

*set aside in the treasury of the city, in a fund therein to be known as the "Condemnation and Award Fund", a sum of money equal in amount to such award providing for the retention thereof therein, during the pendency of the appeal, available at all times for the payment thereof upon demand to whomsoever may be shown to have a clear right thereto, and further pledge the full faith and credit of the city for the payment of any increase of the award allowed upon the appeal; then in such case, regardless of the appeal, upon the enactment of such resolution by the city council and the setting apart of the amount of the award in the treasury of the city, the city shall be entitled to enter upon and take possession of the property condemned and to put such property to the use or uses for which such condemnation was made.*

Approved April 25, 1931.

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#### CHAPTER 397—S. F. No. 1345

*An act relating to the financial affairs of all villages now or hereafter having a population of more than 250 inhabitants and less than 500 inhabitants, and an assessed valuation of more than \$300,000 and less than \$600,000, providing for placing such villages on a cash basis, and including and prescribing penalties for violation of its provisions.*

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

**Section 1. Villages not to draw orders.**—That from and after January 1, 1932, no village now or hereafter having a population of more than 250 inhabitants, and less than 500 inhabitants, and an assessed valuation of more than \$300,000, and less than \$600,000, 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. Not to create indebtedness.**—Whenever from and after January 1, 1932, the expense and obligations incurred chargeable to any particular fund of such 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 officers, board or official body of such 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 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; and in no event shall any officer, board or official body of such village have the power, and no power shall exist, to create any indebtedness which shall be a charge against the village, in excess of the tax levy payable in that year for the use of the particular department, board or official body, less the amount required to be paid each year therefrom on bonds herein authorized and interest accruing thereon.

**Sec. 3. May issue certificates of indebtedness.**—At any time after the annual tax levy has been certified to the county auditor, but not earlier than October 10 of the year preceding the year for which the tax levy is made, the governing body of such village may, by resolution, issue and sell as many certificates of indebtedness as may be needed in anticipation of the collection of taxes levied for any fund named in the tax levy for the purpose of raising the money for any such fund, but the certificates outstanding for any such separate funds shall not at any time exceed 50 per cent of the amount of taxes previously levied for such fund remaining uncollected 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 certificate 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 denomination 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 proceeds of the tax assessed and collected, as aforesaid, on account of said fund, and the faith and credit of such 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 and shall not be used or spent until such succeeding year. No certificate for any year shall be issued until all certificates for prior years have been paid, nor shall any certificate be extended; provided, that 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.

**Sec. 4. Tax revenues for 1932.**—All taxes levied in 1931 shall be considered as the tax revenues for the year 1932, and thereafter in any such village, taxes shall be levied as now provided by law not later than October of each year, but for the succeeding year.

**Sec. 5. May issue bonds.**—If any such village prior to January 1, 1931, has incurred by proper authority a valid indebtedness, excluding bonds, in excess of its cash on hand, such village may, for the purpose only of paying and discharging such valid indebtedness (except bonds) and interest thereon, 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 1930 and payable in 1931, or income from local sources received since January 1, 1931, have been used prior to the issuance of bonds authorized by this act for the retirement of indebtedness existing January 1, 1931, and interest thereon, such bond issue may include the amount of such payments for the purpose of reimbursing the funds from which such moneys were paid.

**Sec. 6. Tax levy to retire bonds.**—The village council of any village issuing bonds pursuant to the authority of this act shall, before the issuance thereof, by a resolution, provide for a levy for each year until the principal and interest are paid in full, of a direct annual tax in an amount sufficient to pay the principal and interest thereon when and as such principal and interest become due, and sufficient to pay the cost of operating said village subject to the limitations herein fixed. Such tax levy shall be irrevocable until all of such bonds are paid. Said annual tax for the payment

of said bonds and interest shall be derived from two sources: (1) 50 per cent of the amount necessary to pay said bonds and interest, and no more shall be levied as a special tax in addition to the annual tax levy for general corporation purposes, park and park board, library and water, light, power and building commission purposes, and other special taxes which may be levied annually as provided by law; and (2) 50 per cent of the amount necessary to pay said bonds and interest shall be raised and obtained from each of the annual tax levies made by said village for general corporation purposes, water, light, power and building commission purposes, park and park board and library purposes for each year until all of said bonds are paid, in the same ratio as the tax levy for paying 50 per cent of the bonds and interest payable in any one year bears to the total annual maximum tax levy that could be made for general corporation purposes, water, light, power and building commission purposes, park and board and library purposes for said year. Funds designed to pay and retire any bonds of such village outstanding and unpaid at the time this act takes effect shall likewise be added to the annual levy and shall be held not to be subject to any limitations of law now imposed upon tax levies of villages.

**Sec. 7. Boards of departments not to incur indebtedness.**—Whenever any department, board or commission of such village has the power to expend money such department, board or commission shall not during any year contract any indebtedness, or incur any pecuniary liability, which shall be in excess of the sum that may be allotted to its department for said year by the village council or to pay maturing bonds outstanding at the time this Act takes effect. The village council shall by resolution, prior to February 1, each year, set aside for each such department, board or commission, such sums as it deems necessary and adequate for the proper operation thereof, subject, however, to amendments of such resolution thereafter as necessity may require.

**Sec. 8. Village recorders to keep record of allotment.**—The village recorder shall keep a record showing accurately the amount allotted to each board or governing body for the calendar year, and the amounts incurred and expended from time to time by the Village Council and each department of such village. A record of expenditures for the village council and all its departments shall be

presented to and examined at a regular meeting once each month by the Village Council and shall show the true condition of affairs at the date of such meeting.

**Sec. 9. Federal census shall govern.**—For the purpose of this act, the last federal census of population taken prior to the calendar year in which any levy may be made shall govern and shall be conclusive in determining hereunder the population of any such village.

**Sec. 10. Change in valuation or population not to change status.**—When a village has once come under the provisions of this act, it shall continue under its provisions, notwithstanding any subsequent change in assessed valuation or population.

**Sec. 11. 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.

**Sec. 12. Inconsistent acts repealed.**—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 25, 1931

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CHAPTER 398—S. F. No. 1351

*An act relating to armories in certain cities of the first class.*

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

**Section 1. Armory construction authorized.**—In any city of the first class now or hereafter having an armory which at the time shall have been condemned by lawful authority as unfit or unsafe for use for armory or military purposes, or which shall have been determined by the adjutant general to be unfit, unsafe, or inadequate for armory or military purposes, in which city there