

1.2 ..... moves to amend S.F. No. ....; H.F. No. ...., Document LCPR10-005, as  
follows:

1.3 Page 4, delete section 4 and insert:

1.4 "Sec. 4. Minnesota Statutes 2008, section 352.965, subdivision 1, is amended to read:

1.6 Subdivision 1. **Establishment.** (a) The Minnesota ~~state~~ deferred compensation plan is  
established. For purposes of this section, "plan" means the Minnesota ~~state~~ deferred  
1.7 compensation plan, unless the context clearly indicates otherwise. The Minnesota State  
1.8 Retirement System shall administer the plan.

1.90 (b) The purpose of the plan is to provide a means for a public employee to contribute a  
1.11 portion of the employee's compensation to a tax-deferred investment account. The plan is  
an eligible tax-deferred compensation plan under section 457(b) of the Internal Revenue  
1.12 Code, United States Code, title 26, section 457(b), and the applicable regulations under  
1.13 Code of Federal Regulations, title 26, parts 1.457-3 to 1.457-10.

1.14 (c) The board of directors of the Minnesota State Retirement System is the plan trustee  
1.16 and plan sponsor. The board's executive director is the plan administrator. Fiduciary activities  
of the plan must be undertaken in a manner consistent with chapter 356A.

1.18 (d) The executive director, with the approval of the board of directors, shall adopt and  
1.19 amend, as required to maintain tax-qualified status, a written plan document specifying the  
1.20 material terms and conditions for eligibility, benefits, applicable limitations, and the time  
1.21 and form under which benefit distributions can be made. With the approval of the board of  
1.22 directors, the executive director may also establish policies and procedures necessary for  
the administration of the deferred compensation plan.

1.24 (e) The plan document shall include provisions that are necessary to cause the plan to  
1.25 be an eligible deferred compensation plan within the meaning of section 457(b) of the  
1.26 Internal Revenue Code. The plan document may provide additional administrative and  
1.27 substantive provisions consistent with state law, provided those provisions will not cause  
1.28 the plan to fail to be an eligible deferred compensation plan within the meaning of section  
1.29 457(b) of the Internal Revenue Code and may include provisions for certain optional features  
and services.

1.30 (f) The board of directors may authorize the executive director to establish and administer  
1.32 a Roth 457 plan if authorized by the Internal Revenue Code or a Roth individual retirement  
account as defined under section 408A of the Internal Revenue Code.

1.34 (g) All amounts contributed to the deferred compensation plan and all earnings on those  
1.35 amounts must be held in trust, in custodial accounts, or in qualifying annuity contracts for  
2.1 the exclusive benefit of the plan participants and beneficiaries, as required by section 457(g)  
2.2 of the Internal Revenue Code and in accordance with sections 356.001 and 356A.06,  
subdivision 1.

2.3 (h) The information and data maintained in the accounts of the participants and  
2.4 beneficiaries are private data and shall not be disclosed to anyone other than the participant  
2.5 or beneficiary pursuant to a court order or pursuant to section 356.49.

2.6 (i) The plan document is not subject to the rule adoption process under the Administrative  
2.8 Procedures Act, including section 14.386, but must conform with applicable federal and  
state laws.

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