

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

Section 1. Disposition of gasoline tax in certain cases.—That in any county of this state now or hereafter having an assessed valuation not to exceed \$16,000,000 and a population of not to exceed 36,000 inhabitants, the County Board of any such county may appropriate and pay, as hereinafter provided, out of any such county's annual share or allotment of the excise tax on gasoline, to any city or village in any such county having within its corporate limits a public bridge crossing a navigable river, an amount not to exceed 10% of any such county's annual share of said gasoline tax allotment. Such annual appropriation as hereinbefore provided, shall be made only for the purpose of retiring and paying serial bonds and interest due annually, issued by any such city or village prior to February 1st, 1919, to pay for the construction of any such bridge. Provided, however, that the total principal amount of said existing unpaid bonds issued for such purpose does not exceed the sum of \$25,000.

Sec. 2. This Act shall take effect and be in force from and after its passage.

Approved April 25, 1935.

CHAPTER 300—S. F. No. 1447

An act relating to real estate taxes and tax proceedings and defenses thereto.

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

Section 1. Answers in tax proceedings.—Any person having any estate, right, title or interest in or lien upon any parcel of land who claims that such property has been partially, unfairly or unequally assessed, or that such parcel has been assessed at a valuation greater than its real or actual value, or that the tax levied against the same is illegal, in whole or in part, or has been paid, or that the property is exempt from the tax so levied, may have the validity of his claim, defense or objection determined by the district court of the county in which the tax is levied by serving copies of a petition for such determination upon the county auditor, county treasurer and the county attorney and filing the same, with proof of such service, in the office of the clerk of the district court on or before the first day of June of the year in which such tax becomes payable.

Sec. 2. Form of answer or petition.—Such petition need not be in any particular form, but shall clearly identify the land involved and shall set forth in concise language the claim, defense or objection asserted. Several parcels of land in or upon which the petitioner has an estate, right, title, interest or lien may be included in the same petition.

Sec. 3. Must pay fifty per cent of taxes—Exceptions.—Before filing such petition, and as a condition precedent thereto, the petitioner shall pay to the county treasurer at least 50 per cent of the tax levied for said year against the property involved, unless permission to file such petition without such payment is obtained as herein provided. The petitioner, upon ten days' notice to the county attorney and to the county auditor, may apply to the court for permission to file said petition without such payment, and if it is made to appear (1) that the proposed review is to be taken in good faith; (2) that there is probable cause to believe that the property may be held exempt from the tax levied or that the tax may be determined to be less than 50 per cent of the amount levied, and (3) that it would work a hardship upon petitioner to pay 50 per cent of such taxes, the court may permit the petition to be filed without such payment, or may fix a lesser amount to be paid as a condition precedent to the right to file the same.

Sec. 4. Treasurer must stamp tax lists.—Upon the filing of such petition the treasurer shall write or stamp opposite the description of such parcel on the tax list the notation "Petition for review filed" and such parcel shall not be included in the delinquent tax list for said year.

Sec. 5. Trial of issues.—Such petition, without any answer, return or other pleading thereto, shall stand for trial at any general term in session when the same is filed, or if the court be not then in session, then at the next general or special term appointed to be held in said county; and if no such term be appointed to be held within 30 days thereafter, then the same shall be brought to trial at any general term appointed to be held within the judicial district upon ten days' notice. The county attorney of the county in which said taxes are levied shall take charge of and prosecute such proceedings, but the county board may employ any other attorney to assist him. At the term at which such petition comes on for trial it shall take precedence of all other business before the court. The court shall without delay summarily hear and determine the claims, objections or defenses made by said petition and shall direct judgment accordingly, and in the trial thereof shall dis-

regard all technicalities and matters of form not affecting the substantial merits.

Sec. 6. Other statutes to apply.—Mason's Minnesota Statutes of 1927, Sections 2119, 2120, 2122, 2124, 2125 and 2126, shall apply insofar as the same are applicable thereto, except as herein otherwise provided. References in said sections to "answers" shall be understood as referring to petitions, and references to the "delinquent list" or "list" as referring to the tax list filed with the county treasurer.

Sec. 7. Judgment—Penalty—Interest.—Judgment shall be for the amount of the taxes for the year as the court shall determine the same, less the amount paid thereon, if any. If the tax is sustained in the full amount levied, costs and disbursements shall be taxed and allowed as in delinquent tax proceedings and shall be included in the judgment. If the tax so determined shall be less than the amount thereof as levied, the court may in its discretion award disbursements to the petitioner, which shall be taxed and allowed and be deducted from the amount of the taxes as determined. If there be no judgment for taxes, a judgment may be entered determining the right of the parties and for the costs and disbursements as taxed and allowed.

Sec. 8. Penalties and interest.—If the tax be sustained in full as levied, the judgment shall include any penalties and/or interest which have then accrued thereon for failure to pay the same, or any part thereof, at the time required by law. If the tax be reduced, no penalties and/or interest shall be included in the judgment because of the failure to pay such reduced tax prior to the entry thereof. Such judgment shall be subject to such interest and/or penalties as would under the law attach to the tax embraced therein after the entry thereof.

Sec. 9. Certified copies to Auditor and Treasurer.—Upon entry of judgment a certified copy thereof shall be delivered to the auditor and to the treasurer if the tax list be still in the treasurer's possession, who shall correct the tax list and assessment rolls in accordance with the judgment, writing or stamping opposite such parcel in the tax list a notation "Judgment entered" and the date thereof.

Sec. 10. To be entered in judgment book.—If such judgment has not then been paid, the auditor shall enter the same in the certified copy of the real estate tax judgment book received by him pursuant to Mason's Minnesota Statutes of 1927, Section 2124, for the year for which such taxes were levied with the same effect as if judgment had been entered

in said proceedings, adding thereto any interest and/or penalties that have accrued to the date of such entry, and in the event such judgment shall be entered subsequent to the publication of the notice of sale of said taxes on such delinquent list, the same shall be immediately advertised and sold.

Sec. 11. May pay full tax.—Where a petition has been filed as herein provided, the taxes levied or any balance thereof may be paid without such payment waiving any of the claims, defenses or objections set forth in such petition and such proceeding shall continue as if such payment had not been made.

Sec. 12. Refunds of over-payment.—If upon final determination the petitioner has paid more than the amount so determined to be due, judgment shall be entered in favor of said petitioner for such excess, and upon filing a copy thereof with the county auditor he shall forthwith draw a warrant upon the county treasurer for the payment thereof provided that, with the consent of the petitioner, the county auditor may, in lieu of drawing such warrant, issue to the petitioner a certificate stating the amount of such judgment, which amount may be used to apply upon any taxes due or to become due for the taxing district or districts whose taxes or assessments are reduced (or their successors in the event that a reorganization or reincorporation of any such taxing district). In the event the auditor shall issue a warrant for refund or certificates as hereinbefore provided he shall charge the amount thereof to the state and other taxing districts in proportion to the amount of their respective taxes included in said levy and deduct the same in the subsequent distribution of any tax proceeds to the state or such taxing districts, and upon receiving any such certificate in payment of other taxes, the amount thereof shall be distributed to the state and other taxing districts in proportion to the amount of their respective taxes included in said levy provided that if in said judgment the levy of one or more of said districts be found to be illegal, to the extent that the tax so levied is reduced on account of said illegal levies, the amount to be charged back as aforesaid shall be charged to said districts and the amount thereof deducted from any distributions thereafter made to them.

Sec. 13. Judgment to be final.—The judgment entered in such proceedings, except for the right of review on appeal, shall be final and conclusive as to the taxes involved therein. No defense or objection which might have been interposed by proceedings hereunder shall be interposed in delinquent tax proceeding except the defense that the taxes levied have been paid or that the property is exempt from the taxes so levied.

Sec. 14. **Effective January 1, 1936.**—This act shall not become effective until January 1, 1936, and shall not affect any delinquent tax proceeding then pending.

Approved April 25, 1935.

CHAPTER 301—H. F. No. 1376

An act to amend Laws 1931, Chapter 406, Section 12, relating to the teachers' retirement fund.

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

Section 1. **Board to certify to State Auditor.**—Laws 1931, Chapter 406, Section 12, is hereby amended so as to read as follows:

"Sec. 12. The board shall from time to time determine the amount of money necessary and presently needed to meet the state's obligations as in this act provided, and shall certify the amount so determined to the state auditor. In so certifying the board shall certify separately the amount required to pay annuities to annuitants whose accredited teaching service was rendered for and in behalf of the state at large, together with the amount necessary to meet any operating cost for which the state is liable, and the amount required to pay annuities to annuitants whose accredited teaching service was rendered for and in behalf of the schools and institutions located outside of the cities of the first class. In case any annuitant has rendered accredited teaching service in part for the state at large and in part for the schools and institutions located outside of said cities of the first class, the amount certified for the payment of her annuity shall be pro-rated on the basis of the respective amounts contributed by such annuitant to her teachers' savings while rendering such respective teaching service.

The auditor is hereby directed to include in each annual state tax levy the amount or amounts so certified and not included in a previous levy, which amount or amounts are hereby annually levied against the taxable property of the state as herein further provided; provided, however, that the levy against the taxable property outside of cities of the first class shall not in any year exceed *the sum of \$250,000*. In certifying the rate to the several county auditors, the state auditor shall certify, subject to the maximum levy hereinbefore prescribed, the amount required for annuities for teaching service