are hereby appropriated for such purpose.

[*1967 c 795 s 5*]

11.23 APPLICATIONS FOR PARTICIPATION AND REDEMPTION. Money deposited with the state board of investment for investment in the accounts of the Minnesota supplemental retirement fund shall be accompanied by such properly executed documents, forms, and applications as may be required by the state board of investment. Requests for redemption of shares shall be made in a similar manner.

[*1967 c 795 s 6*]

11.24 LEGAL TITLE TO ASSETS. Subdivision 1. Legal title to the assets of the Minnesota supplemental retirement fund shall be in the state of Minnesota or the state board of investment or the nominee of either, subject to the rights set forth in sections 11.18 to 11.24 of the public retirement fund or funds having shares in the accounts to their credit.

Subd. 2. The rights of any public employee to any shares in the supplemental retirement fund shall be as fixed by law in the statute authorizing or requiring a public employee retirement fund to purchase or order the redemption of shares on behalf of such public employee. The state board of investment may rely on the documents, forms, and applications of the various public employee retirement funds which accompany money for investment or orders to redeem shares as being in concert with the law in such case made and with the rights of the public employees concerned; and the state board of investment need not inquire into the legality or validity of such documents, forms, and applications.

[*1967 c 795 s 7*]

11.25 MINNESOTA ADJUSTABLE FIXED BENEFIT FUND. Subdivision 1. **Minnesota adjustable fixed benefit fund established.** There is hereby established a Minnesota adjustable fixed benefit fund which shall be administered by the state board of investment.

Subd. 2. **Investment of assets.** The assets of the Minnesota adjustable fixed benefit fund shall be invested by the state board of investment in accordance with the provisions of section 11.16, except that (1) the book value of corporate stocks and all other equity investments may not exceed 50 percent of the book value of all assets of the fund at any time, (2) commercial paper of prime quality may be used to the extent of 30 percent of all assets during the first three years of the fund's operations, and (3) fixed-income debt securities convertible into stocks may be used to the extent of 10 percent of the book value of the fund, in addition to other equity-type investments authorized in section 11.16, subdivision 13, so long as (a) the stocks resulting from conversion are of the quality authorized under section 11.16, subdivision 13, and (b) the convertible debt securities are rated among the top half of the quality categories, not applicable to defaulted bonds, used by a national recognized agency, meaning a rating of at least Baa or BBB under existing standards. The percentages of common stock and convertible debt investments are to be computed on the basis of original cost, after adjusting for any realized profit or loss due to the sale or disposition of such securities.

Subd. 3. **Participation in fund.** Any public retirement organization authorized to participate in the Minnesota adjustable fixed benefit fund may own an undivided participation in all the assets of the fund. The extent of annual participation shall be determined by the ratio of each organization's contribution to the total contributions of all participating organizations. Such ratio shall be determined monthly. Contributions and withdrawals may be certified at any time, but notification of contributions must reach the state board of investment by the twenty-fifth day of any month in order for such contributions to be included in calculations determining the monthly ratio. At the end of each fiscal year, the 12 ratios for such year, beginning with that of the previous June 30, shall be averaged. The average ratio shall determine the distribution of the difference between the admitted value and the balances of contributions of the respective organizations at year end to determine the respective amounts of participation. The interpretation and administration of all calculations affecting the fund shall be made in a manner to achieve the most uniform and equitable treatment possible for all participating organizations.

Subd. 4. **Book value.** Book value as of any date of assets other than corporate stocks and all other equity investments means amortized cost computed from the date the asset was first acquired by the participating retirement association. Book value as of any date of corporate stocks and all other equity investments transferred to the Minnesota adjustable fixed benefit fund means the closing market value of such stocks as of the last business day prior to the transfer. Book value as of any date of corporate stocks and all other equity investments first acquired by the Minnesota adjustable fixed benefit fund means the cost of such stocks.

Subd. 5. **Recognized value, deferred yield adjustment account.** Recognized value as of any date of assets other than corporate stocks and all other equity investments shall be the book value of such assets as of such date. The recognized value as of any date of corporate stocks and all other equity investments, including convertible securities, shall be the market value at closing on that particular date as determined by the state board of investment.

There is hereby established a deferred yield adjustment account which shall be increased by the sale or disposition of any debt securities at less than book value and shall be decreased by the sale or disposition of debt securities at more than book value. At the end of each fiscal year, a portion of the balance of this account shall be offset against the investment income for that year. The annual portion of the balance to be offset shall be proportional to the reciprocal of the average remaining life of the bonds sold, unless such amounts are offset by gains on the future sales of these securities. The amount of this account shall be included in the recognized value of assets other than corporate stocks and all other equity investments. In any fiscal year in which the gains on the sales of debt securities exceed the discounts realized on the sales of such securities, the excess shall be used to reduce the balance of the account.

Subd. 6. **Ratio of recognized value to book value.** During each fiscal year beginning with 1971, there shall be determined the ratio of recognized value to book value of the assets of the Minnesota adjustable fixed benefit fund as of the last days of August, October, December, February, April and June. In computing such a ratio, the total book value shall be adjusted for any realized profit or loss due to the sale or disposition of securities.

Subd. 7. **Average recognized value to book value ratio.** The average recognized value to book value ratio for any fiscal year means the sum of the 12 recognized value to book value ratios determined for such fiscal year and the immediately preceding year, divided by 12. For fiscal 1971, the ratio means the sum of the six recognized value to book value ratios determined for such fiscal year plus six assumed ratios of 100, the total of which is divided by 12.

Subd. 8. **Admitted value of Minnesota adjustable fixed benefit fund.** The admitted value of the Minnesota adjustable fixed benefit fund as of June 30 of any fiscal year beginning with 1971 shall be equal to the book value of the assets of the Minnesota adjustable fixed benefit fund as of that date, including accrued income, with adjustments for realized gains and losses, multiplied by the average recognized value to book value ratio for the fiscal year. Prior to fiscal 1971, the admitted value of the assets shall be the cost of such assets to the Minnesota adjustable fixed benefit fund.

Subd. 9. **Actuarially determined reserve.** The actuarially determined reserve for any participating fund as of any date means the present value, computed in accordance with the interest and mortality assumptions in effect for the particular fund as of the date of determination, of the retirement annuities authorized and in effect on such date.

Subd. 10. **Transfer of assets.** As of the beginning of any fiscal year, assets representing the actuarially determined reserves of any public retirement organization newly-authorized by law to participate in the Minnesota adjustable fixed benefit fund shall be transferred from such participating retirement funds to the Minnesota adjustable fixed benefit fund.

The state board of investment may purchase any securities owned by such retirement organization up to the total amount of the participation of such fund, insofar as such securities meet the quality standards and requirements of the board. The state board of investment may require the participating organization to sell such securities and transfer cash if this appears desirable in achieving appropriate portfolio balance. All such securities shall be valued as of the last business day of June, or one business day before the actual participation of the new retirement organization in the Minnesota adjustable fixed benefit fund.

The assets to be transferred and the values to be used for such transfers shall be approved by the state board of investment.

Subd. 11. **Transfer and withdrawal of funds.** All money necessary to meet the requirements of certification of withdrawal by funds authorized to participate in the Minnesota adjustable fixed benefit fund are hereby annually, and from time to time, appropriated from the Minnesota adjustable fixed benefit fund to the participating pension funds involved. Withdrawals for pensions are limited to those pensions for which reserves have been transferred to the Minnesota adjustable fixed benefit fund.

Subd. 12. **Adjustment in annuity payments.** Annually as of July 1 of each fiscal year the annuity payments made from each retirement fund or organization participating in the Minnesota adjustable fixed benefit fund during the next calendar year shall be determined in accordance with the following procedures. Any adjustment in the amount of annuity payments shall become effective with the first payment falling due after December 31 next succeeding the July 1 as of which the adjustment was determined.

(a) Annually, after June 30 of each year, the state board of investment shall:

(1) Using the admitted value as determined pursuant to subdivision 8, determine the actual rate of return and the accumulation factor on the assets of the Minnesota adjustable fixed benefit fund. The accumulation factor shall be 1.00 plus or minus the actual rate of return.

(2) Calculate the benefit adjustment factor, which shall be the ratio of the accumulation factor determined pursuant to (1) to the valuation accumulation factor. The valuation accumulation factor shall be 1.00 plus the interest rate assumed for actuarial valuations.

(3) Determine for each pension fund the amount of participation of such fund in the Minnesota adjustable fixed benefit fund, excluding any portion of the annuity stabilization reserve. Any suspense fund determined pursuant to clause (f) at the beginning of the fiscal year to which the accumulation factor has been applied, shall be added to the participation thus determined.

(4) Determine a preliminary amount for the current annuity stabilization reserve by multiplying the final amount of the previous year's annuity stabilization reserve by the accumulation factor determined pursuant to (1).

(b) Each participating pension fund shall apply the actual benefit adjustment factor to the amount of the benefit which each fund's participants in the Minnesota adjustable fixed benefit fund who are eligible for adjustment are entitled to receive and shall determine the amount of the reserves required for such adjusted benefits and the amount of reserves required to continue benefits at the previous level for participants not eligible for adjustment.

(c) Each participating pension fund shall determine its adjusted participation in the Minnesota adjustable fixed benefit fund in the following manner.

(1) Deduct the reserve on benefits not to be adjusted from the total amount of participation of the fund determined pursuant to clause (a)(3).

(2) Multiply the result obtained pursuant to (1) by the ratio of the actual benefit adjustment factor to the calculated adjustment factor.

(3) Add the result obtained pursuant to (2) to the amount of the reserves for benefits not to be adjusted. The result is the adjusted participation in the Minnesota adjusted fixed benefit fund.

(d) Each participating pension fund shall calculate the difference between the reserves determined pursuant to clause (b) and the amount of its adjusted participation in the Minnesota adjustable fixed benefit fund determined pursuant to clause (c).

(e) If the result obtained pursuant to clause (d) is a positive figure, the amount thus determined is due to a mortality loss, and the pension fund shall pay to the Minnesota adjustable fixed benefit fund the amount thus determined, which amount shall be added to the pension fund's participation. If the result obtained pursuant to clause (d) is a negative figure, the amount thus determined is due to a mortality gain, and the pension fund shall be credited with the amount thus determined by deducting the amount from the fund's total participation.

(f) A suspense account shall be established within the Minnesota adjustable fixed benefit fund for each pension fund for the purpose of temporarily carrying any amounts required pending addition to the participation of that fund.

(1) Whenever the rate for an actual benefit adjustment for any fund is required to be reduced by less than one-half of one percent due to the requirement that adjustments be limited to the last full multiple of one-half of one percent, the reserves to cover such portion of one-half of one percent thus withheld shall be placed in the suspense account for that fund. If the calculated adjustment factor exceeds 1.00 but is less than 1.02, an amount equal to the excess reserves over those for a factor of one

percent shall be placed in the suspense account.

(2) If the actual benefit adjustment factor is less than the calculated benefit adjustment factor, the amount of that pension fund's participation determined pursuant to clause (e) shall be reduced to the amount of the reserves determined pursuant to clause (b) and the amount of reduction shall be added to the annuity stabilization reserve. If the actual benefit adjustment factor exceeds the calculated benefit adjustment factor, the amount of that pension fund's participation determined pursuant to clause (e) shall be increased to the amount of the reserves determined pursuant to clause (b) and the amount of increase shall be deducted from the annuity stabilization reserve.

(3) The share of the stabilization reserve that each pension fund may claim shall bear the same ratio to the total stabilization reserve as the participation of that pension fund bears to the total of all participations. The applied rate for an actual benefit adjustment shall be the actual benefit rate as determined, adjusted to the last full one-half of one percent.

If the benefit adjustment factor calculated pursuant to clause (a)(2) is greater than 98 percent but less than 102 percent, no adjustment of annuities shall be made. If the ratio is equal to or greater than 102 percent or is equal to or less than 98 percent, the annuity payments currently payable shall be increased or decreased in the ratio so determined for the 12 month period beginning with the first payment due after December 31 next succeeding the valuation date, except that persons who retired during the fiscal year preceding the July 1 valuation date shall not be entitled to an adjustment. Any decreases shall be limited through the use of the annuity stabilization reserve established in subdivision 13. The annuity payment to any annuitant shall never be an amount less than the amount originally determined on the date of retirement or on July 1, 1971, whichever is later. For the purpose of calculating the adjustments provided herein, all individual members of any participating fund or organization retiring during any fiscal year shall be deemed to have retired in the same class, except that all such individuals retired prior to July 1, 1969 shall be in the same class as those retiring between July 1, 1969 and June 30, 1970. All annuitants in each class are equally entitled to any adjustment of annuity payments. If the value of the participation in the Minnesota adjustable fixed benefit fund goes below the value of the reserves required to support the amount originally determined on the date of retirement or on July 1, 1971, whichever is later, for any annuitant or class of annuitants, the excess of the amount paid over the amount which the reserves would support must be recovered from the annuity stabilization reserve as established in subdivision 13. If such reserve is inadequate, any excess amount must be recovered by withholding the amount of any future increases in annuity payments to which the annuitant or class of annuitants would be otherwise entitled until the sum of the amounts withheld equals such accumulated excess. After any deficiency is recovered in full, either through the annuity stabilization reserve or the withholding of increases in annuity payments, the annuity will be increased on the basis of the ratio of assets to reserves currently applicable to all persons retired from the pension fund. Except as provided by statute, exact procedures to be followed in making determinations as to the amounts to be received by pension beneficiaries during the various fiscal years shall be determined by the board of directors or trustees of the participating retirement fund or organization in accordance with accepted actuarial and accounting practices.

Subd. 13. **Annuity stabilization reserve.** An annuity stabilization reserve shall be attached to the Minnesota adjustable fixed benefit fund for the purposes of (1) eliminating any deficiency so that the assets of the fund will equal the reserves supporting benefits being paid; except that funds from the stabilization reserve shall not be used to eliminate any deficiency resulting from benefit payments at the fixed benefit level exceeding the amount of payment that would be paid were it not for the fixed benefit guarantee and, (2) precluding any downward adjustment in annuity payments below the previous calendar year's payment rate. If the reserve is insufficient to preclude such a decrease, the amount available shall limit the maximum decrease to a uniform percentage consistent with the utilization of the total value of the reserve. Beginning on January 1, 1972, upward adjustments of annuity payments to each annuitant shall be limited to four percent of the previous calendar year's payment rate until the accumulation in the annuity stabilization reserve from such withholding has reached an amount equal to 15 percent of the immediate past fiscal year's total annuity payments. So long as the reserve totals an amount equal to 15 percent of the immediate past fiscal year's total annuity payments, any increase up to six percent of the previous calendar year's payment rate shall be paid directly to any annuitant or class of annuitants. The amount of any increase above six percent of the previous calendar year's payment rate shall be added to the reserve until such reserve totals an amount equal to 25 percent of the total pensions paid during the previous fiscal year. Upward adjustments of the annuity payments to each annuitant shall be limited to eight percent of the previous calendar year's payment rate, with any excess being added to the reserve, even though such reserve may then exceed 25 percent of the immediate past fiscal year's total annuity payments. For the purpose of this section, the word reserve means the fund established herein and not an actuarial reserve. Any assets on hand prior to June 30, 1972 in the annuity stabilization reserve of any retirement fund or organization participating in the Minnesota adjustable fixed benefit fund, shall be paid to or credited to such retirement fund or organization. Such assets as are credited to the individual fund annuity stabilization reserves thereafter shall on the effective date of Laws 1973, Chapter 7 be transferred to the single annuity stabilization reserve for the Minnesota adjustable fixed benefit fund and the authorization for stabilization reserves relating to the individual retirement funds shall terminate.

Subd. 14. Effective January 1, 1973, each retirement fund participating in the Minnesota adjustable fixed benefit fund shall make an upward adjustment of four and one-half percent to each annuitant retiring prior to July 1, 1971. Subsequent adjustments will be in accordance with subdivisions 12 and 13, except that in the event the assets transferred to the annuity stabilization reserve result in a stabilization reserve of less than an amount equal to 15 percent of the immediate past fiscal year's total annuity payments, such deficiency shall be made up before the next annual adjustment is made.

Subd. 15. Upon taking effect of Laws 1973, Chapter 7, the calculations required by subdivisions 12 and 13, as amended by Laws 1973, Chapter 7 shall be determined as of July 1, 1972. Any participating pension fund that has previously announced an increase adjustment in excess of four and one-half percent, and such fund is entitled to a credit or refund due to mortality gain determined in accordance with subdivision 12, clauses (b), (c), (d) and (e), and such credit or refund exceeds the reserves required to further increase the benefits of those eligible for the four and one-half percent adjustment by an additional one percent, such fund may pay to the fund's participation the reserves required for such additional one percent increase in benefit adjustment. The adjustments provided by Laws 1973, Chapter 7 shall apply to the accrual of benefits commencing with January 1, 1973. In case any actual disbursements of benefits have or do vary from the amounts herein provided, the participating pension fund or funds so involved shall adjust to the amounts herein provided.

Subd. 16. All assets in the annuity stabilization reserve and suspense account shall be credited proportionately to the individual retirement funds' participation in the Minnesota adjustable fixed benefit fund, except that the share attributable to the municipal employees retirement fund of Minneapolis shall be used to increase benefits or may at the discretion of its board of trustees be returned to such fund.

Effective January 1, 1974 each participating fund in the Minnesota adjustable fixed benefit fund, except the municipal employees retirement fund of Minneapolis, shall increase the benefits in effect on June 30, 1973 by an amount that when added to the interest assumption increase granted to such benefits effective July 1, 1973, equals 25 percent. The increase shall apply to the accrual of benefits commencing January 1, 1974 and shall be in lieu of the adjustment provided by subdivisions 12 and 13 scheduled to take effect January 1, 1974.

The actuary for each participating fund, except the municipal employees retirement fund of Minneapolis, shall calculate the reserve required to support the benefits in effect on June 30, 1973 as increased July 1, 1973 and herein. As of December 31, 1973, each participating fund shall transfer to or from the Minnesota adjustable fixed benefit fund assets so that its participation equals the total of such required reserve and the reserve for benefits authorized on or after July 1, 1973.

The increased benefits accruing as of January 1, 1974 shall be considered the "originally determined benefits" for the purpose of future adjustments.

Notwithstanding section 356.18, increases in payments pursuant to this section will be made automatically unless the intended recipient files written notice with the public employees retirement association requesting that the increase shall not be made.

[*1969 c 485 s 32; 1969 c 914 s 10; 1971 c 112 s 1; 1971 c 197 s 2; 1971 c 414 s 1-5; 1973 c 7 s 1-4; 1973 c 728 s 30; 1973 c 753 s 2*]

11.26 MINNESOTA VARIABLE ANNUITY FUND. Subdivision 1. **Minnesota variable annuity fund established.** There is hereby established the Minnesota variable annuity fund which shall be administered by the state board of investment.

Subd. 2. **Investment of assets.** The assets of the Minnesota variable annuity fund shall be invested by the state board of investment in accordance with the provisions of section 11.18, subdivision 3.

Subd. 3. **Participation in fund.** Any public retirement organization authorized to participate in the Minnesota variable annuity fund may own an undivided participation in all the assets of the fund. The extent of annual participation shall be determined by the ratio of each organization's contribution to the total contributions of all participating organizations. Such ratio shall be determined monthly. Contributions and withdrawals may be certified at any time, but notification of contributions must reach the state board of investment by the twenty-fifth day of any month in order for such contributions to be included in calculations determining the monthly ratio. At the end of each fiscal year, the twelve ratios for such year, beginning with that of the previous June 30, shall be averaged. The average ratio shall determine the distribution of the difference between the admitted value and the balances of contributions of the respective organizations at year end to determine the respective amounts of participation. The interpretation and administration of all calculations affecting the fund shall be made in a manner to achieve the most uniform and equitable treatment possible for all participating organizations.

Subd. 4. **Valuation of fund.** (1) A bimonthly valuation of the investments in the Minnesota variable annuity fund shall be made by the state board of investment, using the closing market prices on the last business dates of August, October, December, February, April and June of each fiscal year. The ratio of the total market value of investments to the admitted value of investments at the end of the preceding fiscal year, plus the cost of investments acquired, less the net receipts from investments sold during the fiscal year, shall be determined for each valuation date. (2) The admitted value of the investments of the Minnesota variable annuity fund at the end of each fiscal year shall be the book value of all investments held at such date multiplied by the average of the ratios at the 12 bimonthly valuation dates for such fiscal year and the immediately preceding fiscal year determined in accordance with clause (1). For fiscal 1971, the admitted value shall be the book value of all investments held at the end of the fiscal year multiplied by the sum of the average of the six ratios determined for such fiscal year plus six assumed ratios of 100, the total of which is divided by 12. The book value of investments during any fiscal year shall be the admitted value at the end of the preceding fiscal year or the cost of such investments if acquired during the fiscal year. At the initial date of operation of the fund, the admitted value of the investments shall be the original cost of such investments.

Subd. 5. **Accounting procedures.** (1) The earnings from the investments of the Minnesota variable annuity fund shall consist of dividends, interest, and all other income derived from such investments and shall be determined on an accrual basis as of each bimonthly valuation date. Such income shall be attributed to those funds in the account at the beginning of the bimonthly period. Earnings from investments shall not include changes in the admitted values of such investments.

(2) Any realized gain or loss shall be recorded in a realized appreciation account, and shall consist of the amount received on sale less the cost of such security. Unrealized gains or losses for any fiscal year shall be determined as provided in subdivision 4, clause (1) to the book value of all investments held at the end of the fiscal year.

Subd. 6. **Total annual increment or decrement.** The total annual increment or decrement for any one year shall be the sum of (a) the six bimonthly computations of earnings as computed under subdivision 5, clause (1), after adjustment so as to attribute such income to the appropriate participants, (b) total realized gains or losses for the fiscal year as computed under subdivision 5, clause (2), after adjusting for the approximate unrealized gain or loss evidenced for such securities in the admitted value, and (c) total unrealized gains or losses for the fiscal year as computed under subdivision 5, clause (2).

Subd. 7. **Rate of return.** The total annual increment or decrement divided by the admitted value of the assets of the Minnesota variable annuity fund, as computed under clause (2) of subdivision 4, shall be defined as the rate of return for said fiscal year. The rate of return is to be used as the percentage of increase or decrease which participating organizations may make in the amount of the individual member's account balances at the end of said fiscal year.

[*1969 c 485 s 33; 1971 c 112 s 2; 1971 c 414 s 6; 1973 c 129 s 4,5*]

11.27 CONTINUING APPROPRIATION FROM MINNESOTA ADJUSTABLE FIXED BENEFIT FUND. All money necessary to meet the requirements of certification of withdrawal by funds authorized to participate in the Minnesota adjustable fixed benefit fund are hereby annually, and from time to time, appropriated from the Minnesota adjustable fixed benefit fund to the participating pension funds involved. Withdrawals for pensions is limited to those pensions for which reserves have been transferred to the Minnesota adjustable fixed benefit fund.

[*1969 c 893 s 1; 1969 c 977 s 2; 1969 c 999 s 7*]

STATE ZOOLOGICAL GARDEN OPERATING ACCOUNT

11.28 STATE ZOOLOGICAL GARDEN; OPERATING RECEIPTS INVESTMENT ACCOUNT. Subdivision 1. The Minnesota zoological garden operating receipts investment account shall be administered by the state board of investment. The assets of the account shall be invested in those securities authorized in section 11.10, subdivision 1.

Subd. 2. When the Minnesota zoological garden board certifies that any funds so invested are needed for current purposes, the state board of investment shall order the sale or conversion into cash of investments to the amount so certified, and transfer the funds to the Minnesota zoological garden general account.

Subd. 3. All interest and profit accruing from the investments shall be credited to, and be a part of, the Minnesota zoological garden general account, and any loss incurred in the principal of the investment shall be borne by the Minnesota zoological garden general account.

[*1975 c 382 s 1*]