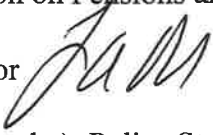




TO: Members of the Legislative Commission on Pensions and Retirement

FROM: Lawrence A. Martin, Executive Director 

RE: S.F. 1536 (Pogemiller); H.F. 1473 (Murphy); Police State Aid; Inclusion of Indian Tribal Police Departments

DATE: March 21, 2001

Summary of S.F. 1536 (Pogemiller); H.F. 1473 (Murphy)

S.F. 1536 (Pogemiller); H.F. 1473 (Murphy) amends Minnesota Statutes, Section 69.011, Subdivision 1, which defines various terms for the Police State Aid program, by removing a restriction on American Indian tribal governments' eligibility for police state aid, and by authorizing tribal governments to apply for fiscal year 2002 police state aid by July 1, 2001. The proposed legislation would be effective upon final enactment.

Background Information on the Police State Aid Program

a. Establishment.

The police state aid program was initially established in 1971 (Laws 1971, Chapter 695.) The police state aid program was intended to replicate for police pension purposes the fire state aid program, which was established in 1875. The police state aid program was initially recommended by the Legislative Commission on Pensions and Retirement and was intended to assist governmental subdivisions, principally municipalities with local police relief associations, in meeting their financial requirements in funding police pensions.

b. Source of State Aid Revenue

The police state aid program was initially funded in 1971 from one-half of the longstanding two percent premium tax on various types of automobile casualty insurance, with the remaining half remaining credited to the State's General Fund.

In 1976 (Laws 1976, Chapter 315), the police state aid program was substantially modified. The amount of police state aid was increased from one half of the two percent premium tax on certain types of automobile insurance to the full two percent premium tax. The police state aid program was impacted upon by the change in insurance premium tax rates on mutual insurance companies that occurred in 1988 (Laws 1988, Chapter 719, Article 2, Sections 1 through 5,) with respect to foreign (non-Minnesota domiciled) mutual insurance companies. Domestic mutual insurance company automobile insurance premium taxes were not dedicated to the police state aid program until 1995.

The police state aid program remains funded principally from a portion of the insurance premium taxes collected by the State of Minnesota. Of the total amount of insurance premium taxes collected, an amount equal to either 104 percent of the amount of the premium taxes reported on the Minnesota Aid to Police Premium Report or two percent of the amount of the premiums reported on the Minnesota Aid to Police Premium Report is dedicated as police state aid. From the dedicated police state aid amount is subtracted the amount required to pay the cost and expense of the State Auditor's office for audits or exams of police relief associations. In addition to the regular insurance premium taxes, the police state aid program is also funded from payments made by self-insurers for automobile casualty risks under Minnesota Statutes, Section 60A.152. The payment by automobile risk self-insurers for a passenger vehicle is \$15 annually and for a taxi or other type of self-insured vehicle is \$25 annually.

Police state aid was a modest commitment of state resources when the program was initiated in 1971, but has grown considerably over the next 25 years, as follows:

<u>Year</u>	<u>Total Police State Aid</u>	<u>Amount Deducted For PERA-P&F</u>	<u>Amount Allocated to Police Employers</u>	<u>Increase or Decrease Over Prior Year</u>	<u>Police State Aid Per Police Officer</u>
1972	\$2,307,444.00	\$461,488.80	\$1,845,955.20	--	N/A
1973	2,487,177.97	497,435.59	1,989,742.38	7.79%	N/A
1974	2,460,435.00	492,087.00	1,968,348.00	(1.08)	N/A
1975	2,591,332.66	518,266.53	2,073,066.13	5.32	N/A
1976	2,697,670.87	0.00	2,697,670.87	4.10	N/A
1977	8,601,025.61	0.00	8,601,025.61	218.83	1,610.00
1978	10,269,283.14	0.00	10,269,283.14	19.40	1,866.46
1979	11,464,982.02	0.00	11,464,982.02	11.64	2,031.72
1980	12,826,038.31	0.00	12,826,038.31	11.87	2,258.50
1981	14,091,351.96	0.00	14,091,351.96	9.87	2,481.31
1982	14,663,614.00	0.00	14,663,614.00	4.06	2,565.89
1983	14,817,224.00	0.00	14,817,224.00	1.05	2,589.93
1984	15,242,120.00	0.00	15,242,120.00	2.87	2,660.91
1985	16,287,427.00	0.00	16,287,427.00	6.86	2,794.97
1986	19,091,379.58	0.00	19,091,379.58	17.22	3,255.92
1987	23,986,079.00	0.00	23,986,079.00	25.64	4,075.00
1988	26,074,381.00	0.00	26,074,381.00	8.71	4,343.00
1989	26,525,503.00	0.00	26,525,503.00	1.73	4,400.00
1990	27,399,401.00	0.00	27,399,401.00	3.29	4,458.00
1991	30,111,119.00	0.00	30,111,119.00	9.90	4,783.00
1992	31,950,032.00	0.00	31,950,032.00	6.11	4,966.00
1993	31,145,397.00	0.00	31,145,397.00	(2.52)	5,250.00
1994	36,210,413.00	0.00	36,210,413.00	16.26	5,453.00
1995	38,711,974.00	0.00	38,711,974.00	6.90	5,706.00
1996	47,499,045.00	0.00	47,499,045.00	22.70	6,872.00
1997	47,619,477.00	0.00	47,619,477.00	0.25	6,358.66
1998	47,581,510.00	0.00	47,581,510.00	(0.08)	6,068.00
1999	46,117,948.00	0.00	46,117,948.00	(2.95)	5,994.00
2000	51,085,005.00	0.00	51,085,005.00	10.77	6,145.00

c. Qualification Requirements For Receipt of Police State Aid

Initially, under the 1971 law, only cities, villages, boroughs, and organized towns were eligible to receive police state aid and these employers qualified if they had an organized police department for at least one year and had a duly incorporated police relief association or special police department pension fund or had pension coverage by the Public Employees Police and Fire Fund (PERA-P&F). The qualification requirements were modified in 1976 (Laws 1976, Chapter 315), with eligible employing units expanded to all cities, organized towns, and counties employing persons primarily service as sworn law enforcement officers with the power to enforce the general criminal laws by arrest with a warrant, certified by the Minnesota Police Officers Standards and Training Board, unless the municipality has a population under 1,000, with pension coverage either by a local police relief association or by PERA-P&F.

The 1976 qualification requirements were clarified and augmented in 1977 (Laws 1977, Chapter 429, Sections 4 to 9). Eligible cities, organized towns, and counties qualify to receive police state aid if they employ one or more persons who primary compensation is from full time employment of not less than 30 hours per week as a law enforcement officer of at least six months as of the prior December 31, is sworn to enforce the general criminal laws, is authorized to assist with a warrant, is a member of either a local police relief association or of PERA-P&F, is certified by the Minnesota Peace Officers Standards and Training (POST) Board if employed by a municipality with a population of more than 1,000, and meets the POST Board selection standards. The qualification requirements were further revised in 1981 (Laws 1981, Chapter 224, Sections 19-22), with a consolidation of the POST Board requirements into a single requirement that the peace officer be licensed by the POST Board for all municipalities.

In 1978, the University of Minnesota was made eligible to receive police state aid. In 1992, the Metropolitan Airports Commission was made eligible for receipt of police state aid and the public safety pension coverage requirement was expanded to include pension coverage by the Minneapolis Employees Retirement Fund (MERF). In 1997 (Laws 1997, Chapter 233, Sections 6 through 13) the Enforcement Division of the Department of Natural Resources (for State Game Wardens) and the Alcohol and Gambling Enforcement Division (for the Gambling Enforcement officers), the Bureau of Criminal Apprehension (for Bureau of Criminal Apprehension agents), and the State Patrol Division (for State Patrol Troopers) of the Department of Public Safety were made eligible for receipt of police state aid and the public safety pension coverage requirement was further expanded to include pension coverage by the State Patrol Retirement Plan.

d. Allocation of Police State Aid

Initially, under the 1971 law, 20 percent of police state aid was paid directly to the Public Employees Police and Fire Fund (PERA-P&F) and 80 percent of police state aid was allocated among the cities with local police relief associations or with PERA-P&F pension coverage, half in proportion to the relative size of the population of the municipality served by the local police relief association and half in proportion to the relative size of the property value of the municipality served by the local police relief association. In this combination allocation basis of population and property valuation, the police state aid replicated the basis for aid allocation introduced in the fire state aid program in 1969.

In 1976 (Laws 1976, Chapter 315), the police state aid allocation method was changed from a geographical factor-based formula to a per-police officer formula, thereby providing a direct mechanism for including PERA-P&F-covered municipal police department and county sheriff department members in the police state aid allocation process. The per-police officer allocation procedure allocates police state aid based on the full-time police officers that qualify the employing unit for receipt of police state aid. The direct deposit of police state aid in PERA-P&F to reduce that plan's unfunded actuarial accrued liability terminated in 1976.

e. Permissible Uses of Police State Aid

The initial enactment of police state aid in 1971 (Laws 1971, Chapter 695) required that the 20 percent of police state aid dedicated from the total be paid to the treasurer of the Public Employees Police and Fire Fund (PERA-P&F) for application against the PERA-P&F unfunded actuarial accrued liability and that the remainder of police state aid be paid to the treasurer of the local police relief association in cities of the first class and in cities of the second class if a local police relief association existed or to the municipal treasurer in cities of the third or fourth class or in cities of the first or second class if no local police relief association existed. The municipal treasurer in cities of the third or fourth class was required to transmit the police state aid to the local police relief association if one existed. For cities in which no local police relief association existed, the 1971 law was unclear for what purpose or purposes police state aid could be expended.

In 1976 (Laws 1976, Chapter 315), the uses of police state aid were more clearly delineated. For cities with local police relief associations, police state aid was required to be paid to the relief association treasurer and the treasurer was required to deposit the police state aid in the relief association special fund upon receipt. For counties and cities with police retirement coverage provided by PERA-P&F, the police state aid was required to be applied towards the employer's contribution to PERA-P&F. For cities with a combination of police retirement coverage of a local police relief association and PERA-P&F, the city was required to apply the total police state aid received towards its obligation to the local relief association, to apply the total police state aid received towards its PERA-P&F obligation, or to allocate the total police state aid received between the local police relief association obligation and the PERA-P&F obligation on the basis of the number of full-time police officers covered by each. In 1977 (Laws 1977, Chapter 429, Sections 4 through 9), for the circumstances where the police state aid exceeds the city or county PERA-P&F obligation when PERA-P&F is the total police pension coverage, a procedure for the collection of excess police state aid was created. Because of the guarantee to cities of no less police state aid than they received in 1975, which was added in 1976, and because of the relatively high per capita police state aid amount (\$1,610.00 in 1977, covering the full PERA-P&F employer contribution on a covered salary of \$13,496.67, when the average PERA-P&F covered salary for active members for fiscal year 1977 was \$14,171.45), it was clear that some employing units covered by PERA-P&F could receive total police state aid in an amount greater than the total PERA-P&F employer contribution for their police officers. It was decided by the Commission that the best way to handle this "excess" police state aid situation that was most consistent with the designated purpose of the police state aid program to provide financing for police pensions was to require that any excess amounts also be contributed to the PERA Police and Fire Fund. The excess police state aid was to be used to amortize the unfunded actuarial accrued liability of PERA-P&F. During the period 1977-1996, these could only be an excess police state aid amount if the individual police state aid amount exceeds the average salary of all police officers employed by the political subdivision who are covered by the PERA Police and Fire Fund. In 1987, when police state aid had grown to \$4,075.00 per police officer and the average police salary level below which excess police state aid is generated was \$33,958.33 (and the PERA-P&F average active member salary was \$28,766), 384 local governmental employing units (out of 479 entities receiving police state aid that year or 80.2 percent) returned excess police state aid to PERA-P&F, in a total amount of \$1,649,958.88.

In 1989 (Laws 1989, Chapter 319, Article 6), recognizing that PERA-P&F was essentially fully funded (with a funding ratio of 97.13 percent) and hence no longer needed the additional funding provided by excess police state aid (with a July 1, 1987 funding ratio of 104.00 percent and a July 1, 1988, funding ratio of 97.13 percent), the Legislature changed the disposition of excess police state aid and excess police

state aid was redirected to a special holding account in the Public Employees Retirement Association (PERA) and ultimate payment to the Public Employees Insurance Program (PEIP), administered by the Department of Employee Relations (DOER), to provide a subsidy for that then recently created medical and hospitalization insurance program for groupings of employees and retirees of smaller local governments. In 1994 (Laws 1994, Chapter 632, Article 3, Section 50,) the transfer of the excess police state aid amount to PEIP was discontinued, with \$1 million of any excess police state aid redirected to the then recently created Ambulance Personnel Longevity Award Program, and the balance of the excess police state aid redeposited in the State General Fund unless the Legislature creates and funds a statewide police stress reduction and remediation program, whereupon any appropriation for that program is to be deducted from the excess police state aid balance before the State General Fund cancellation. In 1995, a portion of the excess police state aid was redirected to fund the newly created additional amortization state aid program. In 1996 (Laws 1996, Chapter 390, Sections 26, 27, 28, 29, 30, 31, 35, 37, 38, and 41,) the Legislature revised the manner in which excess police state aid would be collected to shift the collection of excess police state aid from a post-distribution process to a pre-distribution process, with the amount of the determined excess police state aid subtracted from the police aid allocation before the aid is paid rather than re-collection after the aid is paid. Under the 1996 legislation, the excess police state aid determination used for municipalities and counties solely with PERA-P&F retirement coverage is extended to municipalities with a combination of PERA-P&F coverage and either free-standing local police relief association or local police consolidation account coverage and to the Metropolitan Airports Commission, with a combination of PERA-P&F coverage and Minneapolis Employees Retirement Fund (MERF) coverage.

In 1997 (Laws 1997, Chapter 233, Article 1, Sections 6 to 13, Laws 1977, Chapter 241, Article 1 and First Special Session Laws 1997, Chapter 5, Section 8), the 1996 excess police state aid collection procedure was further refined and corrected. Excess police state aid was clearly defined for all counties and cities receiving police state aid as any initial police state aid allocation amount in excess of that employing unit's police pension contribution requirement, and in 48 cities, additionally in excess of that employing unit's capped paid firefighter PERA-P&F pension contribution. The excess police state aid collection procedure was also adjusted to accommodate the inclusion of State Patrol Retirement Fund members.

The following sets forth the amount of excess police state aid 1977-2000, as reported by the Public Employees Retirement Association (PERA) or the Department of Revenue:

<u>Year</u>	<u>Total Police State Aid</u>	<u>Excess Police State Aid</u>	<u>Excess as Percentage of Total</u>
1977	\$ 8,601,025.61	\$ 314,036.48	3.65%
1978	10,269,283.14	462,390.67	4.50
1979	11,464,982.02	516,922.66	4.51
1980	12,826,038.31	674,867.34	5.26
1981	14,091,351.96	586,656.15	4.16
1982	14,663,614.00	409,941.49	2.80
1983	14,817,224.00	303,703.63	2.05
1984	15,242,120.00	693,560.10	4.55
1985	16,287,427.00	303,533.44	1.86
1986	19,091,379.58	569,332.54	2.98
1987	23,986,079.00	1,649,958.88	6.88
1988	26,074,381.00	1,895,177.80	7.27
1989	26,525,503.00	1,603,182.09	6.04
1990	27,399,401.00	1,840,063.51	6.72
1991	30,111,119.00	2,024,718.90	6.72
1992	31,950,032.00	2,300,738.45	7.20
1993	31,145,397.00	2,512,286.68	8.07
1994	36,210,413.00	2,508,669.12	6.93
1995	38,711,974.00	3,643,711.64	9.41
1996	47,499,045.00	8,239,744.00	17.35
1997	47,619,477.00	7,392,472.00	15.52
1998	47,581,510.00	4,434,031.00	9.32
1999	46,117,948.00	3,106,474.00	6.74
2000	51,085,005.00	5,164,417.00	10.11

Discussion

S.F. 1536 (Pogemiller); H.F. 1473 (Murphy) would permit American Indian Tribal governments exercising State arrest powers to receive police state aid allocations in 2001 and thereafter. In 2000 (Laws 2000, Chapter 461, Article 7, Section 2), American Indian Tribal police departments which exercise State arrest powers were permitted to include their police officers in the retirement coverage provided by the Public Employees Police and Fire Retirement Plan (PERA-P&F) once the department is recognized by the federal Internal Revenue Service as a state agency or instrumentality and once their employer contributions are contributions to a governmental pension plan. The 2000 police state aid amount was \$6,145.00 per police officer, which would cover the total PERA-P&F employer contribution up to an average police salary of \$66,075.

The proposed legislation raises various pension and related public policy issues for Commission consideration, as follows:

1. Appropriateness of Extending Police State Aid To American Indian Tribal Governments. The policy issue is the appropriateness of including the American Indian Tribal governments who exercise State arrest powers and are PERA-P&F participating employers [in future police state aid allocations], beginning with the 2001 allocation. The American Indian Tribal governments included in the authority, once their police officers are covered by PERA-P&F, currently are the Mille Lacs Band of Chippewa Indians, the Lower Sioux Indian Community, and the Fond du Lac Band of Lake Superior Chippewa. Additional tribal governments could qualify upon gaining State arrest powers under Minnesota Statutes, Section 626.93. The police state aid program provides a state funded subsidy of law enforcement employer pension costs. Unless the law enforcement pays an average salary of more than \$66,075 or employs a large number of part-time police officers, the police state aid pays the entirety of the PERA-P&F employer contribution. The police state aid program includes virtually all employers of police officers with public pension coverage in Minnesota. The chief exception would be the American Indian Tribal governments whose police officers gained PERA-P&F coverage in 2000.
2. Failure To Address The Police State Aid Question In 2000. The policy issue is the appropriateness of extending police state aid to American Indian Tribal governments with PERA-P&F-covered police officers when the proponents of the extension of PERA-P&F coverage to tribal police officers declined to address the issue during the 2000 Legislative Session. The Commission staff raised the question of potential eligibility for any potential future demands to receive police state aid as one of the major policy issues in connection with the 2000 legislation. The proponents declined to address the issue at that time. The Commission may wish to take testimony about what circumstances have changed for American Indian Tribal governments that results in the proposed extension of aid eligibility only one year later.
3. Dilution of Police State Aid Allocation Amount. The policy issue is the extent of the dilution in the amount of future police state aid allocations that will be caused by the proposed police state aid eligibility extension. Police state aid is allocated by dividing the total amount of police state aid by the total number of police officers who rendered full-time police services in the prior year. An increase in the number of police officers eligible for inclusion in the police state aid allocation, as provided in the proposed legislation, will reduce the amount of police state aid available to all employing units. The Commission should take testimony on the number of police officers employed by American Indian Tribal governments in Minnesota to gauge the dilution effect.
4. Appropriateness of the Proposed Accelerated Qualification For Police State Aid. The policy issue is the appropriateness of allowing American Indian Tribal governments to apply for Fiscal Year 2002 police state aid. Normally, eligible jurisdictions apply for police state aid on March 15 annually by certifying the number of months of service during the preceding calendar year rendered by full-time police officers with Minnesota public retirement plan coverage. PERA reports that no American Indian Tribal government has met the requirements for PERA-P&F coverage for its police officers during calendar year 2000. Consequently, no American Indian Tribal government can qualify for an October 1, 2001 police state aid payment because there are no past PERA-P&F police employer pension costs to reimburse American Indian Tribal governments for calendar year 2000. Section 2, thus, is likely to be unnecessary. Amendment LCPR-120 would delete that section as unnecessary.

Commission Staff Technical Amendment

Amendment LCPR00-117 corrects the eligibility language, making the change proposed for Minnesota Statutes, Section 69.011, Subdivision 1, paragraph (b), match the change proposed for paragraph (j) of the same section, restructures the enumeration of eligible aid recipients into a column, and clarifies that the pre-July 1, 2001 police officer certification means inclusion in the October, 2001, police state aid allocation.

1 M moves to amend S.F. No. 1536; H.F. No.
2 1473, as follows:

3 Page 1, delete lines 15 through 24 and insert:

4 "(b) "Municipality" means any:

5 (1) a home rule charter or statutory city;

6 (2) an organized town ~~or~~;

7 (3) a park district subject to chapter 398;

8 (4) the University of Minnesota~~;~~;

9 (5) for purposes of the fire state aid program only, an
10 American Indian tribal government entity located within a
11 federally recognized American Indian reservation~~;~~;

12 (6) for purposes of the police state aid program only, an
13 American Indian tribal government with a tribal police
14 department which exercises state arrest powers under section
15 626.90, 626.91, 626.92, or 629.93;

16 (7) for purposes of the police state aid program only, the
17 metropolitan airports commission~~;~~ with respect to peace officers
18 covered under chapter 422A~~;~~~~or~~; and

19 (8) for purposes of the police state aid program only, the
20 department of natural resources and the department of public
21 safety with respect to peace officers covered under chapter
22 352B."

23 Page 3, line 19, after "district" insert an underscored
24 coma

1 Page 3, line 25, delete "departments" and insert

2 "department"

3 Page 3, line 26, delete "exercising" and insert "which

4 exercises"

5 Page 3, line 27, after the third "the" insert "applicable"

6 Page 3, line 29, before "CERTIFICATION" insert "FISCAL YEAR

7 2002 POLICE STATE AID QUALIFICATION; PEACE OFFICER"

8 Page 3, line 30, before "certification" insert "the" and

9 before "section" insert "Minnesota Statutes,"

10 Page 3, line 31, after "2," insert "for purposes of the

11 police state aid distribution during fiscal year 2002, an

12 American Indian tribal governmental entity is eligible to

13 receive police state aid if"

14 Page 3, line 32, delete "may certify" and insert "certifies"

15 and after "of" insert "tribal government"

- 1 M moves to amend S.F. No. 1536; H.F. No.
- 2 1473, as follows:
- 3 Page 3, delete section 2
- 4 Renumber the sections in sequence
- 5 Correct internal crossreferences

Senators Pogemiller, Terwilliger and Stumpf introduced--

S.F. No. 1536: Referred to the Committee on State and Local Government Operations.

1 A bill for an act

2 relating to retirement; authorizing tribal police
3 departments exercising state arrest powers to receive
4 police state aid; amending Minnesota Statutes 2000,
5 section 69.011, subdivision 1.

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

7 Section 1. Minnesota Statutes 2000, section 69.011,
8 subdivision 1, is amended to read:

9 Subdivision 1. [DEFINITIONS.] Unless the language or
10 context clearly indicates that a different meaning is intended,
11 the following words and terms shall for the purposes of this
12 chapter and chapters 423, 423A, 424 and 424A have the meanings
13 ascribed to them:

14 (a) "Commissioner" means the commissioner of revenue.

15 (b) "Municipality" means any home rule charter or statutory
16 city, organized town or park district subject to chapter 398,
17 the University of Minnesota, ~~and, for purposes of the fire-state~~
18 ~~aid-program-only,~~ an American Indian tribal government entity
19 located within a federally recognized American Indian
20 reservation, and, for purposes of the police state aid program
21 only, the metropolitan airports commission, with respect to
22 peace officers covered under chapter 422A, or the department of
23 natural resources and the department of public safety with
24 respect to peace officers covered under chapter 352B.

25 (c) "Minnesota Firetown Premium Report" means a form

1 prescribed by the commissioner containing space for reporting by
2 insurers of fire, lightning, sprinkler leakage and extended
3 coverage premiums received upon risks located or to be performed
4 in this state less return premiums and dividends.

5 (d) "Firetown" means the area serviced by any municipality
6 having a qualified fire department or a qualified incorporated
7 fire department having a subsidiary volunteer firefighters'
8 relief association.

9 (e) "Market value" means latest available market value of
10 all property in a taxing jurisdiction, whether the property is
11 subject to taxation, or exempt from ad valorem taxation obtained
12 from information which appears on abstracts filed with the
13 commissioner of revenue or equalized by the state board of
14 equalization.

15 (f) "Minnesota Aid to Police Premium Report" means a form
16 prescribed by the commissioner for reporting by each fire and
17 casualty insurer of all premiums received upon direct business
18 received by it in this state, or by its agents for it, in cash
19 or otherwise, during the preceding calendar year, with reference
20 to insurance written for insuring against the perils contained
21 in auto insurance coverages as reported in the Minnesota
22 business schedule of the annual financial statement which each
23 insurer is required to file with the commissioner in accordance
24 with the governing laws or rules less return premiums and
25 dividends.

26 (g) "Peace officer" means any person:

27 (1) whose primary source of income derived from wages is
28 from direct employment by a municipality or county as a law
29 enforcement officer on a full-time basis of not less than 30
30 hours per week;

31 (2) who has been employed for a minimum of six months prior
32 to December 31 preceding the date of the current year's
33 certification under subdivision 2, clause (b);

34 (3) who is sworn to enforce the general criminal laws of
35 the state and local ordinances;

36 (4) who is licensed by the peace officers standards and

1 training board and is authorized to arrest with a warrant; and

2 (5) who is a member of a local police relief association to
3 which section 69.77 applies, the state patrol retirement plan,
4 the public employees police and fire fund, or the Minneapolis
5 employees retirement fund.

6 (h) "Full-time equivalent number of peace officers
7 providing contract service" means the integral or fractional
8 number of peace officers which would be necessary to provide the
9 contract service if all peace officers providing service were
10 employed on a full-time basis as defined by the employing unit
11 and the municipality receiving the contract service.

12 (i) "Retirement benefits other than a service pension"
13 means any disbursement authorized under section 424A.05,
14 subdivision 3, clauses (2), (3), and (4).

15 (j) "Municipal clerk, municipal clerk-treasurer, or county
16 auditor" means the person who was elected or appointed to the
17 specified position or, in the absence of the person, another
18 person who is designated by the applicable governing body. In a
19 park district the clerk is the secretary of the board of park
20 district commissioners. In the case of the University of
21 Minnesota, the clerk is that official designated by the board of
22 regents. For the metropolitan airports commission, the clerk is
23 the person designated by the commission. For the department of
24 natural resources or the department of public safety, the clerk
25 is the respective commissioner. For tribal police departments
26 exercising state arrest powers under section 626.90, 626.91,
27 626.92, or 626.93, the clerk is the person designated by the
28 American Indian tribal government.

29 Sec. 2. [CERTIFICATION.]

30 Notwithstanding certification deadlines in section 69.011,
31 subdivision 2, the clerk designated by the applicable American
32 Indian tribal government may certify the number of peace
33 officers to the commissioner of revenue prior to July 1, 2001.

34 Sec. 3. [EFFECTIVE DATE.]

35 Sections 1 and 2 are effective the day following final
36 enactment.