

Section 1. Minnesota Statutes 1949, Section 456.32, is amended to read:

456.32. **Extending water pipes.** Any city in the state, now or hereafter owning and operating water-works, is hereby authorized to extend its water-works and water pipes over, under, and along any road, street, alley, or public highway in this state, whether within or without the corporate limits of such city, and to supply water for a reasonable compensation to the occupants of property adjacent or accessible to the line so extended, whether within or without the corporate limits of such city; provided, this section shall not be construed as granting any rights to any city within the corporate limits of any other city or village; provided that such line shall be so extended as not to interfere with the safety or convenience of ordinary travel over these roads, streets, alleys, and public highways.

Approved April 16, 1951.

CHAPTER 378—S. F. No. 914

An act relating to village government; amending Minnesota Statutes 1949, Sections 412.111, 412.141, 412.151, 412.311 and 412.351, Section 412.021, Subdivision 2, Section 412.041, Subdivision 5, Section 412.081, Subdivision 1, Section 412.181, Subdivisions 6, 7 and 8, Section 412.271, Subdivision 1, Section 412.341, Subdivision 1, Section 412.531, Subdivision 1, and Section 412.571, Subdivisions 1, 4, and 5.

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

Section 1. Minnesota Statutes 1949, Section 412.021, Subdivision 2, is amended to read:

412.021. Subd. 2. **Optional plan; officers to be elected.** Unless such village has adopted an optional plan of government as provided in sections 412.541 to 412.821, there shall be elected a mayor, treasurer, constable and justice of the peace, each for a term expiring the first business day of January of the next even-numbered year; a clerk, assessor,

constables, and justice of the peace, each for a term expiring the first business day of January in the next odd-numbered year; and three trustees, for terms so arranged that one term expires the first business day of January of each of the three years following. *If the village is incorporated between March 15 and July 1 of an even-numbered year, no assessor shall be elected at the initial election.* If the village has adopted Optional Plan A, B, or C there shall be elected at such election a mayor, constable and justice of the peace, each for a term expiring the first business day of January of the next even-numbered year; a constable and justice of the peace, each for a term expiring the first business day of January in the next odd-numbered year; and four trustees, for terms so arranged that one expires the first business day of January of each of the three years following except that the terms of two trustees shall expire the year following the year in which the term of the mayor expires. No candidate for trustee shall run for a particular term but the number of years in the term of each successful candidate shall be determined by his relative standing among the candidates for the office, the longest term going to the candidate receiving the highest number of votes. If the election occurs in the last four months of the year, no election shall be held in the village on the annual village election day that year, and the next following year shall be disregarded in fixing the expiration of terms of officers chosen under this subdivision at the initial election.

Sec. 2. Minnesota Statutes 1949, Section 412.041, Subdivision 5, is amended to read as follows:

412.041 Subd. 5. **Required resident population.** If the land contains a resident population of not less than 75 persons and no part of the land is more than one and one-half miles from the village limits, five or more of the legal voters of the area may take a census of the resident population and, if the census shows a population of the required number, may, within four weeks after the beginning of the census, file a petition with the village clerk requesting an election on the question of including such land in the village. The council shall, *if it finds that the annexation would be to the best interests of the village and of the territory affected*, provide for a place and time, not more than 30 days after the filing of the petition, for the holding of an election on annexation in the territory covered by the petition and shall give at least ten days' posted notice of such election. The council shall appoint three residents of the territory as judges of the election who

shall conduct the election so far as practicable in accordance with the laws regulating the election of town officers. Only voters residing within the territory described in the petition shall be entitled to vote. The ballot shall bear the words "For Annexation" and "Against Annexation" with a square before each in which the voter may make a cross to express his choice. The village shall furnish the ballots and election supplies. Immediately after the election the judges shall canvass the ballots and forthwith make and file with the village clerk a certificate stating the time and place of the election, that they have canvassed the ballots cast and the numbers cast for and against annexation. The certificate shall be signed and verified by all judges. The village clerk shall attach the certificate to the original petition with a copy of the resolution calling the election and appointing the judges and the original proofs of posting of the election notices. He shall file the whole as one document in his office. If a majority of votes cast is in the negative, no subsequent petition for annexation of the same area shall be entertained for two years after the election.

Sec. 3. Minnesota Statutes 1949, Section 412.081, Subdivision 1, is amended to read as follows:

412.081. Separation from town. Subdivision 1. Election and assessment districts. Any village hereafter organized shall be constituted an election and assessment district separate from the town in which it lies immediately upon incorporation, except that if the incorporation occurs between March 15 and July 1 the town assessor shall assess the property in the village that year and the village assessor shall not assume his duties until the following year. *Where the town assessor makes the assessment, the village shall pay such proportion of the cost of the assessment as its assessed valuation bears to the assessed valuation of the town, including the village.*

Sec. 4. Minnesota Statutes 1949, Section 412.111, is amended to read:

412.111. Officers and employees. The council may create such departments and advisory boards and appoint such officers, employees, and agents for the village as may be deemed necessary for the proper management and operation of village affairs. The council may prescribe the duties and

fix the compensation of all officers, both appointive and elective, employees, and agents, when not otherwise prescribed by law. The council may require any officer or employee to furnish a bond conditioned for the faithful exercise of his duties and the proper application of, and payment upon demand of, all moneys by him officially received. Unless otherwise prescribed by law the amount of such bonds shall be fixed by the council. The bonds furnished by the clerk, treasurer, and justices of the peace shall be corporate surety bonds. The council may provide for the payment from village funds of the premium on the official bond of the justices of the peace and any officer or employee of the village. The council may, except as otherwise provided, remove any appointive officer or employee when in its judgment the public welfare will be promoted by the removal; but this provision does not modify the laws relating to veterans' preference or to members of a village police or fire civil service commission or public utilities commission.

Sec. 5. Minnesota Statutes 1949, Section 412.141, is amended to read:

412.141. Treasurer's duties. The treasurer shall receive and safely keep all moneys belonging to the village, including moneys received in operation of any municipal liquor dispensary maintained by the village, and shall promptly enter in a book provided for the purpose an account of all moneys received and disbursed by him as treasurer, showing the source and objects thereof with the date of each transaction. He shall pay out money only upon the written order of the mayor and clerk, or such other officers of independent boards or commissions as are authorized to issue orders in the case of board or commission operations. Such orders when paid and canceled he shall retain as his vouchers. Such accounts and vouchers shall be exhibited to the council upon its request. He shall deliver to his successor all books, papers and money belonging to the village. The treasurer shall immediately after the close of the calendar year make out and file with the clerk for public inspection a report of his balances, receipts and disbursements by funds for the year. The treasurer may, with the consent of the council appoint a deputy treasurer for whose acts he shall be responsible and whom he may remove at pleasure. *In case of the treasurer's absence from the village or disability, the council may appoint a deputy treasurer, if there is none, to serve during such absence or disability.* The deputy may discharge any of the duties of the treasurer.

Sec. 6. Minnesota Statutes 1949, Section 412.151, is amended to read:

412.151. **Clerk's duties.** The clerk shall give the required notice of each regular and special election, record the proceedings thereof, notify officials of their election or appointment to office, certify to the county auditor all appointments and the results of all village elections. He shall keep: (1) a minute book, noting therein all proceedings of the council; (2) an ordinance book, in which he shall record at length all ordinances passed by the council; and (3) an account book in which he shall enter all money transactions of the village including the dates and amounts of all receipts and the person from whom the money was received and all orders drawn upon the treasurer with their payee and object. He shall act as the clerk and bookkeeper of the village, shall be the custodian of its seal and records, shall sign its official papers, shall post and *publish such notices, ordinances and resolutions as may be required and shall perform such other appropriate duties as may be imposed upon him by the council.* For certified copies, and for filing and entering, when required, papers not relating to village business, he shall receive the fees allowed by law to town clerks. With the consent of the council, he may appoint a deputy for whose acts he shall be responsible and whom he may remove at pleasure. *In case of the clerk's absence from the village or disability, the council may appoint a deputy clerk, if there is none, to serve during such absence or disability.* The deputy may discharge any of the duties of the clerk, except that he shall not be a member of the council.

Sec. 7. Minnesota Statutes 1949, Section 412.181, Subdivision 6, is amended to read as follows:

412.181. *Subd. 8.* in any village not included in any of the foregoing classes and having (a) a population of not less than 5,000, (b) a population of less than 600 and an assessed valuation of not less than \$1,000,000, or (c) an assessed valuation of more than \$1,500,000, the salary of the mayor and each trustee is fixed at \$100 per year.

Sec. 8. Minnesota Statutes 1949, Section 412.181, Subdivision 7, is amended to read as follows:

412.181. *Subd. 6.* In any village not included in any of the foregoing classes and having either (a) a population of

more than 500 and an assessed valuation of not less than \$100,000 and situated in a county having a population of not less than 500,000 and an assessed valuation, exclusive of money and credits, of not less than \$280,000,000, or (b) a population of more than 750 and less than 2,000 an assessed valuation of more than \$500,000, exclusive of money and credits, more than 60 per cent of which valuation consists of iron ore, the salary of the mayor is fixed at \$20 per month and the salary of each trustee at \$15 per month.

Sec. 9. Minnesota Statutes 1949, Section 412.181, Subdivision 8, is amended to read as follows:

412.181. Subd. 7. In any village not included in any of the foregoing classes and having an assessed valuation of not less than \$300,000, and not more than \$700,000, exclusive of money and credits, more than 70 per cent of which is iron ore valuation, and having a population of not less than 225 and not more than 450, the salary of the mayor is fixed at \$15 per month and the salary of each trustee at \$10 per month.

Sec. 10. Minnesota Statutes 1949, Section 412.271, Subdivision 1, is amended to read:

412.271. **Disbursements.** Subdivision 1. **Exceptions; excepted as to procedure.** No disbursement of village funds, including funds of any municipal liquor dispensary operated by the village, shall be made except by an order drawn by the mayor and clerk upon the treasurer. Except when issued for the payment of judgments, salaries and wages previously fixed by the council or by statute, principal and interest on obligations, rent and other fixed charges, the exact amount of which has been previously determined by contract authorized by the council, and except as otherwise provided in subdivisions 2 and 3, no order shall be issued until the claim to which it relates has been audited and allowed by the council.

Except for wages paid on an hourly or daily basis, where a claim for money due on goods or services furnished can be itemized in the ordinary course of business the person claiming payment, or his agent, shall prepare the claim in written items and sign a declaration that the claim is just and correct and that no part of it has been paid. Whenever work for which wages are to paid on an hourly or daily basis is done by em-

ployees of the village, *the clerk shall keep a payroll giving the name of each employee and the number of hours or days worked by him and the timekeeper, foreman, or other officer or employee having knowledge of the facts shall sign a declaration that the facts recited on the payroll are correct to the best of his information and belief; and when any claim for wages listed on a payroll is paid, the employee shall sign a declaration, which may be a part of the payroll, to the effect that he has received the wages and done the work for which the wages have been paid. The declarations relating to claims or payrolls shall be in substantially the following form: "I declare under the penalties of perjury (here insert, if claimant: that this claim is just and correct and no part of it has been paid; if timekeeper, foreman, officer or employee having knowledge of the facts: that to the best of my information and belief the items on this payroll are correct: if employee who has been paid: that I have received the wages stated on this payroll opposite my name and have done the work for which the wages were paid.)*

Date

Signature"

The effect of this declaration shall be the same as if subscribed and sworn to under oath.

The clerk shall endorse on each claim required to be audited by the council the word "disallowed" if such be the fact, or, "allowed in the sum of \$.....," if approved in whole or in part, specifying [in] the latter case the items rejected. Each order may be so drawn that when signed by the treasurer in an appropriate space, it becomes a check on the village depository. Any order presented to the treasurer and not paid for want of funds shall be so marked and paid in the order of its presentation with interest from the date of presentation at the rate of five per cent or such lower rate as is fixed by the council prior to its issuance.

Sec. 11. Minnesota Statutes 1949, Section 412.311, is amended to read:

412.311. Contracts. No member of a village council shall be directly or indirectly interested in any contract made

by the council except that the council by a four-fifths vote may purchase merchandise or materials in which a member of the council is interested in an amount of not more than \$50 a year. Every contract for the purchase of merchandise, materials or equipment or for any kind of construction work undertaken by the village which requires an expenditure of \$500 or more, *except a contract for a local improvement made under Section 412.421 or any other law having an inconsistent provision relating to contracts for local improvements*, shall be let to the lowest responsible bidder, after notice *has been published once in the official newspaper at least ten days in advance of the letting of the contract.*

Sec. 12. Minnesota Statutes 1949, Section 412.341, Subdivision 1, is amended to read:

412.341. **Commission; membership, organization.** Subdivision 1. **Membership.** The commission shall consist of three members appointed by the council. No more than one member may be chosen from the *council* membership. Each member shall serve for a term of three years and until his successor is appointed and qualified except that of the members initially appointed in any village, one shall serve for a term of one year, one for a term of two years, and one for a term of three years. Residence shall not be a qualification for membership on the commission unless the council so provides. A vacancy shall be filled by the council for the unexpired term.

Sec. 13. Minnesota Statutes 1949, Section 412.351, is amended to read:

412.351. **Commission, general powers.** The council shall, in the ordinance establishing the commission, decide which of the following public utilities shall be within the commission's jurisdiction: (1) the village water system; (2) light and power system, including any system then in use or later acquired for the production and distribution of steam heat; (3) gas system; (4) sanitary or storm sewer system or both, including the village sewage disposal plant; (5) *public buildings owned or leased by the village.* As used subsequently in sections 412.351 to 412.391, the term "public utility" means any *water, light and power, gas or sewer system, or public buildings* thus placed by ordinance under the jurisdiction of the public utilities commission. Any *public utility not placed under the jurisdiction of the public utilities commission by the ord-*

inance establishing the commission may be placed under the the jurisdiction of the commission by an amendment to the original ordinance.

Sec. 14. Minnesota Statutes 1949, Section 412.531, Subdivision 1, is amended to read:

412.531. Park funds. Subdivision 1. **Establishment, transfer; tax levies.** For the purpose of carrying out the powers of the park board there shall be established in the village treasury a special fund to be called a park fund. The village council may transfer to the park fund such moneys as it shall consider necessary for park purposes. No later than September 1 of each year the park board shall present to the council in such detail as the council shall require its estimate of the financial needs of the board for the ensuing fiscal year. In any county having a population of more than 225,000 the council of any village, *whether having a park board or not*, may annually at the time of levying other village taxes levy a special tax of not to exceed two mills for park purposes. The proceeds of this tax shall be placed in the village park fund.

Sec. 15. Minnesota Statutes 1949, Section 412.571, Subdivision 1, is amended to read:

412.571. Continuance in office; election. Subdivision 1. **Council continue in office.** When Optional Plan A, B, or C is first adopted in any village in which the standard plan of village government is then in operation, the council shall continue as then constituted until the expiration of the term of the incumbent clerk. At the village election preceding expiration of the term of the incumbent clerk and at the election every third year thereafter, two trustees shall be elected and at intervening village elections, one trustee shall be elected, each for a three-year term. *If the optional plan is adopted at the annual village election at which the office of clerk is to be filled, the candidate elected to that office at the election shall not assume his office of clerk in January, but shall become the fourth trustee unless he is appointed clerk under the optional plan, in which case the unfilled office of trustee shall be considered vacant.*

Sec. 16. Minnesota Statutes 1949, Section 412.571, Subdivision 4, is amended to read:

412.571. Subd 4. **Abandonment; incumbent trustees continue.** When any optional plan is abandoned and the standard form of village government is resumed, terms of then incumbent trustees shall not be affected by the abandonment; but until the first *business* day of January of the year in which the terms of two trustees expire, the clerk shall not serve as a member of the council. At the village election preceding that date, only one trustee shall be elected. *If the optional plan is abandoned at an annual village election, the offices that would be filled at that election only in standard plan villages shall be filled conditionally at the election and the ballot shall indicate that the successful candidate for each such office will assume his office only if the optional plan is abandoned as a result of the election.*

Sec. 17. Minnesota Statutes 1949, Section 412.571, Subdivision 5, is amended to read:

412.571. Subd. 5. **Abandonment; incumbent clerk, treasurer, assessor, continue.** When any optional plan is abandoned and the standard form of village government is resumed, the term of the incumbent clerk and assessor, if any, shall continue until the first *business* day of January in the next odd-numbered year and the term of the incumbent treasurer shall continue until the first *business* day of January in the next even-numbered year; and their successors shall be chosen at the annual village election immediately preceding.

Approved April 16, 1951.

CHAPTER 379—S. F. No. 998

[Sections 1, 2, 3, coded as Sections 471.87, 471.88, 471.89]

An act relating to interest of public officers in public contracts, and providing a penalty for violation; amending Minnesota Statutes 1949, Section 365.37 as amended and Section 412.311; repealing Minnesota Statutes 1949, Section 125.07, Subdivision 4, and Section 620.04.

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