

## CHAPTER 72 — H.F.No. 430

*An act relating to retirement; authorizing the purchase of annuity contracts for retiring Tracy firefighters.*

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

Section 1. **TRACY FIREFIGHTERS; ANNUITY CONTRACTS.**

Notwithstanding any provision of Minnesota Statutes, section 424A.02, or any other law, the Tracy firefighter's relief association may utilize the amount of the accrued lump sum service pension otherwise payable to a retiring firefighter to purchase an annuity contract for a retiring member who qualifies for a service pension pursuant to section 424A.02 and the articles and bylaws of the association.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective upon approval by the Tracy city council and compliance with Minnesota Statutes, section 645.021.

Approved April 29, 1983

## CHAPTER 73 — H.F.No. 601

*An act relating to retirement; miscellaneous amendments to the law governing the public employees retirement association; amending Minnesota Statutes 1982, sections 353.27, subdivisions 4 and 12; 353.28, subdivision 5; 353.29, subdivisions 6 and 8; 353.32, subdivision 1; 353.33, subdivision 5; and 353.34, subdivision 2.*

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

Section 1. Minnesota Statutes 1982, section 353.27, subdivision 4, is amended to read:

Subd. 4. **EMPLOYERS REPORTING REQUIREMENTS; CONTRIBUTIONS; MEMBER STATUS.** The head of each department 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 at the same time to issue or approve one voucher for the aggregate amount of the employer contributions and the additional employer contributions for the same period of employment as that covered by the employee contributions, and to cause the same to be received not later than 20 days thereafter in the office of the association. The head of each department shall, for each pay period in which

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employee contributions are deducted, submit to the association a salary deduction report, in the form prescribed by the ~~board of trustees~~ executive director, showing (a) the legal names and the association membership numbers, listed in alphabetical order, of all members; (b) the legal names of all new public employees and the effective dates of appointment; (c) the amount of each salary deduction; (d) the amount of salary from which each deduction was made; (e) effective dates of all terminations of public service on account of members and if such terminations were caused by death or retirement, there shall be inserted after such date the applicable word, "death" or "retirement"; and (f) effective dates of all temporary layoffs and leaves of absence and if such leaves are sick leaves, there shall be inserted after such date the words, "sick leave"; and (g) the beginning and ending dates of the payroll period covered. Additionally, reports of contributions shall be accompanied by a membership enrollment form for each new employee in the form prescribed by the ~~board~~ executive director, and it shall be the responsibility of department heads to obtain such enrollment forms from new employees to be submitted to the association within 30 days following the date of employment. The employers shall furnish such additional reports on magnetic media or other form of report as may be requested by the association executive director.

Sec. 2. Minnesota Statutes 1982, section 353.27, subdivision 12, is amended to read:

Subd. 12. **OMITTED SALARY DEDUCTIONS; OBLIGATIONS.** In the case of omission of required deductions from salary of an employee, past due for a period of 60 days or less, the head of the department shall deduct from the employee's next salary payment and forthwith remit to the executive director the amount of the employee contribution delinquency, with cumulative interest thereon at the rate of six percent per annum, compounded annually, from the date or dates each delinquent employee contribution was first payable, such interest to be paid by the employer. To the extent that any such omitted required deductions are not paid by the employee, they shall constitute a liability of the governmental subdivision which failed to make said required deductions, with interest thereon as hereinbefore specified. After July 1, 1973, any such omitted required deductions, past due for a period in excess of 60 days, shall become the sole obligation of the governmental subdivision from the time such deductions were first payable, together with interest thereon as hereinbefore specified. Any amount so due, together with employer and additional employer contributions at the rates and in the amounts specified in subdivisions 3 and 3a, with interest thereon at the rate of six percent compounded annually from the date they were first payable, shall be paid from the proceeds of a tax levy made pursuant to section 353.28, or from other funds available to the employer. Unless otherwise indicated, this subdivision shall have both retroactive and prospective application, and the governmental subdivision is liable retroactively and prospectively for all amounts due hereunder. ~~An~~ No action for the recovery of delinquent employee and employer contributions ~~together with~~ or interest

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thereon shall not be subject to any statutory provision which would otherwise limit the time within which such an action may be commenced and no payment of delinquent contributions shall be made or accepted after the expiration of three calendar years next following the calendar year in which the contributions were omitted.

Sec. 3. Minnesota Statutes 1982, section 353.28, subdivision 5, is amended to read:

Subd. 5. Any amount due and payable pursuant to this section by a governmental subdivision on June 30, 1969, shall thereafter bear compound interest at the rate of six percent per year until paid. Any amount which becomes due and payable pursuant to this section or section 353.27, subdivision 4 on or after July 1, 1969, shall bear compound interest at the rate of six percent per year from the date due until the date paid, with a minimum charge of \$5.

Sec. 4. Minnesota Statutes 1982, section 353.29, subdivision 6, is amended to read:

Subd. 6. **RETIREMENT BEFORE ELIGIBILITY FOR SOCIAL SECURITY BENEFITS.** Any "coordinated member" who retires before he is eligible for social security retirement benefits may elect to receive a retirement annuity from the association in an amount greater than the annuity computed on the basis of age at retirement, provided in subdivisions 2 and 3. This option shall be exercised by making application to the board of trustees. This greater amount shall be the actuarial equivalent of the "normal" retirement annuity computed on the basis of age at retirement. This greater amount shall be paid until the annuitant reaches the age of 62, at which time the payment from the association shall be reduced. The method of computing an annuity under this subdivision shall be determined by an approved actuary.

Sec. 5. Minnesota Statutes 1982, section 353.29, subdivision 8, is amended to read:

Subd. 8. **ANNUITIES; PAYMENT; EVIDENCE OF RECEIPT.** Payment of any annuity or benefit for a given month shall be mailed by the association to the annuitant, recipient of a disability benefit, or survivor, during the first week of that month. Evidence of receipt of every ~~warrant~~ warrants issued by the association in payment of an annuity or benefit shall be submitted by the payee thereof to the association periodically at times specified by the board of trustees, together with a written declaration that the annuitant or recipient of a disability benefit has or has not returned to public service; that the surviving dependent spouse has or has not remarried; and shall be furnished on forms provided by the executive director thereof, before the association shall pay to the annuitant, disability recipient, or survivor for the next ensuing month, the annuity or benefit to which the person otherwise may be entitled.

Sec. 6. Minnesota Statutes 1982, section 353.32, subdivision 1, is amended to read:

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Subdivision 1. **BEFORE RETIREMENT.** If a member or former member who terminated public service after June 30, 1973, dies before retirement or before he has received any retirement annuity and no other payment of any kind is or may become payable to any person, a refund shall be paid to his designated beneficiary or, if there be none, to his surviving spouse, or, if none, to the legal representative of his estate. Such refund shall be in an amount equal to his accumulated deductions plus interest thereon at the rate of 3-1/2 percent per annum compounded annually less the sum of any disability or survivor benefits, if any, that may have been paid by the fund; provided that a survivor who has a right to benefits pursuant to section 353.31 may waive such benefits in writing, except such benefits for a dependent child under the age of 18 years may only be waived pursuant to an order of the district court.

Sec. 7. Minnesota Statutes 1982, section 353.33, subdivision 5, is amended to read:

Subd. 5. **BENEFITS PAID UNDER WORKERS' COMPENSATION LAW.** Disability benefits paid shall be reimbursed and future benefits shall be reduced by any amounts received or receivable by a member, including temporary total, permanent total, temporary partial or permanent partial benefits, in either periodic or lump sum payments from the employer under applicable workers' compensation laws, after deduction of amount of attorney fees, authorized under applicable workers' compensation laws, paid by a disabilitant.

Sec. 8. Minnesota Statutes 1982, section 353.34, subdivision 2, is amended to read:

Subd. 2. **REFUND WITHOUT INTEREST.** Except as provided in subdivision 1, any person who ceases to be a public employee after June 30, 1973 shall receive a refund in an amount equal to his accumulated deductions without interest for the first three years of membership and thereafter accumulated deductions with interest to the first day of the month in which the refund is processed at the rate of three and one-half percent per annum compounded annually after the third year of membership based on fiscal year balances.

Sec. 9. **EFFECTIVE DATE.**

This act is effective June 30, 1983.

Approved April 29, 1983

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## CHAPTER 74 — H.F.No. 638

*An act relating to retirement; authorizing increases in survivor benefits payable by the Hibbing police relief association; amending Laws 1967, chapter 678, section 2, as amended.*

Changes or additions are indicated by underline, deletions by ~~strikeout~~.