

CHAPTER 443—H. F. No. 2127

[Not Coded]

An act relating to the firemen's relief association in the city of Saint Paul; amending Laws 1955, Chapter 375, Sections 12 and 13, as amended, and Sections 17 and 30.

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

Section 1. Laws 1955, Chapter 375, Section 12, as amended by Laws 1957, Chapter 256, Section 1, and Laws 1967, Chapter 708, Section 1, is amended to read:

Sec. 12. **St. Paul, city of; firemen's relief association; tax levy.** The city council or other governing body of such city wherein such a relief association is located shall, each year, at the time the tax levies for the support of the city are made, and in addition thereto levy a tax of ~~two and one half mills on all taxable property within said city~~ *on all taxable property within the city of Saint Paul in an amount which is the greater of (a) or (b) but not greater than (c) where*

(a) *is the benefits to be paid from the plan in the ensuing calendar year (all other income will be added to the assets as a net increase in such assets), and*

(b) *is the "Adjusted Normal Cost" for the ensuing calendar year less all other income other than investment income during the ensuing calendar year where the term "Adjusted Normal Cost" is defined as the Normal Cost figure indicated in the most recent actuarial report required by law increased or decreased by the same ratio as participating (covered) payroll has increased or decreased since the date of the most recent actuarial report required by law, plus interest on the actual deficit as shown by the most recent actuarial valuation at the rate of three percent per annum, and*

(c) *is an amount not greater than four and one half mills in the year 1969 and an additional one mill each year thereafter unless a greater amount is required by the Police and Firemen's Relief Associations Guidelines Act of 1969.*

The results of (a), (b) and (c) above will be adjusted so as to reflect any differences between estimates for prior calendar years and actual circumstances during such prior calendar years.

The tax so levied under the provisions of this section shall be levied in the same manner as the city levies other taxes, and the proceeds of this tax shall be paid into the St. Paul Fire Department Re-

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relief Association's pension fund. The tax levy authorized by this section shall not be considered a part of the tax levy under any limitation in the charter of the city or state statute, but shall be in addition to any existing charter or statutory tax levy limitation.

The tax so levied shall be transmitted with other tax levies to the auditor of the county in which such city is situated, and by said county shall be collected and payment thereof enforced when and in like manner as state and county taxes are paid.

Said relief association may deposit all funds available for investment with any bank or savings and loan association in Saint Paul in the form of time deposits or with the state board of investment for the purchase of shares of participation in the Supplemental Retirement Fund or any similar fund created by the legislature for fire and police pension investment purposes. At the determination of the board of trustees of the association, up to 20 percent of the funds deposited with the state board of investment may be invested in the Growth Share Account, with the remainder to be invested in the Income Share Account. Such shares shall be credited to the account of and owned by the Saint Paul fire department relief association and not to the account of any individual employee.

Sec. 2. Laws 1955, Chapter 375, Section 13, as amended by Laws 1967, Chapter 708, Section 2, is amended to read:

Sec. 13. **Deductions from payrolls.** In addition to the moneys in the special and general fund of said association, or provided to be raised therefor under existing laws for the payment of pensions and other benefits, revenues from the following sources shall be paid to said special and general fund:

(1) It shall be the duty of the city clerk, treasurer, or other disbursing officer of such city to deduct each month from the monthly pay of each member of the relief association, a sum equal to ~~four and one half percent of the said monthly pay, but not to exceed four and one half percent~~ *five and one half percent* of the basic monthly pay of a first grade fireman *during payroll periods commencing after December 27, 1969, and six percent of such pay during payroll periods ending on and after January 1, 1971,* and pay the same to the treasurer of the relief association for credit to the special fund of said association.

(2) It shall be the duty of the city clerk, treasurer, or other disbursing officer of such city to deduct each month from the monthly pay of each member of the relief association, a sum equal to one half

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of one percent of the said monthly pay, but not to exceed one half of one percent of the basic monthly pay of a first grade fireman, and pay the same to the treasurer of the relief association for credit in the general fund of said association.

Sec. 3. Laws 1955, Chapter 375, Section 30, is amended to read:

Sec. 30. **Surcharge on premiums.** ~~When the balance in the special fund of such fireman's relief association in such city of the first class is less than \$600,000, as determined by the association's board of trustees; which fact shall be duly certified to by the public examiner; the board of trustees may thereupon file its duly verified petition for relief, accompanied by such certificate, with the commissioner. The commissioner of insurance shall thereupon order and direct a surcharge to be collected of two percent of the fire, lightning, and sprinkler leakage gross premiums, less return premiums, on all direct business received by any foreign or domestic fire insurance company on property in this the city of the first class, or by its agents for it, in cash or otherwise; . until the balance in the special fund of the relief association amounts to \$600,000 and for a period of 15 days thereafter. As soon as the balance in this special fund amounts to \$600,000 the board of trustees of the relief association shall certify that fact to the commissioner who shall forthwith issue his order directing that the collection of the surcharge be discontinued after the expiration of the 15 day period and forthwith mail a copy of this order to each insurance company affected thereby. This surcharge shall be due and payable from these companies to the state treasurer, in semi-annual installments, on June 30th and December 31st of each calendar year, and if not paid within 30 days after these dates, a penalty of ten percent shall accrue thereon and thereafter this sum and penalty shall draw interest at the rate of one percent per month until paid.~~

Sec. 4. *Section 2 applies to payroll periods commencing on and after December 27, 1969.*

Sec. 5. Laws 1955, Chapter 375, Section 17, is amended to read:

Sec. 17. **Disbursements from separate funds.** The amounts so paid to a relief association by the state and the city under the provisions of sections 1 to 29, and by it set aside and deposited as a special fund, shall be appropriated and disbursed by the association for the following purposes:

(1) For the relief of sick, injured and disabled members of the relief association, their widows and orphans; ~~and~~

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(2) For the payment of disability and service pensions to members of the relief association; *and;*

(3) *For the administration expenses of the fund.*

Sec. 6. *No provision of this act shall be construed as reducing the amount or rate of contribution to the association by the municipality or a member of the association from such minimum contributions as are prescribed by the Police and Firemen's Relief Associations Guidelines Act of 1969. Notwithstanding the provisions of this or any other act, the association and the municipality and the officers of each are authorized to do all things required by the Guidelines Act as conditions for the contribution of public funds or the levy of taxes for the support of the association.*

Sec. 7. *This act is effective upon its approval by the governing body of the city of St. Paul and compliance with Minnesota Statutes, Section 645.021.*

Approved May 15, 1969:

CHAPTER 444—H. F. No. 2150

[Not Coded]

An act relating to the town of Eagan; providing an election by the electors of the town of Eagan to determine whether to change the form of government of the town of Eagan to a home rule charter city; and granting the town of Eagan power to become a city.

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

Section 1. **Eagan, town of; election; incorporation as city.** The board of supervisors of the town of Eagan of Dakota county, is hereby authorized to request the Minnesota Municipal Commission to determine the appropriateness of incorporating the town of Eagan as a home rule charter city or remaining a town. Such determination shall be made by the Minnesota Municipal Commission so far as is practical in accordance with the provisions of Minnesota Statutes, Section 414.02, governing incorporation of a village.

Sec. 2. If the Minnesota Municipal Commission determines that it is appropriate that the town of Eagan incorporate as a home

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