

during *such war or emergency*, and has returned after his honorable discharge from such service and resumed active duty in said fire department, the period of his absence in such service of the United States shall *be counted* in computing the period of service hereinbefore provided for, but *during such period of military or fire prevention service he shall not be considered as an active member of his association.*"

Approved April 16, 1941.

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#### CHAPTER 259—H. F. No. 1156

*An act relating to compensation of county auditors in certain counties.*

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

**Section 1. Salary of county auditor in certain counties.**—In any county in this state containing more than 20,000 and less than 25,000 inhabitants, and containing not less than 20 and not more than 25 full and fractional congressional townships, and containing more than 453,000 and less than 454,000 acres, the county auditor shall be paid a salary of \$3,000 annually.

Approved April 16, 1941.

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#### CHAPTER 260—H. F. No. 1264

*An act relating to the issuance, negotiation, and payment of drafts by certain cities of the first class.*

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

**Section 1. Certain cities may issue drafts for payment of bills, etc.**—This act shall apply to any city of the first class now or hereafter operating under a charter adopted pursuant to the Constitution of the State of Minnesota, Article 4, Section 36, which charter authorizes the payment of all employees of said city, including those of any of its boards or departments upon payrolls prepared as directed by such char-

ter and ordinances adopted in accordance therewith, and which charter authorizes the governing body of the city to provide by ordinance for the immediate payment by the city treasurer of all current bills incurred by the city for goods, wares, and merchandise, the purchase of which has been duly authorized for the use of the city or any of its departments, and which bills have been approved by the city purchasing agent. The treasurer of any such city may issue drafts drawn on the city in the manner and subject to the restrictions set forth in this act, for the purpose of saving the expense and inconvenience of issuing numerous city checks on depository banks. The treasurer shall issue such drafts only when there have been delivered to him warrants, orders, payrolls, or similar documents, which are sufficient according to the applicable law or city charter to authorize him to disburse money to specified parties in specified amounts, and only when there is cash on hand, or on deposit and subject to check in a depository bank or banks, which is legally applicable and actually sufficient to pay the amounts so authorized; but as to any draft actually issued by the city or its treasurer and in the hands of a bona fide holder for value it shall be conclusively presumed that these conditions have been complied with. Each draft shall show on its face the party to whose order and in what amount it is payable and shall contain a word or words sufficient for the treasurer to identify the fund from which payable. Such drafts may be made collectible through, but shall not constitute checks on, a depository bank and may be executed with a mechanical, printed, or lithographed facsimile signature of the treasurer or of an assistant treasurer authorized by the governing body to sign such instruments, and may be prepared on business machines designed for such purpose. No draft issued hereunder shall be in an amount in excess of \$2,500. Such draft shall be obligations of the city and shall be negotiable in like manner and to the same extent and with like effect as instruments governed by the uniform negotiable instruments act, except as herein otherwise provided.

**Sec. 2. Drafts to be paid by treasurer.**—Upon presentation of any such draft or drafts duly endorsed, the treasurer shall pay the same to the payee or transferee, either out of cash on hand available therefor, or by a check on the depository bank, through which the draft or drafts were made collectible. No recovery by the city or its treasurer from a depository bank to which any payment shall have been so made shall be allowed on the ground that any draft so paid was not issued by the city or its treasurer or was not in the form or amount

as issued by the city or its treasurer, unless the draft shall be returned to the bank before noon of the second business day next following the date of its payment; but this limitation shall not restrict the rights of the city or its treasurer to recover on any other ground or grounds from any party other than a depository bank any amount improperly or erroneously so paid or from any such depository bank or any other party to the instrument on a draft bearing any forged or other irregular endorsement. Any credit given by a depository bank to any party who shall have transferred such a draft to it for collection shall be conditioned upon final payment.

Approved April 16, 1941.

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CHAPTER 261—H. F. No. 1297

*An act relating to county welfare boards; amending Mason's Supplement 1940, Section 974-11.*

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

Section 1. **Law amended.**—Mason's Supplement 1940, Section 974-11, is hereby amended to read as follows:

**"974-11. County welfare boards—duties—powers.**—There shall be established in each county of the state a county welfare board which shall consist of five members, to be chosen as follows:

(a) Except in counties which contain a city of the first class and counties having a poor and hospital commission, three members shall be chosen by the board of county commissioners, and at least one but not more than three shall be members of the board of county commissioners. Such members shall be residents of the county, shall hold office for the term of two years, and thereafter as each term expires a successor shall be appointed by the board of county commissioners for a like term of two years. Two members, one of whom shall be a woman, shall be appointed by the director of social welfare from a list of residents, five men and five women, submitted by the board of county commissioners. One member shall hold office for the term of one year, and one for the term of two years, and thereafter as each term expires a successor shall be appointed by the *director of social*