

Sec. 2. The commissioner of administration shall furnish such publication to each member of the state legislature without cost.

Approved May 17, 1963.

CHAPTER 770—S. F. No. 1166

[Coded]

An act relating to highway traffic regulations; length limitations as to certain vehicles; amending Minnesota Statutes 1961, Section 169.81, by adding a new subdivision thereto.

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

Section 1. Minnesota Statutes 1961, Section 169.81, is amended by adding a new subdivision to read:

Subd. 6. Highway traffic regulations; motor vehicle transports, combinations. Any combination of vehicles which includes an unenclosed trailer especially constructed and used to transport motor vehicles, or includes an unenclosed semi-trailer so constructed and used, may exceed the length limits set out in Subdivision 3 of this section by not more than five feet, but shall not exceed 55 feet.

Approved May 17, 1963.

CHAPTER 771—S. F. No. 1233

An act relating to local improvements and special assessments; amending Minnesota Statutes 1961, Sections 429.031, Subdivision 1; 429.061, Subdivisions 1, 2, and 4; and 429.101, Subdivision 1.

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

Section 1. Minnesota Statutes 1961, Section 429.031, Subdivision 1, is amended to read:

429.031 Local improvements; preliminary plans, hearing.
Subdivision 1. Preparation of plans, notice of hearing. Before the municipality awards a contract for an improvement or orders it made by day labor, or before the municipality shall have the power to assess any portion of the cost of an improvement to be made under a cooperative agreement with the state or another political subdivision for sharing the cost of making such improvement, the

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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. Not less than 10 days before the hearing, notice thereof shall also be mailed to the owner of each parcel within the area proposed to be assessed; but failure to give mailed notice or any defects in the notice shall not invalidate the proceedings. For the purpose of giving mailed notice, owners shall be those shown to be such as of the date 30 days prior to adoption of the resolution providing for the hearing on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; *but other appropriate records may be used for this purpose.* However, as to properties which are tax exempt or subject to taxation on a gross earnings basis and are not listed on the records of the county auditor or the county treasurer, the owners thereof shall be ascertained by any practicable means and mailed notice shall be given them as herein provided. Prior to the adoption of such resolution, 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; but no error or omission in such report shall invalidate the proceeding unless it materially prejudices the interests of an owner. 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 1961, Section 429.061, Subdivision 1, is amended to read:

429.061 **Assessment procedure.** Subdivision 1. **Calcu-**

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lation, notice. At any time after a contract is let or the work ordered by day labor, the expense incurred or to be incurred in its making shall be calculated under the direction of the council. The council shall then determine by resolution the amount of the total expense the municipality will pay, other than the amount, if any, which it will pay as a property owner, and the amount to be assessed. Thereupon the clerk, with the assistance of the engineer or other qualified person selected by the council, shall calculate the proper amount to be specially assessed for the improvement against every assessable lot, piece or parcel of land, without regard to cash valuation, in accordance with the provisions of section 429.051. The proposed assessment roll shall be filed with the clerk and be open to public inspection. The clerk shall thereupon, under the council's direction, publish notice that the council will meet to consider the proposed assessment. Such notice shall be published in the newspaper at least once and shall be mailed to the owner of each parcel described in the assessment roll. For the purpose of giving mailed notice under this subdivision, owners shall be those shown to be such as of a date 30 days prior to adoption of a resolution providing for a hearing on the proposed assessment, on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; *but other appropriate records may be used for this purpose.* Such publication and mailing shall be no less than two weeks prior to such meeting of the council. Except as to the owners of tax exempt property or property taxed on a gross earnings basis, every property owner whose name does not appear on the records of the county auditor or the county treasurer shall be deemed to have waived such mailed notice unless he has requested in writing that the county auditor or county treasurer, as the case may be, include his name on the records for such purpose. Such notice shall state the date, time, and place of such meeting, the general nature of the improvement, the area proposed to be assessed, that the proposed assessment roll is on the file with the clerk, and that written or oral objections thereto by any property owner will be considered.

Sec. 3. Minnesota Statutes 1961, Section 429.061, Subdivision 2, is amended to read:

Subd. 2. **Adoption.** At such meeting or at any adjournment thereof the council shall hear and pass upon all objections to the proposed assessment, whether presently orally or in writing. The council may amend the proposed assessment as to any parcel and by resolution adopt the same as the special assessment against the lands named in the assessment roll. Notice of any adjournment of the hearing shall be adequate if the minutes of the meeting so

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adjourned show the time and place when and where the hearing is to be continued, or if three days notice thereof be published in the newspaper. The assessment, with accruing interest, shall be a lien upon ~~the all private and public~~ property included therein, from the date of the resolution adopting the assessment, concurrent with general taxes; ~~and; but the lien shall not be enforceable against public property as long as it is publicly owned, and during such period the assessment shall be recoverable from the owner of such property only in the manner and to the extent provided in section 435.19.~~ All assessments shall be payable in equal annual installments extending over such period, not exceeding 30 years, as the resolution determines. The first installment shall be payable on the first Monday in January next following the adoption of the assessment unless the assessment is adopted too late to permit its collection during the following year. All assessments shall bear interest at such rate as the resolution determines, not exceeding six percent per annum. To the first installment shall be added interest on the entire assessment from the date of the resolution levying the assessment until December 31 of the year in which the first installment is payable. To each subsequent installment shall be added interest for one year on all unpaid installments.

Sec. 4. Minnesota Statutes 1961, Section 429.061, Subdivision 4, is amended to read:

Subd. 4. **Collection, tax exempt property.** On the confirmation of any assessments the clerk shall mail to the county auditor a notice specifying the amount payable by any county, to the clerk or recorder of any other political subdivision a notice specifying the amount payable by the political subdivision and to the owner of any right of way, at its principal office in the state, a notice specifying the amount payable on account of any right of way. The amount payable on account of any right of way or public property shall be payable to the municipality's treasurer and shall be payable in like installments and with like interest and penalties as provided for in reference to the installments payable on account of assessable real property, except that interest accruing shall not begin to run until the notice provided in this subdivision has been properly given and 30 days thereafter have elapsed. The governing body of any such political subdivision shall provide for the payment of these amounts and shall take appropriate action to that end. *If the assessment is not paid in a single installment, the municipal treasurer shall annually mail to the owner of any right of way and, as long as the property is publicly owned, to the owner of any public property a notice stating that an installment is due and should be paid to the municipal treasurer of the municipality which levied the special*

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assessment. The municipality may collect the amount due on account of the right of way of any railroad or privately owned public utility by distress and sale of personal property in the manner provided by law in case of taxes levied upon personal property or by suit brought to enforce the collection of this indebtedness unless a different method of collecting such amounts is provided for by any contract between the owner of any right of way and the municipality.

Sec. 5. Minnesota Statutes 1961, Section 429.101, Subdivision 1, is amended to read:

Subd. 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, *or the operation of a street lighting system* 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, *or the operation of a street lighting system*), 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. 6. *This act becomes effective July 1, 1963, and the provisions of sections 1 and 2 of this act shall not affect any improvements or assessment proceedings commenced prior to such date.*

Approved May 17, 1963.

CHAPTER 772—S. F. No. 1488

[Not Coded]

An act relating to the village of Edina and to its firemen's relief association; providing for compulsory membership by fire department personnel in such association; providing for compulsory contributions thereto by such personnel; providing for compulsory contributions by the village of Edina as employer of such personnel; and describing certain limitations as to benefits for such personnel.

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.