

of County Fairs, the State Forestry association, Minnesota State Nurserymen's association, the Minnesota State Grange association and the Minnesota Farm Bureau Federation. The following societies and associations shall be entitled to one vote each: Minneapolis Market Gardeners' association of Minnesota, the State Growers' association, Minnesota Shorthorn Breeders' association, *Minnesota Milking Shorthorn Breeders' association*, Minnesota Guernsey Breeders' association, Minnesota Jersey Cattle club, Minnesota Holstein-Friesian Breeders' association, the Minnesota Hereford Breeders' association, Minnesota Aberdeen Angus Breeders' association, Minnesota Red Polled Breeders' association, Minnesota Ayreshire Breeders' association, Minnesota Brown Swiss Breeders' association, Minnesota Poland China Breeders' association, Minnesota Duroc Jersey Breeders' association, Minnesota Chester White Breeders' association and Minnesota Berkshire Breeders' association, provided, that all such societies and associations shall be active and state-wide in their scope and operation, hold annual meetings and be incorporated under the laws of the state of Minnesota, before being entitled to select such delegates. The societies and associations named in this sub-division shall file with the Secretary of State, on or before December 20, of each year, a report showing that said society or association has held a regular annual meeting for such year, a summary of its financial transactions for the current year and an affidavit of the president and secretary that it has a paid up membership of at least twenty-five. On or before January 5 of each year, the secretary of state shall certify to the secretary of the state agricultural society the names of such societies or associations herein named as have complied with the provisions hereof.

Approved April 1, 1933.

CHAPTER 137—S. F. No. 1165

An act relating to expenditures of counties having an assessed valuation, exclusive of moneys and credits, of less than \$5,000,000.00, and a tax delinquency in excess of 40% limiting taxes therein and providing for a budget; authorizing the funding and refunding of outstanding indebtedness; validating indebtedness heretofore incurred; limiting and controlling future expenditures; and prescribing penalties for violation hereof.

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

Section 1. **Bond issue authorized.**—Any county in this State, having an assessed valuation, exclusive of moneys and credits,

of less than \$5,000,000.00, and in which the real and personal property taxes levied in 1931, payable in 1932, were delinquent as of January 1, 1933 in excess of 40% of the amount so levied, is hereby authorized to issue, negotiate, sell or exchange its bonds, at one time or from time to time, for the purpose of funding and refunding the indebtedness of such county heretofore issued and outstanding, or any part thereof, in the manner and under the conditions hereinafter prescribed.

Sec. 2. County Board to adopt resolution.—Before any such bonds shall be issued, the county board shall at any regular or duly called special meeting thereof adopt by a four-fifths vote a resolution setting forth the necessity of the issuance of such bonds, the portion of the outstanding indebtedness to be funded or refunded at that time, the authority of law under which the right is claimed to issue such bonds, the amount of bonds proposed to be issued under such resolution and direct the Auditor to prepare a list of the items of indebtedness to be funded or refunded pursuant to such resolution, which list shall be filed by the Auditor in his office and may be referred to in the resolution so adopted. Such list shall at all times be open to public inspection and copies thereof shall be furnished on request, certified if desired, on payment of a fee not exceeding five cents per folio. Said resolution shall be published once in each week for two successive weeks in the official newspaper of said county and the county board shall upon petition of ten per cent of the number of voters voting for Governor at the last general election submit to the voters of the county at a regular or special election the proposition of issuing such bonds, and, in such case, the affirmative vote of a majority of those voting on the proposition shall be sufficient to authorize the same; provided, that unless said petition is filed within twenty days after the first publication of said resolution, such petition shall be void and of no effect. In any case, no bonds sold by authority of this act more than thirty days after the first publication of such authorizing resolution, shall be questioned by reason of the invalidity of the indebtedness so to be funded or refunded thereby nor of any informality, irregularity or defect in the proceedings. From time to time the county board may in similar manner provide for the funding or refunding of all or part of the remaining portion or such outstanding indebtedness.

Sec. 3. Funding and refunding bonds.—Said proposition shall contemplate the issuance of bonds payable serially in annual installments, the first thereof to become due and payable in not more than five years from their date and the last installment thereof to become due and payable in not more than twenty-five years from their date, no annual maturing installment of principal, except as

hereinafter provided, shall be more than two times the smallest maturing installment of principal; provided, however, that in fixing the installments of bonds issued at any one time hereunder, the maturities of bonds previously issued hereunder may be taken into consideration as to the amount of bonds maturing in any one year. Bonds issued hereunder to take up outstanding warrants shall be called "Funding Bonds" and bonds issued to take up outstanding bonds shall be called "Refunding Bonds". Such bonds may be sold, and in the word "sold" as used herein is included the exchange of such bonds for the indebtedness or any part thereof to be funded or refunded, at such time to times and in such manner as the county board shall determine, but such bonds shall not be sold for less than their par value and accrued interest and shall not bear interest in excess of six per cent per annum, payable semi-annually. Such bonds shall be in denomination of \$100, \$500 and \$1,000 and in case of the exchange of outstanding warrants for any such bonds, the county board is authorized to direct the issuance of a warrant for the difference between the amount of warrants so exchanged and the face value of the bonds exchanged therefor.

Sec. 4. County Auditor to prepare statement.—The County Auditor of any county issuing bonds under this act shall annually prepare and submit to the county board at its regular meeting in July a statement showing the amount of taxes levied which were payable in the preceding year, the amount of such taxes which has been paid at the time such report was made, an estimate of the amount which should be levied for each of the several county funds to maintain them on a cash basis and the amount which will be required for the payment of principal and interest of any bonds hereunder during the ensuing year. Thereupon the county board shall at such annual meeting make up a budget of the amounts needed to maintain the several funds on a cash basis and, taking into account the anticipated delinquency in tax collections, shall levy an amount sufficient to provide for the payment of the bonds authorized hereunder and interest thereon and to maintain the several funds of the county on a cash basis. Provided, further, that if any warrants remain outstanding and unpaid on any of the funds of the county, the board shall levy an annual tax of 3 mills to retire the same.

Sec. 5. Tax levy to be used for bonds only.—All moneys received from taxes levied for the payment of principal and interest of bonds shall be applied solely to the purpose for which such taxes were levied; all moneys received from taxes levied for the payment of outstanding warrants shall be applied solely to the payment of such warrants; all moneys received from taxes levied for road and bridge purposes shall be kept intact and applied first to any

deficiency which may arise in the funds for the payment of bonds issued hereunder and the interest thereon, second to any deficiency which may arise in the revenue or other funds of the county. If at the end of any year there remains a balance in the road and bridge fund from the collection of taxes levied for that purpose in excess of \$10,000.00, the county board may use such excess for the construction and maintenance of roads and bridges in the county; provided, however, that nothing herein shall be construed as affecting the expenditure of moneys received by the county from the State as its portion of any general state levy for roads or its share of any gasoline tax.

Sec. 6. Expenditures limited.—No expenditures shall be made or indebtedness incurred in excess of the budget adopted and no warrants shall be issued in excess of the cash on hand in the fund against which such warrant is issued; provided, however, that if the moneys received from the collection of taxes are insufficient to meet the ordinary expenses of the county as provided for in the budget for the revenue fund, the county board may authorize the issuance of warrants to be payable solely from the proceeds of taxes previously levied and uncollected; but in no event shall such expenditures exceed the amount set forth in the budget adopted by the county board at its annual July meeting. Such warrants shall be known as Delinquent Tax Warrants and all moneys derived from the collection of Delinquent Tax Warrants shall be placed in a separate fund and used solely for the payments of such warrants until all such warrants are paid.

Sec. 7. Filing of claims.—All claims against any such county must be filed with the Auditor within sixty days after the accrual thereof; if not so filed, no such claim shall be paid unless and until there exists in the fund against which such claim is made a sufficient cash surplus to pay the same. It shall be the duty of the auditor after any such claims have been filed with him to present same to the county board at its next meeting and at such meeting such claim shall be acted upon; provided, all expenditures for constructing, improving, maintaining or repairing any public road or bridge by day labor may be paid by the time check method as provided by Section 30, of Chapter 323, Laws of 1921, and acts amendatory thereof; but no such time check shall be honored by the auditor, nor shall any claim thereon be valid against the county, unless the duplicate thereof be duly filed in the office of the county auditor within thirty days after the date of the issuance thereof, nor unless and until funds be appropriable therefor as hereinbefore provided.

Sec. 8. Violations a misdemeanor.—Any member of the county board or other officer or employee of the county knowingly

authorizing or participating in any violation of this act shall be guilty of a misdemeanor, punishable by a fine not exceeding \$100 or imprisonment in the county jail not exceeding three months for each offence. Every contract 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 respect to any obligation sought thereby to be imposed upon the county and no claim therefor shall be allowed by the county board, nor shall any officer issue or pay any warrant, order or other evidence of debt on account thereof. Each member of the governing body or other officer or employee so knowingly participating in or authorizing any violation of this act shall be individually liable 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 member of the governing body or officer or employee shall be withheld from him and applied toward the payment of such damages until all claims by reason thereof have been paid.

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.

Sec. 10. **Limitations of act.**—This act shall not be construed to repeal or modify any other act or part of act having similar import or purpose to any part hereof but shall be deemed to provide an additional cumulative and optional remedy for the financial situation of any such county. No limitations of net indebtedness prescribed in any other act, except as herein expressly provided, shall affect the validity of any bonds issued by authority hereof, and the bonds issued by the authority of this act shall not be included in determining the net indebtedness of any such county.

Approved March 31, 1933.

CHAPTER 138—S. F. No. 1182

An act authorizing city, village or borough councils in certain cases to provide by resolution that certain assessments for sewer purposes shall be payable in twenty equal annual installments, and for the issuance of substituted warrants to conform to such extension, and relating to the collection of such assessments and to the effect of such resolution.

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