

credit so established shall be the basis for purchasing a supplemental retirement annuity using the 1937 standard annuity table of mortality set back two years with interest at the rate of three and one-half percent and calculated separately as to sex. This supplemental retirement annuity shall be doubled.

Approved May 18, 1977.

CHAPTER 98—H.F.No.308

[Coded in Part]

An act relating to retirement; Minnesota state retirement system; exclusion from pension coverage for certain tradesmen of the metropolitan waste control commission; amending Minnesota Statutes 1976, Sections 352.01, Subdivision 2B; 473.141, Subdivision 12; and 473.511, Subdivision 3.

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

Section 1. Minnesota Statutes 1976, Section 352.01, Subdivision 2B, is amended to read:

Subd. 2B. **MINNESOTA STATE RETIREMENT SYSTEM; METROPOLITAN WASTE CONTROL TRADESMEN; EXCLUDED EMPLOYEES.** The following persons are excluded from the meaning of state employee:

- (1) Elective state officers;
- (2) Students employed by the University of Minnesota, the state universities, and community colleges unless approved for coverage by the board of regents, the state university board or the state board for community colleges, as the case may be;
- (3) Employees who are eligible to membership in the state teachers retirement association except employees of the department of education who have elected or may elect to be covered by the Minnesota state retirement system instead of the teachers retirement association;
- (4) Employees of the University of Minnesota who are excluded from coverage by action of the board of regents;
- (5) Officers and enlisted men in the national guard and the naval militia and such as are assigned to permanent peacetime duty who pursuant to federal law are or are required to be members of a federal retirement system;
- (6) Election officers;
- (7) Persons engaged in public work for the state but employed by contractors when the performance of such contract is authorized by the legislature or other competent

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authority;

(8) Officers and employees of the senate and house of representatives or a legislative committee or commission who are temporarily employed;

(9) All courts and all employees thereof, referees, receivers, jurors, and notaries public, except employees of the supreme court and referees and adjusters employed by the department of labor and industry;

(10) Patient and inmate help in state charitable, penal and correctional institutions including the Minnesota veterans home;

(11) Persons employed for professional services where such service is incidental to regular professional duties and whose compensation is paid on a per diem basis;

(12) Employees of the Sibley House Association;

(13) Employees of the Grand Army of the Republic and employees of the ladies of the G.A.R.;

(14) Operators and drivers employed pursuant to section 16.07, subdivision 4;

(15) Members of the tax court, the personnel board, and the members of any other state board or commission who serve the state intermittently and are paid on a per diem basis; the secretary, secretary-treasurer, and treasurer of such boards if their compensation is \$500 or less per year, or, if they are legally prohibited from serving more than two consecutive terms and their total service therefor is required by law to be less than ten years; and the board of managers of the state agricultural society and its treasurer unless he is also its full time secretary;

(16) State highway patrolmen;

(17) Temporary employees of the Minnesota state fair employed on or after July 1 for a period not to extend beyond October 15 of the same year; also persons employed at any time or times by the state fair administration for special events held on the fairgrounds;

(18) Emergency employees in the classified service except emergency employees who within the same pay period become provisional or probationary employees on other than a temporary basis, shall be deemed "state employees" retroactively to the beginning of the pay period;

(19) Persons described in section 352B.01, subdivision 2, clauses (b) and (c) formerly defined as state police officers;

(20) All temporary employees in the classified service, all temporary employees in the unclassified service appointed for a definite period of not more than six months and employed less than six months in any one year period and all seasonal help in the

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unclassified service employed by the department of revenue;

(21) Trainees paid under budget classification number 41, and other trainee employees, except those listed in subdivision 2A(10);

(22) Persons whose compensation is paid on a fee basis;

(23) State employees who in any year have credit for 12 months service as teachers in the public schools of the state and as such teachers are members of the teachers retirement association or a retirement system in St. Paul, Minneapolis, or Duluth;

(24) Employees of the adjutant general employed on an unlimited intermittent or temporary basis in the classified and unclassified service for the support of army and air national guard training facilities;

(25) Chaplains and nuns who have taken a vow of poverty as members of a religious order;

(26) Labor service employees employed as a laborer 1 on an hourly basis;

(27) Examination monitors employed by departments, agencies, commissions, and boards for the purpose of conducting examinations required by law;

(28) Members of appeal tribunals, exclusive of the chairman to which reference is made in section 268.10, subdivision 4;

(29) Persons appointed to serve as members of fact finding commissions, adjustment panels, arbitrators, or labor referees under the provisions of chapter 179;

(30) Temporary employees employed for limited periods of time under any state or federal program for the purpose of training or rehabilitation including persons employed thereunder for limited periods of time from areas of economic distress except skilled and supervisory personnel and persons having civil service status covered by the system;

(31) Full time students employed by the Minnesota historical society who are employed intermittently during part of the year and full time during the summer months;

(32) Temporary employees, appointed for not more than six months, of the Metropolitan council and of any of its statutory boards, the members of which board are appointed by the Metropolitan council;

(33) Persons employed in positions designated by the department of personnel as student workers; ~~and~~

(34) Any person who is 65 years of age or older when appointed and who does not have allowable service credit for previous employment, unless such employee gives notice to the director within 60 days following his appointment that he desires coverage; and

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(35) Tradesmen employed by the metropolitan waste control commission with trade union pension plan coverage pursuant to a collective bargaining agreement first employed after June 1, 1977.

Sec. 2. Minnesota Statutes 1976, Section 473.141, Subdivision 12, is amended to read:

Subd. 12. **PUBLIC EMPLOYEES.** All persons employed by the chief administrator shall be public employees, and shall have all rights and duties conferred on public employees under sections 179.61 to 179.76. The compensation and other conditions of employment of such employees shall not be governed by any rule applicable to state employees in the classified service nor to any of the provisions of chapter 15A, unless the council so provides. All employees of the commission shall be members of the Minnesota state retirement system, except that employees, who by reason of their prior employment belonged to another public retirement association in the state of Minnesota, may at their option continue membership in that public retirement association, and all other rights to which they are entitled by contract or law. Tradesmen employed by the metropolitan waste control commission with trade union pension coverage pursuant to a collective bargaining agreement who elected exclusion from coverage pursuant to section 4 of this act or who are first employed after July 1, 1977 shall not be covered by the Minnesota state retirement system. The commission shall make the employer's contributions to pension funds of its employees. Employees shall perform such duties as may be prescribed by the commission. Nothing in Laws 1974, Chapter 422 shall impair the rights of any commission or employee under sections 473.405 and 473.415.

Sec. 3. Minnesota Statutes 1976, Section 473.511, Subdivision 3, is amended to read:

Subd. 3. **EXISTING SANITARY DISTRICTS AND JOINT SEWER BOARDS.** Effective January 1, 1971, the corporate existence of the Minneapolis-St. Paul Sanitary District, the North Suburban Sanitary Sewer District, and any joint board created by agreement among local government units pursuant to section 471.59, to provide interceptors and treatment works for such local government units, shall terminate. All persons regularly employed by such sanitary districts and joint boards on that date or on any earlier date on which the waste control commission pursuant to subdivisions 1 and 2 assumes ownership and control of any interceptors or treatment works owned or operated by such sanitary districts and joint boards, shall be employees of the commission, and may at their option become members of the Minnesota state retirement system or may continue as members of a public retirement association under chapter 422A or any other law, to which they belonged before such date, and shall retain all pension rights which they may have under such latter laws, and all other rights to which they are entitled by contract or law. Tradesmen employed by the metropolitan waste control commission with trade union pension coverage pursuant to a collective bargaining agreement who elected exclusion from coverage pursuant to section 4 of this act or who are first employed after July 1, 1977 shall not be covered by the Minnesota state retirement system. The waste control commission shall make the employer's contributions to pension funds of its employees. Such employees shall perform such duties as may be prescribed by the commission. All funds of such sanitary districts and joint boards then on hand, and all

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subsequent collections of taxes, special assessments or service charges levied or imposed by or for such sanitary districts or joint boards shall be transferred to the waste control commission. The local government units otherwise entitled to such cash, taxes, assessments or service charges shall be credited with such amounts, and such credits shall be offset against any amounts to be paid by them to the waste control commission as provided in section 473.517. The waste control commission shall succeed to and become vested with all right, title and interest in and to any property, real or personal, owned or operated by such sanitary districts and joint boards; and prior to that date the proper officers of such sanitary districts and joint boards shall execute and deliver to the board all deeds, conveyances, bills of sale, and other documents or instruments required to vest in the commission good and marketable title to all such real or personal property. The waste control commission shall become obligated to pay or assume all bonded or other debt and contract obligations incurred by such sanitary districts and joint boards, or incurred by local government units for the acquisition or betterment of any interceptors or treatment works owned or operated by such sanitary districts or joint boards.

Sec. 4. [473.512] PENSION COVERAGE EXCLUSION FOR CERTAIN LABOR SERVICE EMPLOYEES. Subdivision 1. A tradesman employed by the metropolitan waste control commission on a permanent basis with trade union pension plan coverage pursuant to a collective bargaining agreement shall be excluded from coverage by the Minnesota state retirement system if the tradesman was first employed on or after June 1, 1977 or, if the tradesman was first employed prior to June 1, 1977, has elected to be excluded from coverage by the Minnesota state retirement system pursuant to subdivision 2 and has accepted a refund of contributions pursuant to subdivision 3.

Subd. 2. A tradesman entitled under subdivision 1 to make an election of exclusion from pension coverage by the Minnesota state retirement system may make the election of exclusion no later than August 1, 1977 on forms provided by the executive director of the Minnesota state retirement system. The election of exclusion from coverage shall be a one time election irrevocable while employed in such capacity and shall have retroactive application to the first day of membership in the Minnesota state retirement system.

Subd. 3. Upon electing to be excluded from coverage as provided in subdivision 2 and making a valid application, a tradesman shall be entitled to a refund of both the accumulated employee and the employer contributions made pursuant to Minnesota Statutes 1976, Section 352.04, Subdivision 3, on behalf of the tradesman plus interest at the rate of three and one-half percent per annum compounded annually from the date of commencement of coverage, computed to the first day of the month in which the refund is processed and shall be based on fiscal year balances. The application for the refund may be made without the waiting period provided for in section 352.22, subdivision 1. No repayment of a refund made under this section shall be permitted.

Sec. 5. EFFECTIVE DATE. This act is effective the day after final enactment.

Approved May 18, 1977.

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