

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:

[471.87] Section 1. **Public officers, no interest in certain contracts.** Except as authorized in Section 2, a public officer who is authorized to take part in any manner in making any sale, lease, or other contract in his official capacity shall not voluntarily have a personal financial interest in such sale, lease, or contract or personally benefit financially therefrom. Every public officer who violates this provision is guilty of a gross misdemeanor.

[471.88] Sec. 2. **Exceptions.** The governing body of any town, school district, village, or city, however organized, may, by unanimous vote, contract for goods or services with an interested officer of the governmental unit in any of the following cases:

(a) The designation of a bank in which the officer is interested as an authorized depository for public funds when it is the only bank in the governmental unit;

(b) The designation of an official newspaper, or publication of official matters in such a newspaper, in which the officer is interested when it is the only newspaper complying with statutory or charter requirements relating to the designation or publication;

(c) A contract with a cooperative association of which the officer is a shareholder or stockholder but not an officer or manager;

(d) Subject to Section 4, a contract for which competitive bids are not required and involving not more than \$500, when the commodity or service contracted for cannot be otherwise obtained either in the governmental unit or in a contiguous like governmental unit.

[471.89] Sec. 3. **Contract void, when.** Subdivision 1. **Procedure followed.** A contract made pursuant to Section 2, clause (d), is void unless the procedure prescribed by Subdivisions 2 and 3 is followed.

Subd. 2. **Resolution by governing body.** Except in an emergency making such procedure impracticable, the governing body of the governmental unit shall authorize the contract in advance of its performance by adopting a resolution setting

out the essential facts and determining that the contract price is as low or lower than the price at which the property or service could be obtained elsewhere, and that the property or service cannot be otherwise obtained in the governmental unit or in any contiguous like governmental unit. In case of an emergency when the contract cannot be authorized in advance, payment of the claim shall be authorized by a like resolution in which the facts of the emergency are also stated.

Subd. 3. **Claims, affidavit filed.** Before such a claim is paid, the interested officer shall file with the clerk of the governing body an affidavit stating:

- (a) The name of the officer and the office held by him;
- (b) An itemization of the goods or services furnished;
- (c) The contract price;
- (d) The reasonable value;
- (e) The interest of the officer in the contract;

(f) That to the best of his knowledge and belief the contract price is as low as, or lower than, the price at which the goods or services could be obtained from other sources; and

(g) That to the best of his knowledge and belief the commodity or service cannot be otherwise obtained in the governmental unit or in any contiguous like governmental unit.

Sec. 4. Minnesota Statutes 1949, Section 365.37, as amended by Laws 1951, Chapter 74, is amended to read as follows:

365.37. Officers' contracts. *Except as provided in Laws 1951, Chapter 379*, no supervisors, town clerk, or town board shall become a party to, or be directly or indirectly interested in, any contract made or payment voted by the town board and all contracts involving an expenditure of \$500 or more shall be let to the lowest responsible bidder after ten days' public notice, posted in the three most public places in the town or published for two weeks in a newspaper generally

circulated in the town, of the time and place of receiving bids. In cases of special emergency, amounts in excess of \$500 may be expended without such notice being given. In towns having less than 25 legal voters, the officers may be employed upon road work by the day at such price as may have been fixed for such work by the town at its annual meeting. Every contract made and payment voted or made contrary to the provisions of this section shall be void and any such officer violating the provisions of this section shall be guilty of a misdemeanor and, in addition to the provisions prescribed by law, removed from office.

Sec. 5. Minnesota Statutes 1949, Section 412.311, is amended to read as follows:

412.311. **Contracts.** *Except as provided in Laws 1951, Chapter 379, no member of a village council shall be directly or indirectly interested in any contract made by the council. 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 shall be let to the lowest responsible bidder, after ten days' public notice.*

Sec. 6. **Validation of certain acts and contracts.** Any sale, lease, or contract heretofore made in any of the cases included in Section 2 and any acts done in connection therewith are hereby legalized and ratified against the objection that an official was unlawfully interested in the sale, lease, or contract; provided, that if a resolution and affidavit would be required in such cases under this act, the sale, lease, or contract or acts done in connection therewith shall not be legalized and ratified until the requirements of Section 3 have been complied with.

Sec. 7. Minnesota Statutes 1949, Section 125.07, Subdivision 4, and Section 620.04, are repealed.

Approved April 16, 1951.

CHAPTER 380—S. F. No. 1023

[Coded as Section 100.29, Subd. 22]

An act relating to wild animals, prohibiting the taking