

CHAPTER 275

TAXES; LEVY, EXTENSION

Sec.		Sec.	
275.01	Levy in specific amounts	275.32	Limit, tax levy
275.02	Legislative levy, exceptions; certification of tax rate	275.33	Limitation of expenditures
275.03	County taxes	275.34	Additional limitation
275.07	City, town, and school district taxes	275.35	County auditor to make levy within limit
275.075	Omission by inadvertence; correction	275.36	Tax levy in cities of third class
275.08	Auditor to fix rate	275.39	School districts; tax limits
275.09	Rate of tax	275.41	Which census governs
275.091	Acts providing for a higher levy not superseded or repealed	275.42	County auditor to make levy within limit
275.092	Local acts limiting county levy or appropriation	275.44	Certain cities, limitation of tax levy
275.10	Tax levy in towns	275.45	Which census governs
275.11	Tax levy for general purposes limited	275.46	Limitation of levy
275.124	Report of certified levy	275.47	County auditor to make levy within limit
275.125	Tax levy, school districts	275.48	Additional tax levies in certain municipalities
275.126	Teacher retirement fund levies, exemptions from limitations	275.49	Computations tied to tax valuation
275.127	School districts within cities of first class; retirement levies, exemption from limitations	275.50	Levy limits imposed by 1971 tax bill, definitions
275.14	Census	275.51	Levy limits
275.15	Not to increase levies	275.52	Tax limitation increases and decreases
275.16	County auditor to fix amount of levy	275.53	Governing census
275.161	Additional limitation	275.54	Consolidation of governmental subdivisions
275.23	Limitations of section 275.09	275.55	State review and regulation of levies
275.24	General fund, tax rate; cities of second class	275.551	Levy limitations review board
275.26	Excessive levy; injunction	275.552	Contested cases; hearing, notice, evidence, decisions, orders
275.27	Contracts in excess void; liability of officers	275.56	Effect upon other levy limits
275.28	Tax lists	275.561	Levy limitation
275.29	Abstracts to state officials	275.57	Tax levy for removal of property condemned as hazardous to health, safety or welfare
275.31	Limitation of sections 275.31 to 275.35	275.58	Elections to increase levy
		275.59	Governmental subdivisions under 500 population; exemption from levy limits

275.01 LEVY IN SPECIFIC AMOUNTS. All taxes shall be levied or voted in specific amounts and the rates percent shall be determined from the amount of property as equalized by the state board of equalization each year, except such general taxes as may be definitely fixed by law.

[R. L. s. 866] (2055)

275.02 LEGISLATIVE LEVY, EXCEPTIONS; CERTIFICATION OF TAX RATE. The state tax shall be levied by the legislature on all taxable property in the state, except class 2 property as defined in section 273.13 and the rate of such tax shall be certified by the state auditor to each county auditor on or before November 15 annually.

[R L s 867; 1935 c 282; Ex1959 c 70 art 2 s 1; 1965 c 45 s 49] (2056)

275.03 COUNTY TAXES. Except as otherwise provided in the case of counties having a population of more than 150,000, the county taxes shall be levied by the county board at its meeting in July of each year, and shall be based upon an itemized statement of the county expenses for the ensuing year, which statement shall be included in the published proceedings of such board; and no greater levy of county taxes shall be made upon the taxable property of any county than will be equal to the amount of such expenses, with an excess of five percent of the same.

[R. L. s. 868] (2057)

275.04 [Repealed, 1965 c 45 s 73]

275.05 [Repealed, 1965 c 45 s 73]

275.06 [Repealed, 1965 c 45 s 73]

275.07 CITY, TOWN, AND SCHOOL DISTRICT TAXES. The taxes voted by cities, towns, and school districts shall be certified by the proper authorities to the county auditor on or before October tenth in each year.

[R L s 869; 1973 c 123 art 5 s 7] (2058)

275.075 OMISSION BY INADVERTENCE; CORRECTION. Whenever the amount of taxes as levied and certified by the tax levying body of any county, city, town, or school district has not been, as the result of error or inadvertence by the county auditor extended and spread in conformity therewith, such tax levying body may include in its tax levy for the year following, the whole or any part of the amount so omitted through error or inadvertence in addition to its current

MINNESOTA STATUTES 1974

3359

TAXES; LEVY, EXTENSION 275.10

levy and in addition to and notwithstanding any limitations to the contrary.

[1947 c 71 s 1; 1973 c 123 art 5 s 7]

275.08 AUDITOR TO FIX RATE. The rate percent of all taxes, except the state tax and taxes the rate of which may be fixed by law, shall be calculated and fixed by the county auditor according to the limitations in this chapter hereinafter prescribed; provided, that if any county, city, town, or school district shall return a greater amount than the prescribed rates will raise, the auditor shall extend only such amount of tax as the limited rate will produce.

[R. L. s. 870] (2059)

275.09 RATE OF TAX. Subdivision 1. **State purposes.** There shall be levied annually on each dollar of taxable property, except such as is by law otherwise taxable, as assessed and entered on the tax lists, for state purposes taxes in such amount as is levied by the legislature.

Subd. 2. **County purposes.** There shall be levied annually on each dollar of taxable property, except such as is by law otherwise taxable, as assessed and entered on the tax lists for county purposes, such amount as is levied by the county board.

Subd. 3. **Town purposes.** There shall be levied annually on each dollar of taxable property, except such as is by law otherwise taxable, as assessed and entered on the tax lists for town purposes, such amount as is voted at any legal town meeting, the rate of which tax shall not exceed, exclusive of such sums as are voted at the annual town meeting for road and bridge purposes, 3½ mills in any town having a population of more than 7,000, excluding the population of any cities therein, 1.6½ mills in any town having a taxable valuation of \$100,000 or more, and the amount of which shall not exceed \$350 in any town having a taxable valuation of less than \$100,000, and the rate of which shall not exceed one percent in any town. The rate of tax for road and bridge purposes in any town shall not exceed the rate provided by section 164.04. In any town in which the amount levied within the above limitations is not sufficient to enable the town to carry on its necessary governmental functions, the electors, during the business hours, after disposing of the annual report, may make an additional levy of not to exceed 1.6½ mills to enable the town to carry on such necessary governmental functions.

Subd. 4. **School purposes.** There shall be levied annually on each dollar of taxable property, except such as is by law otherwise taxable, as assessed and entered on the tax lists for school purposes, such amounts as are provided in Minnesota Statutes, Chapters 120 to 132.

[R L s 871; 1927 c 313 s 1; 1937 c 379 s 1; 1939 c 170 s 1; 1943 c 183 s 1; 1945 c 450 s 1; 1947 c 268 s 1; 1949 c 141 s 1; 1949 c 418 s 1; 1951 c 149 s 1; 1951 c 352 s 1; 1951 c 423 s 1; 1953 c 241 s 1; 1953 c 565 s 1; 1953 c 585 s 1; 1955 c 524 s 1; 1957 c 436 s 1; 1961 c 422 s 1; 1961 c 560 s 25; 1973 c 123 art 5 s 7; 1973 c 380 s 13; 1973 c 583 s 18; 1973 c 650 art 21 s 25; 1973 c 773 s 1] (2060)

NOTE: See also Section 275.23.

275.091 ACTS PROVIDING FOR A HIGHER LEVY NOT SUPERSEDED OR REPEALED. This act shall not be construed as repealing any existing law which provides for a higher levy than the amount specified herein, nor shall it be construed as superseding any other act enacted by the 1949 session of the legislature, relating to the same subject.

[1947 c 268 s 2; 1949 c 141 s 2]

275.092 LOCAL ACTS LIMITING COUNTY LEVY OR APPROPRIATION. Any special act for a single county relating to a limitation on the authority of a county board to levy taxes or make an appropriation for a particular purpose, however stated in mills, dollars, or a per capita amount, which is inconsistent with Laws 1973, Chapter 583, Sections 1 to 35 is superseded.

[1973 c 583 s 36]

275.10 TAX LEVY IN TOWNS. Subdivision 1. **Rate.** The total amount of taxes, exclusive of money and credits taxes, levied in each calendar year by or for any town, through the vote of the town meeting or the electors of such town or otherwise, and by or for any board or commission thereof, for any and all general or special purposes whatsoever, including payment of indebtedness and bonds, shall

not exceed 17 mills on the dollar of the assessed taxable valuation of the property in the town, exclusive of money and credits, whenever such levy of 17 mills upon the dollar of such assessed taxable valuation will produce a total levy of town taxes as great as or greater than an average of \$1,000 per government section of the entire area of such town, according to government survey of the property therein in any one calendar year, and no such town, by vote of the electors or otherwise, shall contract debts or make expenditures in any calendar year in excess of the amount of taxes assessed for that year, plus any available unexpended balance in prior years against which obligations have not been incurred.

Subd. 2. Additional levy. If, prior to the calendar year 1927, such town has incurred, by proper authority, a valid indebtedness, including bonds, in excess of its cash on hand, plus any amount in any sinking fund, plus taxes levied prior to 1927 and uncollected but not delinquent, and plus any funds otherwise available, such town, within the limits now permitted by law, may levy, in addition to the foregoing, sufficient sums to pay and discharge such excess indebtedness, bonds and interest thereon, but any such additional sum so levied shall be levied separately and when collected shall be paid into a separate fund and used only for the purpose of paying such excess indebtedness, bonds and interest thereon.

Subd. 3. Limitation. This section shall not authorize, nor shall it be construed in any instance as authorizing, the levy or spreading of total amounts of taxes for specific purposes or in total amounts in any year in excess of the amount allowed by law at the time of the passage of this section, but this section is and shall be considered an additional limitation.

Subd. 4. Excessive levy, procedure. If any such town shall return to the county auditor a levy greater than herein permitted, such auditor shall extend only such amount of taxes as the limitations herein prescribed shall permit, and to that end he shall determine the area of such towns as herein described from the records in his office or such other data as to government survey as may be available. If such town shall make levies otherwise valid, in specific amounts, for specific purposes, which aggregate more than the total amount permitted by this section, then the amount of each specific levy shall be reduced and spread by him proportionately, to bring the aggregate within the total limit herein permitted.

[1927 c. 110 ss. 1, 2, 3] (2060-2, 2060-3, 2060-4)

275.11 TAX LEVY FOR GENERAL PURPOSES LIMITED. Subdivision 1. The total amount of taxes levied by or for any city, for any and all general and special purposes, exclusive of taxes levied for special assessments for local improvements on property specially benefited thereby, shall not exceed in any year \$54 per capita of the population of such city.

Subd. 2. In any city or statutory city, except those organized according to Chapter 8, Laws 1895, in addition to the levy provided for in subdivision 1, an additional levy may be made for general fund purposes as herein provided:

If the Revised Consumer Price Index, as published by the United States Department of Labor, Bureau of Labor Statistics, for the city of Minneapolis (or if no such index is published for the city of Minneapolis, for the nearest city to Minneapolis for which such index is published), as of December 15 of any year (or for the date nearest to December 15 if no such index is published as of December 15), shall be above 102 (using the average for the years 1947-1949 as a base), the maximum levy limit shall, subject to the restrictions of this subdivision, be increased by 3½ percent for each of the first 6 points that said index may be increased and by one percent for each additional point increased above 6. A fractional point increase shall be disregarded if less than one-half point and treated as one point if one-half point, or more. In any city where more than 25 percent of the assessed valuation consists of iron ore and in any statutory city, the levy permitted by this paragraph shall be in addition to any statutory or charter limitations. In any other city, the levy authorized by this paragraph shall be made within charter limitations.

Subd. 3. M.S. 1957 [Repealed, 1961 c 500 s 2]

Subd. 3. Nothing in this section shall be construed to reduce levies of any municipality below the per capita levy spread in 1970.

[1921 c 417 s 1; 1929 c 206 s 1; 1941 c 543 s 1; 1951 c 539 s 1; 1953 c 577 s 1; 1957 c 710 s 1; 1961 c 500 s 1; 1973 c 123 art 5 s 7; 1973 c 389 s 1] (2061)

MINNESOTA STATUTES 1974

3361

TAXES; LEVY, EXTENSION 275.125

275.12 [Repealed, Ex1971 c 31 art 20 s 25]

275.121 [Local]

275.122 M.S. 1969 [Expired]

275.123 [Repealed, Ex1971 c 31 art 20 s 25]

275.124 REPORT OF CERTIFIED LEVY. Prior to March 1 of each year, each county auditor shall report to the commissioner of education on forms furnished by the commissioner, the amount of the certified levy made by each school district within the county maintaining one or more classified secondary schools. The reports shall also contain the amount payable to each district pursuant to sections 273.13, subdivision 15, 273.69, 297A.55 and 297A.57.

[1969 c 1109 s 3]

275.125 TAX LEVY, SCHOOL DISTRICTS. Subdivision 1. Except as may otherwise be provided in this section, the words and phrases defined in section 124.212 when used in this section shall have the meanings ascribed to them in section 124.212.

Subd. 2. [Repealed, 1973 c 683 s 30]

Subd. 2a. (1) In 1973, a school district may levy for all general and special school purposes, an amount equal to the amount raised by the 1972 adjusted assessed valuation of the district times the number of mills, not to exceed 30, that bears the same relation to 30, as the greater sum computed pursuant to section 124.212, subdivision 7a, clause (2), bears to \$820.

(2) In 1974, a school district may levy for all general and special school purposes, an amount equal to the amount raised by the 1973 adjusted assessed valuation of the district times the number of mills, not to exceed 30, that bears the same relation to 30, as the sum of the greater sum computed pursuant to section 124.212, subdivision 7a, clause (2), and the greater of (a) one-half of the difference that results when such greater sum is subtracted from \$875, or (b) \$50, bears to \$875.

(3) The levy authorized by clauses (1) or (2) may be increased in any amount which is approved by the voters of the district at a referendum called for the purpose. Such a referendum may be called by the school board or shall be called by the school board upon written petition of qualified voters of the district. The referendum shall be held on a date set by the school board. Only one such election may be held in a single school year. The question on the ballot shall be whether a specific millage which will yield a specific amount based on the most recent assessed valuation may be added to that authorized by clauses (1) or (2). If approved, the amount provided by the millage applied to each year's assessed valuation shall be authorized for certification until revoked by the voters of the district at a subsequent referendum, which may be called by the school board and which shall be called by the school board upon the written petition of qualified voters of the district unless the petition for revocation is submitted in the same year in which a levy has been increased by the voters pursuant to this clause. A petition authorized by this clause shall be effective if signed by a number of qualified voters in excess of 15 percent, or 10 percent if the school board election is held in conjunction with a general election, of the average number of voters at the two most recent district wide school elections. A referendum invoked by petition shall be held within three months of submission of the petition to the school board unless the petition for revocation is submitted in the same year in which a levy has been increased by the voters pursuant to this clause. Notwithstanding any law to the contrary, the approval of 50 percent plus one of those voting on the question is required to pass a referendum.

Subd. 3. In addition to the levy authorized by section 275.125, subdivision 2a, a qualifying district may levy additional amounts as follows:

(1) The amounts necessary to make payments for bonds issued and for interest thereon, including the bonds and interest thereon, issued as authorized by clause (7)(C) of this subdivision, and for repayment of debt service loans and capital loans, the amount authorized for capital expenditures pursuant to section 124.04 and the amount authorized for liabilities of dissolved districts pursuant to section 122.45.

(2) For school transportation services, an amount not to exceed the amount raised by a levy of one mill times the adjusted assessed valuation of the taxable

MINNESOTA STATUTES 1974

property of the district for the preceding year; provided that in 1973 and thereafter a district having boundaries coterminous with the boundaries of a city of the first class may levy an amount not to exceed 20 percent of its costs for transportation and related services for which state aid is authorized for the 1974-1975 school year and thereafter, and provided further that a district may levy under this clause for the annual cash payments to be made for the purchase of buses, but only for that portion of the payments not offset by state transportation aid received on account of depreciation; and provided further that beginning with the levy certified in 1974, a district may levy for that portion of transportation costs approved by the commissioner as qualifying for aid because of extraordinary traffic hazards but for which no state aid is receivable for the current fiscal year pursuant to section 124.223, clause (1).

(3) For purposes of the 1973 levy, collectible in 1974, any district which qualified for an extra levy under Minnesota Statutes 1971, Section 275.125, Subdivision 3, Clause (4), shall be allowed to levy the same amount per pupil unit allowed by that clause. Provided, however, that a district having boundaries coterminous with the boundaries of a city of the first class which was affected by the limitation of an extra levy not to exceed 1.5 mills times the adjusted assessed valuation of the district shall be allowed to levy 1.9 mills. For purposes of the 1973 levy, collectible in 1974, any district which qualified for an extra levy in 1971, collectible in 1972, under Minnesota Statutes 1971, Section 275.125, Subdivision 3, Clause (3) but did not qualify for an extra levy under Minnesota Statutes 1971, Section 275.125, Subdivision 3, Clause (4) in 1972, collectible in 1973, shall be allowed to levy the amount per pupil unit it was qualified to levy under Minnesota Statutes 1971, Section 275.125, Subdivision 3, Clause (3).

(4) In 1973 only, for a district which was authorized to levy pursuant to Minnesota Statutes 1971, Section 275.125, Subdivision 3, Clause (3), but which was not authorized to levy pursuant to Minnesota Statutes 1971, Section 275.125, Subdivision 3, Clause (4), an amount not to exceed the aggregate amount authorized by Minnesota Statutes 1971, Section 275.125, Subdivision 3, Clause (3).

(5) For the 1974 levy, collectible in 1975, any district, in which the 1970-1971 adjusted maintenance cost per pupil unit in average daily membership was greater than \$663 per pupil unit, may levy an amount per pupil unit which is equal to or less than the difference between the 1970-1971 adjusted maintenance cost per pupil unit in average daily membership and \$663 per pupil unit, reduced by two and one-half percent. No district may levy under this clause an amount which exceeds the sum of the levy permitted under section 275.125, subdivision 3(3) and the amount raised by 2 mills times the adjusted assessed valuation of the taxable property of the district for the preceding year. Provided, however, that a district with boundaries coterminous with the boundaries of a city of the first class which was affected by the limitation of an extra levy not to exceed 1.9 mills times the adjusted assessed valuation of the district shall be allowed to levy 2.0 mills.

(6) For districts in cities of the first class, maintaining post secondary vocational schools, one half mills times the adjusted assessed valuation of the taxable property of the district for the preceding year; and for other districts maintaining post secondary vocational schools, three mills times the adjusted assessed valuation of the taxable property of the district for the preceding year, provided that districts formed pursuant to Laws 1967, Chapter 822, and Laws 1969, Chapters 775 and 1060, shall be subject to the levy limitations imposed by those laws, as amended.

(7)(A) In order that the transition from existing patterns of financing public schools to the system prescribed in Extra Session Laws 1971, Chapter 31, Article 20 may be made in an orderly fashion, a district may levy an additional levy under the terms of this section.

(B) If that part of the levy certified by the school district in 1970, received in 1971, plus so much of the levy, allowed under subdivisions 2 and 3, sections 1 to 5 of this act, to be certified in 1971, received in 1972, as will be received between July 1, 1971 and June 30, 1972, and when added to all other state aids, local funds available and net existing local debts, exclusive of bonded debt and existing capital loans will not be sufficient to allow a district to spend an amount per pupil unit sufficient to raise its 1970-1971 adjusted maintenance cost per pupil unit by \$42 it may petition the commissioner of education for authority to levy an additional levy. Before such a levy can be made, the commissioner must authorize such a levy.

MINNESOTA STATUTES 1974

3363

TAXES; LEVY, EXTENSION 275.125

Such authorization shall specify the amount of the levy, provided that such levy may not exceed .5 mills in a city of the first class or 1.5 mills in any other district times the 1970 adjusted assessed valuation of the district as determined by the equalization aid review committee.

(C) If the additional levy allowed in (B) is insufficient to raise the adjusted maintenance cost of a district to \$42 above its costs in 1970-1971 it may petition the commissioner of education for authority to issue general obligation bonds of an amount sufficient to meet the deficiency. The commissioner must authorize such a bond issue. The authorization shall specify the amount of the bond issue provided that the levy authorization to pay the principal and interest on the bonds may not exceed .5 mills in a district within a city of the first class, or 1.5 mills in any other district, times the 1970 adjusted assessed valuation of the district as determined by the equalization aid review committee. The bonds authorized by this section shall be sold and issued pursuant to the provisions of chapter 475, except as otherwise provided herein. Such bonds shall not be included in computing any debt limitation for a district and no election shall be required for their sale and issuance.

A district may not be authorized an additional levy under both (B) and (C) of this section.

(8) In 1973, and each year thereafter, for a district which has established a community school advisory council pursuant to section 121.88, whether or not the district receives reimbursement from the state pursuant to section 121.89, an amount of money raised by the greater of (A) \$1 per capita, or (B) the number of mills not to exceed the number of mills necessary in 1973 to raise \$1 per capita in 1973 for community services including summer school, nonvocational adult programs, recreation programs, and programs contemplated by sections 121.85 to 121.89.

The population of the district for purposes of this clause is the population determined as provided in section 275.14 or as certified by the department of education from the most recent federal census.

(9) Districts which receive payments which result in deductions from foundation aid pursuant to section 124.212, subdivision 8a, shall reduce the permissible levies authorized by this subdivision by 25 percent in 1973, 50 percent in 1974, 75 percent in 1975, and 100 percent for each year thereafter of that portion of the previous year's payment not deducted from foundation aid on account of the payment, unless such a levy reduction is otherwise required by law. The levy reductions shall be made in the proportions that each permissible levy bears to the sum of the permissible levies.

(10) The commissioner shall certify to the county auditors the levy limits for all school districts headquartered in the respective counties together with adjustments for errors in levies not penalized pursuant to subdivision 4 as well as adjustments to final pupil unit counts.

A school district shall have the right to require the commissioner to review his certification and to present evidence in support of modification of his certification.

The county auditor shall reduce levies for any excess of levies over levy limitations pursuant to section 275.16. Such reduction in excess levies may at the discretion of the school district be spread over not to exceed two calendar years.

(11) The commissioner of education shall certify to the county auditors any underlevies made in 1971 and 1972 in the transportation levy amounts. The 1971 underlevies shall be determined to be (1) the actual net costs of reimbursable transportation as reported to the department of education for the 1972-1973 school year plus the amount expended by the district to acquire school buses in 1972-1973 used for reimbursable transportation, less (2) the 1971 certified transportation levy as amended and state aids received in 1972-1973 for transportation including depreciation. Underlevies in the 1972 transportation levy shall be computed in like manner using 1973-1974 costs and state aids received in the 1973-1974 school year. The 1974 levy shall be adjusted to correct for such underlevies, provided that upon written request of the affected school board to the commissioner, the adjustment shall be prorated in the 1974 and 1975 transportation levies. No district may levy under this clause in any year an amount which exceeds the amount raised by a levy of two mills times the previous year's adjusted assessed valuation of the taxable property of the district.

(12) When a district finds it economically advantageous to rent or lease

existing school buildings for instructional purposes, and the proceeds of the levy permitted under section 124.04 are insufficient for this purpose, it may apply to the commissioner for permission to make an additional capital expenditure levy for this purpose. An application for permission to levy under this clause shall contain financial justification for the proposed levy, the terms and conditions of the proposed lease, and a description of the space to be leased and its proposed use. The criteria for approval of applications to levy under this clause shall include: the reasonableness of the price, the appropriateness of the space to the proposed activity, the feasibility of transporting pupils to the leased building, conformity of the lease to the laws and regulations of the state of Minnesota, and the appropriateness of the proposed lease to the space needs and the financial condition of the district. The commissioner shall not authorize a levy under this clause in an amount greater than the cost to the district of renting or leasing a school building for approved purposes.

Subd. 4. Any district which in any year levies an amount which is greater than the amount allowed by subdivisions 2 and 3, shall lose an amount of state foundation aid equal to one-half of the excess in the levy, provided that any levy which is found to be excessive as a result of a decision of the tax court or a redetermination by the equalization aid review committee under section 124.212, subdivisions 11 to 20, shall not be compensated for in the next levy of the district. The amount of aid lost shall be deducted from the aid which would otherwise have been received for the school year which commences in the calendar year during which the excessive levy is being collected. Any foundation aid so withheld shall be withheld in accordance with the procedures specified in section 124.15. A levy made in 1971 prior to the effective date of Extra Session Laws 1971, Chapter 31, Article 20 shall be reviewed, and may be modified, by the appropriate authority of the district for the purpose of reducing such levy to conform to the limitation imposed by Extra Session Laws 1971, Chapter 31, Article 20. Any reduction in such levy made prior to December 15, 1971 shall be given the same effect as though such reduction had been made prior to the expiration of the time allowed by law for making the levy.

Subd. 5. For the purposes of this section, the number by pupil units in average daily membership shall be computed in accordance with section 124.17, provided that the district may use an estimated average daily membership for the current school year. Any district which increased its pupil units, exclusive of consolidation, or merger of districts, or change of definition of pupil units by more than five percent from one year to another may use an estimated pupil unit count for the next succeeding school year for determining a levy certified in the current year. If as a result of such estimate the levy is different from the amount that could actually have been levied under this section had such levy been based upon the pupil units computed under section 124.17 for that school year, then in that event the authorized levy for the following year shall be adjusted for the difference.

Subd. 6. Notwithstanding any other charter provision, general or special laws to the contrary, every school district in the state shall abide by the terms and provisions of this section.

Subd. 7. By November 1 of each year each district shall submit to the commissioner of education a certificate of compliance with the levy limitations of this section. The commissioner of education shall prescribe the form of this certificate.

[*Ex1971 c 31 art 20 s 8; 1973 c 683 s 18, 19; 1974 c 521 s 29-31*]

275.126 TEACHER RETIREMENT FUND LEVIES, EXEMPTIONS FROM LIMITATIONS. Levies for teacher retirement fund associations established under the provisions of section 354A.01 are exempt from the levy limitations of Extra Session Laws 1971, Chapter 31, Article 20.

[*Ex1971 c 31 art 20 s 35*]

MINNESOTA STATUTES 1974

3365

TAXES; LEVY, EXTENSION 275.15

275.127 SCHOOL DISTRICTS WITHIN CITIES OF FIRST CLASS; RETIREMENT LEVIES, EXEMPTION FROM LIMITATIONS. Retirement levies by school districts within districts of the first class under sections 422.01 to 422.54 are exempt from the levy limitations of Extra Session Laws 1971, Chapter 31, Article 20, but not those of Extra Session Laws 1971, Chapter 31, Article 26.

[*Ex1971 c 31 art 20 s 36*]

275.13 M.S. 1969 [Expired]

275.14 CENSUS. For the purposes of sections 275.11 to 275.16, the last respective state or federal census of population taken prior to the calendar year in which any such levy may be made shall govern and shall be conclusive in determining hereunder the population of any city or school districts. Provided, if by the 1970 Federal Census, any school district shall have less population than that upon which the 1970 tax levy of said district was based, and shall not have had a subsequent special census, as authorized hereby, the population for subsequent years for the purposes of sections 275.11 to 275.16, may at the option of the district be computed as follows: For the year 1971, the same population as for 1970; for the year 1972, the population used in computing the 1970 levy, decreased by one-fourth of the loss in population shown by the 1970 census; for each of the next two subsequent years, an additional one-fourth of the population loss shown by the 1970 census shall be deducted; thereafter, the said 1970 federal census shall control until a subsequent federal or state census is taken.

If by the 1970 federal census, any city shall have less population than that upon which the 1970 tax levy of said city was based, and shall not have had a subsequent special census, as authorized hereby, the population for subsequent years for the purposes of sections 275.11 to 275.16, shall be computed as follows: For the year 1971, the same population as for 1970; for the year 1972, the population used in computing the 1970 levy, decreased by one-fourth of the loss in population shown by the 1970 census; for each of the next two subsequent years an additional one-fourth of the population loss shown by the 1970 census shall be deducted; thereafter the said 1970 federal census shall control until a subsequent federal or state census is taken. Provided, that in any year in which no state or federal census is taken pursuant to law in any such city or school district affected by sections 275.11 to 275.16 a census may be taken as hereinafter provided. In cases where a census may be taken in any such city or school district, the council of such city or the school board of such school district, in case it desires such census, shall pass a resolution requesting the taking thereof by the secretary of state and shall furnish the secretary of state a certified copy thereof, whereupon the secretary of state shall cause such census to be taken under his immediate supervision and such rules and regulations as he may prescribe, and shall certify the result thereof to the council of such city or the school board of such school district, as the case may be, within three months from the receipt by him of the certified copy of the resolution; and such special census may be used for such purpose within the year it is taken or at any time thereafter. The expense of taking such census shall be paid by the city or school district, as the case may be, in which the same is taken.

In the event that a census tract employed in taking a federal, state, or local census overlaps two or more school districts, the county auditor shall, on the basis of the best information available, allocate the population of said census tract to the school districts involved.

The term "council," as used in sections 275.11 to 275.16, means any board or body, whether composed of one or more branches, authorized to make ordinances for the government of a city within this state.

[*1921 c 417 s 4; 1951 c 447 s 1; 1961 c 593 s 1; 1971 c 16 s 1; 1971 c 783 s 1; 1973 c 123 art 5 s 7*] (2064)

275.15 NOT TO INCREASE LEVIES. Sections 275.11 to 275.16 shall not authorize, nor be construed as, in any instance, authorizing the levy of total amounts of taxes in any year in excess of the amount allowed by law at the time of the passage of these sections, but shall be considered an additional limitation.

[*1921 c. 417 s. 5*] (2065)

275.16 COUNTY AUDITOR TO FIX AMOUNT OF LEVY. If any such municipality shall return to the county auditor a levy greater than permitted by sections 275.11 to 275.16, such county auditor shall extend only such amount of taxes as the limitations herein prescribed will permit; provided, if such levy shall include any levy for the payment of bonded indebtedness or judgments, such levies for bonded indebtedness or judgments shall be extended in full, and the remainder of the levies shall be reduced so that the total thereof, including levies for bonds and judgments, shall not exceed such amount as the limitations herein prescribed will permit.

[1921 c. 417 s. 6; 1941 c. 543 s. 4] (2066)

275.161 ADDITIONAL LIMITATION. Sections 275.11, 275.12, 275.13, and 275.16 shall be considered an additional limitation and shall not be construed as in any instance authorizing the levy of total amounts of taxes in any year in excess of the amount allowed by law on April 28, 1941.

[1941 c. 543 s. 5]

275.17 [Local]

275.18 [Local]

275.19 [Local]

275.20 [Local]

275.21 [Local]

275.22 [Repealed, 1967 c 584 s 1]

275.23 LIMITATIONS OF SECTION 275.09. Section 275.09 shall not be construed as prohibiting assessments on property adjacent to local improvements made in any city or town for the purpose of paying the cost thereof, and the damages occasioned thereby, and nothing in section 275.09 shall be construed as preventing the proper authorities of any county, city, town, or school district from levying any tax authorized by special law.

[R L s 872; 1973 c 123 art 5 s 7] (2068)

275.24 GENERAL FUND, TAX RATE; CITIES OF SECOND CLASS. Each city of the second class not operating under a home rule charter is hereby authorized and empowered to annually levy for the general fund of such city, in addition to the levy for special funds as now established in such city, a tax not exceeding 16% mills on the dollar of the valuation of all taxable property in such city, according to the last preceding official assessment thereof.

[1919 c 75 s 1, 2; 1951 c 298 s 1; 1953 c 176 s 1; 1973 c 773 s 1] (2068-1, 2068-2)

275.25 [Repealed, 1969 c 9 s 100]

275.26 EXCESSIVE LEVY; INJUNCTION. When any county board shall levy taxes for any purpose in excess of the amount allowed by law, any taxpayer thereby affected, for himself and all other interested taxpayers in the county, may bring an action against the treasurer, the auditor, and the board of such county, to enjoin the collection of such taxes, and for an order requiring the defendants, or either of them, to correct the levy, and for such other order as may be proper for the correction and adjustment of such taxes and levy, notwithstanding that such taxpayers have a speedy and adequate remedy in the ordinary course of law. When so corrected and adjusted, the taxes may be collected as other taxes.

[R. L. s. 873] (2069)

275.27 CONTRACTS IN EXCESS VOID; LIABILITY OF OFFICERS. It shall be unlawful for the authorities of any county, town, city, or school district, unless expressly authorized by law, to contract any debt or incur any pecuniary liability for the payment of either the principal or the interest of which, during the current or any subsequent year, it shall be necessary to levy a rate of taxes higher than the maximum prescribed by law. Every such contract shall be null and void in regard to any obligation thereby sought to be imposed upon such corporation; but every officer, agent, or member thereof who participates in or authorizes the making of such contract shall be individually liable for its performance. Every such officer or agent who is present when such contract is made or authorized shall be deemed to participate in or authorize the making thereof, as the case may be, unless he enter or cause to be entered his dissent therefrom in the records of such corporation.

[R L s 874; 1973 c 123 art 5 s 7] (2070)

275.28 TAX LISTS. Subdivision 1. **Auditor to make.** The county auditor shall make out the tax lists according to the prescribed form, and to correspond

MINNESOTA STATUTES 1974

3367

TAXES; LEVY, EXTENSION 275.29

with the assessment districts. The rate percent necessary to raise the required amount of the various taxes shall be calculated on the assessed valuation of property as determined by the state board of equalization, but, in calculating such rates, no rate shall be used resulting in a fraction other than a decimal fraction, or less than one-thirtieth of a mill; and, in extending any tax, whenever it amounts to the fractional part of a cent, it shall be made one cent. The tax lists shall also be made out to correspond with the assessment books in reference to ownership and description of property, with columns for the valuation and for the various items of tax included in the total amount of all taxes set down opposite each description; and opposite each description which has been sold for taxes, and which is subject to redemption, but not redeemed, shall be placed the words "sold for taxes." The amount of all special taxes shall be entered in the proper columns, but the general taxes may be shown by entering the rate percent of each tax at the head of the proper columns, without extending the same, in which case a schedule of the rates percent of such taxes shall be made on the first page of each tax list. If the auditor shall fail to enter on any such list before its delivery to the treasurer any tax levied, such tax may be subsequently entered. The tax lists shall be deemed completed, and all taxes extended thereon, as of October 16 annually.

Subd. 2. Certificate of auditor. The auditor shall make in each assessment book or list a certificate in the following form:

I, A.B., auditor of _____ county, and the State of Minnesota, do hereby certify that the following is a correct list of the taxes levied on the real and personal property in the (town or district, as the case may be) of _____ for the year 19— (being the same year the property was assessed and the tax levied), to become payable in the year 19—.

Witness my hand and official seal this _____ day of _____, 19—.

County Auditor.

Subd. 3. Designation of year of tax. Beginning with property taxes payable in 1964, taxes on real and personal property shall continue to be related to the year in which assessed but shall be designated by the year in which they become payable but the liens shall relate back to the assessment date preceding except as otherwise provided, and further provided that such designation shall not be deemed to change the date or period to which such property taxes relate.

Subd. 4. Unit card ledger counties. In any county in this state in which the county auditor has elected to come under the provisions of section 273.03, subdivision 2, he shall cause to be prepared a record to be known as "Real estate assessment and tax list for the year" In addition to the information provided for in section 275.28, subdivision 1, to be shown in tax lists, there shall also be included the amount of true and full value of land, building, and machinery, if any, and the total true and full value assessed against each parcel of real estate contained in such lists.

In such counties the auditor shall make in each list a certificate in the following form:

"I, _____, auditor of _____ county and State of Minnesota, do hereby certify that the following is a correct list of the taxes levied on the real property, based on the total true and full value indicated therein, in the (town or district, as the case may be) of _____ for the year 19.....

Witness my hand and official seal thisday of
19.....

County Auditor."

[R L s 875, 876; 1963 c 39 s 1, 2; 1963 c 781 s 5; 1965 c 545 s 1; 1969 c 323 s 1; 1973 c 458 s 1; 1973 c 773 s 1] (2071, 2072)

275.29 ABSTRACTS TO STATE OFFICIALS. On or before January first, in each year, the county auditor shall make and transmit to the state auditor and the commissioner of revenue, in such form as may be prescribed by the commissioner of revenue, complete abstracts of the tax lists of the county, showing the number of acres of land assessed; its value, including the structures thereon; the value of town and city lots, including structures; the total value of all taxable personal property in the several assessment districts; the aggregate amount of all taxable property in the county, and the total amount of taxes levied therein for state, county, town, and all other purposes for that year.

[R L s 877; 1974 c 86 s 1] (2073)

275.30 [Repealed, 1974 c 14 s 1]

275.31 LIMITATION OF SECTIONS 275.31 TO 275.35. Sections 275.31 to 275.35 apply to all towns in the state having a population of more than 3,000, exclusive of incorporated cities therein, and an assessed valuation of taxable property, exclusive of money and credits, of more than \$10,000,000.

[1935 c 133 s 1; 1973 c 123 art 5 s 7] (2060-5)

275.32 LIMIT, TAX LEVY. The total amount of taxes, exclusive of money and credit taxes, levied by or for any such town, through the vote of the town meeting or the electors of such town or otherwise, and by or for any board or commission thereof, for any and all general or special purposes whatsoever, including payment of indebtedness and bonds, payment for which is levied under Laws 1941, Chapter 447; Laws 1951, Chapter 396; Minnesota Statutes 1949, Section 368.52 and Laws 1951, Chapter 477, shall not exceed 5½ mills on the dollar of the assessed taxable valuation of the property in any such town, exclusive of money and credits, whenever such levies as hereinbefore specified will produce a total levy of town taxes as great or greater than an average of \$1,000 per government section of the entire area of such town, according to government survey of the property therein in any one calendar year. In the year 1953 and thereafter, the total amount of taxes, exclusive of money and credit taxes, levied by or for any such town, through the vote of the town meeting or the electors of such town or otherwise and for and by any board or commission thereof, for any and all general or special purposes whatsoever, including payment of indebtedness and bonds, shall not exceed 5½ mills on the dollar of the assessed taxable valuation of any such property, exclusive of money and credits, whenever such levy as herein specified will produce a levy of town taxes as great or greater than an average of \$1,000 per government section of the entire area of such town, according to government survey of the property therein in any one calendar year; provided, that whenever the statutes of this state provide for a tax levy for such towns of town taxes for bonded indebtedness and interest in excess of all such limitations for such towns, that such tax levies for such bonded indebtedness and interest shall continue to be levied in excess of the tax limitations herein specified.

[1935 c 133 s 2; 1953 c 183 s 1; 1973 c 773 s 1] (2060-6)

275.33 LIMITATION OF EXPENDITURES. No such town, by vote of the electors or otherwise, shall contract debts or make expenditures in any calendar year in excess of the amount of taxes levied for that year, plus any available unexpended balance in prior years against which obligations have not been incurred.

[1935 c. 133 s. 3] (2060-7)

275.34 ADDITIONAL LIMITATION. Sections 275.31 to 275.35 shall not authorize, nor be construed in any instance as authorizing, the levy or spreading of total amounts of taxes for specific purposes or in total amounts in any year in excess of the amount allowed by law at the time of the passage of Laws 1935, Chapter 133, but shall be an additional limitation.

[1935 c. 133 s. 4] (2060-8)

275.35 COUNTY AUDITOR TO MAKE LEVY WITHIN LIMIT. If any such town shall return to the county auditor a levy greater than herein permitted, such auditor shall extend only such amount of taxes as the limitations herein prescribed shall permit, and to that end he shall determine the area of such towns as herein described from the records in his office or such other data as to government survey as may be available. If any such town shall make levies otherwise valid, in specific amounts, for specific purposes, which aggregate more than the total amount permitted by sections 275.31 to 275.35, then the amount of each specific levy shall be reduced and spread by him proportionately to bring the aggregate within the total limit herein permitted.

[1935 c. 133 s. 5] (2060-9)

275.36 TAX LEVY IN CITIES OF THIRD CLASS. The governing body of any city of the third class now or hereafter organized in this state and operating under a home rule charter which provides that the annual tax levy shall not exceed 6½ mills on the dollar of the taxable valuation of the city for all purposes, and wherein there are due and delinquent special assessments in the sum of \$25,000, or more, may, notwithstanding the maximum of annual tax levy, levy not to exceed one mill

MINNESOTA STATUTES 1974

3369

TAXES; LEVY, EXTENSION · 275.44

annually, in addition to the 6½ mills, for the purpose of creating a fund with which to retire and pay outstanding certificates of indebtedness of any such city issued prior to July 1, 1937. All moneys derived from any such additional levy shall be used only for the purpose of retiring such certificates of indebtedness of any such city.

[1937 c 66 s 1; 1973 c 773 s 1] (2061-1)

275.37 [Repealed, 1953 c 29 s 1]

275.38 [Expired]

275.39 SCHOOL DISTRICTS; TAX LIMITS. Sections 275.39 to 275.42 shall apply to all school districts in the state having a population of more than 10,000 and less than 50,000 and having an assessed valuation of taxable property exclusive of money and credits of more than \$50,000,000.

The total amount of taxes which may be levied by or for any such school district for any and all general and special purposes whatsoever, including payment of indebtedness and bonds, and including the county school tax of one-third of one mill required to be levied by statute, but exclusive of any state levy, shall not exceed, in the year 1935, \$51.75 per capita of the population of such school district; in the year 1936 shall not exceed \$51 per capita; in the year 1937 shall not exceed \$49 per capita; in the year 1938 shall not exceed \$48 per capita; in the year 1939 shall not exceed \$47.50 per capita; in the year 1940 shall not exceed \$47.50 per capita; in the year 1941 shall not exceed \$47.50 per capita; in the year 1942 and in each year thereafter shall not exceed \$40 per capita.

[1935 c 132 s 1, 2; 1973 c 773 s 1] (2062-1, 2062-2)

275.40 M.S. 1967 [Expired]

275.41 WHICH CENSUS GOVERNS. For the purposes of sections 275.39 to 275.42, the last state or federal census of population taken prior to the enactment hereof shall govern and shall be conclusive in determining hereunder the population of any such school district until and including the levy of the year 1942; thereafter the last respective state or federal census of population taken prior to the calendar year in which any such levy may be made shall govern; provided, that if the federal census of 1940 or any subsequent decennial federal census shall not be taken so as to show the population of any school district hereunder; or, if the population of such school district cannot be computed from the district enumerators' reports prepared and filed at the time of the taking of the federal census, the governing body of the school district shall, at any time within two years following the end of the calendar year in which such federal census is taken, have a special census taken of the population of the district in the following manner: The governing body of the school district shall pass a resolution requesting the taking thereof by the secretary of state, and shall furnish the secretary of state a certified copy thereof; whereupon the secretary of state shall cause such census to be taken under his immediate supervision and under such rules and regulations as he may prescribe, and shall certify the result thereof to the governing body of any such school district within three months from the receipt by him of such resolution. The expense of taking such census shall be paid by the school district in which the same is taken. In the year 1945, and every tenth year thereafter, the governing body of such school district may, if it desires a special census taken of the population of the district, have the same taken under the direction of the secretary of state in the manner above provided.

[1935 c. 132 s. 4] (2062-4)

275.42 COUNTY AUDITOR TO MAKE LEVY WITHIN LIMIT. If any such school district shall return to the county auditor a levy greater than herein permitted, such county auditor shall extend only such amount of taxes as the limitations herein prescribed will permit.

[1935 c. 132 s. 5] (2062-5)

275.43 [Repealed, 1965 c 45 s 73]

275.44 CERTAIN CITIES, LIMITATION OF TAX LEVY. Sections 275.44 to 275.47 shall apply to all cities in the state having a population of more than 10,000 and less than 50,000 and having an assessed valuation of taxable property exclusive of money and credits of more than \$35,000,000.

The total amount of taxes levied in the years hereinafter designated by or for

any such city for any and all general and special purposes, exclusive of taxes levied for special assessments for local improvements upon property specially benefited thereby, shall not exceed in the year 1935 \$62.50 per capita of the population of such city; in the year 1936 shall not exceed \$60 per capita of the population of such city; in the year 1937 shall not exceed \$57.50 per capita of the population of such city; in the year 1938 shall not exceed \$55 per capita of the population of such city; in the year 1939 shall not exceed \$52.50 per capita of the population of such city; and in the year 1940 and in each year thereafter such total levy shall not exceed \$50 per capita of the population of such city.

If any such city, subject to the provisions of Laws 1929, Chapter 208, has, prior to the calendar year 1929, incurred by proper authority a valid indebtedness, including bonds issued in 1929 to fund indebtedness incurred prior thereto, in excess of its cash on hand plus any amount in any sinking fund such city, within but not above the limits now permitted by law, in addition to the foregoing, may levy sufficient amounts to pay and discharge such excess indebtedness, bonds, and interest thereon; but any such additional sum so levied shall be separately levied; and when collected shall be paid into a separate fund and used only for the purpose of paying such excess indebtedness, bonds, and interest thereon.

[1935 c 134 s 1, 2; 1973 c 123 art 5 s 7] (2066-7, 2066-8)

275.45 WHICH CENSUS GOVERNS. For the purposes of sections 275.44 to 275.47, the last respective state or federal census of population taken prior to the enactment thereof shall govern and be conclusive in determining hereunder the population of any such city in fixing all levies up to and including the levy of the year 1942. For levies subsequent to the year 1942 the last respective state or federal census prior to the calendar year in which any such levy may be made shall govern. In the year 1945, and each tenth year thereafter, the council of such city may, in case it desires a special census, pass a resolution requesting the taking thereof by the secretary of state, and shall furnish the secretary of state a certified copy thereof; whereupon the secretary of state shall cause such census to be taken under his immediate supervision, and under such rules and regulations as he may prescribe, and shall certify the result thereof to the council of such city within three months from the receipt by him of such certified copy of resolution. The expense of taking such census shall be paid by the city in which the same is taken.

[1935 c 134 s 3; 1973 c 123 art 5 s 7] (2066-9)

275.46 LIMITATION OF LEVY. Sections 275.44 to 275.47 shall not authorize, or be construed as in any instance authorizing, the levy of total amounts of taxes in any year in excess of the amount allowed by law at the time of the passage of Laws 1935, Chapter 134, and shall be considered an additional limitation.

[1935 c. 134 s. 4] (2066-10)

275.47 COUNTY AUDITOR TO MAKE LEVY WITHIN LIMIT. If any such city shall return to the county auditor a levy greater than herein permitted, such county auditor shall extend only such amount of taxes as the limitations herein prescribed will permit.

[1935 c 134 s 5; 1973 c 123 art 5 s 7] (2066-11)

275.48 ADDITIONAL TAX LEVIES IN CERTAIN MUNICIPALITIES. Whenever the assessed valuation of any city, township or school district for any taxable year is reduced after the taxes for such year have been spread by the county auditor and whenever the mill rate as determined by the county auditor based upon the original assessed valuation is applied upon such reduced valuations and does not produce the full amount of taxes as actually levied and certified for such taxable year upon the original assessed valuations, such city, township or school district may include in its tax levy made following such reduction in assessed valuation, an amount equal to the difference between the total amount of taxes actually levied and certified for such taxable year upon the original assessed valuation, not exceeding the maximum amount which could be raised upon such assessed valuation as reduced, within existing mill limitations, if any, and the amount of taxes collected for such taxable year upon such reduced valuations.

The amount of taxes so included shall be levied separately and shall be levied in addition to all limitations permitted by section 275.11, as other applicable laws limiting levies in cities, towns or school districts.

[1943 c 523 s 1, 2; 1973 c 123 art 5 s 7]

MINNESOTA STATUTES 1974

3371

TAXES; LEVY, EXTENSION 275.50

275.49 COMPUTATIONS TIED TO TAX VALUATION. For the purpose of computing the amount or rate of any salary, aid, tax, or debt authorized, required, or limited by any provision of any law or charter, where such authorization, requirement, or limitation is related in any manner to any value or valuation of taxable property within the state or within any of its taxing districts, such property shall include all property of any class exempted from taxation by Extra Session Laws 1967, Chapter 32 at its value or valuation in 1966 as determined in accordance with law.

[*Ex*1967 c 32 art 15 s 1]

275.50 LEVY LIMITS IMPOSED BY 1971 TAX BILL, DEFINITIONS. Subdivision 1. As used in sections 275.50 to 275.56, the terms defined herein have the meanings given to them.

Subd. 2. "Governmental subdivision" means any county, city, statutory city, or town having the powers of a statutory city pursuant to sections 368.01 or 368.61, or by special law. The term does not include school districts, towns without statutory city powers, or special taxing districts determined by the department of revenue.

Subd. 3. "Governing body" of a town means its board of supervisors.

Subd. 4. "Special assessments" means assessments made against real property for purposes of financing, wholly or in part, only those types of improvements enumerated in sections 429.021, subdivision 1 and 429.101, whether imposed pursuant to such sections or pursuant to home rule charter provisions. General tax levies spread upon real estate not specifically benefited by the improvements, and on the benefitted real estate as part of the taxable valuation of the governmental subdivision, are not considered special assessments.

Subd. 5. "Special levies" means those portions of ad valorem taxes levied by governmental subdivisions to:

(a) satisfy judgments rendered against the governmental subdivision by a court of competent jurisdiction in any action other than an action on an express contract or default on an express contract, or to pay the costs of settlements out of court against the governmental subdivision in any action other than an action on an express contract when substantiated by a stipulation for the dismissal of the action filed with the court of competent jurisdiction and signed by both the plaintiff and the legal representative of the governmental subdivision, but only to the extent of the increase in levy for such judgments and out of court settlements over levy year 1970, taxes payable in 1971;

(b) pay the costs of complying with any written lawful order issued by the state of Minnesota, or the United States, or any agency or subdivision thereof, which is authorized by law, statute, special act or ordinance and is enforceable in a court of competent jurisdiction, or any stipulation agreement or permit for treatment works or disposal system for pollution abatement in lieu of a lawful order signed by the governmental subdivision and the state of Minnesota, or the United States, or any agency or subdivision thereof which is enforceable in a court of competent jurisdiction. The commissioner of revenue shall in consultation with other state departments and agencies, develop a suggested form for use by the state of Minnesota, its agencies and subdivisions in issuing orders pursuant to this subdivision;

(c) pay the costs of complying with any law enacted by the 1971 legislature or a prior or subsequent year's legislature which specifically and directly requires a new or altered activity after levy year 1970, taxes payable in 1971, but only to the extent of the increased cost for such activity after levy year 1970, taxes payable in 1971;

(d) pay the costs of an expanded county court system to the extent of the increase in costs over the amount levied in support of a county court or a probate court in levy year 1970, taxes payable in 1971;

(e) pay amounts required by any public pension plan to the extent that operation of the laws of the state of Minnesota or the United States governing such fund directly causes the level of governmental financial support to exceed the level of such support prior to July 1, 1971, provided that such increases are not the result of amendment by any means to the benefit plan after July 1, 1971 which required the approval of the governing body of the governmental subdivision;

(f) pay amounts required to be levied in support of a volunteer firemen's relief association if resulting from the operation of sections 69.772 and 69.773;

(g) pay the costs to a governmental subdivision for their share of any program otherwise authorized by law, including the administrative costs of social services

and of county welfare systems, for which matching funds have been appropriated by the state of Minnesota or the United States, but only to the extent that the costs to the governmental subdivision for the program exceed those expended in calendar year 1970, subject to rules promulgated by the commissioner of revenue pursuant to the administrative procedures act;

(h) pay expenses reasonably and necessarily incurred in preventing, preparing for or repairing the effects of natural disaster. "Natural disaster" as used herein means the occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from natural causes, including and limited to fire, flood, earthquake, wind storm, wave action, oil spill, or other water contamination requiring action to avert danger or damage, volcanic activity, drought or air contamination. The emergency services division of the state department of public safety shall formulate standards by which an occurrence of any of the aforementioned natural phenomena would be deemed a natural disaster by reason of the level of damage, injury or loss of life or property that has occurred or would occur if preventative action was not taken;

(i) pay the costs not reimbursed by the state or federal government, of payments made to or on behalf of recipients of aid under any public assistance program authorized by law;

(j) pay the costs of principal and interest on bonded indebtedness, or, effective for taxes levied in 1973 and years thereafter, to reimburse for the amount of liquor store revenues used to pay the principal and interest due in the year preceding the year for which the levy limit is calculated on municipal liquor store bonds;

(k) pay the costs of principal and interest on certificates of indebtedness, except tax anticipation or aid anticipation certificates of indebtedness, issued for any corporate purpose except current expenses or funding an insufficiency in receipts from taxes or other sources or funding extraordinary expenditures resulting from a public emergency;

(l) fund the payments made to the Minnesota state armory building commission pursuant to section 193.145, subdivision 2, to retire the principal and interest on armory construction bonds;

(m) provide for the bonded indebtedness portion of payments made to another political subdivision of the state of Minnesota;

(n) pay the amounts required to compensate for a decrease in revenues from public service enterprises, municipal liquor stores, licenses, permits, fines and forfeits and no other, to the extent that the aggregate of revenues from these sources in the calendar year preceding the year of levy are less than the aggregate of revenues from these sources in calendar year 1971. "Revenues" from a public service enterprise or a municipal liquor store shall mean the net income or loss of such public service enterprise or municipal liquor store, determined by subtracting total expenses from total revenues, and before any contribution to or from the governmental subdivision. "Fines" for a municipal court means the net amount remaining after subtracting total municipal court expenses from total collections of municipal court fines. A governmental subdivision shall qualify for this special levy only if the decrease in aggregate revenues as computed herein and divided by the population of the governmental subdivision in the preceding levy year is equal to or greater than two percent of the per capita levy limitation for the preceding levy year;

(o) pay the amounts required to compensate for a decrease in mobile homes property tax receipts to the extent that the governmental subdivision's portion of the total levy in the current levy year, pursuant to section 273.13, subdivision 3, as amended, is less than the distribution of the mobile homes tax to the governmental subdivision pursuant to section 273.13, subdivision 3, in calendar year 1971;

(q) pay the amounts required, in accordance with section 275.075, to correct for a county auditor's error of omission in levy year 1971 or a subsequent levy year, but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(r) pay amounts required to correct for an error of omission in the levy certified to the appropriate county auditor or auditors by the governing body of a city or town with statutory city powers in levy year 1971 or a subsequent levy year, but only to the extent that when added to the preceding year's levy it is not in excess of an appli-

MINNESOTA STATUTES 1974

3373

TAXES; LEVY, EXTENSION 275.51

cable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(s) pay the increased cost of municipal services as the result of an annexation or consolidation ordered by the Minnesota municipal commission in levy year 1971 or a subsequent levy year, but only to the extent and for the levy years as provided by the commission in its order pursuant to section 414.01, subdivision 15;

(t) pay the increased costs of municipal services provided to new private industrial and nonresidential commercial development, to the extent that the extension of such services are not paid for through bonded indebtedness or special assessments, and not to exceed the amount determined as follows. The governmental subdivision may calculate the aggregate of:

(1) The increased expenditures necessary in preparation for the delivering of municipal services to new private industrial and nonresidential commercial development, but limited to one year's expenditures one time for each such development;

(2) The amount determined by dividing the overall levy limitation established pursuant to sections 275.50 to 275.56, and exclusive of special levies and special assessments, by the total taxable value of the governmental subdivision, and then multiplying this quotient times the total increase in assessed value of private industrial and nonresidential commercial development within the governmental subdivision. For the purpose of this clause, the increase in the assessed value of private industrial and nonresidential commercial development is calculated as the increase in assessed value over the assessed value of the real estate parcels subject to such private development as most recently determined before the building permit was issued. In the fourth levy year subsequent to the levy year in which the building permit was issued, the increase in assessed value of the real estate parcels subject to such private development shall no longer be included in determining the special levy.

The aggregate of the foregoing amounts, less any costs of extending municipal services to new private industrial and nonresidential commercial development which are paid by bonded indebtedness or special assessments, equals the maximum amount that may be levied as a "special levy" for the increased costs of municipal services provided to new private industrial and nonresidential commercial development.

[*Ex1971 c 31 art 26 s 1; 1973 c 123 art 5 s 7; 1973 c 582 s 3; 1973 c 650 art 4 s 1-3; 1973 c 717 s 25; 1974 c 198 s 1; 1974 c 428 s 5*]

275.51 LEVY LIMITS. Subdivision 1. Notwithstanding any provisions of law or municipal charter to the contrary which authorize ad valorem levies in excess of the limitations established by sections 275.50 to 275.56, but subject to section 275.56, the provisions of this section shall apply to the levies by governmental subdivisions in the years 1971, 1972 and subsequent years for all purposes other than those for which special levies and special assessments are made.

Subd. 2. The property tax levy limitation for governmental subdivisions in 1971 is calculated as follows. There shall be calculated the aggregate of receipts by each governmental subdivision from:

(a) the total amount of property taxes levied before any reduction prescribed by sections 273.13 and 273.135 in respect to homestead property, by or for each governmental subdivision in 1970, or in the most recent preceding year when such taxes were levied for a period of 12 months if the governmental subdivision levied such taxes for a shorter period in 1970, for all purposes, except for special assessments and special levies;

(b) exempt property tax reimbursement payments, if any, estimated by the department of revenue to be due and payable for the year 1971 from the state pursuant to section 273.69, minus the allocation of these payments on a percentage distribution basis to the welfare aids and bonded indebtedness special levies in taxes payable year 1971;

(c) per capita aid payments estimated by the department of revenue to be due and payable for the year 1971 from the state pursuant to sections 297A.51 to 297A.60, minus the allocation of these payments on a percentage distribution basis to the welfare aids special levy in taxes payable year 1971.

The aggregate of the foregoing receipts shall be divided by the 1970 population of the governmental subdivision established pursuant to section 275.53. The resulting

MINNESOTA STATUTES 1974

quotient (1970 payable 1971 levy limit base per capita) shall be increased pursuant to section 275.52, subdivision 2, to derive the 1971 payable 1972 levy limit base per capita. The 1971 payable 1972 levy limit base per capita shall then be multiplied by the 1971 population of the governmental subdivision established pursuant to section 275.53. From the resulting figure (1971 payable 1972 levy limit base) shall be deducted the amount estimated by the department of revenue of state formula aids to be paid pursuant to section 477A.01, as amended and the taconite production tax municipal aids to be paid pursuant to section 298.282, as amended, to the governmental subdivision during the calendar year 1972. The resulting figure is the amount of property taxes which the governmental subdivision may levy in 1971 for all purposes other than those for which special levies and special assessments are made.

Subd. 3. The property tax levy limitation for governmental subdivisions in 1972 and subsequent levy years is calculated as follows. The governmental subdivision's levy limit base per capita for the immediately preceding levy year shall be increased pursuant to section 275.52, subdivision 2. The resulting current levy year's levy limit base per capita shall then be multiplied by the current levy year's population of the governmental subdivision established pursuant to section 275.53. From the resulting figure (current levy year's levy limit base) shall be deducted the amount of state formula aids estimated by the department of revenue to be paid pursuant to section 477A.01, as amended, and the taconite production tax municipal aids paid pursuant to section 298.282, as amended, to the governmental subdivision during the tax collection year to which the current levy year's levy limit base applies. The resulting figure is the amount of property taxes which the governmental subdivision may levy in the current levy year for all purposes other than those for which special levies and special assessments are made.

For the purpose of determining the amount of property taxes that a governmental subdivision may levy, in 1973 and thereafter, taxes payable in 1974 and thereafter, for all purposes except special levies and special assessments, the following amounts (increased by 12.36 percent and divided by the 1972 population of the governmental subdivision established pursuant to section 275.53) shall be added to the governmental subdivision's 1972 payable 1973 levy limit base per capita and adjusted pursuant to section 275.52, subdivision 2:

(1) The amount of a county auditor's error of omission in the ad valorem taxes extended in levy year 1970, taxes payable in 1971, but only to the extent that when included in the governmental subdivision's levy in 1970, taxes payable in 1971, such amount is not in excess of any applicable statutory, special law or charter limitation imposed on the governmental subdivision in levy year 1970.

(2) The amount of an error of omission in the levy certified to the appropriate county auditor or auditors by the governing body of a city or town with statutory city powers in levy year 1970, taxes payable in 1971, but only to the extent that when included in the governmental subdivision's levy in 1970, taxes payable in 1971, such amount is not in excess of any applicable statutory, special law or charter limitation imposed on the governmental subdivision in levy year 1970.

The foregoing addition shall not be construed to alter in any way the amount of state formula aids estimated by the department of revenue to be paid a governmental subdivision pursuant to section 477A.01 in calendar years 1972 and 1973.

For levy year 1973 and thereafter, taxes payable in 1974 and thereafter, the current levy year's levy limit base for the governmental subdivision shall be increased by the following aids (as estimated by the department of revenue and before adjustments for prior year aid payments):

(1) Calendar year 1973 cigarette tax distribution aids pursuant to Minnesota Statutes 1971, Section 297.13;

(2) Calendar year 1973 liquor tax distribution aids pursuant to Minnesota Statutes 1971, Section 340.60;

(3) The November 30, 1972 and May 31, 1973, distribution of bank excise tax aids pursuant to Minnesota Statutes 1971, Section 290.361;

(4) Seventy percent of the amount that county governments were entitled to receive and 100 percent of the amount city and town governments were entitled to receive in fiscal year 1973 (July 1, 1972 through June 30, 1973) pursuant to Minnesota Statutes 1971, Section 287.12;

(5) Fiscal year 1973 (July 1, 1972 through June 30, 1973) gross earnings aids to cities, towns and counties pursuant to Minnesota Statutes 1971, Sections 276.15 to 276.18; 368.39 to 368.42; and 373.20 to 373.24;

MINNESOTA STATUTES 1974

3375

TAXES; LEVY, EXTENSION 275.51

(6) Fifty percent of the fiscal year 1973 (July 1, 1972 to June 30, 1973) inheritance tax distribution to county governments pursuant to Minnesota Statutes 1971, Section 291.33.

The foregoing addition shall be made after the per capita adjustment pursuant to section 275.52, subdivision 2, and after the multiplication of the current levy year's levy limit base per capita by the current levy year's population of the governmental subdivision, but before the deduction of the aids estimated by the department of revenue to be paid to the governmental subdivision pursuant to sections 477A.01 and 298.282, as amended, during the tax collection year to which the current levy year's levy limit base applies.

Subd. 3a. Notwithstanding the provisions of subdivision 3, but subject to any other law or charter limitation, each governmental subdivision is entitled, in levy year 1973 and subsequent levy years, to a minimum property tax levy limitation of six percent of its state aids estimated by the department of revenue to be paid, pursuant to sections 477A.01 and 298.282, as amended, to the governmental subdivision during the tax collection year to which the property tax levy limitation applies.

A governmental subdivision which would maximize its property tax levy limitation under this subdivision shall qualify for this subdivision and subdivision 3 shall not apply to such governmental subdivision. In any levy year (qualifying levy year) that a governmental subdivision qualifies for this subdivision, its property tax levy limitation shall be determined as follows.

The state aids estimated by the department of revenue to be paid, pursuant to sections 477A.01 and 298.282, as amended, to the governmental subdivision in the taxes payable year to which such qualifying levy year applies shall be divided by the population of the governmental subdivision in such qualifying levy year as determined pursuant to section 275.53.

The resulting quotient shall be increased pursuant to section 275.52, subdivision 2, to derive the levy limit base per capita for the governmental subdivision for the qualifying levy year. The levy limit base per capita for the qualifying levy year shall be multiplied by the population of the governmental subdivision in the qualifying levy year as determined pursuant to section 275.53. From the resulting figure (levy limit base for the qualifying levy year) shall be deducted the amount (estimated by the department of revenue) of state formula aids to be paid pursuant to section 477A.01, as amended, and the taconite production tax municipal aids to be paid pursuant to section 298.282, as amended, to the governmental subdivision during the tax collection year to which the qualifying levy year applies. The resulting figure is the amount of property taxes which the governmental subdivision may levy in the qualifying levy year for all purposes other than those for which special levies and special assessments are made.

In any levy year that a governmental subdivision would maximize its property tax levy limitation under subdivision 3 instead of this subdivision, the levy limit base per capita for the last qualifying levy year constituting the preceding year's levy limit base per capita for the provisions of subdivision 3, the governmental subdivision shall no longer qualify for this subdivision and shall presume to have its property tax levy limitation calculated pursuant to subdivision 3.

Subd. 4. If in 1971 the levy made by any governmental subdivision exceeds the limitation provided in this section, except when such excess levy is due to the rounding of the mill rates of the governmental subdivision in accordance with section 275.28, subsequent distributions of formula aids pursuant to sections 298.282 and 477A.01, as amended, shall be reduced 10 cents for each full dollar that the levy exceeds the limitation imposed by this section. If in any year subsequent to 1971 the levy made by a governmental subdivision exceeds the limitation provided in sections 275.50 to 275.56, except when such excess levy is due to the rounding of the mill rates of the governmental subdivision in accordance with section 275.28, subsequent distributions required to be made by the commissioner of finance from any formula aids pursuant to sections 298.282 and 477A.01, as amended, shall be reduced 33 cents for each full dollar the levy exceeds the limitation; provided that a governmental subdivision may determine to levy in excess of the limitation provided in sections 275.50 to 275.56 by not to exceed five percent by passing a resolution setting forth the amount by which the levy limit is proposed to be exceeded. Thereafter the resolution shall be published for two successive weeks in the official

newspaper of the governmental subdivision or if there be no official newspaper, in a newspaper of general circulation therein, together with a notice fixing a date for a public hearing on the proposed increase which hearing shall be held not less than two weeks nor more than four weeks after the first publication of the resolution. Following the public hearing, the governing body may determine to take no further action, or in the alternative, adopt a resolution authorizing the levy as originally proposed, or adopt a resolution approving a levy in such lesser amount as it so determines. The resolution authorizing a levy in excess of the limitation imposed by sections 275.50 to 275.56 shall be published in the official newspaper of the governmental subdivision or if there be no official newspaper, in a newspaper of general circulation therein. If within 30 days thereafter, a petition signed by voters equal in number to five percent of the votes cast in the governmental subdivision in the last general election or 2,000 voters, whichever is less, requesting a referendum on the proposed resolution is filed with the clerk or recorder of the governmental subdivision if the governmental subdivision is a city, or town, or with the county auditor if the governmental subdivision is a county, the resolution shall not be effective until it has been submitted to the voters at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue is directed to prepare a suggested form of question to be presented at any such referendum. A levy approved at any such referendum held at a special or general election held prior to October 1 in any levy year increases the allowable levy in that same levy year and provides a permanent adjustment to the levy limit base per capita of the governmental subdivision for future levy years, and there shall be no reduction in distributions of formula aids to the governmental subdivision as a result of such levy. If no referendum is requested, the excess levy authorized by the resolution, if the resolution is adopted prior to October 1 in any year, may be levied in that same levy year and subsequent distributions required to be made by the commissioner of finance from any formula aids pursuant to Extra Session Laws 1971, Chapter 31, shall be reduced 15 cents for each full dollar the levy exceeds the limitation. A levy made in 1971 prior to the effective date of Extra Session Laws 1971, Chapter 31 shall be reviewed and may be modified by the appropriate authority of the governmental subdivision for the purpose of reducing such levy to conform to the limitations imposed by this section. Any reduction in such levy made prior to December 15, 1971, shall be given the same effect as though such reduction had been made prior to the expiration of the time allowed by law for making the levy. The provisions of this subdivision shall apply to the levy of a metropolitan county before the reduction required pursuant to section 163.051, subdivision 5.

[*Ex*1971 c 31 art 26 s 2; 1973 c 123 art 5 s 7; 1973 c 492 s 14; 1973 c 582 s 3; 1973 c 650 art 4 s 4-8; 1974 c 198 s 2]

275.52 TAX LIMITATION INCREASES AND DECREASES. Subdivision 1. Any limitation prescribed by section 275.51 upon the amount of taxes which may be levied by a governmental subdivision may be increased in the manner and to the extent permitted by this section.

Subd. 2. The levy limit base per capita, as adjusted for previous increases pursuant to this section, may be increased each year by the governing body of the governmental subdivision affected thereby in the amount not to exceed six percent of the previous year's levy limit base per capita.

Subd. 3. If the population of any governmental subdivision decreases from one year to the next, the current levy year's population shall, for purposes of sections 275.50 to 275.56, be increased by an amount equal to one half of the decrease in population from the prior levy year, such increase to be effective for the said one levy year only.

[*Ex*1971 c 31 art 26 s 3; 1973 c 650 art 4 s 9, 10]

275.53 GOVERNING CENSUS. Subdivision 1. For the purpose of determining the amount of tax that a governmental subdivision may levy in accordance with a per capita limitation established by this chapter, the population of the governmental subdivision shall be that established by the last state or federal census, or by a special census taken within the entire governmental subdivision pursuant to sections 275.50 to 275.56 or to any other law, by a census taken pursuant to subdivision 2, or by a population estimate made by the metropolitan council, by an order of the Minnesota municipal commission pursuant to section 414.01, subdivision

MINNESOTA STATUTES 1974

3377

TAXES; LEVY, EXTENSION 275.54

14, or by an estimate made pursuant to subdivision 3, whichever is the most recent as to the stated date of count or estimate.

Subd. 2. The governing body of a governmental subdivision may, in any year, pass a resolution requesting the secretary of state to take a special census of that governmental subdivision for the purpose of computing the amount of tax that it may levy. Upon being furnished a certified copy of the resolution, the secretary of state shall cause such a census to be taken under his immediate supervision and under such rules and regulations as he may prescribe. The results of the census shall be certified by governmental subdivision within three months after he has received a certified copy of the resolution by which the census was requested. The expense of taking the census shall be paid by the governmental subdivision in which the census is taken.

Subd. 3. (a) In lieu of passing a resolution pursuant to subdivision 2, the governing body of a governmental subdivision may pass by June 1 of any year a resolution containing an estimate of the current population of the subdivision. The resolution shall describe with specificity the criteria upon which the estimate is based, and shall state that the estimate is made for purposes of increasing that subdivision's tax levy pursuant to sections 275.50 to 275.56.

(b) The resolution shall then be submitted to the state planning agency. The agency shall determine, and so inform the subdivision in writing within 30 days of receipt of the resolution, whether the criteria described therein do or do not provide a reasonable basis for the population estimate. No determination by the agency made pursuant to this subdivision shall constitute, nor shall it be represented as constituting, a determination of actual population.

(c) If the agency determines that the criteria do not provide a reasonable basis for the population estimate, the resolution shall be of no effect. If the agency determines that the criteria do provide a reasonable basis for the population estimate, the resolution shall be published at least once in a legal newspaper of general circulation in said subdivision. Said estimate may be used for computing the amount of ad valorem taxes the subdivision may levy, unless within 30 days following the publication of the resolution, 10 percent or more of the registered voters of the subdivision, or if the subdivision does not require voter registration, then 10 percent or more of its voters, who voted at the subdivision's last election, sign a petition demanding a special census, and submit the petition to the governing body of the subdivision.

(d) Attached to the petition shall be an affidavit executed by the circulator or circulators thereof, stating that he or they personally circulated the petition, the number of signatures thereon, that all signatures were affixed in his or their presence and that he or they believe them to be genuine signatures of the persons whose names they purport to be. Each signature need not be notarized.

(e) Upon the receipt of a petition conforming to this subdivision, the governing body shall pass a resolution requesting the secretary of state to take a special census of the governmental subdivision. The census shall be taken and financed pursuant to the provisions of subdivision 2. Any population estimate made by the governing body of any governmental subdivision shall be superseded by any subsequent state or federal census taken pursuant to sections 275.50 to 275.56 or any other law, or by a population estimate made by the metropolitan council. The governing body of a governmental subdivision may not avail itself of the provisions of this subdivision during any year for which any state or federal census has been taken or for which the metropolitan council has made a population estimate of the subdivision.

[*Ex*1971 c 31 art 26 s 4; 1973 c 650 art 4 s 11, 12]

275.54 CONSOLIDATION OF GOVERNMENTAL SUBDIVISIONS. Subdivision 1. If all or part of the area included within two or more governmental subdivisions is consolidated, merged, or otherwise combined to constitute a single governmental subdivision, and differing limitations upon the amount of tax levy per capita apply to the governmental subdivisions from which the consolidated, merged, or otherwise combined governmental subdivision was formed, the limitation applicable to the surviving entity for purposes of sections 275.50 to 275.56 shall be equal to the highest limitation applicable to any one of the constituent subdivisions prior to the consolidation, merger or other combination.

Subd. 2. If a function or service of one governmental subdivision is transferred to another governmental subdivision, the levy limitations established by

Extra Session Laws 1971, Chapter 31, shall be adjusted by the commissioner of revenue in such manner so as to fairly and equitably reflect the reduced or increased property tax burdens of such subdivisions resulting from such transfer. The aggregate of the adjusted limitations shall not exceed the aggregate of such limitations prior to adjustment.

[*Ex1971 c 31 art 26 s 5; 1973 c 582 s 3*]

275.55 STATE REVIEW AND REGULATION OF LEVIES. The commissioner of revenue, or his designees, shall establish procedures by which levies of all governmental units shall be periodically reviewed. The commissioner shall be empowered to order withholding of state aids where such penalties are authorized by law, to issue, in accordance with chapter 15, rulings interpreting sections 275.50 to 275.56, and to take such other administrative actions as he deems necessary in order to carry out the provisions of sections 275.50 to 275.56. If the commissioner of revenue takes administrative action or any other action authorized by this section to enforce the provisions of sections 275.50 to 275.56, he shall give written notice of such action to the governmental subdivision affected. Such notice shall specify the actual or impending violations by the governmental subdivision of sections 275.50 to 275.56 or the rules and regulations of the department of revenue pertaining thereto, describe the corrective action required, including, in the case of an excess levy, reduction of the governmental subdivision's levy in the next succeeding levy year in an amount equal to the amount of the excess levy, set a reasonable period of time within which the governmental subdivision shall correct the specified actual or impending violations and caution the governmental subdivision that if the specified correction is not made within the time allowed, the state aids to the governmental subdivision pursuant to sections 477A.01 and 298.282, as amended, will be reduced as provided in section 275.51, subdivision 4. The time period first allowed for correction may be extended by the commissioner if he finds a reasonable basis for delay. County auditors, in addition to duties otherwise provided by law, shall cooperate with the commissioner in establishing such procedures and enforcing the provisions of sections 275.50 to 275.56.

[*Ex1971 c 31 art 26 s 6; 1973 c 582 s 3; 1973 c 650 art 4 s 13*]

275.551 LEVY LIMITATIONS REVIEW BOARD. A levy limitations review board is hereby created to resolve questions concerning administrative interpretation of sections 275.50 to 275.56 that require review and to hear appeals by governing bodies of governmental subdivisions who disagree with the administrative rulings issued by the commissioner of revenue pursuant to section 275.55.

The members of the review board shall be the commissioner of revenue, the chairman of the municipal commission and one public member appointed by the governor, by and with the approval of the senate, for a four year term which shall begin February 15 and continue until his successor is duly appointed and qualifies. The first public member, however, shall be appointed for a term ending February 15, 1975. A vacancy in the office of the public member of the board shall be filled by the governor, with the advice and consent of the senate, for the unexpired term. The governor may remove the public member at any time for good cause shown, after notice and hearing.

The public member shall be a citizen of the state who is knowledgeable in finance and local government. The public member shall not, at the time he is a member of the board, hold any other public office, or be employed by or represent a governmental subdivision, or have any personal financial interest in any contract with a governmental subdivision, or serve in any capacity where a conflict of interest could arise. The public member shall receive as compensation for his services the amount of \$35 for each day or fraction thereof spent in attending meetings of the board or in performing other duties required by law, and shall be reimbursed for actual and necessary expenses incurred in the performance of his duties.

[*1973 c 582 s 3; 1973 c 650 art 4 s 14*]

275.552 CONTESTED CASES; HEARING, NOTICE, EVIDENCE, DECISIONS, ORDERS. The governing body of a governmental subdivision to whom a notice pursuant to section 275.55 is given may by a majority vote of the whole governing body decide to dispute the commissioner's administrative action. Notice of such decision must be given the commissioner within 30 days of the issuance of the commissioner's notice, or else the commissioner's decision is final and not subject to the review of the levy limitations review board. Upon receipt of a notice from a

governmental subdivision within the time allowed, disputing the commissioner's administrative action, the commissioner shall conduct further investigation of the disputed issues of fact as he deems necessary. If the commissioner continues to adhere to his previous notice, the governing body of the governmental subdivision shall be entitled to a hearing before the levy limitations review board. The board shall set a time and place for the hearing and notice shall be given by mail to the governing body of the governmental subdivision. The board shall adopt rules governing the proceedings for hearings which shall afford all interested parties the opportunity to present evidence and arguments with respect to the contested issues of fact. The decision of the board shall be in writing, and shall state in detail the basis and reason for each conclusion upon each contested issue of fact. A copy of the decision and order together with the detailed reasons shall be delivered or mailed to the governmental subdivision or its attorney of record. The decision of the levy limitations review board under this section may be reviewed on certiorari by the district court of the county wherein the governmental subdivision, or any part thereof, is located.

[1973 c 650 art 4 s 15]

275.56 EFFECT UPON OTHER LEVY LIMITS. All special and general laws and charter provisions establishing per capita, mill, or other general limitations on tax levies of governmental subdivisions are hereby superseded to the extent that they authorize property taxation in excess of the limitations established by sections 275.50 to 275.56, but otherwise such levy limitations and those established for special purposes are in no way affected by sections 275.50 to 275.56.

[Ex1971 c 31 art 26 s 7]

275.561 LEVY LIMITATION. Nothing in Laws 1973, Chapter 583, shall be construed to permit any county to levy in excess of the levy limitation imposed by sections 275.50 to 275.56.

[1973 c 583 s 38]

275.57 TAX LEVY FOR REMOVAL OF PROPERTY CONDEMNED AS HAZARDOUS TO HEALTH, SAFETY OR WELFARE. The governing body of any county, city, or town may levy a tax in such amount as may be required for the purpose of the demolition, or removal of real property within the boundaries of the municipality which has been condemned as being hazardous to the health, safety or welfare of the public by governmental authorities possessing condemnation powers. Such tax shall be in addition to any tax or levy limitations otherwise imposed by law or home rule charter, or Extra Session Laws 1971, Chapter 31. Nothing contained herein shall be construed to affect the responsibility of a property owner for the making of such demolition or removal, nor the right of a municipality to recover from the owner any costs incurred.

[Ex1971 c 31 art 28 s 1; 1973 c 123 art 5 s 7]

275.58 ELECTIONS TO INCREASE LEVY. Subdivision 1. Notwithstanding the provisions of sections 275.50 to 275.56, but subject to other law or charter provisions establishing per capita, mill or other limitations on the amount of taxes that may be levied, the levy of a governmental subdivision, as defined by section 275.50, subdivision 1, may be increased above the limitation imposed by sections 275.50 to 275.56 in any per capita or dollar amount which is approved by the majority of voters of the governmental subdivision voting on the question at a general or special election. When the governing body of the governmental subdivision resolves to increase the levy of the governmental subdivision pursuant to this section, it shall provide for submission of the proposition of an increase in the levy limit base per capita or the proposition of an additional levy, as the case may be, at a general or special election. Notice of such election shall be given in the manner required by law. If the proposition is for an adjustment to the governmental subdivision's levy limit base per capita, increasing the levy limit base per capita over the per capita amount established pursuant to section 275.51, subdivision 3, such notice shall state the purpose of such per capita adjustment and the per capita amount of such adjustment. If the proposition is for an additional levy, such notice shall state the purpose and maximum yearly amount of such additional levy.

Subd. 2. A levy limit base per capita adjustment approved pursuant to subdivision 1 at a general or special election held prior to October 1 in any levy year increases the levy limit base per capita in that same levy year by the approved per capita amount and provides a permanent adjustment to the levy limit base

MINNESOTA STATUTES 1974

per capita of the governmental subdivision for future levy years. A levy limit base per capita adjustment approved pursuant to subdivision 1 at a general or special election held after September 30 in any levy year shall not increase the levy limit base per capita in that same levy year but shall provide a permanent adjustment to the levy limit base per capita of the governmental subdivision for future levy years.

Subd. 3. An additional levy approved pursuant to subdivision 1 at a general or special election held prior to October 1 in any levy year may be levied in that same levy year and in any levy years thereafter. An additional levy approved pursuant to subdivision 1 at a general or special election held after September 30 in any levy year shall not be levied in that same levy year, but may be levied in the subsequent levy year and in levy years thereafter.

Subd. 4. An additional levy approved by the majority of the voters of the governmental subdivision pursuant to subdivision 1 is over and above the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 and shall not be subject to the penalty provisions of section 275.51, subdivision 4. A levy limit base per capita adjustment approved by the majority of the voters of the governmental subdivision pursuant to subdivision 1 is a permanent adjustment to the levy limit base per capita established pursuant to section 275.51, subdivision 3, and shall not be subject to the penalty provisions of section 275.51, subdivision 4.

Subd. 5. Notwithstanding any statute, special law, ordinance or charter provision to the contrary, it shall require approval of a majority of those voting on the question to pass a referendum pursuant to subdivision 1.

Subd. 6. Notwithstanding any statute, special law, ordinance or charter provision to the contrary, the governing body of a governmental subdivision may call and hold special elections pursuant to this section.

[1973 c 650 art 4 s 16]

275.59 GOVERNMENTAL SUBDIVISIONS UNDER 500 POPULATION; EXEMPTION FROM LEVY LIMITS. Commencing with levy year 1973 and thereafter, taxes payable in 1974 and thereafter, the provisions of sections 275.50 to 275.56 shall not apply to any city, statutory city, or town with statutory city powers whose population according to the latest state or federal census is under 500.

[1973 c 123 art 5 s 7; 1973 c 650 art 4 s 17]

MINNESOTA STATUTES 1974

3381

COLLECTION, ACCOUNTING, DISTRIBUTION 276.04

CHAPTER 276

COLLECTION, ACCOUNTING, DISTRIBUTION

Sec.		Sec.	
276.01	Delivery of lists to treasurer	276.09	Settlement between auditor and treasurer
276.02	Treasurer to be collector	276.10	Apportionment and distribution of funds
276.03	Treasurer to collect local assessments	276.11	When treasurer shall pay funds
276.04	Notice of rates; property tax statements	276.12	Auditor to keep accounts
276.05	Addresses of payer given on tax receipts	276.13	Distribution of interest, penalties, and costs
276.06	Tax receipts to state apportionment of taxes	276.14	Collected costs to be credited to county revenue fund
276.07	Undivided interest; payment and receipt		
276.08	Orders received for taxes		

276.01 DELIVERY OF LISTS TO TREASURER. On or before the first Monday in January in each year, the county auditor shall deliver the lists of the several districts of the county to the county treasurer, taking therefor his receipt, showing the total amount of taxes due upon the lists. Where the names of taxpayers appear in the property tax lists, the county auditor shall show the addresses of such taxpayers. Such lists shall be authority for the treasurer to receive and collect taxes therein levied.

In counties in which the auditor has elected to come under the provisions of section 273.03, subdivision 2, he shall, during the year in which such lists as provided for in section 275.28, subdivision 3, are in the possession of the county treasurer, have access thereto for the purposes of changing true and full valuations and the classifications of real estate contained therein which he would have been required to change or otherwise amend in the assessment books provided for in section 273.03, subdivision 1, except for his election to discontinue the preparation of such assessment books. The county auditor shall be the official custodian of such lists after the year during which they are in the county treasurer's possession.

[R L s 878; 1945 c 278 s 1; 1961 c 646 s 1; 1963 c 781 s 6] (2074)

276.02 TREASURER TO BE COLLECTOR. The county treasurer shall be the receiver and collector of all the taxes extended upon the tax lists of the county, whether levied for state, county, city, town, school, poor, bridge, road, or other purposes and of all fines, forfeitures, or penalties received by any person or officer for the use of the county. He shall proceed to collect the same according to law and place the same when collected to the credit of the proper funds. This section shall not apply to fines and penalties accruing to municipal corporations for the violation of their ordinances which are recoverable before a city justice.

[R. L. s. 879] (2075)

276.03 TREASURER TO COLLECT LOCAL ASSESSMENTS. Any county treasurer in this state now empowered by law to collect local assessments made or levied by any city in this state is hereby required to collect all assessments for local improvements made or levied and certified to him by any such city against any specific tract or parcel of land at the same time that he collects any taxes which have been or may be levied against the same tract or parcel of land under the general laws of this state.

[1911 c 266 s 1; 1973 c 123 art 5 s 7] (2076)

276.04 NOTICE OF RATES; PROPERTY TAX STATEMENTS. On receiving the tax lists from the county auditor, the county treasurer shall, if directed by the county board, give three weeks' published notice in a newspaper specifying the rates of taxation for all general purposes and the amounts raised for each specific purpose. He shall, whether or not directed by the county board, in counties over 50,000 population according to the 1960 federal census, cause to be printed on all tax receipts and tax statements, or on an attachment, a tabulated statement of the dollar amount due to each taxing authority and the amount to be paid to the state of Minnesota from the parcel of real property for which a particular tax statement is prepared. The dollar amounts due the state, county, township or municipality and school district shall be separately stated but the amounts due other taxing districts, if any, may be aggregated. The county treas-

MINNESOTA STATUTES 1974

urer shall mail to taxpayers statements of their personal property taxes due, such statements to be mailed not later than February 15 (except in the case of Class 2a property), statements of their real property taxes due shall be mailed not later than May 15; provided, that the validity of the tax shall not be affected by failure of the treasurer to mail such statement. Such real and personal property tax statements shall contain the market value, as defined in section 272.03, subdivision 8, used in determining the tax. Such statements shall also contain the amount of any reduction in real property taxes applicable to homesteads as provided in section 273.13, subdivisions 6 and 7. If so directed by the county board, the treasurer shall visit places in the county as he deems expedient for the purpose of receiving taxes and the county board is authorized to pay the expenses of such visits and of preparing duplicate tax lists.

[*R L s 880; 1913 c 551 s 1; 1945 c 278 s 2; 1961 c 646 s 2; 1965 c 287 s 1; Ex1967 c 32 art 7 s 4; 1969 c 416 s 1; 1969 c 455 s 1; 1969 c 890 s 1; 1971 c 797 s 5*] (2077)

276.05 ADDRESSES OF PAYER GIVEN ON TAX RECEIPTS. Upon the payment of any tax, the county treasurer shall give to the person paying a receipt therefor, showing the name and post-office address of the person, the amount and date of payment, the land, lot, or other property on which the tax was levied, according to its description on the tax list or in some other sufficient manner, and the year or years for which the tax was levied. If for current taxes on real estate, the receipt shall have written or stamped across its face, "taxes for" (giving the year in figures), or "first half of taxes for" (giving the year in figures), or "last half of taxes for" (giving the year in figures), as the case may be. If land has been sold for taxes either to a purchaser, or to the state, and the time for redemption from such sale has not expired, the receipt for such taxes shall have written or stamped across the face, "sold for taxes." The treasurer shall make duplicates of all receipts and return all such duplicates at the end of each month to the county auditor, who shall file and preserve them in his office, charging the treasurer with the amount thereof.

[*R. L. s. 881; 1917 c. 18*] (2078)

276.06 TAX RECEIPTS TO STATE APPORTIONMENT OF TAXES. The treasurer of each county shall cause to be printed, stamped, or written on the back of all current tax receipts, or on a separate sheet or card to be furnished with the receipts, a statement showing the number of mills of the current tax apportioned to the state, county, city, town, or school district.

[*1915 c 319 s 1; 1947 c 423 s 1; 1973 c 123 art 5 s 7*] (2079)

276.07 UNDIVIDED INTEREST; PAYMENT AND RECEIPT. Any person holding an undivided interest in any property in this state listed for taxation, including mortgagees, lessees, and others, who by law or contract are required or entitled to pay taxes to protect any right, title, interest, claim, or lien held by them in, to, or upon undivided interests in land, may pay the taxes on such undivided interests, and on such payment the county treasurer shall give his receipt for the amount so paid and specify the interest so paid on, and enter on his tax list the name of the person who paid such taxes and the interest paid, and report to the county auditor the payment of such taxes upon such undivided interests. Thereupon such undivided interests shall be exempt from proceedings to enforce the collection of the same tax against other undivided interests upon which such tax has not been paid, and the collection of such tax upon the undivided interests upon which the taxes have not been paid shall be proceeded with in the same manner as to such undivided interests as though it were a separate description.

[*1913 c. 505 s. 1*] (2080)

276.08 ORDERS RECEIVED FOR TAXES. The county treasurer shall receive in payment of taxes orders on the several funds for which taxes may be levied, to the amount of the tax for such fund, without regard to priority of the numbers of such orders, except when otherwise provided by law, and he shall write or stamp across the face of all such orders the date of their receipt, and the name of the person from whom received.

[*R. L. s. 882*] (2081)

276.09 SETTLEMENT BETWEEN AUDITOR AND TREASURER. On the last day of February, May, and October, of each year, the county treasurer shall make full settlement with the county auditor of his receipts and collections for all pur-

MINNESOTA STATUTES 1974

3383

COLLECTION, ACCOUNTING, DISTRIBUTION 276.13

poses, from the date of the last settlement up to and including each day mentioned, and the auditor shall, within 30 days after each settlement, send an abstract of same to the commissioner of finance in such form as the commissioner of finance may prescribe. At each settlement the treasurer shall make complete returns of his collections on the current tax list, showing the amount collected on account of the several funds included in the list.

[R L s 883; 1911 c 225 s 1; 1973 c 492 s 3] (2082)

276.10 APPORTIONMENT AND DISTRIBUTION OF FUNDS. On the last day of February, May, and October, of each year, the county auditor and county treasurer shall make distribution of all undistributed funds remaining in the treasury, apportioning the same, as provided by law, and placing the same to the credit of the state, town, city, or school district, and each county fund. Within 20 days after such distribution is completed, the county auditor shall make report thereof to the commissioner of finance, in such form as the commissioner of finance may prescribe. The county auditor shall issue his warrant for the payment of any moneys remaining in the county treasury to the credit of the state, town, city, or school district on application of the persons entitled to receive the same.

[R L s 884; 1973 c 123 art 5 s 7; 1973 c 492 s 14] (2083)

276.11 WHEN TREASURER SHALL PAY FUNDS. As soon as practical after each settlement in February, May, and October the county treasurer shall pay over to the state treasurer or the treasurer of any town, city, or school district, on the warrant of the county auditor, all moneys received by him arising from taxes levied and collected belonging to the state, or to such municipal corporation, or other body, and deliver up all orders and other evidences of indebtedness of such municipal corporation or other body, taking triplicate receipts therefor. He shall file one of the receipts with the county auditor, and shall return one by mail on the day of its reception to the clerk of the town, city, or school district to which such payment was made, who shall preserve the same in his office. The county treasurer is authorized and directed to make such partial payments of amounts collected periodically in advance of final settlements as may be practicable. Accompanying each payment to the state treasurer or treasurer of any town, city, or school district shall be a statement prepared by the county treasurer designating the years for which taxes included in the payment were collected and, for each year, the amount of such taxes and any penalties thereon. The county treasurer shall upon written request of the state, a municipal corporation or other public body pay at least 70 percent of the estimated collection within 30 days after settlement. He shall pay the balance of the amounts collected to the state or to a municipal corporation or other body within 60 days after settlement, provided, however, that after 45 days interest shall accrue to the credit of and shall be paid to the state, municipal corporation or other body. Interest shall be payable upon appropriation from the general revenue fund of the county and, if not paid, may be recovered by the state, municipal corporation, or other body, in a civil action.

[R L s 885; 1967 c 433 s 1; 1971 c 793 s 1; 1973 c 683 s 29; 1974 c 450 s 1] (2084)

276.12 AUDITOR TO KEEP ACCOUNTS. The county auditor shall keep accounts with the state, the county, and each of the funds of such county, and each town, city, and school district, and with the county treasurer, making daily entries of the charges and credits to the treasurer; and, immediately after each distribution of taxes, he shall credit the collections to the proper funds. He shall give a warrant on the county treasurer for the amount due any town, city, or school district, upon application of its treasurer, and upon the filing of a certificate of its clerk that the person applying is such treasurer, duly elected or appointed, and has given bond according to law; and he shall charge such body with the amount of the warrant.

[R L s 886; 1973 c 123 art 5 s 7] (2085)

276.13 DISTRIBUTION OF INTEREST, PENALTIES, AND COSTS. All penalties accruing upon any tax levied by special assessment against any particular tract, block, or lot in any city, or organized township shall be apportioned to the general revenue fund of the city or town where the land lies. All other penalties, costs, and interest collected on real estate taxes shall be apportioned one-half to the county revenue fund and the other half to the school districts of the county in the manner provided for the distribution of other school funds.

[R L s 887; 1973 c 123 art 5 s 7] (2086)

MINNESOTA STATUTES 1974

276.14 COLLECTION, ACCOUNTING, DISTRIBUTION

3384

276.14 COLLECTED COSTS TO BE CREDITED TO COUNTY REVENUE FUND. All penalties and interest accruing upon any tax levied by special assessment, or otherwise, for local purposes, on real estate in any incorporated city shall be apportioned to the general revenue fund of the city where the real estate is situated; and all other penalties, and interest collected on real estate taxes, shall be apportioned one-half to the county revenue fund, and the other half to school districts of the county in the manner provided for the distribution of other school funds by section 124.10. All costs collected shall be apportioned to the county revenue fund.

[*Ex*1902 c 2 s 51; 1903 c 324 s 1; 1905 c 239 s 1; 1961 c 560 s 27; 1973 c 123 art 5 s 7] (2087)

276.15 Subdivision 1. [Repealed, 1973 c 650 art 27 s 1]

(NOTE: For all payments required to be made thereunder subsequent to December 31, 1973.)

Subd. 2. [Repealed, 1961 c 579 s 3]

276.16 [Repealed, 1973 c 650 art 27 s 1]

(NOTE: For all payments required to be made thereunder subsequent to December 31, 1973.)

276.17 [Repealed, 1973 c 650 art 27 s 1]

(NOTE: For all payments required to be made thereunder subsequent to December 31, 1973.)

276.18 [Repealed, 1973 c 650 art 27 s 1]

(NOTE: For all payments required to be made thereunder subsequent to December 31, 1973.)