

State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2168

02/09/2012 Authored by Lanning

The bill was read for the first time and referred to the Committee on Government Operations and Elections

A bill for an act

relating to retirement; Minnesota statewide and major local defined benefit retirement plan actuarial reporting; revising the interest, salary scale, and payroll growth actuarial assumptions; amending Minnesota Statutes 2010, sections 3A.03, subdivision 2; 352.01, subdivision 13a; 352.017, subdivision 2; 352.04, subdivisions 8, 9; 352.23; 352.27; 352.271; 352.955, subdivisions 2, 3; 352B.013, subdivision 2; 352B.085; 352B.086; 352B.11, subdivision 4; 352D.05, subdivision 4; 352D.11, subdivision 2; 352D.12; 353.0161, subdivision 2; 353.0162; 353.27, subdivisions 7a, 12, 12a; 353.28, subdivision 5; 353.35, subdivision 1; 353.665, subdivision 8; 354.42, subdivision 7; 354.50, subdivision 2; 354.51, subdivision 5; 354.52, subdivision 4; 354.72, subdivision 2; 354A.093, subdivision 6; 354A.096; 354A.108; 354A.38, subdivision 3; 354B.23, subdivision 5; 354C.12, subdivision 2; 356.195, subdivision 2; 356.215, subdivision 1; 356.44; 356.50, subdivision 2; 356.551, subdivision 2; 490.121, subdivision 4; 490.1211; 490.124, subdivision 12; Minnesota Statutes 2011 Supplement, sections 353.01, subdivision 16; 356.215, subdivision 8.

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

ARTICLE 1

ECONOMIC ASSUMPTION REVISIONS

Section 1. Minnesota Statutes 2011 Supplement, section 356.215, subdivision 8, is amended to read:

Subd. 8. **Interest and salary assumptions.** (a) The actuarial valuation must use the applicable following preretirement interest assumption and the applicable following postretirement interest assumption:

(1) select and ultimate interest rate assumption

		<u>ultimate</u> preretirement interest rate assumption	<u>ultimate</u> postretirement interest rate assumption
2.1			
2.2			
2.3			
2.4	plan		
2.5	general state employees retirement plan	8.5%	6.0%
2.6	correctional state employees retirement plan	8.5	6.0
2.7	State Patrol retirement plan	8.5	6.0
2.8	legislators retirement plan	8.5	6.0
2.9	elective state officers retirement plan	8.5	6.0
2.10	judges retirement plan	8.5	6.0
2.11	general public employees retirement plan	8.5	6.0
2.12	public employees police and fire retirement plan	8.5	6.0
2.13	local government correctional service		
2.14	retirement plan	8.5	6.0
2.15	teachers retirement plan	8.5	6.0
2.16	Duluth teachers retirement plan	8.5	8.5
2.17	St. Paul teachers retirement plan	8.5	8.5

2.18        The select preretirement interest rate assumption for the period after June 30, 2012,  
2.19 through June 30, 2021, is 8.0 percent. The select postretirement interest rate assumption  
2.20 for the period after June 30, 2012, through June 30, 2021, is 5.5 percent, except for the  
2.21 Duluth teachers retirement plan and the St. Paul teachers retirement plan, each with a  
2.22 select postretirement interest rate assumption for the period after June 30, 2012, through  
2.23 June 30, 2021, of 8.0 percent.

2.24        (2) single rate preretirement and postretirement interest rate assumption

	<u>plan</u>	<u>interest rate</u> <u>assumption</u>	
2.25			
2.26			
2.27	Fairmont Police Relief Association	5.0	<del>5.0</del>
2.28	Virginia Fire Department Relief Association	5.0	<del>5.0</del>
2.29	Bloomington Fire Department Relief Association	6.0	<del>6.0</del>
2.30	local monthly benefit volunteer firefighters relief		
2.31	associations	5.0	<del>5.0</del>

2.32        (b) ~~Before July 1, 2010,~~ The actuarial valuation must use the applicable following  
2.33 single rate future salary increase assumption, the applicable following modified single  
2.34 rate future salary increase assumption, or the applicable following graded rate future  
2.35 salary increase assumption:

2.36        (1) single rate future salary increase assumption

	<u>plan</u>	<u>future salary increase assumption</u>
2.37		
2.38	legislators retirement plan	5.0%
2.39	judges retirement plan	4.0
2.40	Fairmont Police Relief Association	3.5

- 3.1 Virginia Fire Department Relief Association 3.5
- 3.2 Bloomington Fire Department Relief
- 3.3 Association 4.0
- 3.4 (2) age-related select and ultimate future salary increase assumption or graded rate
- 3.5 future salary increase assumption
- 3.6 plan future salary increase assumption
- 3.7 correctional state employees retirement plan assumption D
- 3.8 State Patrol retirement plan assumption C
- 3.9 local government correctional service retirement plan assumption C
- 3.10 Duluth teachers retirement plan assumption A
- 3.11 St. Paul teachers retirement plan assumption B
- 3.12 The select calculation is: during the
- 3.13 designated select period, a designated
- 3.14 percentage rate is multiplied by the result of
- 3.15 the designated integer minus T, where T is
- 3.16 the number of completed years of service,
- 3.17 and is added to the applicable future salary
- 3.18 increase assumption. The designated select
- 3.19 period is five years and the designated
- 3.20 integer is five for the general state employees
- 3.21 retirement plan. The designated select period
- 3.22 is ten years and the designated integer is ten
- 3.23 for all other retirement plans covered by
- 3.24 this clause. The designated percentage rate
- 3.25 is: (1) 0.2 percent for the correctional state
- 3.26 employees retirement plan, the State Patrol
- 3.27 retirement plan, and the local government
- 3.28 correctional service retirement plan; (2)
- 3.29 0.6 percent for the general state employees
- 3.30 retirement plan; and (3) 0.3 percent for the
- 3.31 teachers retirement plan, the Duluth Teachers
- 3.32 Retirement Fund Association, and the St.
- 3.33 Paul Teachers Retirement Fund Association.
- 3.34 The select calculation for the Duluth Teachers
- 3.35 Retirement Fund Association is 8.00 percent
- 3.36 per year for service years one through seven,
- 3.37 7.25 percent per year for service years seven

4.1 and eight, and 6.50 percent per year for  
4.2 service years eight and nine.

4.3 The ultimate future salary increase assumption is:

4.4	age	A	B	C	D
4.5	16	8.00%	6.90%	7.7500%	7.2500%
4.6	17	8.00	6.90	7.7500	7.2500
4.7	18	8.00	6.90	7.7500	7.2500
4.8	19	8.00	6.90	7.7500	7.2500
4.9	20	6.90	6.90	7.7500	7.2500
4.10	21	6.90	6.90	7.1454	6.6454
4.11	22	6.90	6.90	7.0725	6.5725
4.12	23	6.85	6.85	7.0544	6.5544
4.13	24	6.80	6.80	7.0363	6.5363
4.14	25	6.75	6.75	7.0000	6.5000
4.15	26	6.70	6.70	7.0000	6.5000
4.16	27	6.65	6.65	7.0000	6.5000
4.17	28	6.60	6.60	7.0000	6.5000
4.18	29	6.55	6.55	7.0000	6.5000
4.19	30	6.50	6.50	7.0000	6.5000
4.20	31	6.45	6.45	7.0000	6.5000
4.21	32	6.40	6.40	7.0000	6.5000
4.22	33	6.35	6.35	7.0000	6.5000
4.23	34	6.30	6.30	7.0000	6.5000
4.24	35	6.25	6.25	7.0000	6.5000
4.25	36	6.20	6.20	6.9019	6.4019
4.26	37	6.15	6.15	6.8074	6.3074
4.27	38	6.10	6.10	6.7125	6.2125
4.28	39	6.05	6.05	6.6054	6.1054
4.29	40	6.00	6.00	6.5000	6.0000
4.30	41	5.90	5.95	6.3540	5.8540
4.31	42	5.80	5.90	6.2087	5.7087
4.32	43	5.70	5.85	6.0622	5.5622
4.33	44	5.60	5.80	5.9048	5.4078
4.34	45	5.50	5.75	5.7500	5.2500
4.35	46	5.40	5.70	5.6940	5.1940
4.36	47	5.30	5.65	5.6375	5.1375
4.37	48	5.20	5.60	5.5822	5.0822
4.38	49	5.10	5.55	5.5404	5.0404
4.39	50	5.00	5.50	5.5000	5.0000
4.40	51	4.90	5.45	5.4384	4.9384
4.41	52	4.80	5.40	5.3776	4.8776
4.42	53	4.70	5.35	5.3167	4.8167
4.43	54	4.60	5.30	5.2826	4.7826

5.1	55	4.50	5.25	5.2500	4.7500
5.2	56	4.40	5.20	5.2500	4.7500
5.3	57	4.30	5.15	5.2500	4.7500
5.4	58	4.20	5.10	5.2500	4.7500
5.5	59	4.10	5.05	5.2500	4.7500
5.6	60	4.00	5.00	5.2500	4.7500
5.7	61	3.90	5.00	5.2500	4.7500
5.8	62	3.80	5.00	5.2500	4.7500
5.9	63	3.70	5.00	5.2500	4.7500
5.10	64	3.60	5.00	5.2500	4.7500
5.11	65	3.50	5.00	5.2500	4.7500
5.12	66	3.50	5.00	5.2500	4.7500
5.13	67	3.50	5.00	5.2500	4.7500
5.14	68	3.50	5.00	5.2500	4.7500
5.15	69	3.50	5.00	5.2500	4.7500
5.16	70	3.50	5.00	5.2500	4.7500

5.17 (3) service-related ultimate future salary increase assumption

5.18	general state employees retirement plan of the	assumption A
5.19	Minnesota State Retirement System	
5.20	general employees retirement plan of the Public	assumption B
5.21	Employees Retirement Association	
5.22	Teachers Retirement Association	assumption C
5.23	public employees police and fire retirement plan	assumption D

5.24	service				
5.25	length	A	B	C	D
5.26	1	<del>10.75</del> <u>10.00%</u>	<del>12.25</del> <u>11.50%</u>	<del>12.00</del> <u>11.25%</u>	<del>13.00</del> <u>12.25%</u>
5.27	2	<del>8.35</del> <u>7.60</u>	<del>9.15</del> <u>8.40</u>	<del>9.00</del> <u>8.25</u>	<del>11.00</del> <u>10.25</u>
5.28	3	<del>7.15</del> <u>6.40</u>	<del>7.75</del> <u>7.00</u>	<del>8.00</del> <u>7.25</u>	<del>9.00</del> <u>8.25</u>
5.29	4	<del>6.45</del> <u>5.70</u>	<del>6.85</del> <u>6.10</u>	<del>7.50</del> <u>6.75</u>	<del>8.00</del> <u>7.25</u>
5.30	5	<del>5.95</del> <u>5.20</u>	<del>6.25</del> <u>5.50</u>	<del>7.25</del> <u>6.50</u>	<del>6.50</del> <u>5.75</u>
5.31	6	<del>5.55</del> <u>4.80</u>	<del>5.75</del> <u>5.00</u>	<del>7.00</del> <u>6.25</u>	<del>6.10</del> <u>5.35</u>
5.32	7	<del>5.25</del> <u>4.50</u>	<del>5.45</del> <u>4.70</u>	<del>6.85</del> <u>6.10</u>	<del>5.80</del> <u>5.05</u>
5.33	8	<del>4.95</del> <u>4.20</u>	<del>5.15</del> <u>4.40</u>	<del>6.70</del> <u>5.95</u>	<del>5.60</del> <u>4.85</u>
5.34	9	<del>4.75</del> <u>4.00</u>	<del>4.85</del> <u>4.10</u>	<del>6.55</del> <u>5.80</u>	<del>5.40</del> <u>4.65</u>
5.35	10	<del>4.65</del> <u>3.90</u>	<del>4.65</del> <u>3.90</u>	<del>6.40</del> <u>5.65</u>	<del>5.30</del> <u>4.55</u>
5.36	11	<del>4.45</del> <u>3.70</u>	<del>4.45</del> <u>3.70</u>	<del>6.25</del> <u>5.50</u>	<del>5.20</del> <u>4.45</u>
5.37	12	<del>4.35</del> <u>3.60</u>	<del>4.35</del> <u>3.60</u>	<del>6.00</del> <u>5.25</u>	<del>5.10</del> <u>4.35</u>
5.38	13	<del>4.25</del> <u>3.50</u>	<del>4.15</del> <u>3.40</u>	<del>5.75</del> <u>5.00</u>	<del>5.00</del> <u>4.25</u>
5.39	14	<del>4.05</del> <u>3.30</u>	<del>4.05</del> <u>3.30</u>	<del>5.50</del> <u>4.75</u>	<del>4.90</del> <u>4.15</u>
5.40	15	<del>3.95</del> <u>3.20</u>	<del>3.95</del> <u>3.20</u>	<del>5.25</del> <u>4.50</u>	<del>4.80</del> <u>4.05</u>
5.41	16	<del>3.85</del> <u>3.10</u>	<del>3.85</del> <u>3.10</u>	<del>5.00</del> <u>4.00</u>	<del>4.80</del> <u>4.05</u>
5.42	17	<del>3.75</del> <u>3.00</u>	<del>3.75</del> <u>3.00</u>	<del>4.75</del> <u>3.75</u>	<del>4.80</del> <u>4.05</u>
5.43	18	<del>3.75</del> <u>3.00</u>	<del>3.75</del> <u>3.00</u>	<del>4.50</del> <u>3.50</u>	<del>4.80</del> <u>4.05</u>

6.1	19	<del>3.75</del> <u>3.00</u>	<del>3.75</del> <u>3.00</u>	<del>4.25</del> <u>3.25</u>	<del>4.80</del> <u>4.05</u>
6.2	20	<del>3.75</del> <u>3.00</u>	<del>3.75</del> <u>3.00</u>	<del>4.00</del> <u>3.15</u>	<del>4.80</del> <u>4.05</u>
6.3	21	<del>3.75</del> <u>3.00</u>	<del>3.75</del> <u>3.00</u>	<del>3.90</del> <u>3.05</u>	<del>4.70</del> <u>3.95</u>
6.4	22	<del>3.75</del> <u>3.00</u>	<del>3.75</del> <u>3.00</u>	<del>3.80</del> <u>2.95</u>	<del>4.60</del> <u>3.85</u>
6.5	23	<del>3.75</del> <u>3.00</u>	<del>3.75</del> <u>3.00</u>	<del>3.70</del> <u>2.85</u>	<del>4.50</del> <u>3.75</u>
6.6	24	<del>3.75</del> <u>3.00</u>	<del>3.75</del> <u>3.00</u>	<del>3.60</del> <u>2.75</u>	<del>4.50</del> <u>3.75</u>
6.7	25	<del>3.75</del> <u>3.00</u>	<del>3.75</del> <u>3.00</u>	<del>3.50</del> <u>2.75</u>	<del>4.50</del> <u>3.75</u>
6.8	26	<del>3.75</del> <u>3.00</u>	<del>3.75</del> <u>3.00</u>	<del>3.50</del> <u>2.75</u>	<del>4.50</del> <u>3.75</u>
6.9	27	<del>3.75</del> <u>3.00</u>	<del>3.75</del> <u>3.00</u>	<del>3.50</del> <u>2.75</u>	<del>4.50</del> <u>3.75</u>
6.10	28	<del>3.75</del> <u>3.00</u>	<del>3.75</del> <u>3.00</u>	<del>3.50</del> <u>2.75</u>	<del>4.50</del> <u>3.75</u>
6.11	29	<del>3.75</del> <u>3.00</u>	<del>3.75</del> <u>3.00</u>	<del>3.50</del> <u>2.75</u>	<del>4.50</del> <u>3.75</u>
6.12	30 or more	<del>3.75</del> <u>3.00</u>	<del>3.75</del> <u>3.00</u>	<del>3.50</del> <u>2.75</u>	<del>4.50</del> <u>3.75</u>

6.13 (c) ~~Before July 2, 2010,~~ The actuarial valuation must use the applicable following  
6.14 payroll growth assumption for calculating the amortization requirement for the unfunded  
6.15 actuarial accrued liability where the amortization retirement is calculated as a level  
6.16 percentage of an increasing payroll:

6.17	plan	payroll growth assumption
6.18	general state employees retirement plan of the	
6.19	Minnesota State Retirement System	<del>3.75</del> <u>3.25</u> %
6.20	correctional state employees retirement plan	<del>4.50</del> <u>3.25</u>
6.21	State Patrol retirement plan	<del>4.50</del> <u>3.25</u>
6.22	legislators retirement plan	<del>4.50</del> <u>3.25</u>
6.23	judges retirement plan	<del>4.00</del> <u>3.25</u>
6.24	general employees retirement plan of the Public	
6.25	Employees Retirement Association	<del>3.75</del> <u>3.25</u>
6.26	public employees police and fire retirement plan	<del>3.75</del> <u>3.25</u>
6.27	local government correctional service retirement plan	<del>4.50</del> <u>3.25</u>
6.28	teachers retirement plan	<del>3.75</del> <u>3.25</u>
6.29	Duluth teachers retirement plan	<del>4.50</del> <u>3.25</u>
6.30	St. Paul teachers retirement plan	<del>5.00</del> <u>3.25</u>

6.31 (d) ~~After July 1, 2010,~~ The assumptions set forth in paragraphs (b) and (c) continue  
6.32 to apply, unless a different salary assumption or a different payroll increase assumption:

- 6.33 (1) has been proposed by the governing board of the applicable retirement plan;  
6.34 (2) is accompanied by the concurring recommendation of the actuary retained under  
6.35 section 356.214, subdivision 1, if applicable, or by the approved actuary preparing the  
6.36 most recent actuarial valuation report if section 356.214 does not apply; and  
6.37 (3) has been approved or deemed approved under subdivision 18.

6.38 **EFFECTIVE DATE.** This section is effective June 30, 2012.

7.1 **ARTICLE 2**

7.2 **CONFORMING CHANGES RELATED TO INTEREST RATE**  
7.3 **ASSUMPTION CHANGE**

7.4 Section 1. Minnesota Statutes 2010, section 3A.03, subdivision 2, is amended to read:

7.5 Subd. 2. **Refund; refund repayment.** (a) A former member who has made  
7.6 contributions under subdivision 1 and who is no longer a member of the legislature is  
7.7 entitled to receive, upon written application to the executive director on a form prescribed  
7.8 by the executive director, a refund from the general fund of all contributions credited to  
7.9 the member's account with interest computed as provided in section 352.22, subdivision 2.

7.10 (b) The refund of contributions as provided in paragraph (a) terminates all rights  
7.11 of a former member of the legislature and the survivors of the former member under  
7.12 this chapter.

7.13 (c) If the former member of the legislature again becomes a member of the legislature  
7.14 after having taken a refund as provided in paragraph (a), the member is a member of the  
7.15 unclassified employees retirement program of the Minnesota State Retirement System.

7.16 (d) However, the member may reinstate the rights and credit for service previously  
7.17 forfeited under this chapter if the member repays all refunds taken, plus interest at ~~an~~  
7.18 the applicable annual rate of 8.5 percent compounded annually from the date on which  
7.19 the refund was taken to the date on which the refund is repaid. The applicable rate is 8.5  
7.20 percent for the period before July 1, 2012, and the period after June 30, 2021, and is 8.0  
7.21 percent for the period from July 1, 2012, through June 30, 2021.

7.22 (e) No person may be required to apply for or to accept a refund.

7.23 Sec. 2. Minnesota Statutes 2010, section 352.01, subdivision 13a, is amended to read:

7.24 Subd. 13a. **Reduced salary during period of workers' compensation.** An  
7.25 employee on leave of absence receiving temporary workers' compensation payments and a  
7.26 reduced salary or no salary from the employer who is entitled to allowable service credit  
7.27 for the period of absence, may make payment to the fund for the difference between salary  
7.28 received, if any, and the salary the employee would normally receive if not on leave of  
7.29 absence during the period. The employee shall pay an amount equal to the employee and  
7.30 employer contribution rate under section 352.04, subdivisions 2 and 3, on the differential  
7.31 salary amount for the period of the leave of absence.

7.32 The employing department, at its option, may pay the employer amount on behalf  
7.33 of its employees. Payment made under this subdivision must include interest at the  
7.34 applicable rate of 8.5 percent per year, and must be completed within one year of the

return from leave of absence. The applicable rate is 8.5 percent for the period before July 1, 2012, and the period after June 30, 2021, and is 8.0 percent for the period from July 1, 2012, through June 30, 2021.

Sec. 3. Minnesota Statutes 2010, section 352.017, subdivision 2, is amended to read:

Subd. 2. **Purchase procedure.** (a) An employee covered by a plan specified in this chapter may purchase credit for allowable service in that plan for a period specified in subdivision 1 if the employee makes a payment as specified in paragraph (b) or (c), whichever applies. The employing unit, at its option, may pay the employer portion of the amount specified in paragraph (b) on behalf of its employees.

(b) If payment is received by the executive director within one year from the date the employee returned to work following the authorized leave, the payment amount is equal to the employee and employer contribution rates specified in law for the applicable plan at the end of the leave period multiplied by the employee's hourly rate of salary on the date of return from the leave of absence and by the days and months of the leave of absence for which the employee is eligible for allowable service credit. The payment must include compound interest at ~~a the applicable monthly rate of 0.71 percent~~ from the last day of the leave period until the last day of the month in which payment is received. The applicable rate is 0.71 percent before July 1, 2012, and the period after June 30, 2021, and is 0.667 percent for the period from July 1, 2012, through June 30, 2021. If payment is received by the executive director after one year, the payment amount is the amount determined under section 356.551. Payment under this paragraph must be made before the date of termination from public employment covered under this chapter.

(c) If the employee terminates employment covered by this chapter during the leave or following the leave rather than returning to covered employment, payment must be received by the executive director within 30 days after the termination date. The payment amount is equal to the employee and employer contribution rates specified in law for the applicable plan on the day prior to the termination date, multiplied by the employee's hourly rate of salary on that date and by the days and months of the leave of absence prior to termination.

Sec. 4. Minnesota Statutes 2010, section 352.04, subdivision 8, is amended to read:

Subd. 8. **Department required to pay omitted salary deductions.** (a) If a department fails to take deductions past due for a period of 60 days or less from an employee's salary as provided in this section, those deductions must be taken on later payroll abstracts.



(b) If a department fails to take deductions past due for a period in excess of 60 days from an employee's salary as provided in this section, the department, and not the employee, must pay on later payroll abstracts the employee and employer contributions and an amount equivalent to ~~8.5~~ the applicable percent of the total amount due in lieu of interest, or if the delay in payment exceeds one year, ~~8.5 percent~~ the applicable rate of compound annual interest. The applicable percent or rate is 8.5 percent for the period before July 1, 2012, and the period after June 30, 2021, and is 8.0 percent for the period from July 1, 2012, through June 30, 2021.

(c) If a department fails to take deductions past due for a period of 60 days or less and the employee is no longer in state service so that the required deductions cannot be taken from the salary of the employee, the department must nevertheless pay the required employer contributions. If any department fails to take deductions past due for a period in excess of 60 days and the employee is no longer in state service, the omitted contributions must be recovered under paragraph (b).

(d) If an employee from whose salary required deductions were past due for a period of 60 days or less leaves state service before the payment of the omitted deductions and subsequently returns to state service, the unpaid amount is considered the equivalent of a refund. The employee accrues no right by reason of the unpaid amount, except that the employee may pay the amount of omitted deductions as provided in section 352.23.

Sec. 5. Minnesota Statutes 2010, section 352.04, subdivision 9, is amended to read:

Subd. 9. **Erroneous deductions, canceled warrants.** (a) Deductions taken from the salary of an employee for the retirement fund in excess of required amounts must, upon discovery and verification by the department making the deduction, be refunded to the employee.

(b) If a deduction for the retirement fund is taken from a salary warrant or check, and the check is canceled or the amount of the warrant or check returned to the funds of the department making the payment, the sum deducted, or the part of it required to adjust the deductions, must be refunded to the department or institution if the department applies for the refund on a form furnished by the director. The department's payments must likewise be refunded to the department.

(c) If erroneous employee deductions and employer contributions are caused by an error in plan coverage involving the plan and any other plans specified in section 356.99, that section applies. If the employee should have been covered by the plan governed by chapter 352D, 353D, 354B, or 354D, the employee deductions and employer contributions taken in error must be directly transferred to the applicable employee's account in the

correct retirement plan, with interest at the applicable monthly rate of 0.71 percent per month, compounded annually, from the first day of the month following the month in which coverage should have commenced in the correct defined contribution plan until the end of the month in which the transfer occurs. The applicable rate is 0.71 percent per month before July 1, 2012, and the period after June 30, 2021, and is 0.667 percent per month for the period from July 1, 2012, through June 30, 2021.

Sec. 6. Minnesota Statutes 2010, section 352.23, is amended to read:

**352.23 TERMINATION OF RIGHTS.**

When any employee accepts a refund as provided in section 352.22, all existing service credits and all rights and benefits to which the employee was entitled before accepting the refund terminate. They must not again be restored until the former employee acquires at least six months of allowable service credit after taking the last refund. In that event, the employee may repay all refunds previously taken from the retirement fund. Repayment of refunds entitles the employee only to credit for service covered by (1) salary deductions; (2) payments made in lieu of salary deductions; (3) payments made to obtain credit for service as permitted by laws in effect when payment was made; and (4) allowable service once credited while receiving temporary workers' compensation as provided in section 352.01, subdivision 11, clause (5). Payments under this section for repayment of refunds are to be paid with interest at ~~an~~ the applicable annual rate of 8.5 percent compounded annually. The applicable rate is 0.71 percent before July 1, 2012, and the period after June 30, 2021, and is 0.667 percent for the period from July 1, 2012, through June 30, 2021. They may be paid in a lump sum or by payroll deduction in the manner provided in section 352.04. Payment may be made in a lump sum up to six months after termination from service.

Sec. 7. Minnesota Statutes 2010, section 352.27, is amended to read:

**352.27 CREDIT FOR BREAK IN SERVICE TO PROVIDE UNIFORMED SERVICE.**

(a) An employee who is absent from employment by reason of service in the uniformed services, as defined in United States Code, title 38, section 4303(13), and who returns to state service upon discharge from service in the uniformed service within the time frames required in United States Code, title 38, section 4312(e), may obtain service credit for the period of the uniformed service as further specified in this section, provided that the employee did not separate from uniformed service with a dishonorable or bad conduct discharge or under other than honorable conditions.

11.1 (b) The employee may obtain credit by paying into the fund an equivalent employee  
11.2 contribution based upon the contribution rate or rates in effect at the time that the  
11.3 uniformed service was performed multiplied by the full and fractional years being  
11.4 purchased and applied to the annual salary rate. The annual salary rate is the average  
11.5 annual salary during the purchase period that the employee would have received if the  
11.6 employee had continued to be employed in covered employment rather than to provide  
11.7 uniformed service, or, if the determination of that rate is not reasonably certain, the annual  
11.8 salary rate is the employee's average salary rate during the 12-month period of covered  
11.9 employment rendered immediately preceding the period of the uniformed service.

11.10 (c) The equivalent employer contribution and, if applicable, the equivalent additional  
11.11 employer contribution provided in this chapter must be paid by the department employing  
11.12 the employee from funds available to the department at the time and in the manner  
11.13 provided in this chapter, using the employer and additional employer contribution rate or  
11.14 rates in effect at the time that the uniformed service was performed, applied to the same  
11.15 annual salary rate or rates used to compute the equivalent employee contribution.

11.16 (d) If the employee equivalent contributions provided in this section are not paid in  
11.17 full, the employee's allowable service credit must be prorated by multiplying the full and  
11.18 fractional number of years of uniformed service eligible for purchase by the ratio obtained  
11.19 by dividing the total employee contribution received by the total employee contribution  
11.20 otherwise required under this section.

11.21 (e) To receive service credit under this section, the contributions specified in this  
11.22 section must be transmitted to the Minnesota State Retirement System during the period  
11.23 which begins with the date on which the individual returns to state service and which has a  
11.24 duration of three times the length of the uniformed service period, but not to exceed five  
11.25 years. If the determined payment period is less than one year, the contributions required  
11.26 under this section to receive service credit may be made within one year of the discharge  
11.27 date.

11.28 (f) The amount of service credit obtainable under this section may not exceed five  
11.29 years unless a longer purchase period is required under United States Code, title 38,  
11.30 section 4312.

11.31 (g) The employing unit shall pay interest on all equivalent employee and employer  
11.32 contribution amounts payable under this section. Interest must be computed at ~~a the~~  
11.33 applicable rate of 8.5 percent compounded annually from the end of each fiscal year of the  
11.34 leave or the break in service to the end of the month in which the payment is received. The  
11.35 applicable rate is 8.5 percent for the period before July 1, 2012, and the period after June  
11.36 30, 2021, and is 8.0 percent for the period from July 1, 2012, through June 30, 2021.

12.1 Sec. 8. Minnesota Statutes 2010, section 352.271, is amended to read:

12.2 **352.271 METROPOLITAN TRANSIT COMMISSION-TRANSIT**  
12.3 **OPERATING DIVISION EMPLOYEES; CREDIT FOR MILITARY SERVICE.**

12.4 Any employee of the Metropolitan Transit Commission Operating Division who  
12.5 was on a leave of absence to enter military service on July 1, 1978, who has not taken a  
12.6 refund of employee contributions as authorized by article 12 of the Metropolitan Transit  
12.7 Commission-Transit Operating Division employees retirement fund document or section  
12.8 352.22, subdivision 2a, and who returns to service as an employee of the Metropolitan  
12.9 Transit Commission-Transit Operating Division upon discharge from military service  
12.10 as provided in section 192.262 is entitled to allowable service credit for the period of  
12.11 military service. If an employee has taken a refund of employee contributions, and would  
12.12 otherwise be entitled to allowable service credit under this section, the employee is  
12.13 entitled to allowable service credit for the period of military service upon repayment to the  
12.14 executive director of the system of the amount refunded plus interest at ~~an~~ the applicable  
12.15 ~~annual rate of 8.5 percent~~ compounded annually from the date on which the refund was  
12.16 taken to the date of repayment. No employee is entitled to allowable service credit for any  
12.17 voluntary extensions of military service at the instance of the employee beyond any initial  
12.18 period of enlistment, induction, or call to active duty. The applicable rate is 8.5 percent  
12.19 for the period before July 1, 2012, and the period after June 30, 2021, and is 8.0 percent  
12.20 for the period from July 1, 2012, through June 30, 2021.

12.21 Sec. 9. Minnesota Statutes 2010, section 352.955, subdivision 2, is amended to read:

12.22 Subd. 2. **Payment of additional equivalent contributions; pre-July 1, 2007,**  
12.23 **coverage transfers.** (a) An eligible employee who was transferred to plan coverage  
12.24 before July 1, 2007, and who elects to transfer past service credit under this section must  
12.25 pay an additional member contribution for that prior service period. The additional  
12.26 member contribution is the difference between the member contribution rate or rates for  
12.27 the general state employees retirement plan of the Minnesota State Retirement System  
12.28 for the period of employment covered by the service credit to be transferred and the  
12.29 member contribution rate or rates for the correctional state employees retirement plan for  
12.30 the period of employment covered by the service credit to be transferred, plus annual  
12.31 compound interest at the rate of 8.5 percent.

12.32 (b) The additional equivalent member contribution under this subdivision must be  
12.33 paid in a lump sum. Payment must accompany the election to transfer the prior service  
12.34 credit. No transfer election or additional equivalent member contribution payment may be

made by a person or accepted by the executive director after January 1, 2008, or the date on which the eligible employee terminates state employment, whichever is earlier.

(c) If an eligible employee elects to transfer past service credit under this section and pays the additional equivalent member contribution amount under paragraphs (a) and (b), the applicable department shall pay an additional equivalent employer contribution amount. The additional employer contribution is the difference between the employer contribution rate or rates for the general state employees retirement plan for the period of employment covered by the service credit to be transferred and the employer contribution rate or rates for the correctional state employees retirement plan for the period of employment covered by the service credit to be transferred, plus annual compound interest at the applicable rate of 8.5 percent. The applicable rate is 8.5 percent for the period before July 1, 2012, and the period after June 30, 2021, and is 8.0 percent for the period from July 1, 2012, through June 30, 2021.

(d) The additional equivalent employer contribution under this subdivision must be paid in a lump sum and must be paid within 30 days of the date on which the executive director of the Minnesota State Retirement System certifies to the applicable department that the employee paid the additional equivalent member contribution.

Sec. 10. Minnesota Statutes 2010, section 352.955, subdivision 3, is amended to read:

**Subd. 3. Payment of additional equivalent contributions; post-June 30, 2007, coverage transfers.** (a) An eligible employee who is transferred to plan coverage after June 30, 2007, and who elects to transfer past service credit under this section must pay an additional member contribution for that prior service period. The additional member contribution is the amount computed under paragraph (b), plus the greater of the amount computed under paragraph (c), or 40 percent of the unfunded actuarial accrued liability attributable to the past service credit transfer.

(b) The executive director shall compute, for the most recent 12 months of service credit eligible for transfer, or for the entire period eligible for transfer if less than 12 months, the difference between the employee contribution rate or rates for the general state employees retirement plan and the employee contribution rate or rates for the correctional state employees retirement plan applied to the eligible employee's salary during that transfer period, plus compound interest at a monthly rate of 0.71 percent.

(c) The executive director shall compute, for any service credit being transferred on behalf of the eligible employee and not included under paragraph (b), the difference between the employee contribution rate or rates for the general state employees retirement plan and the employee contribution rate or rates for the correctional state employees

14.1 retirement plan applied to the eligible employee's salary during that transfer period, plus  
14.2 compound interest at ~~a the applicable monthly rate of 0.71 percent.~~ The applicable rate is  
14.3 0.71 percent before July 1, 2012, and the period after June 30, 2021, and is 0.667 percent  
14.4 for the period from July 1, 2012, through June 30, 2021.

14.5 (d) The executive director shall compute an amount using the process specified in  
14.6 paragraph (b), but based on differences in employer contribution rates between the general  
14.7 state employees retirement plan and the correctional state employees retirement plan  
14.8 rather than employee contribution rates.

14.9 (e) The executive director shall compute an amount using the process specified in  
14.10 paragraph (c), but based on differences in employer contribution rates between the general  
14.11 state employees retirement plan and the correctional state employees retirement plan  
14.12 rather than employee contribution rates.

14.13 (f) The additional equivalent member contribution under this subdivision must be  
14.14 paid in a lump sum. Payment must accompany the election to transfer the prior service  
14.15 credit. No transfer election or additional equivalent member contribution payment may be  
14.16 made by a person or accepted by the executive director after the one year anniversary date  
14.17 of the effective date of the retirement coverage transfer, or the date on which the eligible  
14.18 employee terminates state employment, whichever is earlier.

14.19 (g) If an eligible employee elects to transfer past service credit under this section  
14.20 and pays the additional equivalent member contribution amount under paragraph (a), the  
14.21 applicable department shall pay an additional equivalent employer contribution amount.  
14.22 The additional employer contribution is the amount computed under paragraph (d), plus  
14.23 the greater of the amount computed under paragraph (e), or 60 percent of the unfunded  
14.24 actuarial accrued liability attributable to the past service credit transfer.

14.25 (h) The unfunded actuarial accrued liability attributable to the past service credit  
14.26 transfer is the present value of the benefit obtained by the transfer of the service credit  
14.27 to the correctional state employees retirement plan reduced by the amount of the asset  
14.28 transfer under subdivision 4, by the amount of the member contribution equivalent  
14.29 payment computed under paragraph (b), and by the amount of the employer contribution  
14.30 equivalent payment computed under paragraph (d).

14.31 (i) The additional equivalent employer contribution under this subdivision must be  
14.32 paid in a lump sum and must be paid within 30 days of the date on which the executive  
14.33 director of the Minnesota State Retirement System certifies to the applicable department  
14.34 that the employee paid the additional equivalent member contribution.

14.35 Sec. 11. Minnesota Statutes 2010, section 352B.013, subdivision 2, is amended to read:

Subd. 2. **Purchase procedure.** (a) An employee covered by the plan specified in this chapter may purchase credit for allowable service in the plan for a period specified in subdivision 1 if the employee makes a payment as specified in paragraph (b) or (c), whichever applies. The employing unit, at its option, may pay the employer portion of the amount specified in paragraph (b) on behalf of its employees.

(b) If payment is received by the executive director within one year from the date the employee returned to work following the authorized leave, the payment amount is equal to the employee and employer contribution rates specified in section 352B.02 at the end of the leave period multiplied by the employee's hourly rate of salary on the date of return from the leave of absence and by the days and months of the leave of absence for which the employee is eligible for allowable service credit. The payment must include compound interest at ~~a the applicable monthly rate of 0.71 percent~~ from the last day of the leave period until the last day of the month in which payment is received. The applicable rate is 0.71 percent before July 1, 2012, and the period after June 30, 2021, and is 0.667 percent for the period from July 1, 2012, through June 30, 2021. If payment is received by the executive director after one year from the date the employee returned to work following the authorized leave, the payment amount is the amount determined under section 356.551. Payment under this paragraph must be made before the date of termination from public employment covered under this chapter.

(c) If the employee terminates employment covered by this chapter during the leave or following the leave rather than returning to covered employment, payment must be received by the executive director within 30 days after the termination date. The payment amount is equal to the employee and employer contribution rates specified in section 352B.02 on the day prior to the termination date, multiplied by the employee's hourly rate of salary on that date and by the days and months of the leave of absence prior to termination.

Sec. 12. Minnesota Statutes 2010, section 352B.085, is amended to read:

**352B.085 SERVICE CREDIT FOR CERTAIN DISABILITY LEAVES OF ABSENCE.**

A member on leave of absence receiving temporary workers' compensation payments and a reduced salary or no salary from the employer who is entitled to allowable service credit for the period of absence under section 352B.011, subdivision 3, paragraph (b), may make payment to the fund for the difference between salary received, if any, and the salary that the member would normally receive if the member was not on leave of absence during the period. The member shall pay an amount equal to the member and employer

contribution rate under section 352B.02, subdivisions 1b and 1c, on the differential salary amount for the period of the leave of absence. The employing department, at its option, may pay the employer amount on behalf of the member. Payment made under this subdivision must include interest at the applicable rate of 8.5 percent per year, and must be completed within one year of the member's return from the leave of absence. The applicable rate is 8.5 percent for the period before July 1, 2012, and the period after June 30, 2021, and is 8.0 percent for the period from July 1, 2012, through June 30, 2021.

Sec. 13. Minnesota Statutes 2010, section 352B.086, is amended to read:

**352B.086 SERVICE CREDIT FOR UNIFORMED SERVICE.**

(a) A member who is absent from employment by reason of service in the uniformed services, as defined in United States Code, title 38, section 4303(13), and who returns to state employment in a position covered by the plan upon discharge from service in the uniformed services within the time frame required in United States Code, title 38, section 4312(e), may obtain service credit for the period of the uniformed service, provided that the member did not separate from uniformed service with a dishonorable or bad conduct discharge or under other than honorable conditions.

(b) The member may obtain credit by paying into the fund an equivalent member contribution based on the member contribution rate or rates in effect at the time that the uniformed service was performed multiplied by the full and fractional years being purchased and applied to the annual salary rate. The annual salary rate is the average annual salary during the purchase period that the member would have received if the member had continued to provide employment services to the state rather than to provide uniformed service, or if the determination of that rate is not reasonably certain, the annual salary rate is the member's average salary rate during the 12-month period of covered employment rendered immediately preceding the purchase period.

(c) The equivalent employer contribution and, if applicable, the equivalent employer additional contribution, must be paid by the employing unit, using the employer and employer additional contribution rate or rates in effect at the time that the uniformed service was performed, applied to the same annual salary rate or rates used to compute the equivalent member contribution.

(d) If the member equivalent contributions provided for in this section are not paid in full, the member's allowable service credit must be prorated by multiplying the full and fractional number of years of uniformed service eligible for purchase by the ratio obtained by dividing the total member contributions received by the total member contributions otherwise required under this section.



17.1 (e) To receive allowable service credit under this section, the contributions specified  
17.2 in this section must be transmitted to the fund during the period which begins with the  
17.3 date on which the individual returns to state employment covered by the plan and which  
17.4 has a duration of three times the length of the uniformed service period, but not to exceed  
17.5 five years. If the determined payment period is calculated to be less than one year, the  
17.6 contributions required under this section to receive service credit must be transmitted to  
17.7 the fund within one year from the discharge date.

17.8 (f) The amount of allowable service credit obtainable under this section may not  
17.9 exceed five years, unless a longer purchase period is required under United States Code,  
17.10 title 38, section 4312.

17.11 (g) The employing unit shall pay interest on all equivalent member and employer  
17.12 contribution amounts payable under this section. Interest must be computed at ~~a the~~  
17.13 applicable rate of 8.5 percent compounded annually from the end of each fiscal year of  
17.14 the leave or break in service to the end of the month in which payment is received. The  
17.15 applicable rate is 8.5 percent for the period before July 1, 2012, and the period after June  
17.16 30, 2021, and is 8.0 percent for the period from July 1, 2012, through June 30, 2021.

17.17 Sec. 14. Minnesota Statutes 2010, section 352B.11, subdivision 4, is amended to read:

17.18 Subd. 4. **Reentry into state service.** When a former member, who has become  
17.19 separated from state service that entitled the member to membership and has received a  
17.20 refund of retirement payments, reenters the state service in a position that entitles the  
17.21 member to membership, that member shall receive credit for the period of prior allowable  
17.22 state service if the member repays into the fund the amount of the refund, plus interest on  
17.23 it at ~~an the applicable~~ annual rate of ~~8.5 percent~~ compounded annually, at any time before  
17.24 subsequent retirement. The applicable rate is 8.5 percent for the period before July 1,  
17.25 2012, and the period after June 30, 2021, and is 8.0 percent for the period from July 1,  
17.26 2012, through June 30, 2021. Repayment may be made in installments or in a lump sum.

17.27 Sec. 15. Minnesota Statutes 2010, section 352D.05, subdivision 4, is amended to read:

17.28 Subd. 4. **Repayment of refund.** (a) A participant in the unclassified program may  
17.29 repay regular refunds taken under section 352.22, as provided in section 352.23.

17.30 (b) A participant in the unclassified program or an employee covered by the general  
17.31 employees retirement plan who has withdrawn the value of the total shares may repay  
17.32 the refund taken and thereupon restore the service credit, rights and benefits forfeited by  
17.33 paying into the fund the amount refunded plus interest at ~~an the applicable~~ annual rate  
17.34 ~~of 8.5 percent~~ compounded annually from the date that the refund was taken until the date

18.1 that the refund is repaid. The applicable rate is 8.5 percent for the period before July 1,  
18.2 2012, and the period after June 30, 2021, and is 8.0 percent for the period from July 1,  
18.3 2012, through June 30, 2021. If the participant had withdrawn only the employee shares  
18.4 as permitted under prior laws, repayment must be pro rata.

18.5 (c) Except as provided in section 356.441, the repayment of a refund under this  
18.6 section must be made in a lump sum.

18.7 Sec. 16. Minnesota Statutes 2010, section 352D.11, subdivision 2, is amended to read:

18.8 Subd. 2. **Payments by employee.** An employee entitled to purchase service credit  
18.9 may make the purchase by paying to the state retirement system an amount equal to  
18.10 the current employee contribution rate in effect for the state retirement system applied  
18.11 to the current or final salary rate multiplied by the months and days of prior temporary,  
18.12 intermittent, or contract legislative service. Payment shall be made in one lump sum  
18.13 unless the executive director of the state retirement system agrees to accept payment in  
18.14 installments over a period of not more than three years from the date of the agreement.  
18.15 Installment payments shall be charged interest at ~~an the applicable annual rate of 8.5~~  
18.16 ~~percent~~ compounded annually. The applicable rate is 8.5 percent for the period before July  
18.17 1, 2012, and the period after June 30, 2021, and is 8.0 percent for the period from July  
18.18 1, 2012, through June 30, 2021.

18.19 Sec. 17. Minnesota Statutes 2010, section 352D.12, is amended to read:

18.20 **352D.12 TRANSFER OF PRIOR SERVICE CONTRIBUTIONS.**

18.21 (a) An employee who is a participant in the unclassified program and who has prior  
18.22 service credit in a covered plan under chapter 352, 353, 354, 354A, or 422A may, within  
18.23 the time limits specified in this section, elect to transfer to the unclassified program prior  
18.24 service contributions to one or more of those plans.

18.25 (b) For participants with prior service credit in a plan governed by chapter 352, 353,  
18.26 354, 354A, or 422A, "prior service contributions" means the accumulated employee and  
18.27 equal employer contributions with interest at ~~an the applicable annual rate of 8.5 percent~~  
18.28 compounded annually, based on fiscal year balances.

18.29 (c) If a participant has taken a refund from a retirement plan listed in this section,  
18.30 the participant may repay the refund to that plan, notwithstanding any restrictions on  
18.31 repayment to that plan, plus 8.5 percent interest compounded annually and have the  
18.32 accumulated employee and equal employer contributions transferred to the unclassified  
18.33 program with interest at ~~an the applicable annual rate of 8.5 percent~~ compounded annually  
18.34 based on fiscal year balances. If a person repays a refund and subsequently elects to have

the money transferred to the unclassified program, the repayment amount, including interest, is added to the fiscal year balance in the year which the repayment was made.

(d) A participant electing to transfer prior service contributions credited to a retirement plan governed by chapter 352, 353, 354, 354A, or 422A as provided under this section must complete a written application for the transfer and repay any refund within one year of the commencement of the employee's participation in the unclassified program.

(e) The applicable rate is 8.5 percent for the period before July 1, 2012, and the period after June 30, 2021, and is 8.0 percent for the period from July 1, 2012, through June 30, 2021.

Sec. 18. Minnesota Statutes 2011 Supplement, section 353.01, subdivision 16, is amended to read:

Subd. 16. **Allowable service; limits and computation.** (a) "Allowable service" means:

(1) service during years of actual membership in the course of which employee deductions were withheld from salary and contributions were made at the applicable rates under section 353.27, 353.65, or 353E.03;

(2) periods of service covered by payments in lieu of salary deductions under sections 353.27, subdivision 12, and 353.35;

(3) service in years during which the public employee was not a member but for which the member later elected, while a member, to obtain credit by making payments to the fund as permitted by any law then in effect;

(4) a period of authorized leave of absence with pay from which deductions for employee contributions are made, deposited, and credited to the fund;

(5) a period of authorized personal, parental, or medical leave of absence without pay, including a leave of absence covered under the federal Family Medical Leave Act, that does not exceed one year, and for which a member obtained service credit for each month in the leave period by payment under section 353.0161 to the fund made in place of salary deductions. An employee must return to public service and render a minimum of three months of allowable service in order to be eligible to make payment under section 353.0161 for a subsequent authorized leave of absence without pay. Upon payment, the employee must be granted allowable service credit for the purchased period;

(6) a periodic, repetitive leave that is offered to all employees of a governmental subdivision. The leave program may not exceed 208 hours per annual normal work cycle as certified to the association by the employer. A participating member obtains service credit by making employee contributions in an amount or amounts based on the member's

average salary, excluding overtime pay, that would have been paid if the leave had not been taken. The employer shall pay the employer and additional employer contributions on behalf of the participating member. The employee and the employer are responsible to pay interest on their respective shares at the applicable rate of 8.5 percent a year, compounded annually, from the end of the normal cycle until full payment is made. An employer shall also make the employer and additional employer contributions, plus ~~8.5 percent~~ the applicable rate of interest, compounded annually, on behalf of an employee who makes employee contributions but terminates public service. The applicable rate is 8.5 percent for the period before July 1, 2012, and the period after June 30, 2021, and is 8.0 percent for the period from July 1, 2012, through June 30, 2021. The employee contributions must be made within one year after the end of the annual normal working cycle or within 30 days after termination of public service, whichever is sooner. The executive director shall prescribe the manner and forms to be used by a governmental subdivision in administering a periodic, repetitive leave. Upon payment, the member must be granted allowable service credit for the purchased period;

(7) an authorized temporary or seasonal layoff under subdivision 12, limited to three months allowable service per authorized temporary or seasonal layoff in one calendar year. An employee who has received the maximum service credit allowed for an authorized temporary or seasonal layoff must return to public service and must obtain a minimum of three months of allowable service subsequent to the layoff in order to receive allowable service for a subsequent authorized temporary or seasonal layoff;

(8) a period during which a member is absent from employment by a governmental subdivision by reason of service in the uniformed services, as defined in United States Code, title 38, section 4303(13), if the member returns to public service with the same governmental subdivision upon discharge from service in the uniformed service within the time frames required under United States Code, title 38, section 4312(e), provided that the member did not separate from uniformed service with a dishonorable or bad conduct discharge or under other than honorable conditions. The service must be credited if the member pays into the fund equivalent employee contributions based upon the contribution rate or rates in effect at the time that the uniformed service was performed multiplied by the full and fractional years being purchased and applied to the annual salary rate. The annual salary rate is the average annual salary, excluding overtime pay, during the purchase period that the member would have received if the member had continued to be employed in covered employment rather than to provide uniformed service, or, if the determination of that rate is not reasonably certain, the annual salary rate is the member's average salary rate, excluding overtime pay, during the 12-month period of covered employment rendered

21.1 immediately preceding the period of the uniformed service. Payment of the member  
21.2 equivalent contributions must be made during a period that begins with the date on which  
21.3 the individual returns to public employment and that is three times the length of the  
21.4 military leave period, or within five years of the date of discharge from the military service,  
21.5 whichever is less. If the determined payment period is less than one year, the contributions  
21.6 required under this clause to receive service credit may be made within one year of the  
21.7 discharge date. Payment may not be accepted following 30 days after termination of  
21.8 public service under subdivision 11a. If the member equivalent contributions provided for  
21.9 in this clause are not paid in full, the member's allowable service credit must be prorated  
21.10 by multiplying the full and fractional number of years of uniformed service eligible for  
21.11 purchase by the ratio obtained by dividing the total member contributions received by the  
21.12 total member contributions otherwise required under this clause. The equivalent employer  
21.13 contribution, and, if applicable, the equivalent additional employer contribution must be  
21.14 paid by the governmental subdivision employing the member if the member makes the  
21.15 equivalent employee contributions. The employer payments must be made from funds  
21.16 available to the employing unit, using the employer and additional employer contribution  
21.17 rate or rates in effect at the time that the uniformed service was performed, applied to the  
21.18 same annual salary rate or rates used to compute the equivalent member contribution. The  
21.19 governmental subdivision involved may appropriate money for those payments. The  
21.20 amount of service credit obtainable under this section may not exceed five years unless a  
21.21 longer purchase period is required under United States Code, title 38, section 4312. The  
21.22 employing unit shall pay interest on all equivalent member and employer contribution  
21.23 amounts payable under this clause. Interest must be computed at ~~a the applicable rate of~~  
21.24 ~~8.5 percent~~ compounded annually from the end of each fiscal year of the leave or the break  
21.25 in service to the end of the month in which the payment is received. The applicable rate is  
21.26 8.5 percent for the period before July 1, 2012, and the period after June 30, 2021, and is  
21.27 8.0 percent for the period from July 1, 2012, through June 30, 2021. Upon payment, the  
21.28 employee must be granted allowable service credit for the purchased period; or

21.29 (9) a period specified under subdivision 40.

21.30 (b) For calculating benefits under sections 353.30, 353.31, 353.32, and 353.33 for  
21.31 state officers and employees displaced by the Community Corrections Act, chapter 401,  
21.32 and transferred into county service under section 401.04, "allowable service" means the  
21.33 combined years of allowable service as defined in paragraph (a), clauses (1) to (6), and  
21.34 section 352.01, subdivision 11.

21.35 (c) For a public employee who has prior service covered by a local police or  
21.36 firefighters relief association that has consolidated with the Public Employees Retirement

Association under chapter 353A or to which section 353.665 applies, and who has elected the type of benefit coverage provided by the public employees police and fire fund either under section 353A.08 following the consolidation or under section 353.665, subdivision 4, "allowable service" is a period of service credited by the local police or firefighters relief association as of the effective date of the consolidation based on law and on bylaw provisions governing the relief association on the date of the initiation of the consolidation procedure.

(d) No member may receive more than 12 months of allowable service credit in a year either for vesting purposes or for benefit calculation purposes. For an active member who was an active member of the former Minneapolis Firefighters Relief Association on the day prior to the effective date of consolidation under Laws 2011, First Special Session chapter 8, article 6, section 19, "allowable service" is the period of service credited by the Minneapolis Firefighters Relief Association as reflected in the transferred records of the association up to the effective date of consolidation under Laws 2011, First Special Session chapter 8, article 6, section 19, and the period of service credited under paragraph (a), clause (1), after the effective date of consolidation under Laws 2011, First Special Session chapter 8, article 6, section 19. For an active member who was an active member of the former Minneapolis Police Relief Association on the day prior to the effective date of consolidation under Laws 2011, First Special Session chapter 8, article 7, section 19, "allowable service" is the period of service credited by the Minneapolis Police Relief Association as reflected in the transferred records of the association up to the effective date of consolidation under Laws 2011, First Special Session chapter 8, article 7, section 19, and the period of service credited under paragraph (a), clause (1), after the effective date of consolidation under Laws 2011, First Special Session chapter 8, article 7, section 19.

(e) MS 2002 [Expired]

Sec. 19. Minnesota Statutes 2010, section 353.0161, subdivision 2, is amended to read:

**Subd. 2. Purchase procedure.** (a) An employee covered by a plan specified in subdivision 1 may purchase credit for allowable service in that plan for a period specified in subdivision 1 if the employee makes a payment as specified in paragraph (b) or (c), whichever applies. The employing unit, at its option, may pay the employer portion of the amount specified in paragraph (b) on behalf of its employees.

(b) If payment is received by the executive director within one year from the date the member returned to work following the authorized leave, or within 30 days after the date of termination of public service if the member did not return to work, the payment amount is equal to the employee and employer contribution rates specified in law for the applicable

plan at the end of the leave period, or at termination of public service, whichever is earlier, multiplied by the employee's average monthly salary, excluding overtime, upon which deductions were paid during the six months, or portion thereof, before the commencement of the leave of absence and by the number of months of the leave of absence for which the employee wants allowable service credit. Payments made under this paragraph must include compound interest at ~~a the applicable monthly rate of 0.71 percent~~ from the last day of the leave period until the last day of the month in which payment is received. The applicable rate is 0.71 percent before July 1, 2012, and the period after June 30, 2021, and is 0.667 percent for the period from July 1, 2012, through June 30, 2021.

(c) If payment is received by the executive director after one year, the payment amount is the amount determined under section 356.551. Payment under this paragraph must be made before the date the person terminates public service under section 353.01, subdivision 11a.

Sec. 20. Minnesota Statutes 2010, section 353.0162, is amended to read:

**353.0162 REDUCED SALARY PERIODS SALARY CREDIT PURCHASE.**

(a) A member may purchase additional salary credit for a period specified in this section.

(b) The applicable period is a period during which the member is receiving a reduced salary from the employer while the member is:

(1) receiving temporary workers' compensation payments related to the member's service to the public employer;

(2) on an authorized medical leave of absence; or

(3) on an authorized partial paid leave of absence as a result of a budgetary or salary savings program offered or mandated by a governmental subdivision.

(c) The differential salary amount is the difference between the average monthly salary received by the member during the period of reduced salary under this section and the average monthly salary of the member, excluding overtime, on which contributions to the applicable plan were made during the period of the last six months of covered employment occurring immediately before the period of reduced salary, applied to the member's normal employment period, measured in hours or otherwise, as applicable.

(d) To receive eligible salary credit, the member shall pay an amount equal to:

(1) the applicable employee contribution rate under section 353.27, subdivision 2; 353.65, subdivision 2; or 353E.03, subdivision 1, as applicable, multiplied by the differential salary amount;

(2) plus an employer equivalent payment equal to the applicable employer contribution rate in section 353.27, subdivision 3; 353.65, subdivision 3; or 353E.03, subdivision 2, as applicable, multiplied by the differential salary amount;

(3) plus, if applicable, an equivalent employer additional amount equal to the additional employer contribution rate in section 353.27, subdivision 3a, multiplied by the differential salary amount.

(e) The employer, by appropriate action of its governing body and documented in its official records, may pay the employer equivalent contributions and, as applicable, the equivalent employer additional contributions on behalf of the member.

(f) Payment under this section must include interest on the contribution amount or amounts, whichever applies, at ~~an 8.5 percent~~ the applicable annual rate, prorated for applicable months from the date on which the period of reduced salary specified under this section terminates to the date on which the payment or payments are received by the executive director. The applicable rate is 8.5 percent for the period before July 1, 2012, and the period after June 30, 2021, and is 8.0 percent for the period from July 1, 2012, through June 30, 2021. Payment under this section must be completed within the earlier of 30 days from termination of public service by the employee under section 353.01, subdivision 11a, or one year after the termination of the period specified in paragraph (b), as further restricted under this section.

(g) The period for which additional allowable salary credit may be purchased is limited to the period during which the person receives temporary workers' compensation payments or for those business years in which the governmental subdivision offers or mandates a budget or salary savings program, as certified to the executive director by a resolution of the governing body of the governmental subdivision. For an authorized medical leave of absence, the period for which allowable salary credit may be purchased may not exceed 12 consecutive months of authorized medical leave.

(h) To purchase salary credit for a subsequent period of temporary workers' compensation benefits or subsequent authorized medical leave of absence, the member must return to public service and render a minimum of three months of allowable service.

Sec. 21. Minnesota Statutes 2010, section 353.27, subdivision 7a, is amended to read:

Subd. 7a. **Deductions or contributions transmitted by error.** (a) If employee deductions and employer contributions under this section, section 353.50, 353.65, or 353E.03 were erroneously transmitted to the association, but should have been transmitted to a plan covered by chapter 352D, 353D, 354B, or 354D, the executive director shall transfer the erroneous employee deductions and employer contributions to the appropriate



retirement fund or individual account, as applicable. The time limitations specified in subdivisions 7 and 12 do not apply. The transfer to the applicable defined contribution plan account must include interest at the applicable rate of 0.71 percent per month, compounded annually, from the first day of the month following the month in which coverage should have commenced in the defined contribution plan until the end of the month in which the transfer occurs. The applicable rate is 0.71 percent before July 1, 2012, and the period after June 30, 2021, and is 0.667 percent for the period from July 1, 2012, through June 30, 2021.

(b) A potential transfer under paragraph (a) that is reasonably determined to cause the plan to fail to be a qualified plan under section 401(a) of the federal Internal Revenue Code, as amended, must not be made by the executive director of the association. Within 30 days after being notified by the Public Employees Retirement Association of an unmade potential transfer under this paragraph, the employer of the affected person must transmit an amount representing the applicable salary deductions and employer contributions, without interest, to the retirement fund of the appropriate Minnesota public pension plan, or to the applicable individual account if the proper coverage is by a defined contribution plan. The association must provide the employing unit a credit for the amount of the erroneous salary deductions and employer contributions against future contributions from the employer. If the employing unit receives a credit under this paragraph, the employing unit is responsible for refunding to the applicable employee any amount that had been erroneously deducted from the person's salary.

(c) If erroneous employee deductions and employer contributions reflect a plan coverage error involving any Public Employees Retirement Association plan specified in section 356.99 and any other plan specified in that section, section 356.99 applies.

Sec. 22. Minnesota Statutes 2010, section 353.27, subdivision 12, is amended to read:

Subd. 12. **Omitted salary deductions; obligations.** (a) In the case of omission of required deductions for the general employees retirement plan, the public employees police and fire retirement plan, or the local government correctional employees retirement plan from the salary of an employee, the department head or designee shall immediately, upon discovery, report the employee for membership and deduct the employee deductions under subdivision 4 during the current pay period or during the pay period immediately following the discovery of the omission. Payment for the omitted obligations may only be made in accordance with reporting procedures and methods established by the executive director.

26.1 (b) When the entire omission period of an employee does not exceed 60 days, the  
26.2 governmental subdivision may report and submit payment of the omitted employee  
26.3 deductions and the omitted employer contributions through the reporting processes under  
26.4 subdivision 4.

26.5 (c) When the omission period of an employee exceeds 60 days, the governmental  
26.6 subdivision shall furnish to the association sufficient data and documentation upon which  
26.7 the obligation for omitted employee and employer contributions can be calculated.  
26.8 The omitted employee deductions must be deducted from the employee's subsequent  
26.9 salary payment or payments and remitted to the association for deposit in the applicable  
26.10 retirement fund. The employee shall pay omitted employee deductions due for the 60  
26.11 days prior to the end of the last pay period in the omission period during which salary  
26.12 was earned. The employer shall pay any remaining omitted employee deductions and any  
26.13 omitted employer contributions, plus cumulative interest at ~~an~~ the applicable annual  
26.14 rate of ~~8.5 percent~~ compounded annually, from the date or dates each omitted employee  
26.15 contribution was first payable.

26.16 (d) An employer shall not hold an employee liable for omitted employee deductions  
26.17 beyond the pay period dates under paragraph (c), nor attempt to recover from the employee  
26.18 those employee deductions paid by the employer on behalf of the employee. Omitted  
26.19 deductions due under paragraph (c) which are not paid by the employee constitute a  
26.20 liability of the employer that failed to deduct the omitted deductions from the employee's  
26.21 salary. The employer shall make payment with interest at ~~an~~ the applicable annual rate  
26.22 of ~~8.5 percent~~ compounded annually. Omitted employee deductions are no longer due  
26.23 if an employee terminates public service before making payment of omitted employee  
26.24 deductions to the association, but the employer remains liable to pay omitted employer  
26.25 contributions plus interest at an annual rate of 8.5 percent compounded annually from the  
26.26 date the contributions were first payable.

26.27 (e) The association may not commence action for the recovery of omitted employee  
26.28 deductions and employer contributions after the expiration of three calendar years after  
26.29 the calendar year in which the contributions and deductions were omitted. Except as  
26.30 provided under paragraph (b), no payment may be made or accepted unless the association  
26.31 has already commenced action for recovery of omitted deductions. An action for recovery  
26.32 commences on the date of the mailing of any written correspondence from the association  
26.33 requesting information from the governmental subdivision upon which to determine  
26.34 whether or not omitted deductions occurred.

27.1           (f) The applicable rate is 8.5 percent for the period before July 1, 2012, and the  
27.2 period after June 30, 2021, and is 8.0 percent for the period from July 1, 2012, through  
27.3 June 30, 2021.

27.4           Sec. 23. Minnesota Statutes 2010, section 353.27, subdivision 12a, is amended to read:

27.5           Subd. 12a. **Terminated employees: omitted deductions.** A terminated employee  
27.6 who was a member of the general employees retirement plan of the Public Employees  
27.7 Retirement Association, the public employees police and fire retirement plan, or the local  
27.8 government correctional employees retirement plan and who has a period of employment  
27.9 in which previously omitted employer contributions were made under subdivision 12  
27.10 but for whom no, or only partial, omitted employee contributions have been made, or a  
27.11 member who had prior coverage in the association for which previously omitted employer  
27.12 contributions were made under subdivision 12 but who terminated service before required  
27.13 omitted employee deductions could be withheld from salary, may pay the omitted  
27.14 employee deductions for the period on which omitted employer contributions were  
27.15 previously paid plus interest at ~~an~~ the applicable annual rate ~~of 8.5 percent~~  
27.16 annually. The applicable rate is 8.5 percent for the period before July 1, 2012, and the  
27.17 period after June 30, 2021, and is 8.0 percent for the period from July 1, 2012, through  
27.18 June 30, 2021. A terminated employee may pay the omitted employee deductions plus  
27.19 interest within six months of an initial notification from the association of eligibility  
27.20 to pay those omitted deductions. If a terminated employee is reemployed in a position  
27.21 covered under a public pension fund under section 356.30, subdivision 3, and elects to  
27.22 pay omitted employee deductions, payment must be made no later than six months after a  
27.23 subsequent termination of public service.

27.24           Sec. 24. Minnesota Statutes 2010, section 353.28, subdivision 5, is amended to read:

27.25           Subd. 5. **Interest chargeable on amounts due.** Any amount due under this section  
27.26 or section 353.27, subdivision 4, is payable with interest at ~~an~~ the applicable annual  
27.27 compound rate ~~of 8.5 percent~~  
27.28 association, with a minimum interest charge of \$10. The applicable rate is 8.5 percent  
27.29 for the period before July 1, 2012, and the period after June 30, 2021, and is 8.0 percent  
27.30 for the period from July 1, 2012, through June 30, 2021.

27.31           Sec. 25. Minnesota Statutes 2010, section 353.35, subdivision 1, is amended to read:

27.32           Subdivision 1. **Refund rights.** When any former member accepts a refund, all  
27.33 existing service credits and all rights and benefits to which the person was entitled prior

to the acceptance of the refund must terminate. The rights and benefits of a former member must not be restored until the person returns to active service and acquires at least six months of allowable service credit after taking the last refund and repays the refund or refunds taken and interest received under section 353.34, subdivisions 1 and 2, plus interest at ~~an~~ the applicable annual rate of 8.5 percent compounded annually. The applicable rate is 8.5 percent for the period before July 1, 2012, and the period after June 30, 2021, and is 8.0 percent for the period from July 1, 2012, through June 30, 2021. If the person elects to restore service credit in a particular fund from which the person has taken more than one refund, the person must repay all refunds to that fund. All refunds must be repaid within six months of the last date of termination of public service.

Sec. 26. Minnesota Statutes 2010, section 353.665, subdivision 8, is amended to read:

Subd. 8. **Member and employer contributions.** (a) Effective on the first day of the first full pay period following June 30, 1999, the employee contribution rate for merging former consolidation account active members is the rate specified in section 353.65, subdivision 2, and the regular municipal contribution rate on behalf of former consolidation account active members is the rate specified in section 353.65, subdivision 3.

(b) The municipality associated with a merging former local consolidation account that had a positive value amortizable base calculation under subdivision 7, paragraph (d), after the preliminary calculation or the second calculation, whichever applies, must make an additional municipal contribution to the public employees police and fire plan for the period from January 1, 2000, to December 31, 2009. The amount of the additional municipal contribution is the amount calculated by the actuary retained under section 356.214 and certified by the executive director of the Public Employees Retirement Association by which the amortizable base amount would be amortized on a level dollar annual end-of-the-year contribution basis, using ~~an 8.5 percent~~ the applicable interest rate ~~assumption~~. The applicable rate is 8.5 percent for the period before July 1, 2012, and the period after June 30, 2021, and is 8.0 percent for the period from July 1, 2012, through June 30, 2021. The additional municipal contribution is payable during the month of January, is without any interest, or if made after January 31, but before the next following December 31, is payable with interest for the period since January 1 at a rate which is equal to the preretirement interest rate assumption specified in section 356.215, subdivision 8, applicable to the public employees police and fire fund expressed as a monthly rate and compounded on a monthly basis or if made after December 31 of the year in which the additional municipal contribution is due is payable with interest at a rate which is four percent greater than the highest interest rate assumption specified in

29.1 section 356.215, subdivision 8, expressed as a monthly rate and compounded monthly  
29.2 from January 1 of the year in which the additional municipal contribution is due until the  
29.3 date on which payment is made.

29.4 Sec. 27. Minnesota Statutes 2010, section 354.42, subdivision 7, is amended to read:

29.5 Subd. 7. **Erroneous salary deductions or direct payments.** (a) Any deductions  
29.6 taken from the salary of an employee for the retirement fund in excess of amounts required  
29.7 must be refunded to the employee upon the discovery of the error and after the verification  
29.8 of the error by the employing unit making the deduction. The corresponding excess  
29.9 employer contribution and excess additional employer contribution amounts attributable  
29.10 to the erroneous salary deduction must be refunded to the employing unit.

29.11 (b) If salary deductions and employer contributions were erroneously transmitted to  
29.12 the retirement fund and should have been transmitted to the plan covered by chapter 352D,  
29.13 353D, 354B, or 354D, the executive director must transfer these salary deductions and  
29.14 employer contributions to the account of the appropriate person under the applicable plan.  
29.15 The transfer to the applicable defined contribution plan account must include interest at  
29.16 the applicable rate of 0.71 percent per month, compounded annually, from the first day of  
29.17 the month following the month in which coverage should have commenced in the defined  
29.18 contribution plan until the end of the month in which the transfer occurs. The applicable  
29.19 rate is 0.71 percent before July 1, 2012, and the period after June 30, 2021, and is 0.667  
29.20 percent for the period from July 1, 2012, through June 30, 2021.

29.21 (c) A potential transfer under paragraph (b) that would cause the plan to fail to  
29.22 be a qualified plan under section 401(a) of the Internal Revenue Code, as amended,  
29.23 must not be made by the executive director. Within 30 days after being notified by the  
29.24 Teachers Retirement Association of an unmade potential transfer under this paragraph,  
29.25 the employer of the affected person must transmit an amount representing the applicable  
29.26 salary deductions and employer contributions, without interest, to the account of the  
29.27 applicable person under the appropriate plan. The retirement association must provide a  
29.28 credit for the amount of the erroneous salary deductions and employer contributions  
29.29 against future contributions from the employer.

29.30 (d) If a salary warrant or check from which a deduction for the retirement fund was  
29.31 taken has been canceled or the amount of the warrant or if a check has been returned to  
29.32 the funds of the employing unit making the payment, a refund of the amount deducted,  
29.33 or any portion of it that is required to adjust the salary deductions, must be made to the  
29.34 employing unit.

(e) Erroneous direct payments of member-paid contributions or erroneous salary deductions that were not refunded during the regular payroll cycle processing must be refunded to the member, plus interest computed using the rate and method specified in section 354.49, subdivision 2.

(f) Any refund under this subdivision that would cause the plan to fail to be a qualified plan under section 401(a) of the Internal Revenue Code, as amended, may not be refunded and instead must be credited against future contributions payable by the employer. The employer is responsible for refunding to the applicable employee any amount that was erroneously deducted from the salary of the employee, with interest as specified in paragraph (e).

(g) If erroneous employee deductions and employer contributions are caused by an error in plan coverage involving the plan and any other plan specified in section 356.99, that section applies.

Sec. 28. Minnesota Statutes 2010, section 354.50, subdivision 2, is amended to read:

Subd. 2. **Interest charge.** If a member desires to repay the refunds, payment shall include interest at ~~an~~ the applicable annual rate ~~of 8.5 percent~~ compounded annually from date of withdrawal to the date payment is made and shall be credited to the fund. The applicable rate is 8.5 percent for the period before July 1, 2012, and the period after June 30, 2021, and is 8.0 percent for the period from July 1, 2012, through June 30, 2021.

Sec. 29. Minnesota Statutes 2010, section 354.51, subdivision 5, is amended to read:

Subd. 5. **Payment of shortages.** (a) Except as provided in paragraph (b), in the event that full required member contributions are not deducted from the salary of a teacher, payment must be made as follows:

(1) Payment of shortages in member deductions on salary earned after June 30, 1957, and before July 1, 1981, may be made any time before retirement. Payment must include interest at ~~an~~ the applicable annual rate ~~of 8.5 percent~~ compounded annually from the end of the fiscal year in which the shortage occurred to the end of the month in which payment is made and the interest must be credited to the fund. If payment of a shortage in deductions is not made, the formula service credit of the member must be prorated under section 354.05, subdivision 25, clause (3).

(2) Payment of shortages in member deductions on salary earned after June 30, 1981, are the sole obligation of the employing unit and are payable by the employing unit upon notification by the executive director of the shortage with interest at ~~an~~ the applicable annual rate ~~of 8.5 percent~~ compounded annually from the end of the fiscal year in which

the shortage occurred to the end of the month in which payment is made and the interest must be credited to the fund. Effective July 1, 1986, the employing unit shall also pay the employer contributions as specified in section 354.42, subdivisions 3 and 5 for the shortages. If the shortage payment is not paid by the employing unit within 60 days of notification, the executive director shall certify the amount of the shortage payment to the applicable county auditor, who shall spread a levy in the amount of the shortage payment over the taxable property of the taxing district of the employing unit if the employing unit is supported by property taxes, or to the commissioner of management and budget, who shall deduct the amount from any state aid or appropriation amount applicable to the employing unit if the employing unit is not supported by property taxes.

(3) Payment may not be made for shortages in member deductions on salary earned before July 1, 1957, for shortages in member deductions on salary paid or payable under paragraph (b), or for shortages in member deductions for persons employed by the Minnesota State Colleges and Universities system in a faculty position or in an eligible unclassified administrative position and whose employment was less than 25 percent of a full academic year, exclusive of the summer session, for the applicable institution that exceeds the most recent 36 months.

(b) For a person who is employed by the Minnesota State Colleges and Universities system in a faculty position or in an eligible unclassified administrative position and whose employment was less than 25 percent of a full academic year, exclusive of the summer session, for the applicable institution, upon the person's election under section 354B.21 of retirement coverage under this chapter, the shortage in member deductions on the salary for employment by the Minnesota State Colleges and Universities system institution of less than 25 percent of a full academic year, exclusive of the summer session, for the applicable institution for the most recent 36 months and the associated employer contributions must be paid by the Minnesota State Colleges and Universities system institution, plus annual compound interest at the applicable rate of ~~8.5 percent~~ from the end of the fiscal year in which the shortage occurred to the end of the month in which the Teachers Retirement Association coverage election is made. If the shortage payment is not made by the institution within 60 days of notification, the executive director shall certify the amount of the shortage payment to the commissioner of management and budget, who shall deduct the amount from any state appropriation to the system. An individual electing coverage under this paragraph shall repay the amount of the shortage in member deductions, plus interest, through deduction from salary or compensation payments within the first year of employment after the election under section 354B.21, subject to the limitations in section 16D.16. The Minnesota State Colleges and Universities system may

32.1 use any means available to recover amounts which were not recovered through deductions  
32.2 from salary or compensation payments. No payment of the shortage in member deductions  
32.3 under this paragraph may be made for a period longer than the most recent 36 months.

32.4 (c) The applicable rate is 8.5 percent for the period before July 1, 2012, and the  
32.5 period after June 30, 2021, and is 8.0 percent for the period from July 1, 2012, through  
32.6 June 30, 2021.

32.7 Sec. 30. Minnesota Statutes 2010, section 354.52, subdivision 4, is amended to read:

32.8 Subd. 4. **Reporting and remittance requirements.** An employer shall remit all  
32.9 amounts due to the association and furnish a statement indicating the amount due and  
32.10 transmitted with any other information required by the executive director. If an amount  
32.11 due is not received by the association within 14 calendar days of the payroll warrant,  
32.12 the amount accrues interest at ~~an~~ the applicable annual rate of 8.5 percent compounded  
32.13 annually from the due date until the amount is received by the association. The applicable  
32.14 rate is 8.5 percent for the period before July 1, 2012, and the period after June 30, 2021,  
32.15 and is 8.0 percent for the period from July 1, 2012, through June 30, 2021. All amounts  
32.16 due and other employer obligations not remitted within 60 days of notification by the  
32.17 association must be certified to the commissioner of management and budget who shall  
32.18 deduct the amount from any state aid or appropriation amount applicable to the employing  
32.19 unit.

32.20 Sec. 31. Minnesota Statutes 2010, section 354.72, subdivision 2, is amended to read:

32.21 Subd. 2. **Purchase procedure.** (a) A teacher may purchase credit for allowable and  
32.22 formula service in the plan for a period specified in subdivision 1 if the teacher makes a  
32.23 payment as specified in paragraph (b), (c), or (d), whichever applies. The employing unit,  
32.24 at its option, may pay the employer portion of the amount on behalf of its employees.

32.25 (b) If payment is received by the executive director by June 30 of the fiscal year of  
32.26 the strike period or authorized leave included under section 354.093, 354.095, or 354.096,  
32.27 payment must equal the total employee and employer contribution rates, including  
32.28 amortization contribution rates if applicable, multiplied by the member's average monthly  
32.29 salary rate on the date the leave or strike period commenced, or for an extended leave  
32.30 under section 354.094, on the salary received during the year immediately preceding the  
32.31 initial year of the leave, multiplied by the months and portions of a month of the leave or  
32.32 strike period for which the teacher seeks allowable service credit.

32.33 (c) If payment is made after June 30 and before the following June 30 for a strike  
32.34 period or for leaves of absence under section 354.093, 354.095, or 354.096, or for an



extended leave of absence under section 354.094, the payment must include the amount determined in paragraph (b) plus compound interest at ~~a~~ the applicable monthly rate ~~of 0.71 percent~~ from June 30 until the last day of the month in which payment is received. The applicable rate is 0.71 percent before July 1, 2012, and the period after June 30, 2021, and is 0.667 percent for the period from July 1, 2012, through June 30, 2021.

(d) If payment is received by the executive director after the applicable last permitted date under paragraph (c), the payment amount is the amount determined under section 356.551. Notwithstanding payment deadlines specified in section 356.551, payment under this section may be made anytime before the effective date of retirement.

Sec. 32. Minnesota Statutes 2010, section 354A.093, subdivision 6, is amended to read:

Subd. 6. **Interest requirements.** The employer shall pay interest on all equivalent employee and employer contribution amounts payable under this section. Interest must be computed at ~~a~~ the applicable rate ~~of 8.5 percent~~ compounded annually from the end of each fiscal year of the leave or break in service to the end of the month in which payment is received. The applicable rate is 8.5 percent for the period before July 1, 2012, and the period after June 30, 2021, and is 8.0 percent for the period from July 1, 2012, through June 30, 2021.

Sec. 33. Minnesota Statutes 2010, section 354A.096, is amended to read:

**354A.096 MEDICAL LEAVE.**

Any teacher in the coordinated program of the St. Paul Teachers Retirement Fund Association or the new law coordinated program of the Duluth Teachers Retirement Fund Association who is on an authorized medical leave of absence and subsequently returns to teaching service is entitled to receive allowable service credit, not to exceed one year, for the period of leave, upon making the prescribed payment to the fund. This payment must include the required employee and employer contributions at the rates specified in section 354A.12, subdivisions 1 and 2a, as applied to the member's average full-time monthly salary rate on the date the leave of absence commenced plus annual interest at the ~~applicable rate of 8.5 percent~~ per year from the end of the fiscal year during which the leave terminates to the end of the month during which payment is made. The applicable rate is 8.5 percent for the period before July 1, 2012, and the period after June 30, 2021, and is 8.0 percent for the period from July 1, 2012, through June 30, 2021. The member must pay the total amount required unless the employing unit, at its option, pays the employer contributions. The total amount required must be paid by the end of the fiscal year following the fiscal year in which the leave of absence terminated or before the

member retires, whichever is earlier. Payment must be accompanied by a copy of the resolution or action of the employing authority granting the leave and the employing authority, upon granting the leave, must certify the leave to the association in a manner specified by the executive director. A member may not receive more than one year of allowable service credit during any fiscal year by making payment under this section. A member may not receive disability benefits under section 354A.36 and receive allowable service credit under this section for the same period of time.

Sec. 34. Minnesota Statutes 2010, section 354A.108, is amended to read:

**354A.108 PAYMENT BY TEACHERS COLLECTING WORKERS' COMPENSATION.**

(a) A member of the Duluth Teachers Retirement Fund Association who is receiving temporary workers' compensation payments related to the member's teaching service and who either is receiving a reduced salary from the employer or is receiving no salary from the employer is entitled to receive allowable service credit for the period of time that the member is receiving the workers' compensation payments upon making the required payment amount.

(b) The required amount payable by the member must be calculated first by determining the differential salary amount, which is the difference between the salary received, if any, during the period of time that the member is collecting workers' compensation payments, and the salary that the member received for an identical length period immediately before collecting the workers' compensation payments. The member shall pay an amount equal to the employee contribution rate under section 354A.12, subdivision 1, multiplied by the differential salary amount.

(c) If the member makes the employee payment under this section, the employing unit shall make an employer payment to the Duluth Teachers Retirement Fund Association equal to the employer contribution rate under section 354A.12, subdivision 2a, multiplied by the differential salary amount.

(d) Payments made under this subdivision are payable without interest if paid by June 30 of the year during which the workers' compensation payments are received by the member. If paid after June 30, payments made under this subdivision must include interest at the applicable rate of 8.5 percent per year. The applicable rate is 8.5 percent for the period before July 1, 2012, and the period after June 30, 2021, and is 8.0 percent for the period from July 1, 2012, through June 30, 2021. Payment under this section must be completed within one year of the termination of the workers' compensation payments to the member.

35.1 Sec. 35. Minnesota Statutes 2010, section 354A.38, subdivision 3, is amended to read:

35.2 Subd. 3. **Computation of refund repayment amount.** If the coordinated member  
35.3 elects to repay a refund under subdivision 2, the repayment to the fund must be in an  
35.4 amount equal to refunds the member has accepted plus interest at the applicable rate  
35.5 ~~of 8.5 percent~~ compounded annually from the date that the refund was accepted to the  
35.6 date that the refund is repaid. The applicable rate is 8.5 percent for the period before July  
35.7 1, 2012, and the period after June 30, 2021, and is 8.0 percent for the period from July  
35.8 1, 2012, through June 30, 2021.

35.9 Sec. 36. Minnesota Statutes 2010, section 354B.23, subdivision 5, is amended to read:

35.10 Subd. 5. **Omitted member deductions.** (a) If the employing unit that employs a  
35.11 plan participant fails to deduct the member contribution from the participant's salary and  
35.12 a period of less than 60 days from the date on which the deduction should have been  
35.13 made has elapsed, the employing unit must obtain the omitted member deduction by an  
35.14 additional payroll deduction during the pay period next following the discovery of the  
35.15 omission.

35.16 (b) If the employing unit of a plan participant fails to deduct the member contribution  
35.17 from the participant's salary and that omission continues for at least 60 days from the  
35.18 date on which the deduction should have been made, the employing unit must pay the  
35.19 amount representing the omitted member contribution, and the full required employer  
35.20 contribution, plus compound interest at ~~an~~ the applicable annual rate ~~of 8.5 percent~~. The  
35.21 applicable rate is 8.5 percent for the period before July 1, 2012, and the period after June  
35.22 30, 2021, and is 8.0 percent for the period from July 1, 2012, through June 30, 2021. The  
35.23 contributions and any interest must be made within one year of the date on which the  
35.24 omission was discovered.

35.25 Sec. 37. Minnesota Statutes 2010, section 354C.12, subdivision 2, is amended to read:

35.26 Subd. 2. **Omitted deductions.** If the employer of personnel covered by the  
35.27 supplemental retirement plan as provided in section 354C.11 fails to deduct the member  
35.28 basic contribution from the covered employee's salary and a period of less than 60 days  
35.29 from the date on which the deduction should have been made has elapsed, the employer  
35.30 must obtain the omitted member deduction by an additional payroll deduction during the  
35.31 pay period next following the discovery of the omission. If the employer fails to deduct the  
35.32 member basic contribution from the covered employee's salary and that omission continues  
35.33 for at least 60 days from the date on which the member basic contribution deduction  
35.34 should have been made, the employer must pay the amount representing the omitted

member basic contribution, and the full required omitted employer basic contribution, plus compound interest at ~~an~~ the applicable annual rate of 8.5 percent. The applicable rate is 8.5 percent for the period before July 1, 2012, and the period after June 30, 2021, and is 8.0 percent for the period from July 1, 2012, through June 30, 2021. The contributions must be made within one year of the date on which the omission was discovered.

Sec. 38. Minnesota Statutes 2010, section 356.195, subdivision 2, is amended to read:

Subd. 2. **Purchase procedure for strike periods.** (a) An employee covered by a plan specified in subdivision 1 may purchase allowable service credit in the applicable plan for any period of time during which the employee was on a public employee strike without pay, not to exceed a period of one year, if the employee makes a payment in lieu of salary deductions as specified in paragraph (b) or (c), whichever applies. The employing unit, at its option, may pay the employer portion of the amount specified in paragraph (b) on behalf of its employees.

(b) If payment is received by the applicable pension plan executive director within one year from the end of the strike, the payment amount is equal to the applicable employee and employer contribution rates specified in law for the applicable plan during the strike period, applied to the employee's rate of salary in effect at the conclusion of the strike for the period of the strike without pay, plus compound interest at ~~a~~ the applicable monthly rate ~~of 0.71 percent~~ from the last day of the strike period until the date payment is received. The applicable rate is 0.71 percent before July 1, 2012, and the period after June 30, 2021, and is 0.667 percent for the period from July 1, 2012, through June 30, 2021.

(c) If payment is received by the applicable pension fund director after one year and before five years from the end of the strike, the payment amount is the amount determined under section 356.551.

(d) Payments may not be made more than five years after the end of the strike.

Sec. 39. Minnesota Statutes 2010, section 356.215, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) For the purposes of sections 3.85 and 356.20 to 356.23, each of the terms in the following paragraphs has the meaning given.

(b) "Actuarial valuation" means a set of calculations prepared by an actuary retained under section 356.214 if so required under section 3.85, or otherwise, by an approved actuary, to determine the normal cost and the accrued actuarial liabilities of a benefit plan, according to the entry age actuarial cost method and based upon stated assumptions including, but not limited to rates of interest, mortality, salary increase, disability, withdrawal, and retirement and to determine the payment necessary to amortize over a

37.1 stated period any unfunded accrued actuarial liability disclosed as a result of the actuarial  
37.2 valuation of the benefit plan.

37.3 (c) "Approved actuary" means a person who is regularly engaged in the business of  
37.4 providing actuarial services and who is a fellow in the Society of Actuaries.

37.5 (d) "Entry age actuarial cost method" means an actuarial cost method under which  
37.6 the actuarial present value of the projected benefits of each individual currently covered  
37.7 by the benefit plan and included in the actuarial valuation is allocated on a level basis over  
37.8 the service of the individual, if the benefit plan is governed by section 69.773, or over the  
37.9 earnings of the individual, if the benefit plan is governed by any other law, between the  
37.10 entry age and the assumed exit age, with the portion of the actuarial present value which is  
37.11 allocated to the valuation year to be the normal cost and the portion of the actuarial present  
37.12 value not provided for at the valuation date by the actuarial present value of future normal  
37.13 costs to be the actuarial accrued liability, with aggregation in the calculation process to be  
37.14 the sum of the calculated result for each covered individual and with recognition given to  
37.15 any different benefit formulas which may apply to various periods of service.

37.16 (e) "Experience study" means a report providing experience data and an actuarial  
37.17 analysis of the adequacy of the actuarial assumptions on which actuarial valuations are  
37.18 based.

37.19 (f) "Actuarial value of assets" means:

37.20 ~~(1) For the July 1, 2009, actuarial valuation, the market value of all assets as of~~  
37.21 ~~June 30, 2009, reduced by:~~

37.22 ~~(i) 20 percent of the difference between the actual net change in the market value of~~  
37.23 ~~assets other than the Minnesota postretirement investment fund between June 30, 2006,~~  
37.24 ~~and June 30, 2005, and the computed increase in the market value of assets other than the~~  
37.25 ~~Minnesota postretirement investment fund over that fiscal year period if the assets had~~  
37.26 ~~earned a rate of return on assets equal to the annual percentage preretirement interest rate~~  
37.27 ~~assumption used in the actuarial valuation for July 1, 2005;~~

37.28 ~~(ii) 40 percent of the difference between the actual net change in the market value of~~  
37.29 ~~assets other than the Minnesota postretirement investment fund between June 30, 2007,~~  
37.30 ~~and June 30, 2006, and the computed increase in the market value of assets other than the~~  
37.31 ~~Minnesota postretirement investment fund over that fiscal year period if the assets had~~  
37.32 ~~earned a rate of return on assets equal to the annual percentage preretirement interest rate~~  
37.33 ~~assumption used in the actuarial valuation for July 1, 2006;~~

37.34 ~~(iii) 60 percent of the difference between the actual net change in the market value~~  
37.35 ~~of assets other than the Minnesota postretirement investment fund between June 30, 2008,~~  
37.36 ~~and June 30, 2007, and the computed increase in the market value of assets other than the~~

~~Minnesota postretirement investment fund over that fiscal year period if the assets had earned a rate of return on assets equal to the annual percentage preretirement interest rate assumption used in the actuarial valuation for July 1, 2007;~~

~~(iv) 80 percent of the difference between the actual net change in the market value of assets other than the Minnesota postretirement investment fund between June 30, 2009, and June 30, 2008, and the computed increase in the market value of assets other than the Minnesota postretirement investment fund over that fiscal year period if the assets had earned a rate of return on assets equal to the annual percentage preretirement interest rate assumption used in the actuarial valuation for July 1, 2008; and~~

~~(v) if applicable, 80 percent of the difference between the actual net change in the market value of the Minnesota postretirement investment fund between June 30, 2009, and June 30, 2008, and the computed increase in the market value of assets over that fiscal year period if the assets had increased at 8.5 percent annually.~~

~~(2) For the July 1, 2010, actuarial valuation, the market value of all assets as of June 30, 2010, reduced by:~~

~~(i) 20 percent of the difference between the actual net change in the market value of assets other than the Minnesota postretirement investment fund between June 30, 2007, and June 30, 2006, and the computed increase in the market value of assets other than the Minnesota postretirement investment fund over that fiscal year period if the assets had earned a rate of return on assets equal to the annual percentage preretirement interest rate assumption used in the actuarial valuation for July 1, 2006;~~

~~(ii) 40 percent of the difference between the actual net change in the market value of assets other than the Minnesota postretirement investment fund between June 30, 2008, and June 30, 2007, and the computed increase in the market value of assets other than the Minnesota postretirement investment fund over that fiscal year period if the assets had earned a rate of return on assets equal to the annual percentage preretirement interest rate assumption used in the actuarial valuation for July 1, 2007;~~

~~(iii) 60 percent of the difference between the actual net change in the market value of assets other than the Minnesota postretirement investment fund between June 30, 2009, and June 30, 2008, and the computed increase in the market value of assets other than the Minnesota postretirement investment fund over that fiscal year period if the assets had earned a rate of return on assets equal to the annual percentage preretirement interest rate assumption used in the actuarial valuation for July 1, 2008;~~

~~(iv) 80 percent of the difference between the actual net change in the market value of total assets between June 30, 2010, and June 30, 2009, and the computed increase in the market value of total assets over that fiscal year period if the assets had earned a rate of~~

~~return on assets equal to the annual percentage preretirement interest rate assumption used in the actuarial valuation for July 1, 2009; and~~

~~(v) if applicable, 60 percent of the difference between the actual net change in the market value of the Minnesota postretirement investment fund between June 30, 2009, and June 30, 2008, and the computed increase in the market value of assets over that fiscal year period if the assets had increased at 8.5 percent annually.~~

~~(3) For the July 1, 2011, actuarial valuation, the market value of all assets as of June 30, 2011, reduced by:~~

~~(i) 20 percent of the difference between the actual net change in the market value of assets other than the Minnesota postretirement investment fund between June 30, 2008, and June 30, 2007, and the computed increase in the market value of assets other than the Minnesota postretirement investment fund over that fiscal year period if the assets had earned a rate of return on assets equal to the annual percentage preretirement interest rate assumption used in the actuarial valuation for July 1, 2007;~~

~~(ii) 40 percent of the difference between the actual net change in the market value of assets other than the Minnesota postretirement investment fund between June 30, 2009, and June 30, 2008, and the computed increase in the market value of assets other than the Minnesota postretirement investment fund over that fiscal year period if the assets had earned a rate of return on assets equal to the annual percentage preretirement interest rate assumption used in the actuarial valuation for July 1, 2008;~~

~~(iii) 60 percent of the difference between the actual net change in the market value of the total assets between June 30, 2010, and June 30, 2009, and the computed increase in the market value of the total assets over that fiscal year period if the assets had earned a rate of return on assets equal to the annual percentage preretirement interest rate assumption used in the actuarial valuation for July 1, 2009;~~

~~(iv) 80 percent of the difference between the actual net change in the market value of total assets between June 30, 2011, and June 30, 2010, and the computed increase in the market value of total assets over that fiscal year period if the assets had earned a rate of return on assets equal to the annual percentage preretirement interest rate assumption used in the actuarial valuation for July 1, 2010; and~~

~~(v) if applicable, 40 percent of the difference between the actual net change in the market value of the Minnesota postretirement investment fund between June 30, 2009, and June 30, 2008, and the computed increase in the market value of assets over that fiscal year period if the assets had increased at 8.5 percent annually.~~

~~(4) (1) For the July 1, 2012, actuarial valuation, the market value of all assets as of June 30, 2012, reduced by:~~

(i) 20 percent of the difference between the actual net change in the market value of assets other than the Minnesota postretirement investment fund between June 30, 2009, and June 30, 2008, and the computed increase in the market value of assets other than the Minnesota postretirement investment fund over that fiscal year period if the assets had earned a rate of return on assets equal to the annual percentage preretirement interest rate assumption used in the actuarial valuation for July 1, 2008;

(ii) 40 percent of the difference between the actual net change in the market value of total assets between June 30, 2010, and June 30, 2009, and the computed increase in the market value of total assets over that fiscal year period if the assets had earned a rate of return on assets equal to the annual percentage preretirement interest rate assumption used in the actuarial valuation for July 1, 2009;

(iii) 60 percent of the difference between the actual net change in the market value of total assets between June 30, 2011, and June 30, 2010, and the computed increase in the market value of total assets over that fiscal year period if the assets had earned a rate of return on assets equal to the annual percentage preretirement interest rate assumption used in the actuarial valuation for July 1, 2010;

(iv) 80 percent of the difference between the actual net change in the market value of total assets between June 30, 2012, and June 30, 2011, and the computed increase in the market value of total assets over that fiscal year period if the assets had earned a rate of return on assets equal to the annual percentage preretirement interest rate assumption used in the actuarial valuation for July 1, 2011; and

(v) if applicable, 20 percent of the difference between the actual net change in the market value of the Minnesota postretirement investment fund between June 30, 2009, and June 30, 2008, and the computed increase in the market value of assets over that fiscal year period if the assets had increased at 8.5 percent annually.

~~(5)~~ (2) For the July 1, 2013, and following actuarial valuations, the market value of all assets as of the preceding June 30, reduced by:

(i) 20 percent of the difference between the actual net change in the market value of total assets between the June 30 that occurred three years earlier and the June 30 that occurred four years earlier and the computed increase in the market value of total assets over that fiscal year period if the assets had earned a rate of return on assets equal to the annual percentage preretirement interest rate assumption used in the actuarial valuation for the July 1 that occurred four years earlier;

(ii) 40 percent of the difference between the actual net change in the market value of total assets between the June 30 that occurred two years earlier and the June 30 that occurred three years earlier and the computed increase in the market value of total assets



over that fiscal year period if the assets had earned a rate of return on assets equal to the annual percentage preretirement interest rate assumption used in the actuarial valuation for the July 1 that occurred three years earlier;

(iii) 60 percent of the difference between the actual net change in the market value of total assets between the June 30 that occurred one year earlier and the June 30 that occurred two years earlier and the computed increase in the market value of total assets over that fiscal year period if the assets had earned a rate of return on assets equal to the annual percentage preretirement interest rate assumption used in the actuarial valuation for the July 1 that occurred two years earlier; and

(iv) 80 percent of the difference between the actual net change in the market value of total assets between the most recent June 30 and the June 30 that occurred one year earlier and the computed increase in the market value of total assets over that fiscal year period if the assets had earned a rate of return on assets equal to the annual percentage preretirement interest rate assumption used in the actuarial valuation for the July 1 that occurred one year earlier.

(g) "Unfunded actuarial accrued liability" means the total current and expected future benefit obligations, reduced by the sum of the actuarial value of assets and the present value of future normal costs.

(h) "Pension benefit obligation" means the actuarial present value of credited projected benefits, determined as the actuarial present value of benefits estimated to be payable in the future as a result of employee service attributing an equal benefit amount, including the effect of projected salary increases and any step rate benefit accrual rate differences, to each year of credited and expected future employee service.

Sec. 40. Minnesota Statutes 2010, section 356.44, is amended to read:

**356.44 PARTIAL PAYMENT OF PENSION PLAN REFUND.**

(a) Notwithstanding any provision of law to the contrary, a member of a pension plan listed in section 356.30, subdivision 3, with at least two years of forfeited service taken from a single pension plan, may repay a portion of all refunds. A partial refund repayment must comply with this section.

(b) The minimum portion of a refund repayment is one-third of the total service credit period of all refunds taken from a single plan.

(c) The cost of the partial refund repayment is the product of the cost of the total repayment multiplied by the ratio of the restored service credit to the total forfeited service credit. The total repayment amount includes interest at the applicable annual rate of ~~8.5~~ percent, compounded annually, from the refund date to the date repayment is received.

(d) The applicable rate is 8.5 percent for the period before July 1, 2012, and the period after June 30, 2021, and is 8.0 percent for the period from July 1, 2012, through June 30, 2021.

~~(d)~~ (e) The restored service credit must be allocated based on the relationship the restored service bears to the total service credit period for all refunds taken from a single pension plan.

~~(e)~~ (f) This section does not authorize a public pension plan member to repay a refund if the law governing the plan does not authorize the repayment of a refund of member contributions.

Sec. 41. Minnesota Statutes 2010, section 356.50, subdivision 2, is amended to read:

Subd. 2. **Service credit procedure.** (a) To obtain the public pension plan allowable service credit, the eligible person under subdivision 1 shall pay the required member contribution amount. The required member contribution amount is the member contribution rate or rates in effect for the pension plan during the period of service covered by the back pay award, applied to the unpaid gross salary amounts of the back pay award including unemployment insurance, workers' compensation, or wages from other sources which reduced the back award. No contributions may be made under this clause for compensation covered by a public pension plan listed in section 356.30, subdivision 3, for employment during the removal period. The person shall pay the required member contribution amount within 60 days of the date of receipt of the back pay award or within 60 days of a billing from the retirement fund, whichever is later.

(b) The public employer who wrongfully discharged the public employee must pay an employer contribution on the back pay award. The employer contribution must be based on the employer contribution rate or rates in effect for the pension plan during the period of service covered by the back pay award, applied to the salary amount on which the member contribution amount was determined under paragraph (a). Interest on both the required member and employer contribution amount must be paid by the employer at the applicable annual compound rate ~~of 8.5 percent~~ per year, expressed monthly, between the date the contribution amount would have been paid to the date of actual payment. The applicable rate is 8.5 percent for the period before July 1, 2012, and the period after June 30, 2021, and is 8.0 percent for the period from July 1, 2012, through June 30, 2021. The employer payment must be made within 30 days of the payment under paragraph (a).

Sec. 42. Minnesota Statutes 2010, section 356.551, subdivision 2, is amended to read:

43.1 Subd. 2. **Determination.** (a) Unless the minimum purchase amount set forth in  
43.2 paragraph (c) applies, the prior service credit purchase amount is an amount equal to the  
43.3 actuarial present value, on the date of payment, as calculated by the chief administrative  
43.4 officer of the pension plan and reviewed by the actuary retained under section 356.214,  
43.5 of the amount of the additional retirement annuity obtained by the acquisition of the  
43.6 additional service credit in this section.

43.7 (b) Calculation of this amount must be made using the preretirement interest rate  
43.8 applicable to the public pension plan specified in section 356.215, subdivision 8, and  
43.9 the mortality table adopted for the public pension plan. The calculation must assume  
43.10 continuous future service in the public pension plan until, and retirement at, the age at  
43.11 which the minimum requirements of the fund for normal retirement or retirement with an  
43.12 annuity unreduced for retirement at an early age, including section 356.30, are met with  
43.13 the additional service credit purchased. The calculation must also assume a full-time  
43.14 equivalent salary, or actual salary, whichever is greater, and a future salary history that  
43.15 includes annual salary increases at the applicable salary increase rate for the plan specified  
43.16 in section 356.215, subdivision 4d.

43.17 (c) The prior service credit purchase amount may not be less than the amount  
43.18 determined by applying, for each year or fraction of a year being purchased, the sum  
43.19 of the employee contribution rate, the employer contribution rate, and the additional  
43.20 employer contribution rate, if any, applicable during that period, to the person's annual  
43.21 salary during that period, or fractional portion of a year's salary, if applicable, plus interest  
43.22 at the applicable annual rate of ~~8.5 percent~~ compounded annually from the end of the  
43.23 year in which contributions would otherwise have been made to the date on which the  
43.24 payment is received.

43.25 (d) Unless otherwise provided by statutes governing a specific plan, payment must  
43.26 be made in one lump sum within one year of the prior service credit authorization or prior  
43.27 to the member's effective date of retirement, whichever is earlier. Payment of the amount  
43.28 calculated under this section must be made by the applicable eligible person.

43.29 (e) However, the current employer or the prior employer may, at its discretion, pay  
43.30 all or any portion of the payment amount that exceeds an amount equal to the employee  
43.31 contribution rates in effect during the period or periods of prior service applied to the  
43.32 actual salary rates in effect during the period or periods of prior service, plus interest at  
43.33 the applicable rate of ~~8.5 percent a year~~ compounded annually from the date on which  
43.34 the contributions would otherwise have been made to the date on which the payment is  
43.35 made. If the employer agrees to payments under this subdivision, the purchaser must  
43.36 make the employee payments required under this subdivision within 90 days of the prior

service credit authorization. If that employee payment is made, the employer payment under this subdivision must be remitted to the chief administrative officer of the public pension plan within 60 days of receipt by the chief administrative officer of the employee payments specified under this subdivision.

(f) The applicable rate is 8.5 percent for the period before July 1, 2012, and the period after June 30, 2021, and is 8.0 percent for the period from July 1, 2012, through June 30, 2021.

Sec. 43. Minnesota Statutes 2010, section 490.121, subdivision 4, is amended to read:

Subd. 4. **Allowable service.** (a) "Allowable service" means any calendar month, subject to the service credit limit in subdivision 22, served as a judge at any time, during which the judge received compensation for that service from the state, municipality, or county, whichever applies, and for which the judge made any required member contribution. It also includes any month served as a referee in probate for all referees in probate who were in office before January 1, 1974.

(b) "Allowable service" also means a period of authorized leave of absence for which the judge has made a payment in lieu of contributions, not in an amount in excess of the service credit limit under subdivision 22. To obtain the service credit, the judge shall pay an amount equal to the normal cost of the judges retirement plan on the date of return from the leave of absence, as determined in the most recent actuarial report for the plan filed with the Legislative Commission on Pensions and Retirement, multiplied by the judge's average monthly salary rate during the authorized leave of absence and multiplied by the number of months of the authorized leave of absence, plus annual compound interest at the applicable rate of 8.5 percent from the date of the termination of the leave to the date on which payment is made. The applicable rate is 8.5 percent for the period before July 1, 2012, and the period after June 30, 2021, and is 8.0 percent for the period from July 1, 2012, through June 30, 2021. The payment must be made within one year of the date on which the authorized leave of absence terminated. Service credit for an authorized leave of absence is in addition to a uniformed service leave under section 490.1211.

(c) "Allowable service" does not mean service as a retired judge.

Sec. 44. Minnesota Statutes 2010, section 490.1211, is amended to read:

**490.1211 UNIFORMED SERVICE.**

(a) A judge who is absent from employment by reason of service in the uniformed services, as defined in United States Code, title 38, section 4303(13), and who returns to state employment as a judge upon discharge from service in the uniformed service

within the time frame required in United States Code, title 38, section 4312(e), may obtain service credit for the period of the uniformed service, provided that the judge did not separate from uniformed service with a dishonorable or bad conduct discharge or under other than honorable conditions.

(b) The judge may obtain credit by paying into the fund equivalent member contribution based on the contribution rate or rates in effect at the time that the uniformed service was performed multiplied by the full and fractional years being purchased and applied to the annual salary rate. The annual salary rate is the average annual salary during the purchase period that the judge would have received if the judge had continued to provide employment services to the state rather than to provide uniformed service, or if the determination of that rate is not reasonably certain, the annual salary rate is the judge's average salary rate during the 12-month period of judicial employment rendered immediately preceding the purchase period.

(c) The equivalent employer contribution and, if applicable, the equivalent employer additional contribution, must be paid by the employing unit, using the employer and employer additional contribution rate or rates in effect at the time that the uniformed service was performed, applied to the same annual salary rate or rates used to compute the equivalent member contribution.

(d) If the member equivalent contributions provided for in this section are not paid in full, the judge's allowable service credit must be prorated by multiplying the full and fractional number of years of uniformed service eligible for purchase by the ratio obtained by dividing the total member contributions received by the total member contributions otherwise required under this section.

(e) To receive allowable service credit under this section, the contributions specified in this section and section 490.121 must be transmitted to the fund during the period which begins with the date on which the individual returns to judicial employment and which has a duration of three times the length of the uniformed service period, but not to exceed five years. If the determined payment period is calculated to be less than one year, the contributions required under this section to receive service credit may be within one year from the discharge date.

(f) The amount of allowable service credit obtainable under this section and section 490.121 may not exceed five years, unless a longer purchase period is required under United States Code, title 38, section 4312.

(g) The state court administrator shall pay interest on all equivalent member and employer contribution amounts payable under this section. Interest must be computed at ~~the applicable rate of 8.5 percent~~ compounded annually from the end of each fiscal year of

46.1 the leave or break in service to the end of the month in which payment is received. The  
46.2 applicable rate is 8.5 percent for the period before July 1, 2012, and the period after June  
46.3 30, 2021, and is 8.0 percent for the period from July 1, 2012, through June 30, 2021.

46.4 Sec. 45. Minnesota Statutes 2010, section 490.124, subdivision 12, is amended to read:

46.5 Subd. 12. **Refund.** (a) A person who ceases to be a judge is entitled to a refund  
46.6 in an amount that is equal to all of the member's employee contributions to the judges'  
46.7 retirement fund plus interest computed under section 352.22, subdivision 2.

46.8 (b) A refund of contributions under paragraph (a) terminates all service credits and  
46.9 all rights and benefits of the judge and the judge's survivors under this chapter.

46.10 (c) A person who becomes a judge again after taking a refund under paragraph (a)  
46.11 may reinstate the previously terminated allowable service credit, rights, and benefits by  
46.12 repaying the total amount of the previously received refund. The refund repayment must  
46.13 include interest on the total amount previously received at ~~an~~ the applicable annual rate of  
46.14 ~~8.5 percent~~, compounded annually, from the date on which the refund was received until  
46.15 the date on which the refund is repaid. The applicable rate is 8.5 percent for the period  
46.16 before July 1, 2012, and the period after June 30, 2021, and is 8.0 percent for the period  
46.17 from July 1, 2012, through June 30, 2021.

46.18 Sec. 46. **TEMPORARY PROVISION; REVISION OF ANNUITY RESERVE,**  
46.19 **OPTIONAL ANNUITY FORM, AND EARLY RETIREMENT FACTORS.**

46.20 On or before January 1, 2013, the governing boards of the Minnesota State  
46.21 Retirement System, the Public Employees Retirement Association, the Teachers  
46.22 Retirement Association, the Duluth Teachers Retirement Fund Association, and the  
46.23 St. Paul Teachers Retirement Fund Association shall revise, for the retirement plan  
46.24 or plans administered, the annuity reserve factors, optional annuity form factors, and  
46.25 early retirement annuity factors, if the annuity is required to be the actuarial equivalent  
46.26 of the normal retirement annuity form. The revision shall be undertaken with the  
46.27 recommendation of the approved actuary retained by the retirement system, which  
46.28 recommendation must be retained in the permanent records of the governing board. The  
46.29 revised reserve factors also must be submitted for review by the auditing and reviewing  
46.30 actuary retained by the Legislative Commission on Pensions and Retirement and the  
46.31 applicable retirement fund shall reimburse the Legislative Commission on Pensions and  
46.32 Retirement for the cost of the reserve review.

46.33 Sec. 47. **EFFECTIVE DATE.**

47.1            Sections 1 to 46 are effective July 1, 2012.

APPENDIX  
Article locations in 12-4726

ARTICLE 1	ECONOMIC ASSUMPTION REVISIONS .....	Page.Ln 1.18
	CONFORMING CHANGES RELATED TO INTEREST RATE	
ARTICLE 2	ASSUMPTION CHANGE .....	Page.Ln 7.1