

*provided further that not in excess of 15 per cent of the assets of the association shall be so invested.*

Approved April 25, 1955.

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CHAPTER 810—S. F. No. 1296

[Coded]

*An act granting county boards certain regulatory powers.*

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

Section 1. [375.193] **Retail vendors of soft drinks, licenses.** There is hereby conferred upon each county board the authority, by resolution or ordinance, to license or regulate the business of vendors at retail of soft drinks and other non-alcoholic beverages located outside the limits of any municipality. The board may impose a reasonable license fee therefor and suspend or revoke such license for any violation of such ordinance or resolution or of Minnesota Statutes 1953, Chapter 340.

Approved April 25, 1955.

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CHAPTER 811—S. F. No. 1299

*An act relating to improvements and special assessments and the issuance of obligations and the administration of funds therefor in any city of the second, third, or fourth class, village, or borough, and certain towns; amending Minnesota Statutes 1953, Section 429.031, Subdivision 1, Section 429.061, Subdivision 3, Section 429.091, Subdivisions 1, 3 and 4, Section 429.101, Subdivision 1, Section 429.111, and Section 475.61, Subdivision 1.*

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

Section 1. Minnesota Statutes 1953, Section 429.031, Subdivision 1, is amended to read:

429.031 **Preliminary plans, hearings.** Subdivision 1. **Preparation of plans, notice of hearing.** Before a contract is let or work ordered by day labor for an improvement, the council shall hold a public hearing on the proposed improvement following two publications in the newspaper of a notice stating the time and place of the hearing, the general nature

of the improvement, the estimated cost, *and* the area proposed to be assessed. The two publications shall be a week apart and the hearing *shall be at least three days after the last publication*. Prior to the adoption of the resolution providing for the hearing, the council shall secure from the city or village engineer or some competent person of its selection a report advising it in a preliminary way as to whether the proposed improvement is feasible and as to whether it should best be made as proposed or in connection with some other improvement and the estimated cost of the improvement as recommended. The council may also take such other steps prior to the hearing, including, among other things, the preparation of plans and specifications and the advertisement for bids thereon, as will in its judgment provide helpful information in determining the desirability and feasibility of the improvement. The hearing may be adjourned from time to time and a resolution ordering the improvement may be adopted at any time within six months after the date of the hearing by vote of a majority of all members of the council when the improvement has been petitioned for by the owners of not less than 35 percent in frontage of the real property abutting on *the streets* named in the petition as the location of the improvement. When there has been no such petition, the resolution may be adopted only by vote of four-fifths of all members of the council. The resolution ordering the improvement may reduce, but not increase, the extent of the improvement as stated in the notice of hearing.

Sec. 2. Minnesota Statutes 1953, Section 429.061, Subdivision 3, is amended to read:

Subd. 3. **Transmitted to auditor, prepayment.** After the adoption of the assessment, the clerk shall transmit a certificate duplicate of the assessment roll with each instalment, including interest, set forth separately to the county auditor of the county to be extended on the proper tax lists of the county; *but in lieu of such certification, the council may in its discretion direct the clerk to file all assessment rolls in his office and to certify annually to the county auditor, on or before October 10 in each year, the total amount of instalments of and interest on assessments on each parcel of land in the municipality which are to become due in the following year. If any instalment and interest has not been so certified prior to the year when it is due, the clerk shall forthwith certify the same to the county auditor for collection in the then succeeding year; and if the municipality has issued improvement warrants to finance the improvement, it shall pay out of its general funds into the fund of the improvement interest on the then unpaid balance of the assessment for the year or years*

during which the collection of such instalment is postponed. All assessments and interest thereon shall be collected and paid over in the same manner as other municipal taxes. The owner of any property so assessed may, at any time prior to certification of the assessment or the first instalment thereof to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the municipal treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption thereof; and, except as hereinafter provided, he may at any time thereafter pay to the county treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. If the assessment roll is retained by the municipal clerk, the instalment and interest in process of collection on the current tax list shall be paid to the county treasurer and the remaining principal balance of the assessment, if paid, shall be paid to the municipal treasurer.

Sec. 3. Minnesota Statutes 1953, Section 429.091, Subdivision 1, is amended to read:

**429.091 Financing. Subdivision 1. Expense of improvement, obligations issued.** At any time after a contract for the construction of all or part of an improvement has been entered into or the work has been ordered done without a contract as authorized in section 429.041, the council may issue obligations in such amount as it deems necessary to defray in whole or in part the expense incurred and estimated to be incurred in making an improvement, including every item of cost from inception to completion and all fees and expenses incurred in connection with the improvement or the financing thereof. More than one improvement may be financed by a single issue of obligations without other consolidation of the proceedings.

Sec. 4. Minnesota Statutes 1953, Section 429.091, Subdivision 3, is amended to read:

**Subd. 3. Obligations, issuance.** All obligations shall be issued in accordance with the provisions of Minnesota Statutes, Chapter 475, except that an election shall be required for bonds if less than 20 percent of the cost of the improvement to the municipality is to be assessed against benefited property. The maturities shall be such as in the opinion of the council are warranted by the anticipated collections of assessments and ad valorem levies for the municipality's share of the cost. All obligations shall state upon their face the purpose of the issue and the fund from which they are payable.

The amount of any such obligations shall not be included in determining the net indebtedness of any municipality under the provisions of any applicable law.

Sec. 5. Minnesota Statutes 1953, Section 429.091, Subdivision 4, is amended to read:

Subd. 4. **Funds.** A separate fund shall be provided for each improvement. The proceeds from the sale of *any* obligations *issued* and from collections of special assessments and taxes levied for the improvement and any other moneys appropriated thereto by the municipality shall be paid to such fund, and it shall be used solely to defray expenses of the improvement and payment of principal and interest due upon the obligations *until completion and payment of all costs of the improvement. Thereupon the fund may be discontinued, and any balance of the proceeds of bonds remaining therein may be transferred by the council to the fund of any other improvement instituted pursuant to this chapter. All moneys not so transferred and all subsequent collections of special assessments and taxes levied for the improvement shall be credited and paid into a separate sinking fund created for the obligations issued to finance the improvement, as provided in Minnesota Statutes, Section 475.61, or to the general fund if no such obligations have been issued.*

Sec. 6. Minnesota Statutes 1953, Section 429.101, Subdivision 1, is amended to read:

**429.101 Service charges, a special assessment against benefited property. Subdivision 1. Ordinances.** In addition to any other method authorized by law or charter, the council of any municipality may provide for the collection of unpaid special charges for all or any part of the cost of snow, ice, or rubbish removal from sidewalks, weed elimination from streets or private property, street sprinkling or other dust treatment of streets, *the trimming and care of trees and the removal of unsound trees from any street,* or the repair of sidewalks as a special assessment against the property benefited. The council may by ordinance adopt regulations consistent with this section to make this authority effective, including, at the option of the council, provisions for placing primary responsibility upon the property owner or occupant to do the work himself (except in the case of street sprinkling or other dust treatment, *tree trimming, care, and removal*), for notice before the work is undertaken, and for collection from the property owner or other person served of the charges when due before unpaid charges are made a special assessment.

Sec. 7. Minnesota Statutes 1953, Section 429.111, is amended to read:

**429.111 Charter provisions, effect.** Any city of the second class operating under special legislative charter *and any municipality operating under a home rule charter may proceed either under this chapter or under its charter in making an improvement unless a home rule charter or amendment adopted after April 17, 1953, provides for making such improvement under this chapter or under the charter exclusively.*

Sec. 8. Minnesota Statutes 1953, Section 475.61, Subdivision 1, is amended to read:

**475.61 Tax levies.** Subdivision 1. The governing body of any municipality issuing general obligations shall, prior to delivery of the obligations, levy by resolution a direct general ad valorem tax upon all taxable property in the municipality to be spread upon the tax rolls for each year of the term of the obligations. The tax levies for all years shall be specified and such that if collected in full they, together with estimated collections of special assessments and other revenues pledged for the payment of said obligations, will produce at least 5 percent in excess of the amounts needed to meet when due the principal and interest payments on the obligations. Such resolution shall create a separate sinking fund or a special account in the municipality's regular sinking fund for each issue of obligations, and shall irrevocably appropriate the taxes so levied and any special assessments or other revenues so pledged to that fund or account; *but a common sinking fund may be created for two or more successive issues of improvement bonds issued in accordance with Minnesota Statutes, Chapter 429.*

Approved April 25, 1955.

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#### CHAPTER 812—S. F. No. 1347

*An act relating to the subpoena of nonresident witnesses in criminal cases and grand jury investigations and summoning of witnesses in this state testifying in another state; amending Minnesota Statutes 1953, Sections 634.06, 634.07 and 634.08.*

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

Section 1. Minnesota Statutes 1953, Section 634.06, is amended to read: