

# MINNESOTA RULES 1987

7203

MEMBERSHIP OF ELECTED OFFICIALS 7950.0200

## CHAPTER 7950 PUBLIC EMPLOYEES RETIREMENT ASSOCIATION MEMBERSHIP OF ELECTED OFFICIALS

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### 7950.0100 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 7950.0100 to 7950.0300, the following terms have the meanings given.

Subp. 2. **Public official.** "Public official" means a person who:

A. is a public employee within the meaning of Minnesota Statutes, section 353.01, subdivision 2; and

B. is elected to an elective office or appointed to fill a vacancy in an elective office.

Subp. 3. **PERA.** "PERA" means the Public Employees Retirement Association.

Subp. 4. **Date.** "Date" means calendar day.

Subp. 5. **New public official.** "New public official" means a public official who is elected to or appointed to fill a vacancy in an elective office and who commences employment in such office on or after the effective date of parts 7950.0100 to 7950.0300.

Subp. 6. **Current public official.** "Current public official" means a public official who was elected to or appointed to fill a vacancy in an elective office, who commences employment before the effective date of parts 7950.0100 to 7950.0300, and whose incumbency in the elective office continues through or beyond that effective date.

Subp. 7. **Public official eligible to become a member of PERA.** "Public official eligible to become a member of PERA" means a public official who is a public employee within the meaning of Minnesota Statutes, section 353.01, subdivision 2a, who is not or has ceased to be excluded from the class of public employees by the minimum earnings or other provisions of Minnesota Statutes, section 353.01, subdivision 2b.

Subp. 8. **Incumbency.** "Incumbency" means continuous uninterrupted service in the same elective office, regardless of the number of successive terms in office.

Subp. 9. **Prior service.** "Prior service" means service rendered:

A. before the effective date of this rule;

B. by a public official who was eligible to become a member of PERA but who was not a member of PERA at the time the service was rendered; and

C. in an elective office which is the same as or different from the elective office with respect to service in which the option to become a member is or has been exercised.

**Statutory Authority:** *MS s 353.08; 353.18*

**History:** *11 SR 1042*

### 7950.0200 PUBLIC OFFICIAL MEMBERSHIP STATUS.

A public official who is not a member of PERA but who is eligible to become a member shall not be considered to be a member unless an option to become a member is exercised in accordance with part 7950.0300.

**Statutory Authority:** *MS s 353.08; 353.18*

**History:** *11 SR 1042*

**7950.0300 OPTION TO BECOME A MEMBER.**

Subpart 1. **Option.** If, following the effective date of parts 7950.0100 to 7950.0300, a new or current public official is not a member of PERA but is eligible to become a member, the official shall have an option to become a member of PERA. The option may be exercised by filing an application for membership on forms provided by the executive director of PERA.

Subp. 2. **Effective date.** If an option to become a member of PERA is exercised in accordance with subpart 1, membership shall commence from the date the option is exercised. As provided in Minnesota Statutes, section 353.01, subdivision 7, membership cannot be withdrawn or terminated during incumbency in the elective office with respect to service in which the option is exercised.

Subp. 3. **Failure to exercise.** If an option to become a member of PERA is not exercised in accordance with subpart 1 on or before the date on which status as a public official ceases, the option shall expire on that date.

Subp. 4. **Prior service not covered.** The exercise of an option to become a member of PERA in accordance with subpart 1 shall not cover or otherwise apply to any service as a public official rendered prior to the date on which the option is exercised.

Subp. 5. **Repayment of refunds.** Nothing contained in this part shall circumscribe or otherwise limit the option of a former public official who was a PERA member at the time service as a public official was rendered, to repay refunds of contributions to restore past service credit in accordance with Minnesota Statutes, section 353.35.

**Statutory Authority:** *MS s 353.08; 353.18*

**History:** *11 SR 1042*