

CHAPTER 280.

S. F. No. 629.

An act proposing an amendment to section thirty-six (36) of article four (4) of the constitution of the State of Minnesota, allowing cities already incorporated and villages desiring to be incorporated as cities, to frame their own charter as cities, and classifying cities for the purpose of general legislation.

Constitutional amendment Municipal charters.

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

SECTION 1. That the following amendment to section thirty-six (36) of article four (4) of the constitution of the state of Minnesota is proposed to the people of said state for their approval or rejection, which section, when so amended, shall read as follows:

Amendment.

Sec. 36. Any city or village in this state may frame a charter for its own government as a city consistent with and subject to the laws of this state, as follows: The legislature shall provide, under such restrictions as it deems proper, for a board of fifteen freeholders, who shall be and for the past five years shall have been qualified voters thereof, to be appointed by the district judges of the judicial district in which the city or village is situated, as the legislature may determine, for a term in no event to exceed six years, which board shall, within six months after its appointment, return to the chief magistrate of said city or village a draft of said charter, signed by the members of said board, or a majority thereof. Such charter shall be submitted to the qualified voters of such city or village at the next election thereafter, and if four-sevenths of the qualified voters voting at such election shall ratify the same it shall, at the end of thirty days thereafter, become the charter of such city or village as a city, and supersede any existing charter and amendments thereof; *provided*, that in cities having patrol limits now established, such charter shall require a three-fourths majority vote of the qualified voters voting at such election to change the patrol limits now established.

City or village may frame its own charter.

Charter to be submitted to voters.

Before any city shall incorporate under this act the legislature shall prescribe by law the general limits within which such charter shall be framed. Duplicate certificates shall be made setting forth the charter proposed and its ratification, which shall be signed by the chief magistrate of said city or village and authenticated by its corporate seal. One of said certificates shall be deposited in the office of secretary of state, and

Legislature to prescribe general limits of charter.

Amendment
of charter.

Upon applica-
tion of 5% of
legal voters.

Mayor and
legislative
body.

Articles of
amendment
may be sub-
mitted sep-
arately.

General laws
for cities by
divisions of
population.

the other, after being recorded in the office of the register of deeds for the county in which such city or village lies, shall be deposited among the archives of such city or village, and all courts shall take judicial notice thereof. Such charter so deposited may be amended by proposal therefor made by a board of fifteen commissioners aforesaid, published for at least thirty days in three newspapers of general circulation in such city or village, and accepted by three-fifths of the qualified voters of such city or village voting at the next election and not otherwise; but such charter shall always be in harmony with and subject to the constitution and laws of the state of Minnesota. The legislature may prescribe the duties of the commission relative to submitting amendments of charter to the vote of the people, and shall provide that upon application of five per cent. of the legal voters of any such city or village, by written petition, such commission shall submit to the vote of the people proposed amendments to such charter set forth in said petition. The board of freeholders above provided for shall be permanent, and all the vacancies by death, disability to perform duties, resignation or removal from the corporate limits, or expiration of term of office, shall be filled by appointment in the same manner as the original board was created, and said board shall always contain its full complement of members.

It shall be a feature of all such charters that there shall be provided, among other things, for a mayor or chief magistrate, and a legislative body of either one or two houses; if of two houses, at least one of them shall be elected by general vote of the electors.

In submitting any such charter or amendment thereto to the qualified voters of such city or village any alternate section or article may be presented for the choice of the voters and may be voted on separately without prejudice to other articles or sections of the charter or any amendments thereto.

The legislature may provide general laws relating to affairs of cities, the application of which may be limited to cities of over fifty thousand inhabitants, or to cities of fifty and not less than twenty thousand inhabitants, or to cities of twenty and not less than ten thousand inhabitants, or to cities of ten thousand inhabitants or less, which shall apply equally to all such cities of either class, and which shall be paramount while in force to the provisions relating to the same matter included in the local charter herein provided for. But no local charter, provision or ordinance passed thereunder shall supersede any general law of the state defining or punishing crimes or misdemeanors.

SEC. 2. This proposed amendment shall be submitted to the people of this state for their approval or rejection at the next general election held therein, and each of the legal voters of (at) said election may vote by ballot for or against said proposed amendment, and the returns thereof shall be certified and such votes canvassed, and the result thereof declared in the manner provided by law for the returning, certifying and canvassing votes of the general election for the state officers and declaring the result thereof; and if it shall appear therefrom that a majority of the voters present and voting at said election upon said amendment have voted in favor of same, then immediately after the result shall have been ascertained the governor shall make proclamation thereof, and said amendment shall thereupon take effect and be in full force as a part of the constitution of the state of Minnesota.

To be submitted at next general election.

SEC. 3. The ballot used at said election on said amendment shall have printed thereon: "Amendment to section thirty-six (36) of article four (4) of the constitution, allowing cities and villages in this state to frame their own city charters and classifying cities, "Yes—No." And each elector voting on such amendment shall make a crossmark thus (X), in one of the spaces left for the purpose upon the margin of the ballot used at said election, as provided by law in section twenty-eight (28) of chapter four (4) of the general laws of one thousand eight hundred and ninety-three (1893). The electors desiring to vote for said amendment shall make a cross mark thus (X), in the space so left opposite the word "Yes," and the elector desiring to vote against said amendment shall make a cross mark thus (X), opposite the word "No," and no ballots shall be counted on said amendment except those having said cross mark (X) opposite one only of said words, "Yes" or "No."

Ballots.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 23, 1897.