

Public Indebtedness and Borrowing

CHAPTER 475

PUBLIC INDEBTEDNESS

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475.43 [Repealed, 1949 c 682 s 26]

475.51 DEFINITIONS. Subdivision 1. For the purposes of sections 475.51 to 475.75 the terms defined in this section shall have the meanings given them.

Subd. 2. "Municipality" means a city of any class, village, borough, county, town, or school district.

Subd. 3. "Obligation" means any promise to pay a stated amount of money at a fixed future date, regardless of the source of funds to be used for its payment.

Subd. 4. "Net debt" means the amount remaining after deducting from its gross debt the aggregate of the principal of the following:

(1) Obligations issued for improvements which are payable wholly or partly from the proceeds of special assessments levied upon property specially benefited thereby, including those which are general obligations of the municipality issuing them, if the municipality is entitled to reimbursement in whole or in part from the proceeds of the special assessments.

(2) Warrants or orders having no definite or fixed maturity.

(3) Obligations payable wholly from the income from revenue-producing conveniences.

(4) Obligations issued to create or maintain a permanent improvement revolving fund.

(5) Obligations issued for the acquisition, and betterment of public water-works systems, and public lighting, heating or power systems, and of any combination thereof or for any other public convenience from which a revenue is or may be derived.

(6) Amount of all money and the face value of all securities held as a sinking fund for the extinguishment of obligations other than those deductible under this subdivision.

(7) All other obligations which under the provisions of law authorizing their issuance are not to be included in computing the net debt of the municipality.

Subd. 5. "Assessed value" means the latest valuation for purposes of taxation, as finally equalized, of all property taxable within the municipality.

Subd. 6. "Sinking fund" means any fund or money held in the treasury of a municipality appropriated or set aside to pay the principal and interest, or either of them, or any of its obligations.

Subd. 7. "Acquisition" includes purchase, condemnation, construction, and acquisition of necessary land, easements, buildings, structures, machinery or equipment.

Subd. 8. "Betterment" includes reconstruction, extension, improvement, repair, remodeling, lighting, equipping, and furnishing.

Subd. 9. "Governing body" means the board, council, commission, or other body of the municipality charged with the general control of its financial affairs; provided, that where the charter or law under which a municipality is organized confers bond issuing power on a particular board or body, such board or body is the governing body under the provisions of sections 475.51 to 475.75.

[R L s 778; 1943 c 656 s 30 sbd 3; 1947 c 296 s 2; 1949 c 682 s 1] (1936)

475.52 BOND ISSUES; PURPOSES. Subdivision 1. **Not under home rule charter.** Any city not governed by a home rule charter, any village, or any borough may issue bonds or other obligations for the acquisition or betterment of public buildings, means of garbage disposal, hospitals, schools, libraries, museums, art galleries, parks, playgrounds, stadia, sewers, sewage disposal plants, subways, streets, sidewalks; for any utility or other public convenience from which a revenue is or may be derived; for a permanent improvement revolving fund; for changing, controlling or bridging streams and other waterways; for the acquisition and betterment of bridges and roads within two miles of the corporate limits; and for acquisition of equipment for snow removal, street construction and maintenance, or fire fighting. Without limitation by the foregoing any such city, village, or borough may issue bonds to provide money for any authorized corporate purpose except current expenses.

Subd. 2. **Home rule charter cities.** Any city governed by a home rule charter may issue bonds for any purpose enumerated in subdivision 1 unless forbidden by its charter; and for other purposes as authorized by its charter.

Subd. 3. Counties. Any county may issue bonds for the acquisition or betterment of courthouses, jails, poor farms, morgues, and hospitals, for roads and bridges within the county or bordering thereon and for road equipment and machinery.

Subd. 4. Towns. Any town may issue bonds for the acquisition and betterment of town halls, town roads and bridges; and for acquisition of equipment for snow removal, road construction or maintenance, and fire fighting.

Subd. 5. School districts. Any school district may issue bonds for the acquisition or betterment of schoolhouses, gymnasiums, athletic fields stadia, teacherages, or school garages; and for acquisition of buses and equipment essential to the transportation of pupils. This section does not grant powers to any school district or board of education contrary to the provisions of a home rule charter.

Subd. 6. Certain purposes. Any municipality may issue bonds for paying judgments against it; for refunding outstanding bonds; or for funding floating indebtedness.

[*R L s 784; 1907 c 297 s 1; 1909 c 261 s 1; 1921 c 209 s 2; 1939 c 223 s 1; 1945 c 126 s 1; 1947 c 296 s 4; 1949 c 682 s 2*] (1942)

475.53 LIMIT ON NET DEBT. Subdivision 1. **Generally.** Except as otherwise provided in sections 475.51 to 475.75, no municipality, except a school district or a city of the first class, shall incur or be subject to a net debt in excess of 20 per cent of the assessed value.

Subd. 2. Special state aid. Any municipality, except school districts, receiving special state aid under the provisions of sections 276.15 to 276.18 may incur, by vote of a majority of the electors, an indebtedness not to exceed 40 per cent [of] the assessed value.

Subd. 3. Cities of the first class. No city of the first class shall be subject to a net debt in excess of five per cent of the full and true valuation, as finally equalized, of all taxable property therein unless its charter contains a provision to the effect that its net debt may exceed such per cent of the last assessed valuation of all taxable property therein; but if any such charter permits a new debt in excess of five per cent of its assessed valuation, such city shall be subject to a net debt limitation of ten per cent of the full and true valuation of the taxable property therein, notwithstanding any limitations contained in its charter or in existing laws. In calculating such net debt only the obligations specified in section 475.51, subdivision 4, other than obligations payable wholly from the income from a revenue-producing public utility or other convenience constructed or improved from the proceeds of the obligation or obligations issued for the acquisition, construction, maintenance, repair, or improvement of a public utility or other convenience from which a revenue is or may be derived, excepting public works systems and public lighting, heating, or power systems or any combination thereof, shall be deducted from gross debt. The county auditor, at the time of preparing the tax list of the city, shall compile a statement setting forth the total assessed value and the total full and true valuation of each class of taxable property in such city for such year.

Subd. 4. School districts. Except as otherwise provided in sections 475.51 to 475.75, no school district other than those covered by subdivision 5, shall be subject to a net debt in excess of 50 per cent of the last assessed value of all taxable property therein.

Subd. 5. Certain independent school districts. No independent school district located wholly or partly within a city of the first class shall issue any obligations unless first authorized by a two-thirds vote of the governing body of such city. No such school district shall issue obligations running more than two years, whenever the aggregate of the outstanding obligations of the district equals or exceeds seven and one-half per cent of the assessed value of the taxable property within the school district.

[*1927 c 131 s 2; 1935 c 256; 1937 c 285 s 1; 1943 c 480 s 1; 1945 c 549 s 1; 1947 c 296 s 5; 1949 c 682 s 3*] (1938-4)

475.54 SERIAL PAYMENTS. All obligations authorized under sections 475.51 to 475.75 shall come due serially in annual instalments, as determined by the governing body of the municipality. The first instalment shall come due in not more than three years from the date of the obligations and the last instalment shall come due in not more than 30 years from such date.

No annual instalment of principal of any obligations payable in the third or any subsequent year after the date of such obligations shall exceed three times the amount of the smallest prior instalment thereof payable in any year after the second year.

[1927 c 131 s 3; 1949 c 682 s 4] (1938-5)

475.55 EXECUTION AND CONTENTS OF OBLIGATIONS. All obligations of a municipality shall be signed by its officers authorized by resolution of its governing body. All obligations shall express the amount and the terms of payment. Interest thereon shall not exceed the rate of six per cent per annum, payable half-yearly. The validity of every obligation so executed shall remain unimpaired by the fact that one or more of such officers shall have ceased to be in office before delivery to the purchaser. All such signatures, except that of one official who shall by resolution of the governing body be designated to sign bonds manually, may be printed, lithographed or engraved. The seal on a bond may be printed, lithographed or engraved, as determined by resolution of the governing body. Such resolution may provide that one of the officers shall sign each bond manually and that the other signatures may be printed, lithographed or engraved thereon. Where the municipality has a seal such seal may be impressed on each bond or a facsimile thereof may be printed, lithographed or engraved on each bond as determined by the resolution of the governing body.

[R L s 781; 1947 c 296 s 3; 1949 c 682 s 5] (1939)

475.56 INTEREST RATES. Any municipality issuing obligations under any law may issue obligations bearing interest at a single rate or at rates varying from year to year in integral multiples of $\frac{1}{4}$ or $\frac{1}{10}$ of 1% which may be lower or higher in later years than in earlier years, as specified in the obligations but the highest rate contracted to be so paid shall not exceed the maximum rate authorized by the law. This section does not authorize a provision in any such obligations for the payment of a higher rate of interest after maturity than before.

[1933 c 171; 1949 c 682 s 6] (1938-2½)

475.57 INITIATION OF PROCEEDINGS; RESOLUTION. Proceedings for issuing bonds under sections 475.51 to 475.75 shall be initiated by a resolution of the governing body of the municipality stating the amount proposed to be borrowed and the purpose for which the debt is to be incurred. Such resolution may provide for the submission of the question to vote of the electors. A town board may adopt such resolution without a statement for special town meeting being filed with the clerk.

[1949 c 682 s 7]

475.58 OBLIGATIONS; ELECTIONS TO DETERMINE ISSUE. Subdivision 1. **When election mandatory.** Except as provided in subdivision 2 no obligation shall be issued without first obtaining the approval of a majority of the electors voting on the question of issuing the obligation, except an obligation, issued:

- (1) to pay any unpaid judgment against the municipality;
- (2) for refunding obligations at maturity or at their optionable or callable dates;
- (3) for an improvement, which obligation is payable wholly or partly from the proceeds of special assessments levied upon property specially benefited by the improvement, including obligations which are the general obligations of the municipality, if the municipality is entitled to reimbursement in whole or in part from the proceeds of special assessments levied upon such property;
- (4) payable wholly from the income of revenue-producing conveniences;
- (5) issued under the provisions of a home rule charter which permits the issuance of obligations of the municipality without an election; and
- (6) issued under the provisions of a law which expressly provides for the issuance of obligations by the municipality without an election.

Subd. 2. **Funding or refunding.** Any village, town or school district whose outstanding gross debt exceeds 20 per cent of its assessed value may issue bonds under this subdivision for the purpose of funding or refunding such indebtedness or any part thereof. A list of the items of indebtedness to be funded or refunded shall be made by the recording officer and treasurer and filed in the office of the recording officer. The initial resolution of the governing body shall refer to this subdivision as authority for the issue, state the amount of bonds to be issued and refer to the list of indebtedness to be funded or refunded. This resolution shall be published once each week for two successive weeks in a legal newspaper pub-

lished in the municipality or if there be no such newspaper, in a legal newspaper published in the county seat. Such bonds may be issued without the submission of the question of their issue to the electors unless within ten days after the second publication of the resolution a petition requesting such election signed by ten or more voters who are taxpayers of the municipality, shall be filed with the recording officer. In event such petition is filed, no bonds shall be issued hereunder unless authorized by a majority of the electors voting on the question.

[1927 c 131 s 4; 1949 c 682 s 8] (1938-6)

475.59 MANNER OF SUBMISSION; NOTICE. When the governing body of a municipality resolves to issue bonds for any purpose requiring the approval of the electors, it shall provide for submission of the proposition of their issuance at a general or special election or town or school district meeting. Notice of such election or meeting shall be given in the manner required by law and shall state the maximum amount and the purpose of the proposed issue.

[1949 c 682 s 9]

475.60 SALE OF BONDS. Subdivision 1. **Advertisement.** All obligations shall be negotiated and sold by the governing body, except when authority therefor is delegated by the governing body or by the charter of the municipality to a board, department, or officers of the municipality. Obligations shall be sold at not less than par value plus accrued interest to date of delivery. Except as provided in subdivision 2 all obligations shall be sold at public sale after notice given at least ten days in advance by publication in a legal newspaper having general circulation in the municipality and ten days in advance by publication in a daily or weekly periodical, published in a Minnesota city of the first class, which circulates throughout the state and furnishes financial news as a part of its service.

Subd. 2. **Requirements waived.** The requirements as to public sale shall not apply to:

(1) Obligations issued under the provisions of a home rule charter or of a law specifically authorizing a different method of sale;

(2) Obligations payable wholly or partly from the proceeds of special assessments;

(3) Obligations payable wholly from the income of revenue-producing conveniences when such obligations do not exceed the total sum of \$50,000; and

(4) Obligations sold to any board, department, or agency of the United States of America or of the State of Minnesota, in accordance with rules or regulations promulgated by such board, department, or agency.

Subd. 3. **Published notice.** Published notice, where required, shall specify the principal amount and purpose of the obligations, the time and place of receipt and consideration of bids and such other details as to the obligations and terms of sale which the governing body deems suitable. Additional notice may be given for such time and in such manner as the governing body deems suitable. At the time and place so fixed, the bids shall be opened and the offer complying with the terms of sale and deemed most favorable shall be accepted, but the governing body may reject any and all such offers and award the bonds to a lower bidder or upon like notice it may invite other bids.

Subd. 4. **Public subscription.** In lieu of calling for bids, obligations may be sold on public subscription, after notice given in the manner required for public sale. Such notice of call for public subscription shall specify the interest rate and all terms of sale, including the date and place of delivery of the obligations.

Subd. 5. **Compliance mandatory.** No contract for the sale and delivery of obligations shall be enforceable unless made in accordance with this section.

Subd. 6. **Prohibitions and penalties.** Any officer of any municipality who shall enter into or approve any contract or agreement for the sale of obligations contrary to the provisions hereof or which lessens, restricts or tends to prevent competitive bidding shall be guilty of a misdemeanor.

[1949 c 682 s 10]

475.61 TAX LEVIES. Subdivision 1. The governing body of any municipality issuing obligations other than those payable wholly from the proceeds of special assessments or wholly from income of revenue-producing conveniences shall, prior to delivery of the obligations, levy by resolution a direct general 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 will produce at least five per cent in excess of

the amounts needed to meet when due the principal and interest payments on the obligations, except that, if a portion of the payments are to be made from proceeds of special assessments or revenues, the taxes shall be for that portion not so payable. 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 to that fund or account.

Subd. 2. The recording officer of the municipality shall file in the office of the county auditor of each county in which any part of the municipality is located a certified copy of the resolution, together with full information regarding the obligations for which the tax is levied. No further action by the municipality is required to authorize the extension, assessment and collection of the tax, but the municipality's liability on the obligations is not limited thereto and its governing body shall levy and cause to be extended, assessed and collected any additional taxes found necessary for full payment of the principal and interest. The county auditor shall forthwith certify to the municipality that he has entered the obligations in the register required by sections 475.51 to 475.75 and that the tax levy required by sections 475.51 to 475.75 has been made. The auditor shall annually assess and extend upon the tax rolls the amount specified for such year in the resolution, unless the amount has been reduced as authorized below or, if the municipality is located in more than one county, the portion thereof which bears the same ratio to the whole amount as the assessed value of taxable property in that part of the municipality located in his county bears to the assessed value of all taxable property in the municipality.

Subd. 3. Tax levies so made and filed shall be irrevocable, except that if the governing body in any year makes an irrevocable appropriation to the sinking fund of moneys actually on hand or if there is on hand any excess amount in the sinking fund, the recording officer may certify to the county auditor the fact and amount thereof and the auditor shall reduce by the amount so certified the amount otherwise to be included in the rolls next thereafter prepared.

Subd. 4. All such taxes shall be collected and remitted to the municipality by the county treasurer as other taxes are collected and remitted, and shall be used only for payment of the obligations on account of which levied or to repay advances from other funds used for such payments, except that any surplus remaining in the sinking fund when the obligations and interest thereon are paid may be appropriated to any other general purpose by the municipality.

[1949 c 682 s 11]

475.62 REGISTER. Each county auditor shall keep a register in which shall be entered, as to each issue of such obligations by any municipality located, in whole or in part, in the county, a record of the aggregate amount authorized, the aggregate amount issued, the purpose for which issued, the number, denomination, date, and maturity of each, the rate of interest, the time of payment, the place of payment of principal and interest, and the amount of tax levied for the payment thereof.

[1927 c 131 s 6; 1949 c 682 s 12] (1938-8)

475.63 CERTIFICATE AS TO REGISTRATION. Before any obligations for which a tax levy is required shall be delivered to the purchaser, the governing body of the municipality issuing them shall obtain from the county auditor a certificate to the effect that the issue has been entered on his register and that a tax has been levied by the municipality.

[1927 c 131 s 7; 1949 c 682 s 13] (1938-9)

475.64 LEVY BY AUDITOR. In the event no method of levying a tax for the payment of the indebtedness of any municipality and the interest thereon is provided, or the municipal authorities fail to cause such levy to be made, the county auditor shall add to the other taxes charged upon the property taxable in the municipality an amount sufficient to meet such obligations when due, which additional levy shall be extended and collected with the other taxes of the year.

[R L s 787; 1949 c 682 s 14] (1945)

475.65 DELIVERY OF BONDS; USE OF PROCEEDS. Upon payment to the treasurer of the purchase price by the successful bidder, the obligations shall be delivered, and the treasurer shall hold the proceeds thereof as a separate fund for the use named in the resolution authorizing such obligations. The purchaser shall not be obligated to see to the application of the purchase price. If the contemplated improvement be afterward abandoned, such fund may be devoted to any

other public improvement authorized by law, and approved by vote taken in the manner required to authorize bonds for such new purpose. Any balance remaining after the improvement has been completed and paid for shall become a part of the sinking fund of the municipality.

[R L s 786; 1949 c 682 s 14] (1944)

475.66 SINKING FUND. There shall always be retained in any sinking fund sufficient cash to provide for the annual payments of principal and interest on the obligations for which the fund was created. Any surplus in any sinking fund above such amount may be invested under the direction of the governing body in any obligation of the United States, the State of Minnesota or any of its municipalities.

The obligations representing any such investment may be sold or hypothecated by the governing body at any time, but the money so received remains a part of such fund until used for the purpose for which the fund was created.

[1927 c 131 s 9; 1949 c 682 s 16] (1938-11)

475.67 REFUNDING BONDS; VALIDITY. Subdivision 1. No purchaser or owner of bonds or other obligations issued by a municipality for the purpose of refunding its outstanding obligations or floating indebtedness need inquire into the validity of the debts refunded by such bonds or other obligations. The determination by resolution of the governing body to issue the bonds or other obligations of the municipality for such purpose, as to such purchaser or owner, shall be conclusive evidence of the validity of the debts thereby refunded.

Subd. 2. As between the municipality and the owner or holder of any bond, warrant, or order so refunded, nothing in this section validates any invalid bond, warrant, or order.

[1921 c 185 s 1, 2; 1933 c 232 s 2; 1949 c 682 s 17] (1946-1, 1946-2)

475.68 JOINT LIABILITY OF TOWN AND VILLAGE. In the event a town and a village are jointly liable for the payment of any bonded indebtedness or in the event all the property within any town or village is liable to be taxed for the payment of any such indebtedness, any such town or village, at the time bonds mature, may pay that proportion of such indebtedness that the amount of the last assessment of property situate in the town or the village bears to the assessed valuation of both the town and the village. If either the town or the village deems such assessment to be inequitable, its governing body may demand, in writing, that the commissioner of taxation appoint a disinterested assessor, not a resident of either the town or the village, to make a reassessment of all the property situate in the town and the village. Thereupon the commissioner shall appoint such assessor. The reassessment so made governs in the division of such indebtedness. Any such town or village may issue bonds for the payment of the amount thereof for which it is liable.

[1909 c 254 s 1; 1949 c 682 s 18] (1953)

475.69 DEFACED BONDS; DUPLICATES. When any obligation of a municipality becomes unfit for circulation, it may be surrendered and canceled. Upon the authorization of the governing body, a duplicate of the obligation except as to signatures and a duplicate of any unpaid coupons, may be issued to the owners. These duplicates shall be marked "DUPLICATE" and the date of issue shown thereon. Such marking shall be signed by the treasurer then in office.

[R L s 791; 1949 c 682 s 19] (1970)

475.70 LOST INSTRUMENTS; INDEMNITY. If the owner of any obligation which is destroyed or lost, first gives a satisfactory surety bond to the municipality, in a sum double the amount of such obligation, conditioned to save it harmless in the premises, the governing body thereof may authorize the issuance of another to the owner in its place, corresponding with the missing obligation as to number, date, amount, and unpaid coupons. Such obligation shall be signed by the proper officials who are then in office, and shall be marked and dated as provided in section 475.69. The treasurer shall keep a record of all reissues and duplicates showing the date of issue and the persons to whom issued.

[R L s 792; 1949 c 682 s 20] (1971)

475.71 REGISTRATION OF BONDS. If the purchaser or holder of negotiable bonds issued by a city shall so request, the governing body, by a resolution prescribing the method and terms of exchange, may authorize the proper officers to issue registered bonds in lieu thereof, in such denominations as may be desired. The governing body of any municipal corporation may, by a resolution prescribing the method and terms of registration, authorize the proper officer of such municipi-

pal corporation designated in such resolution to register as to the payment of principal only any negotiable bonds issued by such municipal corporation, such registration to be by endorsement on such bonds of a certificate of registration, which shall recite that the principal thereof will be payable only to such person as by such registration appears to be the owner thereof or his legal representatives, and such resolution shall provide for the keeping of a permanent record of bonds so registered.

[R L s 782; 1923 c 313; 1949 c 682 s 21] (1940)

475.72 VIOLATIONS AND PENALTIES. Any officer of any municipality who knowingly fails to comply with any provision of sections 475.51 to 475.75 is guilty of a misdemeanor.

[1927 c 131 s 10; 1949 c 682 s 22] (1938-12)

475.73 STATE BOARD OF INVESTMENT. Subdivision 1. Obligations sold under the provisions of section 475.60 may be purchased by the State Board of Investment, upon the approval of the Attorney General as to form and execution of the application therefor, and under such rules and regulations as the board may specify, and the State Board of Investment shall have authority to purchase the same to an amount not exceeding 15 per cent of the assessed valuation of the taxable property of such municipality, according to the last preceding assessment. Such obligations shall not run for a shorter period than one year, nor for a longer period than 30 years and shall bear interest at a rate to be fixed by the State Board of Investment, but not less than two per cent per annum. Forthwith upon the delivery to the State of Minnesota of any obligations issued by virtue thereof, the State Auditor shall certify to the respective auditors of the various counties wherein are situated the municipalities issuing the same, the number, denomination, amount, rate of interest and date of maturity of each such obligation.

Subd. 2. The annual tax levy for the payment of principal and interest on account of such obligations shall be for an amount 50 per cent in excess of the sum to be paid therefrom. The state auditor, at the time of certifying the state tax, shall also certify to each county auditor the amount necessary to pay such principal and interest. When collected so much of such tax as may be necessary shall be paid into the state treasury. The excess remaining shall be held over in the county treasury to be applied on the next future payment due on such obligations, and the amount of such excess shall be reported by the county auditor to the state auditor on or before August first each year, who shall deduct the same from his next annual tax levy for such purpose. The remainder, when such bonds are paid in full, shall be credited to the general fund of the municipality; and, in case a portion of the territory embraced in such municipality at the time such obligations were issued, has since been set off to another municipality, such remainder shall be divided with such other municipality, using as a basis for such division the last assessed valuation of the territory affected by such obligations. Any such municipality which shall make payment to the state of the full amount of principal and interest due on account of such obligations prior to the extending of such tax therefor by the state auditor shall be exempt from the provisions of this section.

[1949 c 682 s 23]

475.74 PER CAPITA LIMITATION INAPPLICABLE. The provisions of any law limiting taxes on a per capita basis or otherwise shall not limit the power of any city of the first or second class, or any independent school district in any city of the first class, to levy taxes to pay its general obligation bonds. The governing body shall levy taxes for their payment without limitation as to rate or amount.

[1949 c 682 s 24]

475.75 EFFECTIVE DATE. Subdivision 1. Except as provided in Subdivision 2, sections 475.51 to 475.75 shall be in full force and effect on and after July 1, 1949. Notwithstanding any amendment or repeal of existing laws by sections 475.51 to 475.75, any municipality which has theretofore commenced any proceedings for the authorization or issuance of bonds or other obligations may complete such proceedings either under such laws as in force prior to July 1, 1949, or under such laws as hereby amended, as determined by its governing body.

Subd. 2. The provisions of section 475.74 shall apply to bonds or other obligations issued pursuant to proceedings heretofore commenced.

[1949 c 682 s 25]