

## EXTRA SESSION

## CHAPTER 50—S. F. No. 190

*An act relating to the manner of paying employee and employer contributions under the public employees retirement association; amending Minnesota Statutes 353.27, Subdivision 4, as amended; 353.28 as amended, adding new subdivisions.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1957, Section 353.27, Subdivision 4, as amended by Laws 1961, Chapter 744, Section 1, is amended to read:

Subd. 4. The head of each department of the various governmental subdivisions is hereby directed to cause employee contributions to be deducted at least once each month from the salary of each member and to issue or approve one voucher payable to the state treasurer for the aggregate amount so deducted from such salaries and to cause the same to be remitted within 15 days thereafter to the secretary of the board of trustees together with a statement showing the amount of each of such deductions, the amount of salaries from which such deductions have been made and the names of the public employees on whose accounts the same have been made. Such statement may be furnished in the form of a carbon or duplicate copy of departmental payroll abstracts and if not submitted in such form, the head of each department is hereby required to furnish the secretary of the board of trustees with a carbon or duplicate copy of his departmental payroll abstract for the first pay period during the months of January and July, respectively, in each year and it shall be the duty of said secretary to check the copies of all such payroll abstracts against the membership records so as to ascertain whether or not any omissions have been made by the several department heads in the reporting of any new public employees, as required by section 353.07. Upon notice from the secretary of omission of a deduction from the salary of a public employee, the head of the department shall deduct the amount of the omitted salary deduction from the next salary of the public employee and forthwith remit it to the secretary. All remittances so received by the secretary of the board of trustees shall be promptly deposited with the state treasurer. ~~If the employee contributions are not remitted within 15 days as provided herein, the governmental subdivision shall pay interest at the rate of 6 per cent per annum computed from the date such payment was due and~~

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payable to the date payment was actually remitted to the secretary of the association. Deductions from the salary of a district court reporter in a judicial district consisting of two or more counties shall be made by the auditor of the county in which the bond and official oath of such district court reporter are filed from the portion of his salary paid by such county.

Sec. 2. Minnesota Statutes 1957, Section 353.28 as amended by Laws 1959, Chapter 650, Sections 45 and 46, and Laws 1961, Chapter 744, Section 2, is amended to read:

**353.28 Payment of employer contributions.** Subdivision 1. Each governmental subdivision shall secure its employer contributions; ~~both the regular employer contributions and the employer and its contributions to amortize the deficit~~ in the retirement fund from the sources and by the means provided in this section. Each governmental subdivision shall pay these contributions to the retirement fund out of moneys collected from taxes or other revenue of the ~~government~~ *governmental* subdivision as its obligation for all members employed by such subdivision and these contributions shall be charged as administrative costs.

Subd. 2. ~~After December 31, 1961, the employer contributions, both the regular employer contributions and the employer contributions to amortize the deficit in the fund, shall be paid by each governmental subdivision monthly in the manner provided in this section. Each governmental subdivision shall issue or approve one voucher payable to the state treasurer for the aggregate amount of these employer contributions based on the salaries paid to members employed by the subdivision during that month and shall cause the same to be remitted within 15 days thereafter to the secretary of the association.~~

Subd. 3. In the event that such employer contributions are not remitted within said 15 days, interest at the rate of 6 per cent per annum shall be paid by such governmental subdivision computed from the date payment was due and payable to the date the payment was actually remitted to the secretary of the association.

Subd. 4. Payments shall be deemed delinquent if any governmental subdivision fails to remit, as provided herein, any employer contributions for a period of six consecutive months or more. The board of trustees shall notify, in writing, any governmental subdivision which may be delinquent

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in its payments of its employer contributions and shall advise the governmental subdivision of the provisions of this act relative to delinquent payments.

Subd. 5. At the end of each fiscal year the board of trustees shall give final notice, in writing, to any governmental subdivision which is then delinquent in its payments of any employer contributions. If the delinquent payments of the employer contributions from any governmental subdivision have not been received by the secretary of the association by September 30, the board of trustees shall certify this fact to the county auditor of the county in which the governmental subdivision is located and shall include in the certificate the total amount of the delinquent employer contributions, delinquent employee contributions and interest charges to date.

Subd. 6. The county auditor shall levy in that year upon all taxable property within the governmental subdivision a tax in the amount sufficient (1) to cover the delinquent employer contributions and delinquent employee contributions (2) to cover interest at the rate of 6 per cent per annum computed from the date payment was due to the estimated date that payment will be remitted to the secretary of the association and (3) to cover such estimated levy in excess of the total amount of items (1) and (2) as may be necessary to provide actual tax receipts equal to the total amount of items (1) and (2).

Subd. 7. This tax shall be levied, collected and appropriated in the manner other taxes are levied, collected and appropriated. The county auditor upon the collection of the proceeds of the tax, shall remit directly to the secretary of the association the total amount due and shall apply any balance that may exist toward any additional delinquencies from the same governmental subdivision as may have been certified by the board of trustees. If there were no further certifications of delinquency, the county auditor shall remit the balance to such governmental subdivision, to be used by the governmental subdivision for current or overdue employer or employee contributions.

Subd. 8. Beginning with the fall of 1961, and every year thereafter, each governmental subdivision shall include in its budget for the following year an amount sufficient to satisfy the obligations for the payment of employer contributions on a current basis as provided in subdivision 2. The

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governmental subdivision may pay these employer contributions either from revenue derived from taxes or from other revenue. The governmental subdivisions may levy upon all taxable property within the governmental subdivision a tax sufficient to satisfy the anticipated employer contributions.

*Subd. 2. Not later than September 30 of each year beginning with 1957, the total amount due from each governmental subdivision shall be determined by the board of trustees and certified in duplicate by the secretary or an authorized officer of the board to each auditor of each county whose responsibility it is to furnish one copy to each governmental subdivision within the confines of his county. This certification covers a period of 12 months ending June 30th immediately preceding.*

*Subd. 3. If the governmental subdivision fails to include the amount so certified in its levy for the year in which the certification is required to be made, the county auditor shall levy in that year upon all taxable property within the governmental subdivision a tax in the amount so certified, which is to be added to the levy of the governmental subdivision. This tax shall be levied, collected and apportioned in the manner other taxes are levied, collected and apportioned. The proceeds of any taxes levied under this subdivision shall be remitted directly to the association.*

*Subd. 4. The association shall deposit these proceeds in the retirement fund to the credit of the governmental subdivision. When payments are to be made by a governmental subdivision from revenues other than revenues derived from taxes, the governmental subdivision shall notify the county auditor of that fact and the county auditor shall thereupon reduce the levy accordingly. For the express purposes of this section, the payment of all such contributory shares of retirement cost is hereby made an obligation of the governmental subdivision concerned in the proportion and to the extent provided.*

*Subd. 5. In the event any governmental subdivision fails or neglects to pay into the retirement fund in full the amount properly certified by the board, through failure to collect the full amount, the deficiency shall be added to the next levy made by the governmental subdivision but no interest shall accrue on the delinquent payment.*

*Subd. 6. If the taxes authorized to be levied under this section cause the total amount of taxes levied to exceed*

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any limitation upon the power of a county, city, village, borough, town, or school district to levy taxes, the governmental subdivision concerned may levy taxes in excess of the limitation in such amount as is necessary to meet its obligations under this section. The expenditures authorized to be made under this chapter by any municipality are not included in computing the cost of government as defined in any home rule charter of any municipality affected by ~~this chapter~~: *Laws 1957, Chapter 935.*

Subd. ~~10~~ 7. The governing body of any governmental subdivision affected by this chapter may make contributions to the retirement fund of the retirement association from moneys derived from revenues other than general taxes. The use of these contributions by the retirement association may be limited to certain specific purposes and these limitations are binding upon the retirement association. The board of trustees may refuse to accept any conditional contribution.

Subd. ~~11~~ 8. For the purposes of this section only, the state of Minnesota is considered a governmental subdivision and assumes a liability with respect to legislative officers who are members for any year for which a certification may be made pursuant to the provisions of this section. The certification in such case shall be made to the state auditor who shall transmit the certification to the next regular session of the legislature for appropriate action. Further, for the purposes of this section only, the League of Minnesota Municipalities is considered a governmental subdivision and assumes a liability with respect to its public employees who are members for any year for which a certification may be made pursuant to the provisions of this section.

Approved May 27, 1961.

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EXTRA SESSION

CHAPTER 51—S. F. No. 116

[Coded in Part]

*An act relating to taxes on and measured by net income and amending Minnesota Statutes 1957, Section 290.01, Subdivision 20, as amended.*

Be it enacted by the Legislature of the State of Minnesota:

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.