

maximum amount shall in no case exceed 25 per centum of the paid-up capital and surplus of such depository, *unless said depository shall deposit with the city treasurer of said city United States Government bonds to secure the deposit of the funds of said city and in that event the amount so deposited shall not exceed the amount of the United States government bonds so deposited.* The city council or common council of each of such cities shall at all times designate depositories in their respective cities or elsewhere in the United States sufficient for the depository of all funds which are likely to be in the hands of the city treasurer of such city at any one time, and shall, so far as consistent with the best interest of such city, designate such depositories in their respective cities and shall require from such depositories good and sufficient bonds payable to such city in a penal sum not to exceed the amount designated as the limit of deposit therein, and conditioned for the safe keeping and payment of funds so deposited, or, in lieu thereof, good and sufficient collateral as provided for by Laws 1925, Chapter 173, as amended by Laws 1929, Chapter 370.

Approved April 5, 1935:

CHAPTER 125—S. F. No. 549.

An act enabling municipalities to enter into contracts with federal agencies relating to the construction and financing of public works projects and simplifying the procedure for the construction and financing of such projects.

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

Section 1. Municipalities emergency act of 1935.—This act may be cited as "The Municipalities Emergency Act of 1935".

Sec. 2. Definitions.—The following terms wherever used or referred to in this act shall have the following meaning unless a different meaning appears from the context:

(a) The term "municipality" shall mean a county, a city of any class, including a city organized under a charter framed pursuant to Section 36, Article 4 of the Constitution, a town, a village, a borough, or a school, road, sanitary or drainage district.

(b) The term "governing body" shall mean the board of supervisors, council, board of trustees, board of commissioners, or other body, board, commission, or other authority charged with governing any municipality.

(c) The term "law" shall mean any act or statute, general, special or local, of this State, including, without being limited to, the charter of any municipality.

(d) The term "bonds" shall mean bonds, interim receipts, certificates, or other obligations of a municipality issued or to be issued by its governing body for the purpose of financing or aiding in the financing of any work, undertaking or project for which a loan or grant, or both, has heretofore been made or may hereafter be made by any Federal Agency.

(e) The term "Recovery Act" shall mean the National Industrial Recovery Act, being the Act of the Congress of the United States of America, approved June sixteenth, nineteen hundred thirty-three, entitled "An Act to encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes", and any acts amendatory thereof, and any acts supplemental thereto, and revisions thereof, and any further Acts, or Joint Resolutions of the Congress of the United States of America to reduce and relieve unemployment.

(f) The term "Federal Agency" shall include the United States of America, the President of the United States of America, the Federal Emergency Administrator of Public Works, Reconstruction Finance Corporation, or any agency, instrumentality or corporation of the United States of America, which has heretofore been or hereafter may be designated, created or authorized by or pursuant to any Act or Acts of the Congress of The United States of America, to make loans or grants.

(g) The term "public works project" shall mean any work, project, or undertaking which any municipality, is authorized or required by law to undertake or any lawful purpose for which they are authorized or required by law to make an appropriation.

(h) The term "contract" or "agreement" between a Federal Agency and a municipality shall include contracts and agreements in the customary form and shall also be deemed to include an allotment of funds, resolution, unilateral promise, or other commitment by a Federal Agency by which it

shall undertake to make a loan or grant, or both, upon the performance of specified conditions or compliance with rules and regulations theretofore or thereafter promulgated, prescribed or published by a public agency. In the case of such an allotment of funds, resolution, unilateral promise, or other commitment by a Federal Agency, the terms, conditions and restrictions therein set forth and the rules and regulations theretofore or thereafter promulgated, prescribed or published shall, for the purpose of this act, be deemed to constitute covenants of such a contract that are to be performed by the municipality, if the municipality accepts any money from such Federal Agency.

Sec. 3. Powers of municipalities.—Every municipality shall have power and is hereby authorized:

(a) To accept from any Federal Agency grants for or in aid of the construction of any public works project.

(b) To make contracts and execute instruments containing such terms, provision, and conditions as in the discretion of the governing body of the municipality may be necessary, proper or advisable for the purpose of obtaining grants or loans, or both, from any Federal Agency pursuant to or by virtue of the recovery Act; to make all other contracts and execute all other instruments necessary, proper or advisable in or for the furtherance of any public works project and to carry out and perform the terms and conditions of all such contracts or instruments.

(c) To subscribe to and comply with the Recovery Act and any rules and regulations made by any Federal Agency with regard to any grants or loans, or both, from any Federal Agency.

(d) To perform any acts authorized under this act through, or by means of its own officers, agents and employees, or by contracts with private corporations, firms or individuals.

(e) To award any contract for the construction of any public works project or part thereof upon any day at least fifteen days after one publication of a notice requesting bids upon such contract in a newspaper of general circulation in the municipality.

(f) To sell bonds at private sale to any Federal Agency without any public advertisement.

(g) To exercise any power conferred by this act for the purpose of obtaining grants or loans or both, from any Federal Agency pursuant to or by virtue of the Recovery Act, independently or in conjunction with any other power or powers conferred by this act or heretofore or hereafter conferred by any other law.

(h) To do all acts and things necessary or convenient to carry out the powers expressly given in this Act.

Sec. 4. Costs of public works determined.—In determining the cost of any public works project, the following items may be included as part of the cost of such public works project and financed by the issuance of bonds: (a) Engineering, inspection, accounting, fiscal and legal expenses; (b) The cost of issuance of the bonds, including engraving, printing, advertising, accounting and other similar expenses; (c) Any interest costs on money borrowed or estimated to be borrowed during the period of construction of such public works project and for six months thereafter.

Sec. 5. Acts must be approved.—The provisions of this Act shall not operate to dispense with the approval of a public works project by a state department, board, officer, commission, or a vote of the electors or freeholders where such approval or vote is necessary or required by law.

Sec. 6. Certificates of indebtedness may be issued.—Pending the preparation or execution of definitive bonds for the purpose of financing the construction of a public works project, interim receipts, certificates of other temporary obligations may be issued by the municipality to the purchaser of such bonds. Such interim receipts, certificates or other temporary obligations shall be in such form and contain such terms, conditions and provisions as the governing body of the municipality issuing the same, may determine.

Sec. 7. Bonds legalized.—Bonds bearing the signatures of officers in office on the date of signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof any or all the persons whose signatures appearing thereon shall have ceased to be the officers of the municipality issuing the same.

Sec. 8. Powers supplemental.—The powers conferred by this act shall be in addition and supplemental to the powers conferred by any other law. Insofar as the provisions of any other law are inconsistent with this act, the provisions of this act shall be controlling.

Sec. 9. **Public relief act.**—This act is intended to aid in relieving the public emergency arising from unemployment by simplifying the procedure for the construction and financing of public works projects. This act is remedial in nature and the powers hereby granted shall be liberally construed.

Sec. 10. **Limitation of act.**—Nothing in this act shall be construed to authorize the issuance of bonds for any purpose by any municipality not authorized to issue bonds for such purpose under any other law heretofore or hereafter enacted; nor to authorize the levy or expenditure of taxes for any purpose, or in any amount, in excess of the limits provided under any existing or hereafter enacted law of this state, nor for any public works project until such project shall be authorized in the manner now or hereafter provided by law.

Sec. 11. **Provisions severable.**—If any provision of this act, or the application thereof to any person, body, or circumstances, is held invalid, the remainder of the act and the application of such provision to other persons, bodies, or circumstances shall not be affected thereby.

Sec. 12. **Act expires June 30, 1937.**—Except in pursuance of any contract or agreement theretofore entered into by and between any municipality and any Federal Agency, no municipality shall exercise any of the powers conferred by this act after June 30, 1937.

Section 13. This act shall take effect and be in force from and after its passage.

Approved April 5, 1935.

CHAPTER 126—S. F. No. 552.

An act relating to the salaries of county commissioners in certain counties.

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

Section 1. **Salaries of county board in certain counties.**—That the minimum salary of county commissioners in all counties in this state having an assessed valuation, including moneys and credits, of not less than \$5,000,000.00, and not more than \$6,000,000.00, and having a population of not less than 9,500 nor more than 10,500 inhabitants, and having not more than 16 nor less than 14 full or fractional congressional townships, shall be \$325.00 per annum.