

that in counties having a population of 550,000 inhabitants or over when the county board shall determine that because of low mileage operation of his car and the cost of parking fees and incidental expenses the rate per mile is not adequate to reimburse any such officer or employee, it may make him an allowance in lieu of mileage not to exceed \$20.00 per month; *and provided further that in cities of the second class operating pursuant to the provisions of a legislative charter the City Council thereof, or other appropriate governing body, may pay an allowance in lieu of mileage to employees other than elected city officials, which said allowance in lieu of mileage shall not exceed \$40 per month.*

This section shall be construed as amending all existing laws authorizing such allowance or reimbursements by imposing the maximum limit above set forth.

Approved March 26, 1953.

CHAPTER 160—S. F. No. 506

[Not Coded]

An act relating to the salary of the special judge of the municipal court of the City of Winona, Minnesota; amending Special Laws of 1885, Chapter 115, Section 23, as amended.

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

Section 1. Special Laws of 1885, Chapter 115, Section 23, as amended by Special Laws of 1889, Chapter 14, is amended to read:

Sec. 23. Winona municipal court, special judge. At the regular city election in said city on the first Monday in April, one thousand eight hundred and eighty-nine (1889), there shall be elected a special judge of the municipal court, who shall be a resident of said city, and a person duly admitted to practice in the courts of this state, and whose term of office shall begin on the third Monday in April in the year of his election and continue for four (4) years, and until his successor shall be elected and justified; any vacancy occurring in the office of the special judge shall be filled in the same manner hereinafter prescribed in case of vacancy in the office of municipal judge. At the request of the municipal judge, in the case of a press of business in said court, or at the request of the mayor of said city in the case of the absence or sickness of the municipal judge, said special judge shall act as judge of said court, and when the special judge so acts he shall have and exercise the same powers as the municipal judge; said

special judge shall not act, except as above, in the trial or examination of any case, only as hereinafter provided. If at any time prior to the day fixed in the summons for the appearance of the defendant, or in case an adjournment is had by either party, at any time prior to the day on which the case is set for trial, or to which the first adjournment is had after the return day, in any action or proceeding, civil or criminal, either party, his agent or attorney, makes a request in writing setting forth that he desires the cause to be tried before such special judge, the clerk shall, on such written request being filed with him, and upon receipt of the sum of five (5) dollars, make an entry in the docket transferring said cause to the jurisdiction of the special judge, whom he shall immediately notify thereof. The special judge shall, upon being so notified, appear at the return day on which the case is set, at the hour specified or as soon thereafter as may be; or if the case has been adjourned, at the hour specified on the adjourned day or as soon thereafter as may be, and take charge of the case, and shall have the same powers and duties in proceeding with the same as the judge of the court would have had. Whenever a cause or proceeding is removed from the judge to the special judge, as above provided, the special judge shall for his services receive from the city treasury, the sum of *twelve and 50/100 (\$12.50)* dollars for each day or part of day spent in actual trial of such case; provided that two (2) half days shall be counted as a day. If the trial continue longer than one (1) day, so reckoned, the party removing the case shall pay to the clerk an additional five (5) dollars, and so on for additional days. If the party removing the case shall finally prevail, he may tax the sum or sums so paid and include them in his disbursements. In civil cases so removed, as hereinbefore last provided; to the jurisdiction of, and tried before the special judge, the court fee of three (3) dollars specified in section twenty-nine (29) of the municipal court act shall not be required to be paid, nor shall the prevailing party tax the same as an item of disbursements. Any special judge acting as judge of said court at the request of the municipal judge or mayor as above provided shall receive compensation at the rate of *twelve and 50/100 (\$12.50)* dollars per day, the same to be paid by the city of Winona. Provided, that all sums paid by the city to said special judge for services as such, rendered during the absence of the municipal judge, without leave of the mayor, shall be deducted from the salary of the municipal judge. This section shall not incapacitate any special judge from acting as an attorney in any case or proceeding in such court, but when such special judge is acting as judge of said court he shall take no action in said case, save to adjourn the same. Nothing in this chapter shall be construed to prohibit the judge of said court from practic-

ing as an attorney in any court in this state save said municipal court.

Approved March 26, 1953.

CHAPTER 161—S. F. No. 961

[Not Coded]

An act relating to tax levies for building purposes in certain school districts subject to Laws 1943, Chapter 526, as amended, and having more than 2,750 but less than 4,000 inhabitants; amending Laws 1951, Chapter 661, Section 1.

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

Section 1. Laws 1951, Chapter 661, Section 1, is amended to read :

Section 1. **School districts; tax levy for buildings or payment of bonds.** To pay the cost of constructing, rebuilding or enlarging buildings of the district, or to pay bonds issued for such purposes, any school district subject to Laws 1943, Chapter 526, as amended, and having more than 2,750 but less than 4,000 *inhabitants*, may levy, in excess of any existing tax limitations, a total amount not in excess of 45 percent of the cost of said building or bonds; provided the total amount of all levies of any district for such purposes, in excess of the limitations of Minnesota Statutes, Section 275.12, shall not exceed \$45,000. *If the cost thereof exceeds \$100,000 but does not exceed \$125,000, any such school district may levy in excess of existing tax limitations and in excess of the amount hereinbefore stated a further sum not in excess of \$25,000 representing the aforesaid excess cost.* This act grants additional powers to any such district and shall not be construed as limiting any powers possessed by any such district under other laws with respect to tax levies or powers to issue or pay bonds for such purpose.

Approved March 26, 1953.

CHAPTER 162—H. F. No. 219

[Coded]

An act relating to municipal liquor stores and providing for suspension of their authority to operate in certain cases.

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

Section 1. [340.354] **Declaration of policy.** Public