

approval by a majority of the members of the village council of the village of Cook.

Approved April 16, 1959.

CHAPTER 305—H. F. No. 651

An act relating to procedure for the adoption and amendment of home rule charters by cities and villages; amending Minnesota Statutes 1957, Sections 410.07, 410.11, 410.12, Subdivisions 1 and 4; and repealing Sections 410.13, 410.23, and 410.25.

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

Section 1. Minnesota Statutes 1957, Section 410.07 is amended to read:

410.07 Framing charter. *As soon as practicable after such appointment, the charter commission shall deliver to the clerk of the city or village the draft of a proposed charter, signed by at least a majority of its members. Such draft shall fix the corporate name and the boundaries of the proposed city, and provide for a mayor, and for a council, consisting of either one or two branches; one in either case to be elected by the people. Subject to the limitations in this chapter provided, it may provide for any scheme of municipal government not inconsistent with the constitution, and may provide for the establishment and administration of all departments of a city government, and for the regulation of all local municipal functions, as fully as the legislature might have done before home rule charters for cities and villages were authorized by constitutional amendment in 1896. It may omit provisions in reference to any department contained in special or general laws then operative in the city or village, and provide that such special or general laws, or such parts thereof as are specified, shall continue and be in force therein, including any such special or general law authorizing the city or village to incur indebtedness or issue its bonds for municipal purposes. It may prescribe methods of procedure in respect to the operation of the government thereby created, and the duties thereunder of all courts and officers of the district and county in which the city is situated, which duties such courts and officers shall perform. By such charter the city may be authorized to acquire, by gift, devise, purchase, or condemnation, any property, within or without its boundaries, needed for the full discharge of any public function which it is per-*

mitted to exercise. Nothing in this section shall authorize a change of boundaries, except that boundaries may be changed so as to include lands and property contiguous thereto when not lying at a distance of more than three miles from the boundaries of the original corporation and when used for industrial or mining purposes or occupied or leased for such purposes, if the person, association, or corporation so using, occupying, or leasing the same, by writing presented to the *charter commission* at any time before a draft of the proposed charter is delivered to the *clerk* of such city or village, so request.

Sec. 2. Minnesota Statutes 1957, Section 410.11 is amended to read:

410.11 Adoption; notice, effective date. *If fifty-five percent of the votes cast on the proposition are in favor of the proposed charter, it shall be considered adopted; and, if any provisions thereof are submitted in the alternative, those ratified by a majority of the votes cast thereon shall prevail. If the charter is adopted, the city or village clerk shall file with the secretary of state, the register of deeds of the county in which the city or village lies, and in his own office a copy of the charter accompanied by his certificate attesting to the accuracy of the copy and giving the date of the election and the vote by which the charter was adopted. The charter shall take effect 30 days after the election, or at such other time as is fixed in the charter, and shall then supersede all other charter provisions relating to such city or village. Thereupon the courts shall take judicial notice of the new charter and, upon the election of officers thereunder, the officials of the former corporation shall deliver to them the records, money, and other public property in their control.*

Sec. 3. Minnesota Statutes 1957, Section 410.12, Subdivision 1 is amended to read:

410.12 Subdivision 1. Proposals. *The charter commission may propose amendments to such charter and shall do so upon the petition of voters equal in number to five per cent of the total votes cast at the last previous state general election in the city. All petitions circulated with respect to a charter amendment shall be uniform in character and shall have attached thereto the text of the proposed amendment in full; except that in the case of a proposed amendment containing more than 1,000 words, a true and correct copy of the same may be filed with the city clerk, and the petition shall then contain a summary of not less than 50 nor more than 300 words setting forth in substance the nature of the proposed*

amendment. Such summary shall contain a statement of the objects and purposes of the amendment proposed and an outline of any proposed new scheme or frame work of government and shall be sufficient to inform the signers of the petition as to what change in government is sought to be accomplished by the amendment. The summary, together with a copy of the proposed amendment, shall first be submitted to the charter commission for its approval as to form and substance. The commission shall within ten days after such submission to it, return the same to the proposers of the amendment with such modifications in statement as it may deem necessary in order that the summary may fairly comply with the requirements above set forth.

Sec. 4. Minnesota Statutes 1957, Section 410.12, Subdivision 4 is amended to read:

Subd. 4. **Publication.** Amendments shall be submitted to the qualified voters at a general or special election as in the case of the original charter. The notice of election shall contain the complete amendment and shall be published once a week for four successive weeks in a legal newspaper of general circulation in such city. In every city of the first class, the publication shall be made in a newspaper having an aggregate regular paid circulation of at least 25,000 copies. The governing body may in addition thereto publish the notice in any other legal newspaper published in the city. The form of ballot shall be fixed by the governing body. The statement of the question on the ballot shall be sufficient to identify the amendment clearly and to distinguish the question from every other question on the ballot at the same time. If *fifty-five percent of the votes cast on any amendment are in favor of its adoption, copies of the amendment and certificates shall be filed*, as in the case of the original charter and *the amendment shall take effect in 30 days from the date of the election or at such other time as is fixed in the amendment.*

Sec. 5. [482.24] **Revisor of statutes, duties.** *The name, "board of freeholders", as applied to the body selected to draft a home rule charter and amendments is changed to "charter commission". In preparing the 1961 edition of Minnesota Statutes, the revisor of statutes shall substitute the words "charter commission" for the words "board of freeholders" wherever they appear in the statutes.*

Sec. 6. Minnesota Statutes 1957, Sections 410.13, 410.23, and 410.25 are repealed.

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