

ed, determining the need of the land for the purposes herein specified and that said land may be used for such purposes without interfering with the purposes for which said land may have been so acquired by said county.

Sec. 6. This act shall take effect and be in force from and after its passage. .

Approved February 23, 1923.

CHAPTER 35—S. F. No. 100.

An act permitting the annexation for city and school purposes of incorporated cities of the fourth class to cities of the third class operating under a home rule charter, adjoining such cities of the fourth class.

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

Section 1. **Cities may consolidate.**—Any incorporated city of the fourth class whose territory adjoins the territory of any incorporated city of the third class operating under a home rule charter, whether such city of the fourth class is in the same county as said city of the third class or not, may be annexed to said city of the third class and become a part thereof for city and school purposes in the manner herein provided for.

Sec. 2. **Election may be called by petition.**—Ten per cent. or more of the legal voters of such city of the fourth class, according to the number of votes cast at the last election in said city of the fourth class, may petition the governing body of such city of the fourth class to call an election for the determination of such proposed annexation, which petition shall be filed with the recorder of the said city of the fourth class.

Sec. 3. **Governing bodies shall fix date of election.**—Such governing body shall within ten days after the filing of said petition as aforesaid fix a time and place for the holding of an election for the determination of said matter, which time shall not be later than thirty days after the filing of said petition, and which place shall be within the limits of said city of the fourth class.

Sec. 4. **Notices shall be posted.**—It shall be the duty of the recorder of the said city of the fourth class to cause a copy of said petition, with a notice attached thereto stating the time and place for holding said election, to be posted in three public places within such city of the fourth class at least ten days before the date of said election.

Sec. 5. **Conduct of elections.**—Such governing body shall also appoint three residents of said city of the fourth class as judges of election, and said election shall be conducted as far as practicable in accordance with the laws governing elections in cities of the fourth class. The ballots shall bear the words, "For annexation,

Yes.....No.....," with a space after each of the last two words, in one of which the voter shall make a cross to indicate his choice. Immediately after such election the judges shall canvass the ballots, and forthwith make and file with the recorder of the city of the fourth class a certificate that they have canvassed the ballots cast at such election, and the number of votes cast for and against said proposition.

Sec. 6. **Canvass of ballots.**—Within five days after such election said governing body shall meet and canvass the returns of said election. If the canvass shows that the majority of the votes cast were in the affirmative the recorder of the said city of the fourth class shall make a certificate to that effect and attach the same to the original petition together with a copy of the resolution fixing the time and place of said election and proof of the posting of the notices of election herein provided for and forthwith file the same with the city clerk or city recorder of the city to which the city of the fourth class is to be annexed.

Sec. 7. **Certificate of annexation to be filed.**—At any time within twenty days after the filing of said certificate the governing body of the said city of the third class may by resolution duly passed declare the said city of the fourth class to be annexed to said city of the third class and to be a part thereof, a certified copy of which resolution shall be duly filed with the secretary of state and the register of deeds of each county in which said city of the fourth class and said city of the third class are situated, and thereafter said city of the fourth class shall be annexed to and form part of said city of the third class, and all property and assets belonging to said annexed city shall belong to and be delivered to said annexing city, and the whole city, as thus enlarged, shall be responsible for all the liabilities, obligations and indebtedness of the said annexed and annexing city.

Sec. 8. **May be new ward.**—After such annexation the said city of the fourth class shall be part of such ward or form such new and separate ward as the said resolution annexing it shall specify.

Sec. 9. **Laws of annexing city to govern.**—Such annexed city shall in all respects be governed by the laws governing the annexing city at the time of such annexation, and by all of the laws relating to schools and school districts in said annexing city; and the school and school property of such annexed city shall be under the control and management of the officers and proper authorities of such enlarged city controlling and governing the schools and school property of such city, thus enlarged.

Sec. 10. **Limitations as to liquor licenses.**—No license, however, for the sale of intoxicating liquor in the city so annexed to any such city of the third class shall ever be granted unless the question of issuing the same shall be first submitted to the electors residing within the territory of such annexed city, and shall be authorized by a majority vote of the electors voting at such election on such

question. Such question shall only be submitted to the voters of such annexed city by the governing body of such enlarged city upon a petition therefor signed by at least forty per cent. of the legal voters of such annexed city. Any such license granted without complying with the terms of this section shall be void.

Sec. 11. **Tax levies to be certified.**—In all cases where the territory so annexed is situate in a county other than the county in which such annexing city is situate, all city taxes and assessments levied by such enlarged city upon the property situate in such other county shall be certified to the county auditor of the county in which such territory is situate, and the county treasurer of such county, to whom the said city and school taxes are payable, shall pay to the treasurer of such enlarged city all of such city taxes and assessments and shall pay all school taxes to the proper school officer of such city authorized by law to receive the same.

Sec. 12. This act shall take effect and be in force from and after its passage.

Approved February 23, 1923.

CHAPTER 36—S. F. No. 377.

An act authorizing cities of the first class, including all such cities operating under home-rule charters, which have been authorized by ordinance approved by the people, to issue bonds for the purpose of extending, enlarging and improving the public water-works plants and waterworks systems to issue all or any part of the bonds remaining unissued at any time, notwithstanding any provision of such ordinance that only a specified portion of such bonds shall be issued in any one year.

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

Section 1. **Water works bonds may be issued by cities of first class.**—That in all cases in which cities of the first class, including all such cities operating under charters adopted in accordance with Section 36 of Article IV of the Constitution of the State of Minnesota, have been authorized by ordinance approved by the people of such cities to issue bonds for the purpose of extending, enlarging and improving the public waterworks plants and waterworks systems owned and operated by such cities, and such ordinance authorizing such bond issue provides that only a specified portion of such authorized bonds shall be issued in any one year, such cities are hereby authorized to issue all, or any part of such bonds remaining unissued at any time, notwithstanding any provision in the ordinance authorizing such bond issue that only a specified portion of such bonds shall be issued in any one year.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 23, 1923.