

CHAPTER 560—H. F. No. 1728

[Not Coded]

An act relating to cities of the first class now or hereafter having a population of not more than 150,000, authorizing levy thereby of certain taxes under specified conditions.

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

Section 1. Duluth; additional taxing powers. Subdivision 1. **Tax to be by ordinance.** Every city of the first class now or hereafter having a population of not more than 150,000 is empowered, notwithstanding any limitation in the charter thereof upon the levy of taxes, by general taxation, to levy by ordinance or ordinances, subject to approval as provided in Subdivision 2 hereof, upon transactions, taxable property or persons resident or doing business or gainfully employed within its corporate limits, any tax which it is not now authorized by the laws of this state or its charter to levy. The ordinance shall provide for (1) the levy of the tax, (2) the purpose for which it is levied, (3) the collection thereof, (4) the allocation and distribution of the proceeds thereof, (5) the refund of any money erroneously paid as such taxes and (6) the date the ordinance shall take effect. The ordinance shall not be effective unless approved by a majority of the electors voting thereon at a general or special election held as provided in Subdivision 2 hereof. If such ordinance imposes a tax on any public utility, or public carrier, such utility or carrier is hereby authorized to add the amount of such tax to its prevailing charges or rates.

Subd. 2. Approval by voters. The general or special election referred to in Subdivision 1 hereof may be any election held more than 45 days after the date of the adoption of the ordinance. The election shall be held as provided for the holding of other city elections. The question of approval of the ordinance shall be submitted to the electors upon a separate ballot which shall summarize the substance of the ordinance and shall give the voters the opportunity to vote for or against the ordinance. The city attorney shall file with the city clerk not less than 30 days before the day of election a statement of the purpose and effect of the ordinance. If the majority of voters voting on the question vote in favor of the ordinance, it shall be effective on the date specified therein.

Sec. 2. Power to levy taxes. Subdivision 1. **Notwithstanding charter limitations.** Notwithstanding any limitations in the charter thereof upon the levy of taxes by general taxation, any city described in Section 1 hereof is empowered to levy upon all taxable property within its corporate limits

taxes in excess of such limitations, upon compliance within the conditions hereinafter set forth. The council of such city may, from time to time, submit to the electorate at any general election or at any election called for that purpose and held as provided in Subdivision 2 hereof a proposed ordinance levying such taxes upon all such taxable property in excess of any such limitation in the charter. The ordinance shall set forth the following: (1) the maximum amount of taxes to be levied in excess of such limitations, which may be expressed in dollars and cents, in mill rates, in amounts per capita, or other definite measure, (2) the purposes for which the proceeds of the taxes levied in excess of such limitations will be used, and (3) such other matter as the council may deem proper. The power granted by this section is a continuing power which may be exercised from time to time in the manner herein prescribed and the latest ordinance adopted hereunder shall repeal the ordinance authorized by this section and then in effect.

Subd. 2. General or special election. The general or special election referred to in Subdivision 1 hereof may be an election held more than 45 days after the date of the adoption of a resolution to submit the proposed ordinance to the electorate. The election shall be held as provided by law for the holding of other city elections. The question of approval of the proposed ordinance shall be submitted upon a separate ballot which shall summarize the substance of the proposed ordinance. The city attorney shall file with the city clerk not less than 30 days before the day of the election a statement of the purpose and effect of the proposed ordinance. If the majority of the electors voting upon the question vote in favor of the adoption of the proposed ordinance, it shall be adopted forthwith by the council of the city.

Subd. 3. Tax ordinance; amendment, repeal. An ordinance adopted as heretofore provided in this act may be repealed or amended in the following manner: A petition signed by not less than two thousand (2,000) qualified electors of the city demanding repeal of the ordinance shall be filed with the clerk. The petition shall identify the ordinance to be repealed by title, date of adoption and subject matter. The signatures to the petition need not all be appended to one paper, but each signer shall state his place of residence and street number. One of the signers of each such paper shall make oath that the statements therein made are true, as he believes, and that each signature to the paper appended is the genuine signature of the person whose signature it purports to be.

Within 10 days from the date of filing such petition, the city clerk shall ascertain from the voters' register that the said

petition is signed by the requisite number of qualified voters. The clerk shall attach to said petition his certificate, showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within 10 days from the date of said clerk's certificate. The clerk shall, within 10 days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition is deemed sufficient, the clerk shall submit the same to the council without delay. Within 10 days thereafter, the council shall provide for the submission to the electorate at the next general or special election held not less than 45 days thereafter of the question of repeal of the ordinance described in the petition. The question of repeal or amendment of said ordinance shall be submitted upon a separate ballot which shall summarize the substance of the ordinance proposed to be repealed or amended. If the majority of the electors voting upon the question vote in favor of the repeal of the ordinance, it shall be repealed or amended thereby effective on January 1 of the year next following. Such repeal shall not affect any right accrued, any duty imposed, any penalty incurred, or any proceeding commenced under or by virtue of the ordinance repealed. Any action or proceeding pending to enforce any right under the authority of the ordinance repealed shall and may be proceeded with and concluded under the ordinance in existence when the action or proceeding was instituted, notwithstanding the repeal of such ordinance.

Sec. 3. **Person defined.** Unless the language or context clearly indicates that a different meaning is intended, the word "person" as used in this act includes individuals, partnerships, associations, corporations, trustees and receivers.

Approved April 21, 1953.

CHAPTER 561—H. F. No. 1743

An act relating to the authority of the division of public institutions relating to services for the mentally ill; amending Minnesota Statutes 1949, Section 246.014.

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

Section 1. Minnesota Statutes 1949, Section 246.014, is amended to read: