

the city shall be pledged to the payment of said bonds and the interest thereon. The council or governing body aforesaid shall include in the tax levy of each year an amount sufficient to pay the current interest on such bonds, and the sinking fund of the city shall be pledged to their redemption at maturity.

Bonds issued under this act shall not run for a term longer than thirty years or bear a rate of interest higher than four per cent per annum, payable semi-annually. The place of payment of principal and interest, and the denominations of said bonds, shall be fixed by the resolution authorizing their issue, and all or any of them may be in the form of coupon bonds or of registered certificates, so-called as the purchaser may prefer.

All bonds or certificates so issued shall be signed by the mayor, attested by the city clerk, and countersigned by the city comptroller of such city, and be sealed with the city seal, except that the signatures to the coupons attached thereto, if any, may be lithographed. None of such obligations shall be sold at less than ninety-five per cent (95%) of their par value and accrued interest, or to any but the highest responsible bidder therefor.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved April 15, 1915.

CHAPTER 125—S. F. No. 290.

An Act to create in cities of the State of Minnesota which now have or hereafter may have no more than 50,000 and not less than 20,000 inhabitants, a board of fire and police commissioners and to define its duties and powers.

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

Section 1. **Board of fire and police commissioners for Winona.**—That in each city in the State of Minnesota, which now has or hereafter may have no more than 50,000 and not less than 20,000 inhabitants, there be and hereby is created and established a board of fire and police commissioners which shall have the control and management of the fire and police departments of such city with the powers and duties hereinafter designated.

For the purposes of this act the population of each city of this state shall be ascertained and determined according to the last census taken under and pursuant to the laws and authority of the State of Minnesota.

Sec. 2. **Five commissioners to be appointed by mayor.**—That all authority under this act in each such city shall be exercised by a board of five commissioners, to be known and designated as the "Board of Fire and Police Commissioners" who

shall be appointed by the mayor of such city, and whose terms of office shall be as hereinafter designated.

Sec. 3. Terms of office of each commissioner following appointment.—It is hereby made the duty of the mayor of each such city in this state to appoint, within fifteen days after the approval of this act, five persons, residents and tax payers of such city, as such commissioners, one of whom shall be appointed to serve for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years. The five persons so appointed shall constitute the first board of fire and police commissioners for the city and each shall hold office until his successor has been appointed and qualified.

The terms of office of each of such commissioners shall commence on the first Monday in May, 1915, and on that day they shall enter upon the performance of their duties and assume the control and management of the fire and police departments of the city in which they have been so appointed.

Sec. 4. Mayor to annually appoint one commissioner to serve five years.—The mayor of each such city shall annually thereafter on the last Monday in March appoint one person, resident and tax payer of such city, as a member of said board and as the successor of the commissioner whose term of office expires in that year, to serve for a term of five years from the first Monday in May of the year in which he is appointed and until his successor is appointed and qualified.

Sec. 5. Council to approve appointments—vacancies.—All such appointments shall be subject to the approval of the city council before the same become effective. Provided that all appointments made under the provisions of this act, including the filling of vacancies, shall be so made that not more than one of such commissioners shall be appointed from the same ward in cities having five or more wards, and in cities having less than five wards at least one of such commissioners shall be appointed from each ward.

All vacancies by resignation or otherwise shall be filled by appointment by the mayor, subject to the approval of the city council.

The mayor may remove any of the commissioners for misconduct, incompetency, or neglect of duty, after a reasonable opportunity shall be given him to be heard upon written charges.

Each member of the board before entering upon the discharge of his duties shall take and subscribe the usual oath of office and file the same with the city recorder, together with a written acceptance of his appointment. All appointments made by the mayor shall be in writing and filed with the city recorder.

Sec. 6. Meetings—to serve without compensation.—The annual meeting of said board shall be held on the first Tuesday in May. At such meeting said board shall elect one of their number to be president of the board and another to be vice-president. Said board may make rules for their government not inconsistent herewith. A majority of the board shall constitute a quorum.

All contracts, engagements, acts and doing of said board within the scope of their authority shall be obligatory and binding upon such city.

The members of said board shall receive no compensation for their services, but shall be allowed their reasonable official expenses, except that traveling expenses outside such city shall not be allowed any such members, unless authority to incur such expenses be granted by such board and approved in writing by the mayor before such expenses are incurred.

Sec. 7. City clerk to act as secretary and treasurer as treasurer of board.—The city recorder or clerk shall act as secretary of the board, shall execute and file with the board a bond in such penal sum and containing such conditions and with such sureties as the board may prescribe and approve.

The treasurer of each such city is hereby declared to be *ex officio* treasurer of said board. The city attorney of each such city shall be the legal advisor of said board.

Sec. 8. Duty of secretary and reports of board.—It shall be the duty of the secretary under the direction of the board to collect, receive and pay into the city treasury all moneys due said board on account of the operation of said departments. He shall keep a set of books which at all times shall contain a full and complete statement of the condition, operation and expenditures of each such department and of all moneys received and paid out by order of said board in each of such departments, together with an accurate account of all the expenses and liabilities of said board in each such department. The books of said board shall be open at all times to the examination of any tax payer of such city, and to any member or committee of the city council.

On the first day of each month said board shall make a full report in detail to the city council of all moneys received and expended and liabilities incurred by the board. Whenever requested by the city council so to do said board shall transmit to it a concise statement of the financial condition of said departments.

Sec. 9. Duties of treasurer.—The city treasurer shall receive all moneys paid into the city treasury on account of said board or appropriated for the use of said board from all sources, and place the same in a separate fund therefor to be designated

as the "Fire and Police Fund," which fund is hereby created for each such city. The treasurer shall keep a detailed and exact account thereof in such manner as to show the exact financial condition of the board at all times.

Sec. 10. Board to sue and be sued.—Said board may sue or be sued, appear and prosecute to final judgment and defend in any court in the name of the board, any action at law or suit in equity. The board may prosecute an action in the name of the board against any person for the breach of any contract with said board and for injury done or caused to any of the property, real or personal, belonging to the city and used in said fire or police departments, or under the control of said board.

Sec. 11. Expenses of operation of police and fire department.—Such board shall keep an accurate and detailed record and account of the current expense of operating, maintaining, and improving the fire and police departments of such cities, and such other accounts as may be necessary to show the true financial condition of each of said departments and all property belonging thereto.

Sec. 12. Estimate of maintenance to be furnished by secretary and reviewed by board.—On or before the second Monday in August each year the secretary of said board shall present to it an estimate of the several amounts required during the next ensuing fiscal year for the operation, maintenance and improvement of each of the departments under its control. The board shall consider the same and make such corrections or changes therein as may be deemed necessary, and shall approve and establish the same on or before the last Monday in August. A duplicate of such estimate, when so approved and established, shall be certified by the president and secretary of the board and transmitted to and filed with the recorder of the city on or before the last Monday in August of each year. The city recorder shall include the amounts so established by said board in his estimate to the city council of the several sums which will be required to meet the expenses of the city during the next ensuing fiscal year. The city council may change or correct such estimates and shall then establish the same in the tax levy for such year.

Sec. 13. Transfer of present funds to credit of new board.—It shall be the duty of the city treasurer immediately after this act takes effect and such board is organized, to transfer to the fire and police fund created by this act all moneys then in the treasury for the use of the fire and police departments; and to place in said fund all moneys thereafter paid into the city treasury for the use of said departments.

The city council may at any time it may deem it advisable, transfer from the general fund to said fire and police fund any

money then in said general fund not otherwise required for the specific purpose for which it was levied.

Sec. 14. Payments to be authorized and to be made by vouchers.—No money shall be paid out of the fire and police fund in the city treasury belonging to said board, unless such payment is authorized by the affirmative vote of a majority of all the members of the board, and then only by order drawn by the secretary of the board, signed by the president, or in his absence the vice-president, and countersigned by the secretary, specifying the purpose, the department for which and the account upon which it is drawn, and made payable to the order of the person in whose favor it is issued. Provided, that orders in the form above prescribed may be issued at the proper times without specific action by the board for the payment of salaries or wages previously fixed and determined by the board and made payable at certain definite times and in certain definite installments.

Sec. 15. Not to exceed fiscal appropriations for expenses.—In all appropriations or purchases made and liabilities incurred, the said board shall not exceed in any fiscal year the amount of the estimate made therefor as established by the city council as hereinbefore provided, in addition to such sums as the city council may transfer to said fire and police fund as provided in Section 13 hereof, and no loans shall be made by said board for any purpose, except when extraordinary expenditure shall be rendered unavoidable by some unforeseen cause and such expenditure has been approved by the majority vote of the city council of such city.

Sec. 16. Contracts to be awarded to lowest bidder and to be in writing.—Every contract for the purchase of property to be used in said departments of such cities which shall involve the expenditure of \$200.00 or more, shall be in writing and be filed with the secretary of the board. In making purchases for either of said departments involving an expenditure of more than \$500.00, bids shall be solicited and the purchase made from the lowest responsible bidder, after notice soliciting bids shall have been published in the official newspaper of such city in at least two separate issues thereof, but said board shall have the right to reject any and all bids. Provided, that in case there shall be any sudden or extraordinary injury to any of the property of the city used in either of said departments, and damage or loss may ensue by reason of delay in replacing or repairing such property, said board may cause such damage to be repaired or such property to be replaced without a contract and without letting the same to the lowest bidder, in such manner as the board may deem best for the interest of the city, provided that its action shall be approved by a majority vote of the city council.

Sec. 17. Adoption of rules for government of police and firemen.—Said board shall adopt rules for the government of each of said departments and shall appoint, promote, suspend, dis-rate or discharge any member of the police or fire department, including all superior officers in each such department, in the manner provided by such rules. By such rules it shall define the duties and powers and fix the compensation of all persons serving in said departments, and may amend such rules and prescribe penalties for their violation. Such rules shall provide for the examination of all applicants for permanent positions, which shall be practical in their nature, public, and free to all persons desiring to take them. The selection, promotion and term of employment of all persons regularly serving or to serve in said departments shall be governed by the merit system, subject to reasonable limitations as to age, health, habits and character of such persons, but wholly without reference to their political affiliations. Said board shall have power to appoint and remove special police officers to serve without pay from the city and to be subject to such rules as the board may prescribe.

All rules established by the board shall be changed only by an affirmative vote of four-fifths of all the members of the board.

The rules and regulations of any such city governing the management and control of said departments shall remain in force until superseded by rules adopted by said board.

Sec. 18. Power to summon witnesses for investigation.—Said board shall have power to summon and compel the attendance of witnesses, to examine them under oath and to require the production of documentary evidence for use at any investigation or hearing had by said board in relation to the management of said departments or the control of the persons serving therein. Each member of the board shall have power to administer oaths to witnesses at such hearings.

Sec. 19. To buy and sell property for conduct of departments.—Said board shall have power to buy, lease, sell, maintain and manage real and personal property for the use of said departments, but no purchase or sale of real property shall be made, unless authorized by a majority vote of the city council. It may establish, maintain and equip fire and police stations and substations and police precincts, electrical alarm and signal systems, and shall license and revoke licenses for junk-dealers and pawn-brokers in accordance with such ordinances as the city council may adopt on the subject of such licenses.

All receipts from the sale of property and from licenses shall be deposited with the city treasurer to the credit of the general fund of the city.

Sec. 20. **Inconsistent acts repealed.**—All acts and parts of acts, whether general or special, inconsistent with the provisions of this act are hereby repealed.

Sec. 21. This act shall take effect and be in force from and after its passage.

Approved April 15, 1915.

CHAPTER 126—S. F. No. 478.

An Act entitled "An Act legalizing proceedings had under Chapter 254, General Laws, 1911, relating to state rural highways."

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

Section 1. **Proceedings under Chapter 254, G. L. 1911, legalized.**—In all cases where a petition for the laying out, construction or substantial improvement of a state rural highway has heretofore been approved by the appropriate county board or county boards and by the State Highway Commission in attempted compliance with the provisions of Chapter 254, General Laws, 1911, such petition and approval, and all subsequent proceedings in reference to such highway, and to the laying out, construction or substantial improvement thereof whether taken by such county board or county boards, or by the county auditor of any such county, by said State Highway Commission or by any district court, are hereby legalized and declared valid.

Sec. 2. This act shall not apply to or affect the right of appeal from said proceedings as now provided by law, or any actions or appeals now pending in which the validity of said proceedings is called in question.

Approved April 15, 1915.

CHAPTER 127—H. F. No. 31.

An Act to regulate the practice of optometry.

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

Section 1. **Governor to appoint board of five members.**—The State Board of Optometry shall consist of five qualified optometrists appointed by the governor, each for the term of three years, or such part thereof as will provide for the expiration of the terms of two members January 1, 1916, one member January 1, 1917, and two members January 1, 1918, and until their successors qualify.

Vacancies in such board shall be filled by like appointment for unexpired terms.