

430.02. **Proceedings for acquisition of lands.** Subdivision 6. **Percentage of damages and costs paid out of general funds.** The city council may, however, provide by the resolution appointing such commissioners, that a certain specified percentage, not exceeding thirty-three and one-third ( $33\frac{1}{3}$ ) per cent, of the total damages and cost of improvements, shall in any case be payable out of the city's general fund, and in that case, the city's share *either* shall be added to the amount of the certificates to be issued and sold under Section 430.12, *or shall be provided by the issue of general obligation permanent improvement bonds*, and the city council shall from year to year levy a sufficient tax upon the taxable property of the city to pay the same, with interest. In such case, the amount provided to be paid out of the general funds shall not be assessed.

Section 2. Minnesota Statutes 1941, Section 430.13, is hereby amended to read as follows:

430.13. **Scope.** The provisions of this chapter shall apply to all cities of the first class.

The term city council shall be held to refer to the governing body of such cities, whether so-called or called common council or otherwise. *Any certificates or bonds that may be issued to finance an improvement shall be accounted a part of the bonded debt of the city. In calculating the net indebtedness of the city due to the issue of any such certificates or bonds there may be deducted from the gross debt of the city the amount of any such certificates or bonds that are payable wholly or partly from collections of special assessments levied on property benefited thereby including those which are the general obligations of the city issuing the same, if the city is entitled to reimbursement, in whole or in part, from the proceeds of special assessments levied upon property especially benefited by such improvements.*

Approved April 23, 1945.

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#### CHAPTER 531—S. F. No. 763

*An act relating to the municipal court in the City of Ely; amending Laws 1891, Chapter 59, Section 2, as amended by Laws 1915, Chapter 66.*

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

Laws 1891, Chapter 59, Section 2 as amended by Laws 1915, Chapter 66, is amended to read as follows:

**Sec. 2. Municipal judge in Ely; election; term; oath; vacancy.** The qualified electors of the City of Ely, St. Louis County, Minnesota, shall at the general election held in and for the election of officers for said City elect a suitable person with the qualifications hereinafter mentioned to the Judge of the Municipal Court of said City, to be called Municipal Judge, who shall hold his office until the next general election to be held in and for said City. That thereafter the term of office of the Municipal Judge, who shall be a resident and qualified elector, shall be *four* years and until his successor is elected and qualified.

Before entering upon the duties of his office said Judge shall subscribe to an oath as prescribed by the General Laws for judicial officers, which oath shall be filed as required by the law. He shall have the general powers of judges of courts of record, and may administer oaths, take acknowledgments in all cases, and, as conservator of the peace, shall have the powers and authority over all actions or judgments arising in his Court, where no other provision is otherwise made, in this act, which is by law vested in District Courts of this State, or other judicial officers.

In case of a vacancy in the office of Municipal Judge the Governor of the State of Minnesota shall appoint some qualified person to said office until the next regular city election, at which time an election may be had to fill the unexpired term of the person who has vacated the office, after which time a judge shall be elected for the full term of *four* years.

Approved April 23, 1945.

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#### CHAPTER 532—S. F. No. 768

*An act to appropriate money to the teachers retirement fund to pay certain annuities and benefits under Laws 1915, Chapter 199.*

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

**Section 1. Necessity for legislation.** Whereas Laws 1915, Chapter 199, was interpreted for many years to provide that annuities and benefits payable to persons under the provisions of said act should not be paid to any such person who had returned to the work of teaching in any public school, while so teaching, and therefore such annuities were not paid to retired teachers who returned to teaching in the public