

*ten instrument filed with the recording officer, provided that the maturities of any indebtedness not funded or refunded hereunder shall be considered in determining the maturities of the bonds issued hereunder as prescribed by Section 3 hereof."*

Approved March 27, 1931.

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CHAPTER 101—S. F. No. 633

*An act amending Laws 1923, Chapter 150, Section 1, relating to the salary of the county auditor in certain counties.*

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

**Section 1. Salary of county auditor in certain counties.**—That Laws 1923, chapter 150, section 1, be amended to read as follows:

"Section 1. That in every county now, or hereafter having an assessed valuation of not less than \$18,000,000 nor more than \$30,000,000, containing not less than 12 nor more than 16 full or fractional congressional townships and having a population of not less than 29,500 nor more than 30,000 inhabitants according to the last Federal census, the county auditor shall receive an annual salary of three thousand dollars, commencing on November 19, 1930. Such salary shall be paid monthly out of the county treasury upon warrant of the county auditor."

Approved March 27, 1931.

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CHAPTER 102—S. F. No. 738

*An act relating to the indebtedness and expenditures of certain counties, authorizing the funding and payment of outstanding indebtedness, validating certain warrants so to be funded and limiting and controlling future expenditures and prescribing penalties for violation of its provisions.*

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

**Section 1. Funding and refunding bonds authorized.**—Any county in this state having an assessed valuation of taxable property,

inclusive of moneys and credits, of not more than \$6,500,000; and having a net debt, as defined by Laws 1927, chapter 131, not exceeding \$525,000, as of December 31, 1930, and having outstanding floating indebtedness incurred prior to January 1, 1931, represented by warrants issued against its revenue and/or poor fund, aggregating in principal and accrued interest a sum greater than can be paid out of cash in said respective funds plus the amount of current taxes which have been levied for such purposes payable during the year 1931, and which floating debt exceeds \$200,000 in principal and accrued interest, may fund or otherwise pay and discharge such indebtedness in the manner in this act provided; and in the event of the funding provisions of this act being resorted to, each and all of the provisions, conditions and limitations of this act shall apply and shall be controlling over those of any other act inconsistent herewith.

**Sec. 2. Outstanding warrants validated.**—Any and all such outstanding warrants which shall be funded in the manner authorized by this act, and which have been issued for any lawful purpose, properly chargeable to such respective funds, are hereby declared to be valid and enforceable obligations of such county; provided that the validation hereby effected shall not affect any warrants, the validity of which is questioned in any litigation now pending. The determination by the county board of such county that any such outstanding warrants have been issued and that bonds shall be issued for the purpose of funding the same in the manner herein provided for shall be final and conclusively binding upon such county. The county board is hereby authorized and empowered to issue the bonds of such county in an amount not to exceed the principal of such warrants and interest thereon accrued up to the date of such bonds, and not exceeding in any event \$300,000, without submitting the question of such issue to the electors of such county and without regard to the amount of any and all other outstanding debts of the county, the proceeds thereof to be used solely for the purpose of taking up, paying, cancelling and retiring a like amount of principal and interest of such warrants. Said bonds shall be payable so that the first payment becomes due and payable not more than nine years from the date of issuance of such bonds and the last installment thereof shall become due and payable not more than twenty years from the date of the issuance of such bonds. They shall be sold in conformity with Mason's Minnesota Statutes of 1927, section 1943, and shall be direct and general obligations of the county issuing the same. Nothing in this act shall be construed to require that the full amount of such outstanding indebtedness shall be retired by the issuance and sale of such bonds, but if such bonds be issued and sold all valid out-

standing indebtedness not retired thereby shall be paid from the proceeds of the taxes levied and payable during the year 1931 for such purposes.

**Sec. 3. Tax levy authorized.**—The county board of any county issuing bonds pursuant to the authority of this act shall before the issuance thereof levy for each year until the principal and interest are paid in full a direct annual tax in an amount not less than ten per cent in excess of the sum required to pay the principal and interest thereof when and as such principal and interest become due. Such tax shall be irrepealable until all such indebtedness is paid, and after the issuance of such bonds no further action of the county board shall be necessary to authorize the extension, assessment and collection of such tax. The county auditor shall keep a register in which shall be entered a record of the aggregate amount of such bonds authorized, the aggregate amount issued, the purpose for which issued, the number, denomination, date and maturity of each, the rate of interest, and time of payment thereof, and place of payment of principal and interest, and the amount of taxes levied for the payment thereof in each year, and shall extend and assess the tax so levied. Any surplus resulting from the excess levy herein provided for may be transferred to the revenue and/or poor fund after the principal and interest for which said tax was levied and collected has been paid. Nothing herein contained shall be construed as limiting the power of the county to levy taxes to pay the bonds issued hereunder, but the county board shall have the power, and it shall be its duty, to levy any taxes necessary to provide revenue to pay the full principal and interest of such bonds.

**Sec. 4. Limitation of expenditures.**—So long as any bonds issued pursuant hereto remain outstanding, unless a sum equal to the full principal and interest to maturity thereon be held in the sinking fund for the retirement thereof, the maximum amount of obligations incurred and expenditures made in any year shall not exceed \$70,000 for revenue fund purposes nor \$30,000 for poor fund purposes, and the county board is authorized to levy during such period only such amount of taxes for such purposes as will produce such sum. In the event that taxes levied for such purposes shall exceed such sum for said respective funds, the excess shall be carried over and go to reduce the taxes for the next ensuing year for such purposes.

**Sec. 5. County board to determine amount of funds necessary.**—The county board shall annually, at its meeting in July, 1931, and at its meetings in January in each succeeding year, determine the amount of funds which will be available during the current year for revenue fund and poor fund purposes from the pro-

ceeds of the tax levy made therefor in the preceding year and from other sources, if any, known to be due and payable into the county treasury for such purposes during such year, and shall thereupon at such meeting make and spread upon its minutes a definite budget of the expenditures made and to be made and indebtedness incurred and to be incurred for the purpose of such respective funds during such year, which expenditures and indebtedness shall in no case exceed the aggregate amount of revenues so determined to be available for such year. Such budget shall allot the sum authorized for each institution, department, division or purpose chargeable to such fund. As nearly as may be, a specific program of activities shall be determined upon and no change shall thereafter be made which shall cause to be diverted to any other purpose any item so determined upon, except by unanimous vote of the county board at a regular meeting after at least three weeks published notice of a hearing thereon; provided, however, that at least ten per cent of the total sum authorized for each such fund shall be allotted to and carried as a reserve for emergencies, and such reserve for emergencies may be expended by the county board by unanimous action without such hearing for any purpose specified in said budget when the sum previously allotted to such purpose has been expended.

**Sec. 6. County auditor to keep complete records.**—The county auditor shall keep a record showing accurately the amount allotted to each item of the budget for each year and the amounts incurred and expended from time to time on account of each of such items, which records shall be presented and examined at each meeting of the county board and show the true condition of affairs at the date of such meeting. No indebtedness shall be incurred by the county for revenue fund or poor fund purposes except pursuant to action of the board while in meeting assembled specifying the purposes and amounts thereof.

**Sec. 7. All claims must be filed with the county auditor within 60 days.**—All claims against any such county for services performed or material furnished chargeable to either said revenue fund or said poor fund must be filed with the county auditor of such county within sixty days after the same were incurred, and if not so filed the county shall not be liable therefor. It shall be the duty of the county auditor, after any claim has been filed with him for any such purposes, to present such claim to the county board at its next meeting for its audit and allowance, and it shall be the duty of the county board at such meeting to act upon such claims.

**Sec. 8. Violations—penalties.**—Any member of the county board or other county officer or employe knowingly participating in or authorizing any violation of this act shall be guilty of a mis-

demeanor punishable by a fine not exceeding \$100 or imprisonment in the county jail not exceeding three months for each offense; and every contract attempted to be entered into or indebtedness or pecuniary liability attempted to be incurred in violation of the provisions of this act shall be null and void in regard to any obligation thereby sought to be imposed upon the county, and no claim therefor shall be allowed by the county board, nor shall the county auditor issue nor the county treasurer pay any warrant issued on account thereof. Each member of the county board or other county officer or employe so participating in or authorizing any violation of this act shall be individually liable to the county or to any other person for any damages caused thereby; and for the purpose of enforcing such liability, without impairing any other remedy, one-fourth of the salary of each such officer and employe shall be withheld from him and applied toward reimbursing the county or any such other person for such damages until all claims by reason thereof have been fully paid. Each member of the county board present at a meeting of the board when any action is taken with reference to paying money or incurring indebtedness or entering into any contract for such purposes shall be deemed to have participated in and authorized the same, unless he shall cause his dissent therefrom to be entered on the minutes of the meeting.

**Sec. 9. Provisions separable.**—If any section, part or provision hereof be found unconstitutional such determination shall not affect the validity of the remaining provisions not clearly dependent thereon.

Approved March 27, 1931.

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#### CHAPTER 103—S. F. No. 789

*An act legalizing the payment of salaries of certain county officials.*

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

**Section 1. Payment of salaries legalized.**—That all salaries heretofore paid to county officials pursuant to the terms and provisions of Chapter 383, Laws 1927 are hereby in all things legalized and approved.

Approved March 28, 1931.