

CHAPTER 391—H. F. No. 993.

An act relating to financial affairs of villages having an assessed valuation in excess of \$500,000 and less than \$1,000,000, exclusive of moneys and credits, more than 70 per cent of which valuation consists of iron ore, a population of more than 1,000 and less than 2,000 and an outstanding unfunded indebtedness in excess of 20 per cent of its assessed valuation; providing for placing such villages upon a cash basis, and for the levy and payment of certain sums by the town of which any such village may be a part towards such indebtedness; relating to issuance of bonds in such villages and levies to pay the same; amending Mason's Supplement 1940, Sections 1225-71, 1225-72, 1225-73, 1225-74, 1225-82, 1225-84, 1225-85, 1225-86 and 1225-87; adding new provisions establishing the salaries of the president of the village council and trustees of such villages.

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

Section 1. **Law amended.**—Mason's Supplement 1940, Section 1225-71, is amended to read as follows:

1225-71. **Application of act.**—Mason's Supplement 1940, Sections 1225-71 to 1225-87, as amended, shall apply to any village having an assessed valuation in excess of \$500,000 and less than \$1,000,000, exclusive of moneys and credits, more than 70 per cent of which valuation consists of iron ore, a population of more than 1,000 and less than 2,000, and an outstanding unfunded indebtedness in excess of 20 per cent of its assessed valuation. It shall apply, to the extent of the tax levies and payments provided for herein, to any town which embraces within its limits all the territory of any such village, and from which such village has not been separated for election or assessment purposes; provided that more than 50 per cent of the total population of such town is contained in such village. Where the words "village" or "town" are hereinafter used, they shall be understood as applying only to villages or towns to which Mason's Supplement 1940, Sections 1225-71 to 1225-87, as amended, applies, as hereinbefore provided.

Sec. 2. **Law amended.**—Mason's Supplement 1940, Section 1225-72, is amended to read as follows:

1225-72. **Outstanding warrants segregated for payment under this act.**—All outstanding warrants or other indebtedness of any such village as of December 31, 1935, shall be segregated to be paid only by levies and contributions from the village and town as hereinafter provided. There shall be a special fund created by the village treasurer called the "village indebtedness fund," from which such warrants and indebtedness shall be paid.

Sec. 3. **Law amended.**—Mason's Supplement 1940, Section 1225-73, is amended to read as follows:

1225-73. **Part of taxes segregated for payment into fund—tax levy—limitations—other payments into fund.**—Of the annual levy of such village for general purposes 9 mills (or so much thereof as, after allowance for probable tax delinquencies, will produce \$6,000) shall be segregated and levied for and paid into such village indebtedness fund; of the annual tax levy of any such town 2 mills (or so much thereof as, after allowance for probable tax delinquencies, will produce \$15,000) shall be levied for and paid into such village indebtedness fund. All such levies shall be within the existing per capita or mill limitations upon levies of such village or town. In addition to the levies above provided, any such village may levy in excess of existing mill limitations 14 mills (or so much thereof as, after allowance for probable tax delinquencies, will produce \$9,000) upon all the taxable property of the village, which amount shall be paid into such village indebtedness fund. In addition thereto, there shall be set aside and paid into such village indebtedness fund all moneys hereafter collected by such village on the tax levies of 1934 and prior years, which shall have not been used prior to December 31, 1935, for the reduction of such indebtedness, and all moneys, not exceeding however, the sum of \$15,000, hereafter collected on the delinquent taxes of 1933 and prior years by any such town; provided that no part of the delinquent village taxes for library fund shall be paid into such village indebtedness fund except insofar as necessary to pay warrants or indebtedness against such library fund.

Sec. 4. **Law amended.**—Mason's Supplement 1940, Section 1225-74, is amended to read as follows:

1225-74. **Payments to village treasurer—separate funds—apportionment—payment of warrants.**—All moneys provided to be paid into such village indebtedness fund by any such town shall, as collected, be paid to the treasurer of the village by the county auditor and county treasurer. Such funds shall be kept separate from all other moneys of the village, and shall be used solely for the payment of such indebtedness or any bonds issued to fund the same. The village treasurer shall apportion the moneys in such village indebtedness fund between the various funds of the village against which warrants or indebtedness are outstanding, in proportion to the respective amounts of warrants and indebtedness against each such fund, and shall pay warrants against such funds out of the moneys apportioned thereto, in the order that such warrants were presented to the treasurer and stamped "Not paid for want of funds." In any year in which the levies and con-

tributions to such fund, as hereinbefore provided, shall not equal an amount which could be levied for payment upon such warrants by the village under existing laws, the warrant-holders, or any of them, may require payment by the village from other funds of the amount by which such permissible levy of the village shall exceed the levies and contributions to such fund.

Sec. 5. **Law amended.**—Mason's Supplement 1940, Section 1225-82, is amended to read as follows:

1225-82. Funding bonds—obligation—lien—sale—interest—maturity—investment in—tax levy—payment.—Any such village may, without a vote of the electors, fund all or any portion of such indebtedness existing on December 31, 1935. Bonds issued for such purpose shall be the obligation of the village alone and, except as contributions from the annual levies of the town are provided for herein, shall not be a lien upon any property in said town outside the limits of the village. Such bonds may be issued and sold to the state or to private purchasers, or both, or exchanged for warrants or other evidence of indebtedness funded thereby, with the holders thereof. Such bonds shall bear interest at not to exceed six per cent per annum, and if sold to the state, at not to exceed the rate provided by statute on loans from the state. They shall be sold or exchanged for not less than par. They shall mature in annual installments as nearly equal as practicable, the amount of such installments not to exceed the probable receipts of such village indebtedness fund, as provided for herein. The first of such installments shall fall due in not less than one year from the issuance of such bonds, and the last of such installments shall fall due in not more than ten years thereafter. Within the limits of the constitution, such bonds shall be legal investments of the State Board of Investment. At the time of issuing any such bonds, the village shall make an annual and ir-repealable tax levy in an amount sufficient, with the contributions and levies for such fund by the town, to retire such bonds at maturity. If purchased by the state, the state auditor, at the time of certifying to the county auditor the levy to be spread for the payment thereof shall take into consideration, in fixing the amount of such levy, the probable receipts from the contributions and levies to be made by the town towards the payment of such bonds. If such bonds be sold to the state, the village treasurer shall pay into the county auditor's fund for the payment of such bonds any moneys in the village indebtedness fund provided for herein, and the county auditor shall withhold any pay into the fund maintained by him for the payment of such bonds the mon-ey's levied and to be paid by the town thereon. Levies made for the payment of such bonds shall be within the limitations here-

in set forth, except as such limitations may be insufficient to meet such bonds at maturity.

Sec. 6. **Law amended.**—Mason's Supplement 1940, Section 1225-84, is amended to read as follows:

1225-84. **Liability of towns.**—*Mason's Supplement 1940, Sections 1225-71 to 1225-87, as amended*, shall not be construed as providing for the payment of any moneys by the town to the village after the indebtedness herein referred to shall have been paid and retired in full, or as thereafter limiting in any way the levies of such town or village.

Sec. 7. **Law amended.**—Mason's Supplement 1940, Section 1225-85, is amended to read as follows:

1225-85. **Purpose and construction—change in population etc.**—*Mason's Supplement 1940, Sections 1225-71 to 1225-87, as amended*, is remedial in its nature and intended to remedy the financial condition of villages within the class stated, where, by reason of a substantial portion of the valuation consisting of iron ore, there is likelihood of diminishing valuations in the future, and for such purpose to set aside contributions from the levies of the town in which any such village is located, where by reason of the majority of the population of such town being within the limits of the village, and by reason of the property in the village against which such indebtedness is a charge being subject to taxation by such town, there is a community of interest in the discharge of such indebtedness. It is also intended to secure a sound fiscal policy in such villages after the payment of such indebtedness. If any such village shall come within the provisions of *Mason's Supplement 1940, Sections 1225-71 to 1225-87, as amended*, said sections shall continue to govern the operations thereof, notwithstanding any subsequent change in population, valuation or indebtedness.

Sec. 8. **Law amended.**—Mason's Supplement 1940, Section 1225-86, is amended to read as follows:

1225-86. **Provisions not severable.**—The provisions of *Mason's Supplement 1940, Sections 1225-71 to 1225-87, as amended*, insofar as they provide for contributions from the town or village and excess levies over the mill limitations upon property in the village, are not severable, and if any of said levies be held to be unconstitutional *Mason's Supplement 1940, Sections 1225-71 to 1225-87, as amended*, shall be unconstitutional.

Sec. 9. **Law amended.**—Mason's Supplement 1940, Section 1225-87, is amended to read as follows:

1225-87. **Repeal.**—The total amount of such taxes as so levied shall not exceed the existing limitations upon the levies of such town.

Sec. 10. **Salaries of village trustee.**—*The trustees of any such village shall receive a salary of \$15.00 per month and the president of the council of any such village shall receive a salary of \$20.00 per month.*

Approved April 10, 1943.

CHAPTER 392—H. F. No. 1044.

An act relating to game and fish; amending Mason's Supplement 1940, Section 5536-17, as amended by Laws 1941, Chapter 467, Section 2.

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

Section 1. **Law amended.**—Mason's Supplement 1940, Section 5536-17, as amended by Laws 1941, Chapter 467, Section 2, is amended to read as follows:

Sec. 2. **State fish propagation fund created—purposes.**—There is hereby created a State Fish Propagation Fund for the purpose of acquiring, creating, maintaining, improving and repairing state-owned fish hatcheries and rearing ponds and appurtenant equipment and for the purpose of making stream and lake surveys, scientific surveys relating to fishes and improving the waters of this state as a habitat for fishes. Said fund shall consist of all moneys now in the Fish Fry Fund as established by Mason's Minnesota Statutes of 1927, Section 5637, all moneys hereafter received which heretofore would have been accredited to said Fish Fry Fund, together with not less than 60 *per cent* of all moneys received from the resident fishing license provided for herein. The amount of said fund is hereby annually appropriated to the Game and Fish Division for Fish propagation. Not more than 40 *per cent* of the resident fishing license fees shall be credited to the game and fish fund as provided in the 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 5536-13. Provided, that any citizen of the State receiving old age assistance or aid for the blind, shall, upon application, be granted a gratuitous fishing license.

Approved April 10, 1943.