

CHAPTER 355

SOCIAL SECURITY COVERAGE

<p>355.621 Legislators and constitutional officers; social security coverage referendum.</p> <p>355.622 Referendum.</p> <p>355.623 Notice of referendum.</p>	<p>355.624 Division of the legislators retirement plan and the elective state officers retirement plan.</p> <p>355.625 Transfer of members.</p> <p>355.626 Certification by governor.</p> <p>355.627 Agreements with federal agency.</p> <p>355.628 Social security contributions.</p>
--	--

LEGISLATORS AND CONSTITUTIONAL OFFICERS

355.621 LEGISLATORS AND CONSTITUTIONAL OFFICERS; SOCIAL SECURITY COVERAGE REFERENDUM.

Subdivision 1. **Definitions generally.** For the purposes of sections 355.621 to 355.628, each of the terms defined in this section has the indicated meaning.

Subd. 2. **Enabling act.** "Enabling act" means sections 355.01 to 355.07.

Subd. 3. **Legislator.** "Legislator" means a member of the legislature duly elected and sworn into office.

Subd. 4. **Constitutional officer.** "Constitutional officer" means the governor, the lieutenant governor, the attorney general, the secretary of state, the state auditor, and the state treasurer duly elected and sworn into office.

Subd. 5. **Additional terms.** The terms "social security act," "state agency," "employment," "wages," "contribution fund," "Federal Insurance Contributions Act," and "political subdivision" each have the meaning ascribed in the enabling act.

History: 1997 c 233 art 2 s 7

NOTE: This section, as added by Laws 1997, chapter 233, article 2, section 7, is effective July 1, 1998. Laws 1997, chapter 233, article 2, section 17.

355.622 REFERENDUM.

Under the enabling act, the governor shall designate an agency or individual to supervise a referendum to be held after July 1, 1998, in accordance with provisions of section 218(d)(6)(c) of the Social Security Act, for legislators and for constitutional officers.

History: 1997 c 233 art 2 s 8

NOTE: This section, as added by Laws 1997, chapter 233, article 2, section 8, is effective July 1, 1998. Laws 1997, chapter 233, article 2, section 17.

355.623 NOTICE OF REFERENDUM.

The notice of referendum required by section 218(d) of the Social Security Act that is to be provided to legislators and to constitutional officers must contain a statement of the rights which accrue under the Social Security Act. The statement must be in the form that the agency or individual designated to supervise the referendum deems necessary and sufficient to inform legislators and constitutional officers of their Social Security Act rights. The statement must also inform the legislators and constitutional officers of the effect that social security coverage will have on their future public retirement coverage.

History: 1997 c 233 art 2 s 9

NOTE: This section, as added by Laws 1997, chapter 233, article 2, section 9, is effective July 1, 1998. Laws 1997, chapter 233, article 2, section 17.

355.624 DIVISION OF THE LEGISLATORS RETIREMENT PLAN AND THE ELECTIVE STATE OFFICERS RETIREMENT PLAN.

(a) In accord with section 218(d)(6)(c) of the Social Security Act, the state agency shall divide the legislators retirement plan into two parts or divisions and shall divide the elective state officers retirement plan into two parts or divisions.

(b) One division or part of the legislators retirement plan must be composed of legislators who desire coverage under an agreement under section 218(d) of the Social Security Act, and those legislators must have their future public pension plan coverage under chapter 352D. Also included in this division or part are legislators who are elected after July 1, 1997. The other division or part of the legislators retirement plan must be composed of legislators who do not desire coverage under an agreement under section 218(d) of the Social Security Act, and those legislators must have their future public pension plan coverage under chapter 3A.

(c) One division or part of the elective state officers retirement plan must be composed of constitutional officers who desire coverage under an agreement under section 218(d) of the Social Security Act, and those constitutional officers must have their future public pension plan coverage under chapter 352D. Also included in this division or part are constitutional officers who are elected after July 1, 1997. The other division or part of the elective state officers retirement plan must be composed of constitutional officers who do not desire coverage under an agreement under section 218(d) of the Social Security Act, and those constitutional officers must have their future public pension plan coverage under chapter 352C.

History: 1997 c 233 art 2 s 10

NOTE: This section, as added by Laws 1997, chapter 233, article 2, section 10, is effective July 1, 1998. Laws 1997, chapter 233, article 2, section 17.

355.625 TRANSFER OF MEMBERS.

In accord with section 218(d)(6)(f) of the Social Security Act and when the legislators retirement plan or the elective state officers retirement plan, whichever applies, is divided into two parts or divisions, a legislator or constitutional officer who does not desire coverage under an agreement under section 218(d) of the Social Security Act may be transferred to the other part or division if the agreement with the federal Department of Health and Human Services so provides and if the legislator or constitutional officer files with the state agency a written request for the transfer.

History: 1997 c 233 art 2 s 11

NOTE: This section, as added by Laws 1997, chapter 233, article 2, section 11, is effective July 1, 1998. Laws 1997, chapter 233, article 2, section 17.

355.626 CERTIFICATION BY GOVERNOR.

If the governor receives satisfactory evidence that the conditions specified in section 218(d)(7) of the Social Security Act have been met with respect to the legislators retirement plan or the elective state officers retirement plan, whichever applies, the governor shall so certify to the secretary of the federal Department of Health and Human Services.

History: 1997 c 233 art 2 s 12

NOTE: This section, as added by Laws 1997, chapter 233, article 2, section 12, is effective July 1, 1998. Laws 1997, chapter 233, article 2, section 17.

355.627 AGREEMENTS WITH FEDERAL AGENCY.

Upon the governor's certification under section 355.626, the state agency, with the approval of the governor, is authorized after June 30, 1998, to enter into or modify an agreement with the secretary of the federal Department of Health and Human Services with respect to legislators or constitutional officers, whichever applies.

History: 1997 c 233 art 2 s 13

NOTE: This section, as added by Laws 1997, chapter 233, article 2, section 13, is effective July 1, 1998. Laws 1997, chapter 233, article 2, section 17.

355.628 SOCIAL SECURITY CONTRIBUTIONS.

Subdivision 1. **Employer contributions.** Employer contributions required under the agreement or modification under section 355.627 and payments required by section 355.49 must be paid by the senate, the house of representatives, or the relevant constitutional office, whichever applies.

Subd. 2. Employee contributions; deduction from wages. (a) After the date on which the agreement or modification under section 355.627 is executed, there must be paid as a deduction from wages an employee contribution by legislators or constitutional officers in an amount equal to the tax that would be imposed by the Federal Insurance Contributions Act if the service constituted employment within the meaning of the act.

(b) Contributions made under this subdivision must be paid into the contribution fund in partial discharge of the employer liability for social security coverage.

(c) A failure to deduct employee contributions does not relieve the legislator or constitutional officer or the senate, the house of representatives, or the relevant constitutional office of the liability to make the contribution.

History: 1997 c 233 art 2 s 14

NOTE: This section, as added by Laws 1997, chapter 233, article 2, section 14, is effective July 1, 1998. Laws 1997, chapter 233, article 2, section 17.