

Section 1. Minnesota Statutes 1953, Section 505.03, is hereby amended to read:

**505.03 Instrument of dedication, certificate of surveyor.** On the plat shall be written an instrument of dedication, which shall be signed and acknowledged by the owner of the land. The instrument shall contain a full and accurate description of the land platted and set forth what part of the land is dedicated, and also to whom, and for what purpose these parts are dedicated. The surveyor shall certify on the plat that the plat is a correct representation of the survey, that all distances are correctly shown on the plat, that the monuments for guidance of future surveys have been correctly placed in the ground as shown, that the outside boundary lines are correctly designated on the plat, and that the topography of the land is correctly shown on the plat. If there are no wet lands or public highways to be designated in accordance with section 505.02, he shall so state. The certificate shall be sworn to before any officer authorized to administer an oath. The plat shall, except in cities whose charters provide for official supervision of plats by municipal officers or bodies, together with an abstract and certificate of title, be presented for approval to the council of the city or village or town board of towns wherein there reside over 5,000 people in which the land is located; and, if the land is located outside the limits of any city, village or such town, then to the board of county commissioners of the county in which the land is located. *The council or board to whom the plat has been presented may, after having notified the proprietor to that effect, employ qualified persons to check and verify the surveys and plat, and to determine the suitability of the plat from the standpoint of community planning, and such persons shall make full reports of their findings. The council or board may require the proprietor to reimburse the city, village, town or county for the cost of such services; if such services are rendered by a salaried employee of the municipality, the charge therefor may be computed on the basis of such employee's regular hourly, daily, weekly or monthly wages or salary.* When the plat has been approved, it shall be so certified to by the city, village or town clerk or county auditor, as the case may be.

Approved April 25, 1955.

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CHAPTER 867—S. F. No. 1189

*An act relating to village government; amending Minnesota Statutes 1953, Section 412.011, Subdivision 5, Section*

*412.041, Subdivision 2, Section 412.081, Subdivision 3, Section 412.181, Subdivision 10, Sections 412.271 and 412.681, and Section 412.861, Subdivision 1.*

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

Section 1. Minnesota Statutes 1953, Section 412.011, Subdivision 5, is amended to read:

Subd. 5. **Town board, powers after village is incorporated.** Notwithstanding incorporation of the village, the town board and other officers of the town in which the village is located shall continue to exercise their powers and duties in the village under the town laws until the selection and qualification of the first village officers under section 412.021. Thereafter the town board shall have no jurisdiction within the village and the village council and other village officers shall act in respect to any matters previously undertaken by the town within the limits of the village, including the making of any improvement and the levy of special assessments therefor, in the same manner and to the same effect as if such improvement had been undertaken by the village. *Every town ordinance and resolution imposing regulations upon private property within the limits of the village shall continue in effect for 90 days from the date of incorporation unless sooner repealed or superseded by village ordinance.*

Section 2. Minnesota Statutes 1953, Section 412.041, Subdivision 2 is amended to read:

Subd. 2. **Territory owned by village.** If the land is owned by the village, the council may by ordinance declare the land annexed to the village. *Any such land is deemed to be suitably conditioned as properly to be subjected to village government.*

Section 3. Minnesota Statutes 1953, Section 412.081, Subdivision 3, is amended to read:

Subd. 3. **Distribution of assets, tax levy, joint property.** Upon separation of an existing village from the town or upon incorporation of a village hereafter, if there is any money in the town treasury in excess of its then floating indebtedness, such proportion of the excess as the total assessed valuation of the real and personal property within the village bears to the entire valuation of the town, including the village, shall belong to the village and shall be paid to the village treasurer by the town treasurer. All town taxes levied upon property within the village before separation and not yet collected or not yet distributed by the county treasurer shall be paid to the village when so distributed. If the town has any bonded debt,

the property within the village shall continue to be taxed to retire the bonds and to pay the interest thereon until the bonds are fully paid. *Any personal property belonging to the town at the time of separation, and any real estate situated within the village and belonging to the town at that time shall remain the joint property of the village and town with the interest of each being proportional to its assessed valuation at the time of separation; but either the village or the town may purchase the interest of the other in such real or personal property and become its sole owner. Meetings and elections of the town may be held in the village and any town officer may maintain his office in the village notwithstanding such separation.*

Section 4. Minnesota Statutes 1953, Section 412.181, Subdivision 10, is amended to read:

**Subd. 10. Salaries of mayor and trustees.** The council of any village may by ordinance fix the salaries of the mayor and trustees, but no such ordinance shall become effective until *it is first published and then approved by a majority of those voting on the proposition at a regular or special village election and then not before the first business day of January next following or such later date as is fixed in the ordinance. Salaries thus approved by the voters shall remain in effect until changed by similar action, except that the council may by resolution fix such salaries in a smaller amount for any year. Until thus changed by ordinance in any village, including village incorporated after February 25, 1953, the salary of the mayor and each trustee shall be that fixed under the law applying before such date to villages of the same population and assessed valuation.*

Section 5. Minnesota Statutes 1953, Section 412.271, is amended to read:

**412.271 Disbursements. Subdivision 1. Method.** 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 subdivision 4 and 5, no order shall be issued until the claim to which it relates has been audited and allowed by the council.

**Subd. 2. Claims, payment.** 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; *but the council may in its discretion allow a claim prepared by the clerk prior to such declaration by the claimant, if the declaration is made by an endorsement on the order-check by which the claim is paid as provided below.* Whenever work for which wages are to be paid on an hourly or daily basis is done by employees 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 officers or employee having knowledge of the facts shall sign a declaration, which may be a part of 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 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 of 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.)

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Date

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Signed"

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

*Subd. 3. Endorsement on claims.* 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 shall be so drawn that when signed by the treasurer in an appropriate space, it becomes a check on the village depository. *Such order-check may have printed on its reverse side, above the space for endorsement thereof by the payee, the following statement: "The undersigned payee, in endorsing this order-check, declares that the same is received in payment of a just and correct claim against the village of ....., and that no part of such claim has heretofore been paid."* When endorsed by the payee named in the order-check, such statement shall operate and shall be deemed sufficient as the required declara-

*tion of the claim.* 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 percent or such lower rate as is fixed by the council prior to its issuance.

**Subd. 4. Immediate payment of claims.** When payment of a claim based on contract cannot be deferred until the next council meeting without loss to the village through forfeiture of discount privileges or otherwise, it may be made immediately if the itemized claim is endorsed for payment by at least a majority of all the members of the council. The claim shall be acted upon formally at the next council meeting in the same manner as if it had not been paid, and the earlier payment shall not affect the right of the village or any taxpayer to challenge the validity of the claim.

**Subd. 5. Imprest funds.** The council may establish one or more imprest funds for the payment in cash of any proper claim against the village *which it is impractical to pay in any other manner*, except that no claim for salary or personal expenses of a village officer or employee shall be paid from such funds. The council shall appoint a custodian of each such fund and he shall be responsible for its safekeeping and disbursement according to law. Money for the operation of such fund shall be secured by a transfer from the general fund. A claim itemizing all the various demands for which disbursements have been made from the fund shall be presented to the council at the next council meeting after the disbursements have been made. The council shall act upon it as in the case of other claims and an order shall be issued to the custodian for the amount allowed. The custodian shall use the proceeds of the order to replenish the fund; and if the council fails to approve the claim in full for any sufficient reason, he shall be personally responsible for the difference.

**Subd. 6. Independent boards; powers.** Subdivisions 4 and 5 shall apply to any independent board or commission of the village having authority to disburse funds without approval of the council. In such case references in these subdivisions to the council shall be considered to be to the board or commission and the money for the fund may be secured from any undedicated fund under its jurisdiction.

Section 6. Minnesota Statutes 1953, Section 421.681, is amended to read:

**412.681 Clerk and treasurer subordinate to manager; offices combined or abolished.** There shall be a village clerk, a village treasurer, and such other officers subordinate to the

village manager as the council may create by ordinance. The village clerk shall be subject to the direction of the village manager and shall have such duties in connection with the keeping of the public records, the custody and disbursement of the public funds, and the general administration of the village's affairs as shall be ordained by the council. He may be designated to act as secretary of the council. The treasurer shall have the powers and perform the duties imposed upon treasurers under the laws relating to villages generally. The council may by ordinance abolish offices which have been created by ordinance and it may combine the duties of various offices as it may deem fit. *The council may provide for the performance by the manager of the duties of any officer except the treasurer.*

Section 7. Minnesota Statutes 1953, Section 412.861, Subdivision 1, is amended to read:

412.861 **Prosecutions, violations of ordinances.** Subdivision 1. **Complaint.** All prosecutions for violation of ordinances shall be brought in the name of the village upon complaint and warrant as in other criminal cases. If the accused be arrested without a warrant, a written complaint shall thereafter be made, to which he shall be required to plead, and a warrant shall issue thereon. The warrant and all other process in such cases shall be directed *for service to any police officer, court officer, if there is a municipal court in the village, marshal, or constable of any town, city, or village in the county, to the sheriff of the county, or all of them.*

Approved April 25, 1955.

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## CHAPTER 868—S. F. No. 1191

[Coded]

*An act relating to basic sciences, suspension and reinstatement of certificates thereunder; amending Minnesota Statutes 1953, Section 146.19.*

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

Section 1. Minnesota Statutes 1953, Section 146.19, is amended by adding a new subdivision to read:

[Subd. 2.] *Any practitioner of healing whose certificate of registration in the basic sciences has been suspended or revoked for other than fraud or deception, may be reinstated, or a new certificate of registration in the basic sciences issued*