

CHAPTER 544—S. F. No. 967.

An act authorizing the governing body of any city of the first class having a population of not less than 250,000 and an area of not less than 50 square miles, and which city operates under a home rule charter adopted pursuant to Section 36, Article IV of the Constitution of the State of Minnesota, and which home rule charter provides for a commission form of government to create, upon petition of the owners of not less than 60% of the total assessed valuation of all of the real estate in a limited area comprising substantially all of the general business district of said city, a public body authorized to inaugurate and conduct certain public improvements and activities within such area and to issue bonds, borrow money and levy taxes for the same.

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

Section 1. Central business district authority created.—In any city of the first class having a population of not less than 250,000 and an area of not less than 50 square miles operating under a home rule charter adopted pursuant to Section 36, Article IV of the Constitution of the State of Minnesota, and which home rule charter provides for a commission form of city government, the owners of not less than 60% of the total assessed valuation of all of the real estate within the proposed district, which district shall comprise substantially all of the property within the central business district of said city, excluding from said total assessed valuation all property owned by the United States, the State of Minnesota, a municipality, or the county within which such district is proposed to be created, may, by petition as more particularly hereinafter provided for, addressed to the governing body of said city, request said governing body to, by ordinance, create for said district a public improvement body, as is hereinafter described to be known as the “(Name of City) Central Business District Authority” with the powers and duties more specifically hereinafter provided; and, if the petition is in proper form and is signed by the required number of petitioners and in every other respect complies with the requirements of this Act, the said governing body may, if it considers such authority to be advantageous to the proposed district and the City by ordinance create such body. If, in the opinion of the governing body the district proposed by such petition included either more or less territory than should be within the meaning of this Act, included therein, the said governing body shall, by resolution, direct the return to the petitioners of the petition and shall by such resolution fix the boundaries of any such proposed district. The petitioners may then amend the petition, obtaining signatures to such amended petition, resubmitting the same to the governing body.

Sec. 2. Form of petition.—The petition shall be in substantially the following form:

“To (Name of Governing Body) of the (Name of City):

The undersigned, owners of real property within the area of your city bounded as follows (description of outside limits of proposed district) and which district comprises substantially all of the closely built up and central business section of your city, hereby petition you to, by ordinance, create of said district a separate and distinct Improvement District within your city to be known as the “(Name of City) Central Business District Authority” with the powers, duties and authority given to such District Authority by Chapter (Number) Laws of Minnesota for 1943.

We each certify that we individually own in whole or in part the real estate, the legal description of which is set out opposite our name, or, in the case of a corporation ownership, that we hold the office herein named and that we signed as such officer pursuant to authority duly granted and vested in us by the act of the Board of Directors of such corporation.

Name	Date of Signature	Percentage of Ownership	Legal Descrip- tion of Real Estate	Current Assess- ed Valuation
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The petition when completed shall be handed to the Clerk of said City and shall be by him presented to the governing body at its next session.

Tax forfeited land, or land deeded to the State in anticipation of tax forfeiture, which may be needed by such Authority in the furtherance of any public improvement shall be upon application conveyed by the proper state officers without cost to such Authority. Any city in which an authority is created pursuant to the terms of this Act may sell or lease land owned by it to such Authority so created on such terms as the said city may deem proper.

Sec. 3. To be governed by board of trustees.—Such “Central Business District Authority” shall be managed, governed and controlled by the following Board of nine Trustees:

Subdivision 1. The Mayor of said city who shall be chairman.

Subdivision 2. The elective officer of such city who is charged with the duties of auditing the finances of said city.

Subdivision 3. The Commissioner of said city who is charged with the duties of designing and supervising the construction of

the public improvements of said city having to do with streets, sidewalks, sewers, bridges, and allied public work.

The above named shall be members of the governing body of said Authority by reason of their positions in the city government and shall hold their positions for so long as, they hold such positions in the city government. The treasurer of such Authority who shall not be a member of the Board of Trustees shall be the elective officer of said city having charge of its finances and shall deposit with the chairman of such Authority a certificate of endorsement to his official city surety bond guaranteeing the faithful performance of his duties as treasurer of the Authority and the faithful accounting of all moneys coming into his hands as such treasurer. All moneys received by such treasurer for and on behalf of such authority shall be expended only for the uses and purposes authorized by this act. The accounts of such treasurer shall be audited annually by the public examiner of the State.

Subdivision 4. Six registered voters of the city in which such District is located, other than elective officers, who shall be appointed by the Mayor subject to ratification by the governing body of said city and who shall serve without compensation. The Mayor, in the appointment of these members, shall consider and have in mind the general welfare of the District and the amount of real property or size of the business interests in such District owned or represented by such members. Two of the six trustees so appointed shall serve for four years, two for five years, and two for six years; but their successors, when appointed and ratified, shall hold office for a term of four years. Any Trustee who shall for any reason cease to be a resident and voter of said city shall immediately become disqualified to continue holding his office as such Trustee, and the Mayor shall immediately declare his office vacant and proceed to the appointment of another qualified person to serve out the balance of the term of such member. The Mayor may remove, with the approval of the governing body of the City, any appointed Trustee who shall be guilty of non-feasance, misfeasance, or malfeasance in the performance of his duties as such Trustee.

Before taking office as Trustee, each Trustee shall take and file with the City Clerk of such City the oath of office required for all public officials in this State.

Sec. 4. **Meetings—officers.**—Following the appointment and confirmation of the Trustees, the Chairman shall call the first meeting, to be known as the organization meeting, of such Trustees at a meeting place in the City Hall of said City. At this meeting the Trustees shall elect a vice chairman and shall appoint and em-

ploy a secretary who need not be a member of the Board and shall adopt a seal, which seal shall be affixed to all contracts and bonds of such Authority. Following the first meeting of such Trustees any seven members shall constitute a quorum to transact business. The Trustees shall by resolution provide for regular monthly meetings of such Trustees but may call such other special meetings as they deem necessary for the proper carrying on of the business of such "Authority."

Upon the election of the vice chairman and secretary by the Trustees the organization of the "(Name of City) Central Business District Authority" shall be complete, and the Board of Trustees of such authority shall be charged with the duties and responsibilities hereinafter in this Act provided.

Sec. 5. Rights and powers.—Upon the creation of the "(Name of City) Central Business District Authority" such authority, acting by and through its Board of Trustees, shall have the right, power and authority to:

Subdivision 1. To acquire, build, own and operate, either directly or indirectly, by contract, lease or license, public waiting rooms, transfer centers, vehicle and transportation terminals, public accommodations, and vehicle parking stations and parking facilities, either within or without such district, including a transportation system as a coordinate part of such parking stations and parking facilities, and to regulate and control the same, fixing the fares, routes, services and charges to be made or rendered by such facility. It shall not be necessary for the authority to obtain a permit or license from the city in which it is located nor a certificate of convenience and necessity from the Railroad and Warehouse Commission after exercising the powers granted by this Act, but no transportation system mentioned or permitted by this Act may be maintained or operated beyond the limits of an area included within a square, the sides of which are one-half mile in length.

Subdivision 2. To enter into contracts for the construction of the public improvements and for the operation of public facilities provided for by this Act under the procedure and subject to the limitations fixed by the Charter of said City for similar contracts of said City.

Subdivision 3. To acquire all personal properties necessary to carry on the powers and perform the works herein specifically granted.

Subdivision 4. To acquire and take real and personal property by purchase, gift, devise, or bequest, and hold and employ the same for the public purposes authorized by this act.

Subdivision 5. To employ such help as may be in the opinion of the Trustees necessary, provided that all employees except executive, professional and administrative heads, shall be employed through the Civil Service Agency of the City in which such district is located and in accordance with the rules and regulations of such Agency.

Subdivision 6. To contract with the City for the employment of the facilities of its bureaus on such basis as may seem proper.

Subdivision 7. To borrow for such periods and on such terms as may seem proper and to issue bonds therefor, pledging the full faith and credit of the Authority for the payment thereof. The faith and credit of the city within which such authority is located shall under no circumstances be pledged to the payment of any monies borrowed or bonds issued by such authority.

Subdivision 8. Levy taxes upon all real property within said District not used for public purposes for the necessary expenses of such Authority and the repayment of money borrowed by it. On or before August 1st of each year the Board of Trustees shall certify, following a public hearing thereon, to the governing body of the city in which said District is located its proposed budget for the next calendar year, and the said governing body shall approve or modify and approve, such proposed budget, following a public hearing thereon on or before August 15th of each year, and when so approved or approved as modified shall, on behalf of such Authority, certify the same on or before October 1st to the County Auditor of the County in which said City and Authority are located, and said Auditor shall enter the same upon the tax duplicate of said County to be collected with the other taxes collected by said County for other tax levying authorities in said County. When paid, the County Treasurer shall pay the proceeds of such taxes over to the treasurer of such Authority for use by the Authority. The budget so adopted shall not be considered in computing the total expenditures of the City.

Subdivision 9. Levy assessments on the real property in such district not used for public purposes for any public improvement authorized by this Act and the repayment of money borrowed by it, which money had been expended by such authority for a public improvement authorized by this Act. Such power must be exercised in the same manner and shall follow the same procedure vested for such proceedings by the Charter of such City with the same provision for the substitution of agencies as set out in Subdivision 8 hereof. In levying such assessments the Board of Trustees may provide by resolution for the payment of any assessment

in annual installments, not to exceed ten in number, and with interest upon deferred payments at a rate not to exceed 6%.

Subdivision 10. Exercise the power of eminent domain where necessary in the furtherance of any public improvement which it is authorized to undertake, including the taking of land owned by the city and devoted to public park purposes if the governing body of said city shall first have determined by resolution that the park property proposed to be taken is no longer usable for park purposes. When so exercised the procedure shall be that fixed by the charter for the City in which it is located with the Board of Trustees acting in lieu of the governing body of such city and other designated officers acting for and performing the duties assigned to comparable city officers under the charter of such city.

Subdivision 11. To sell, lease or otherwise dispose of land or personal property owned by it, determined to be no longer necessary for the uses of the Authority.

Sec. 6. **Issue of bonds—vote.**—No bonds shall be issued by such authority except by a two-thirds affirmative vote of the Board of Trustees and the approval, by resolution, of the governing body of the city in which such district is located. The resolution of the Board authorizing the issuance and sale of bonds of such authority shall fix the total amount of any such issue, the denomination of the bonds of such issue, and the dates of maturity, and shall provide that the bonds of any issue be paid serially in annual installments, the first thereof to become due and payable in not more than three years from the date thereof, and the last in not more than twenty years from the date thereof, and shall be so issued that the total of principal and interest falling due in any year shall as nearly as possible be the same as shall be payable in any other year. The bonds of such authority shall not bear interest greater than 5% per annum, which shall be paid semi-annually according to coupons attached to each such bond. The bonds so issued shall have impressed thereon the seal of said authority and shall be signed in behalf of the authority by the chairman and the treasurer, but the coupons may be authenticated by the engraved signatures of the chairman and the treasurer. The bonds and coupons so issued shall be payable at the office of the treasurer of such authority or at the fiscal agency of such authority in the City of New York, New York.

The bonds so issued shall not be sold for less than par and accrued interest, and the proceeds thereof shall be issued solely for the purposes authorized by this act.

The bonds issued by the authority shall be sold following a two weeks' published notice of the intention of the Board of

Trustees to open and consider bids therefor. The time and place of the meeting of the board shall be fixed and the newspaper in which the notice shall be published designated by resolution. At the time and place so fixed, the bids shall be opened and the offer complying with the terms of such sale or deemed most favorable shall be accepted; provided that the governing body may reject any and all such offers and award the bonds to a lower bidder, or upon like notice may invite other bids. No bonds shall be issued which will, with bonds already issued by said district and outstanding, exceed 10% of the total assessed valuation of all real property within such district, excluding from such total assessed valuation real property used for public purposes.

Sec. 7. Records of acts of boards of trustees to be kept.—All acts of the Board of Trustees shall be by written resolution, which resolutions need not be published but which must be made available at the Clerk's office of public examination. The Board may, however, provide for the publishing of such resolutions which in the opinion of the Trustees are of vital public importance, and must publish once in a legal newspaper published in the City in which the district is located such resolutions as are adopted in the furtherance of public improvements, the acquisition of property therefor and the levying of assessments for benefits therefor, as the governing body of the City would adopt and publish were it performing the same functions.

Sec. 8. May be dissolved.—Any Authority which may be created pursuant to the provisions of this Act shall be dissolved by the governing body of the city in which it is located upon the presentation to such governing body of a petition signed by the owners of more than 50% of the assessed valuation of all the real property within such district, excluding from such total the assessed valuation of all property owned by the State of Minnesota, the municipality and the county within which such district is located; provided, however, that no such dissolution shall take place earlier than ten years after the creation of such district, nor if there are outstanding unpaid bonds or notes of such districts.

Upon such dissolution the title to all property owned by the District shall immediately vest in the municipality within which such district is located.

The action of the governing body dissolving such Authority shall be by resolution.

Sec. 9. Shall make survey.—Any Authority created under and pursuant to the provisions of this Act shall not exercise the specific powers conferred by Sections 5 and 6 of this Act until it has first made a survey and study of the projects contemplated by

said power, including the commercial and industrial development of the city as related to the District so created, and shall have reported to the Legislature of the State of Minnesota the result of its findings and its recommendations, including an accurate estimate of the costs of any proposed improvements, and shall have secured the approval of said Legislature. In the meantime and for the purpose of study and report and to meet the expenses of the District, the said Authority may borrow not to exceed \$25,000.00 and may, with the approval of the governing body of such city, levy an assessment against the real property of the District in an amount not to exceed 1½ mills for the repayment of any money so borrowed.

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved April 20, 1943.

CHAPTER 545—S. F. No. 1030.

An act relating to the Minnesota Statutes, and repealing Laws 1939, Chapter 442, Sections 4 and 5.

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

Section 1. Subdivision 1. **Revisor of statutes to prepare supplement to Minnesota Statutes 1941.**—As soon as practicable after the close of the 1943 session of the legislature, the revisor of statutes shall prepare a supplement to Minnesota Statutes 1941 containing the following:

(a) Tables showing what provisions of Minnesota Statutes 1941 are amended, repealed, or otherwise affected by Laws 1943, and assigning to the provisions of Laws 1943, so far as practicable, appropriate section numbers in the decimal numbering system of Minnesota Statutes 1941, with such cross references and explanatory notes or devices as the revisor deems proper;

(b) Tables designating all provisions of Minnesota Statutes 1941 which differ from the enacted laws from which the same were derived with respect to language, order of arrangement, or any other matter except spelling of words or the substitution of numerals for words expressing figures, or the reverse, with such cross references and explanatory notes or devices as the revisor deems proper;