

1.1 moves to amend S.F. No. 3556; H.F. No. 3671, as follows:

1.2 Page 3, after line 5, insert:

1.3 "Sec. 2. Minnesota Statutes 2020, section 352.91, subdivision 4a, is amended to read:

1.4 Subd. 4a. **Process for evaluating and recommending potential employment positions**
1.5 **for membership inclusion.** (a) The Department of Corrections ~~and the Department of~~
1.6 ~~Human Services~~ must establish a procedure for evaluating periodic requests by department
1.7 employees for qualification for recommendation by the commissioner for inclusion of the
1.8 employment position in the correctional facility ~~or human services facility~~ in the correctional
1.9 retirement plan and for periodically determining employment positions that no longer qualify
1.10 for continued correctional retirement plan coverage.

1.11 (b) The procedure must provide for an evaluation of the extent of the employee's working
1.12 time spent in direct contact with ~~patients or~~ inmates, the extent of the physical hazard that
1.13 the employee is routinely subjected to in the course of employment, and the extent of
1.14 intervention routinely expected of the employee in the event of a facility incident. The
1.15 percentage of routine direct contact with inmates ~~or patients~~ may not be less than 75 percent.

1.16 (c) The ~~applicable~~ commissioner shall notify the employee of the determination of the
1.17 appropriateness of recommending the employment position for inclusion in the correctional
1.18 retirement plan, if the evaluation procedure results in a finding that the employee:

1.19 (1) routinely spends 75 percent of the employee's time in direct contact with inmates ~~or~~
1.20 ~~patients~~; and

1.21 (2) is regularly engaged in the rehabilitation, treatment, custody, or supervision of inmates
1.22 ~~or patients~~.

1.23 (d) After providing the affected employee an opportunity to dispute or clarify any
1.24 evaluation determinations, if the commissioner determines that the employment position is
1.25 appropriate for inclusion in the correctional retirement plan, the commissioner shall forward
1.26 that recommendation and supporting documentation to the chair of the Legislative
1.27 Commission on Pensions and Retirement, the chair of the State and Local Governmental
1.28 Operations Committee of the senate, the chair of the Governmental Operations and Veterans
1.29 Affairs Policy Committee of the house of representatives, and the executive director of the
1.30 Legislative Commission on Pensions and Retirement in the form of the appropriate proposed
1.31 legislation. The recommendation must be forwarded to the legislature before January 15
1.32 for the recommendation to be considered in that year's legislative session.

1.33 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.1 Sec. 3. Minnesota Statutes 2020, section 352.955, subdivision 1, is amended to read:

2.2 Subdivision 1. **Election to transfer prior MSRS-general service credit.** (a) An eligible
2.3 employee described in paragraph (b) may elect to transfer service credit in the general state
2.4 employees retirement plan of the Minnesota State Retirement System to the correctional
2.5 state employees retirement plan for eligible prior correctional employment.

2.6 (b) An eligible employee is a person who:

2.7 (1) is covered by legislation implementing the recommendations under section 352.91,
2.8 subdivision 4a; or

2.9 (2) is covered by legislation enacted after June 30, 2021, that adds a new employment
2.10 position to covered correctional service for the Department of Human Services under section
2.11 352.91, subdivisions 3c, 3d, 3e, or 3f.

2.12 (c) Eligible prior correctional employment is employment covered by the general state
2.13 employees retirement plan of the Minnesota State Retirement System, is continuous service,
2.14 and is certified by the commissioner of corrections and the commissioner of human services,
2.15 whichever applies, and by the commissioner of management and budget to the executive
2.16 director of the Minnesota State Retirement System as service that would qualify for
2.17 correctional state employees retirement plan coverage under section 352.91, if the service
2.18 had been rendered after the date of coverage transfer.

2.19 (d) The election to transfer past service credit under this section must be made in writing
2.20 by the applicable person on a form prescribed by the executive director of the Minnesota
2.21 State Retirement System and must be filed with the executive director of the Minnesota
2.22 State Retirement System on or before the one year anniversary of the coverage transfer or
2.23 the date of the eligible employee's termination of state employment, whichever is earlier.

2.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.25 Sec. 4. **REPEALER.**

2.26 Minnesota Statutes 2020, section 352.91, subdivision 4c, is repealed.

2.27 **EFFECTIVE DATE.** This section is effective the day following final enactment."

2.28 Amend the title accordingly