

CHAPTER 207—S. F. No. 1005

An act to provide additional fees for clerks of the district court for filing, entering or indexing papers or documents which should have been filed, entered or indexed by prior incumbents.

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

Section 1. **Fees of the clerk of the District Court.**—In any county of this state where incumbents of the office of clerk of the district court prior to the incumbent holding office at the time of the passage of this act have neglected for six years to enter or file papers or other documents or index the same in such office which should have been entered or filed by them, and as a result thereof the county records are incomplete, the board of county commissioners may agree with the clerk of the district court to properly enter or file all such papers and documents and index the same, and for such work may pay such clerk in addition to the salary and clerk hire provided by law, the fees provided for such work by General Statutes 1923, Section 6987; provided, that no such extra fee shall be paid for the doing of any work which should have been done by such incumbent.

Approved April 16, 1929.

CHAPTER 208—S. F. No. 1085

An Act regulating the issuance of orders or warrants in all cities and villages in the State of Minnesota wherein the tax levy for the year 1928 exceeded \$100.00 per capita of population; providing for the issuance of bonds to pay indebtedness existing January 1, 1929; providing for the issuance of certificates of indebtedness; limiting the creation of floating indebtedness; and creating liability of municipal officers for violations thereof.

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

Section 1. **Issue of municipal warrants limited.**—That from and after January 1, 1930, no city or village in the State of Minnesota wherein the tax levied in the year 1928 exceeded \$100.00 per capita of the population, as defined by Chapter 417, General Laws 1921, shall draw any order or warrant on any

fund until there is sufficient money in such fund to pay the same, together with all orders previously issued against said fund.

Sec. 2. Board not to create indebtedness.—Whenever the expense and obligations incurred chargeable to any particular fund of such city or village in any calendar year are sufficient to absorb 85 per cent of the entire amount of the tax levy payable in that year, including such amount as may remain in the fund from the levy of any prior year or years, no officer, board or official body of such city or village shall have the power and no power shall exist to create any additional indebtedness (save as the remaining 15 per cent of said tax levy is collected) which shall be a charge against that particular fund, or shall be in any manner a valid claim against such city or village, but such additional indebtedness attempted to be created shall be a personal claim against the officer or members of the municipal board or body voting for or attempting to create the same.

Sec. 3. Tax receipts to be used for paying indebtedness—**Exceptions.**—That all moneys received from taxes levied in the year 1928 and payable in the year 1929 in any such city or village shall be placed in a separate fund or funds and used only for the purpose of paying obligations incurred during the calendar year 1929 and interest thereon, and for payment of bonds and interest thereon which shall mature and become due in said year; that the amount which any such city or village shall have the right to levy pursuant to Chapter 417, General Laws 1921, as amended, over and above the amounts therein authorized to be levied for any and all general and specific purposes, for the purpose of paying indebtedness existing on January 1, 1929, as defined in said Chapter 417, General Laws 1921, as amended, shall be used for the purpose of paying such indebtedness and the interest accruing thereon, and the remaining part of such levy shall be paid into a separate fund or funds and used only for the purpose of paying obligations incurred against or payable from such fund or funds in the year immediately succeeding the making of such levy, and any balance remaining at the end of any such year may be used in later years in addition to the taxes levied for such year or years, provided that if any such city or village have any bonds issued for indebtedness incurred subsequent to April 21, 1921, and prior to the year 1929, which mature and become payable in the year 1930, such bonds and interest and interest payments on other bonds so issued shall be paid from taxes levied in the year 1929.

Sec. 4. May sell certificates of indebtedness.—At any time after the annual tax levy has been certified to the county auditor

and not earlier than October 10, in any year, the governing body of such city or village may, by resolution issue and sell as many certificates of indebtedness as may be needed in anticipation of the collection of taxes so levied for any fund named in said tax levy for the purpose of raising money for any such fund, but no certificate shall be issued for any of said separate funds exceeding 50 per cent of the amount named in said tax levy, as spread by the county auditor, to be collected for the use and benefit of said fund, and no certificate shall be issued to become due and payable later than December 31 of the year succeeding the year in which said tax levy, certified to the county auditor as aforesaid, was made, and said certificates shall not be sold for less than par and accrued interest and shall not bear a greater rate of interest than six per cent per annum; each certificate shall state upon its face for which fund the proceeds of said certificates shall be used, the total amount of said certificates so issued, and the whole amount embraced in said tax levy for that particular purpose. They shall be numbered consecutively and be in the denominations of \$100.00 or a multiple thereof and may have interest coupons attached and shall be otherwise of such form and terms and may be made payable at such place as will best aid in their negotiation, and the proceeds of the tax assessed and collected, as aforesaid, on account of said fund, and the faith and credit of such city or village shall be irrevocably pledged for the redemption of the certificates so issued. Such certificates shall be paid from the moneys derived from the levy for the year against which such certificates were issued. The money derived from the sale of said certificates shall be credited to such fund or funds for the calendar year immediately succeeding the making of such levy. No certificates for any year shall be issued until all certificates for prior years have been paid, except that any money derived from the sale of certificates for any one year may, if necessary, be used to redeem unpaid certificates issued in a prior year, nor shall any certificate be extended.

Sec. 5. Bonds may be issued to fund indebtedness.—For the purpose only of paying and discharging its valid indebtedness (except bonds) which existed January 1, 1929, and interest thereon until paid, such city or village may issue its bonds in the manner now provided by law, except that such bonds may be issued on a vote of the council thereof without a vote of the electors; provided that if any moneys received from taxes levied in 1928 and payable in 1929 or income from local sources received since January 1, 1929, have been used prior to the passage of this act for the retirement of indebtedness existing January 1, 1929, such bond issue may include the amount of such payments for the purpose of reimbursing the funds from which such moneys were so paid.

Sec. 6. This act shall take effect and be in force from and after its passage and all acts and parts of acts inconsistent herewith are hereby repealed and declared of no effect insofar as they may be inconsistent with this act.

Approved April 16, 1929.

CHAPTER 209—H. F. No. 534

An act for the organization of corporations to create and maintain parks, playgrounds, drives and boulevards, and hold the same in trust for certain classes of cities, and to receive gifts and grants therefor, and to enable such cities to take, hold and manage property for similar purposes.

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

Section 1. **Corporations may be organized for certain purposes.**—Any number of adult persons, not less than five in number, residing in any city, in the state, whether incorporated by general law or special act, excepting cities of the first class, may organize a public corporation for the purpose of acquiring, holding, governing, managing, controlling and improving parks, playgrounds, boulevards and pleasure drives within and in the vicinity of the city in which they reside. Such corporation shall be without capital stock and shall be governed by a Board of Directors. It shall have all of the powers and privileges conferred by this act.

Sec. 2. **Certificate of incorporation.**—They shall adopt and sign a certificate of incorporation containing:

1. The name of the corporation; its general purpose; and its location.
2. The terms for admission to membership.
3. The names and places of residence of the incorporators.
4. The number of members constituting its board of directors; the date of the annual meeting at which they shall be elected; and the names and addresses of those composing the board until the first election.