

CHAPTER 1102—H. F. No. 2935

[Not Coded]

An act relating to employees of the city of St. Paul in the bureau of health; providing for membership in the bureau of health pension fund and the public employees retirement association.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. St. Paul, city of; bureau of health pension fund. Notwithstanding any provision to the contrary in Minnesota Statutes, Chapter 425, no person first employed in the bureau of health of the city of St. Paul after December 31, 1969, shall become a member of the pension fund established for employees in the bureau pursuant to chapter 425. In lieu of membership in the pension fund, all such persons shall be members of the public employees retirement association. They shall not be subject to chapter 425 or any other law relating to contributions to or benefits from the pension fund.

Sec. 2. The membership in the pension fund established pursuant to chapter 425 of a person who is employed in the bureau on December 31, 1969, and who has then served in the bureau less than ten years or who voted for social security coverage pursuant to section 6, shall be terminated as of that date. A person whose membership in the pension fund is terminated pursuant to this section shall become a member of the public employees retirement association as of January 1, 1970, and shall not thereafter be subject to chapter 425 or any other law relating to contributions to or benefits from the pension fund.

Sec. 3. A person who becomes a member of the public employees retirement association pursuant to section 2 may make payments in lieu of salary deductions to receive allowable service credit for a period not longer than his employment in the bureau after December 31, 1959, and before January 1, 1970. Such payments shall be made, and credit allowed, in the amounts and manner prescribed by Minnesota Statutes, Section 353.36. The city of St. Paul shall pay to the association the matching amounts required under section 353.36, subdivisions 2 and 7, clause (b), and shall reimburse the employee for the amount he has paid to the association pursuant to clause (a). These amounts shall be paid by the city from the proceeds of a tax levy made pursuant to Minnesota Statutes, Section 353.28, or from other funds available to the city. Minnesota Statutes, Section 353.36, Subdivision 10, shall not apply to the option provided by this section.

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Sec. 4. In accordance with section 218 (d) (6) (C) of the social security act, the employees in the bureau of health of the city of St. Paul are deemed to be covered by a separate retirement system.

Sec. 5. Pursuant to the provisions of Minnesota Statutes, Sections 355.01 to 355.07, the governor shall designate an agency or an individual designated to supervise a referendum in accordance with the provisions of section 218 (d) (6) (C) of the social security act for the employees identified in section 4.

Sec. 6. Subdivision 1. The notice of referendum required by section 218 (d) of the social security act which is to be given to the employees shall contain a statement in such form as the agency or individual designated to supervise the referendum shall deem necessary and sufficient to inform the employees of the rights which accrue to them under the social security act. The statement shall also inform the employees of the effect that coverage under the social security act will have on their public retirement program.

Subd. 2. In accordance with section 218 (d) (6) (C) of the social security act, the commissioner of administration shall divide the employees in the deemed separate retirement system into two divisions or parts. One division or part shall be composed of positions of members of such system who desire coverage under an agreement pursuant to sections 4 to 12. The other division or part of such retirement system shall be composed of positions of members of such system who do not desire coverage under such agreement. Each division or part shall be deemed to be a separate retirement system for the purposes of section 218 (d) of the social security act. There shall be included in such division or part composed of members desiring such coverage, the positions of individuals who become employees of the bureau of health after December 31, 1969, with the exception of positions of individuals which under the social security act may not be included in an agreement between the state and secretary of health, education, and welfare.

Sec. 7. If the governor receives satisfactory evidence that the conditions specified in section 218 (d) (7) of the social security act have been met he shall so certify to the secretary of health, education, and welfare.

Sec. 8. Upon such certification the commissioner of administration, with the approval of the governor, shall be authorized to enter into an agreement with the secretary of health, education, and welfare or modify any such agreement previously made with respect to

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the employment of state employees, public employees, and educational employees. The agreement or modification authorized hereunder shall take effect and apply to all employment performed after December 31, 1969, by the employees identified in section 4.

Sec. 9. Subdivision 1. With respect to services performed after December 31, 1969, the city of St. Paul shall be obligated to pay employer contributions with respect to wages earned by employees included in the agreement or modification in an amount equal to the employer taxes which would be imposed by the federal insurance contributions act if the services covered by the agreement or modification constituted employment within the meaning of the act. Contributions so made shall be paid into the contribution fund provided for in Minnesota Statutes, Sections 355.01 to 355.07.

Subd. 2. With respect to services performed after December 31, 1969, each employee included in the agreement or modification shall pay contributions with respect to wages and the same shall be deducted from his wages as and when paid in an amount equal to the employee tax which would be imposed by the federal insurance contributions act if the services covered by the agreement or modification constituted employment within the meaning of that act. Contributions so made shall be paid into the contribution fund provided for in Minnesota Statutes, Sections 355.01 to 355.07, in partial discharge of the liability of the state and city in respect thereto. Failure to deduct such contribution shall not relieve the employee, or the state or city, from liability therefor.

Sec. 10. The city of St. Paul shall reimburse the department of administration for its pro rata share of the cost of administration of the department in accordance with rules and regulations of the department. Such reimbursements shall be paid into the department's revolving fund.

Sec. 11. The city of St. Paul is hereby authorized and directed to pay its obligations under sections 4 to 12 from moneys collected from taxes or other revenue. The city may include in its tax levy the amount necessary to pay such obligations. If the taxes authorized to be levied under this section cause the total amount of taxes levied to exceed any limitation whatsoever upon the power of the city to levy taxes, the city may levy taxes in excess of the limitation in such amount as is necessary to meet its obligation. The expenditures authorized to be made shall not be included in computing the cost of government as defined in any charter. The governing body, for the purposes of meeting its obligations hereunder in the event of a deficit, may issue its obligations payable in not more than two years, in an amount

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which may cause its indebtedness to exceed any statutory or charter limitations without an election and may levy taxes to pay therefor in the manner provided in Minnesota Statutes, Section 475.61, and acts amendatory thereto.

Sec. 12. Delinquent payments under sections 4 to 12 with interest at the rate of six percent per annum may be recovered by action in a court of competent jurisdiction against the city or may at the request of the commissioner of administration be deducted from any other moneys payable to the city by any department or agency of the state.

Sec. 13. Notwithstanding any provision to the contrary in Minnesota Statutes, Chapter 425, effective with the payroll period commencing December 27, 1969, the commissioner of finance of the city of St. Paul shall deduct each month from the monthly pay of each member of the bureau of health pension fund a sum equal to six percent of the monthly pay and place the same to the credit of said bureau of health pension fund; provided, however, that such six percent shall not exceed six percent of the current maximum monthly salary of a health sanitarian in the employ of such bureau of health.

Sec. 14. Notwithstanding any provision to the contrary of Minnesota Statutes, Section 425.02, a unit, for purposes of determining the amount of any service, death, or disability benefit payable thereunder on account of retirement, death, or disability to a person who retired after the effective date of this act shall be one percent of the maximum monthly salary of a health sanitarian in the employment of the city of St. Paul on January 1, 1969.

Sec. 15. Notwithstanding any provision to the contrary of Minnesota Statutes, Section 425.02, a unit, for purposes of determining the amount of any service, death, or disability benefit payable thereunder on account of retirement, death, or disability to a person who retired before the effective date of this act shall be one percent of the maximum monthly salary of a health sanitarian in the employment of the city of St. Paul on January 1, 1969.

Sec. 16. In addition to the tax prescribed by Minnesota Statutes, Section 425.06, the city of St. Paul shall annually assess, levy, and collect a property tax which is sufficient to yield the amount, if any, by which the estimated benefits payable from the pension fund during the subsequent year exceeds the sum of the balance in the fund at the beginning of that year and other amounts which it is estimated are payable to the fund during that year.

Sec. 17. Upon the death of its last member, all of the assets

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of the pension fund shall be paid over to the city of St. Paul and the city shall assume liability for all the then existing debts of the fund.

Sec. 18. The provisions of this act shall be severable in accordance with Minnesota Statutes, Section 645.20.

Sec. 19. This act shall take effect upon its passage without the necessity of consent by the governing body of the city of St. Paul as provided by Minnesota Statutes, Section 645.021.

Approved June 6, 1969.

CHAPTER 1103—H. F. No. 2939

[Not Coded]

An act relating to the city of Saint Paul; authorizing a capital improvements program.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **St. Paul, city of; capital improvements.** Notwithstanding any provision of the charter of the city of Saint Paul, the council of said city shall have power by a resolution adopted by five affirmative votes of all of its members to authorize the issuance and sale of general obligation bonds of the city in an amount of \$4,500,000 for each calendar year for a two-year period commencing with the year 1970, for the payment of which the full faith and credit of the city is irrevocably pledged.

Sec. 2. The proceeds of all bonds issued pursuant to Section 1 hereof shall be used exclusively for the acquisition, construction, and repair of capital improvements. None of the proceeds of any bonds so issued shall be expended except upon projects which have been reviewed, and have received a priority rating, from a capital improvements committee consisting of at least seven members, of whom a majority shall not hold any paid office or position under the city of Saint Paul. The priorities and recommendations of such committee shall be purely advisory, and no buyer of any such bonds shall be required to see to the application of the proceeds.

Sec. 3. Bonds provided for by this act shall be issued and sold pursuant to the applicable provisions of Minnesota Statutes, Chapter 475; provided, however, that no issue or sale of bonds hereby authorized shall be required to be submitted to or approved by the electors of the city of Saint Paul.

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