

*the court is situated. If a change of venue is effected in any such misdemeanor case, the city or village attorney of the place where the court from which such action was moved is situated, shall continue the prosecution in the court to which such venue was changed.*

Approved April 10, 1961.

CHAPTER 230—S. F. No. 195

[Coded in Part]

*An act relating to village government; amending Laws 1959, Chapter 675, Article VI, Section 30; amending Minnesota Statutes 1957, Section 412.221, Subdivisions 2 and 4, and Section 412.591.*

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

Section 1. Laws 1959, Chapter 675, Article VI, Section 30, is amended to read:

Sec. 30. [412.02] **Village elections, officers, terms, vacancies.** *Subdivision 1. Village elective officers shall consist of the following: in every village, the mayor and two constables; in every village where a municipal court has been organized, municipal judges as provided by law, and in every other village, two justices of the peace; in villages operating under the standard plan of village government, the clerk, treasurer, three trustees and, if the village is a separate assessment district, an assessor; and in villages operating under an optional plan of village government, four trustees. Municipal judges shall serve for terms of four years, trustees for terms of three years, and all other officers for terms of two years, each commencing The following officers shall be elected for the terms and in the years shown and in the villages described in the table:*

<i>Officer</i>	<i>Number of Years in Term</i>	<i>Year Elected</i>	<i>Village in Which Elected</i>
<i>Mayor</i>	<i>Two</i>	<i>Odd-numbered</i>	<i>Every village</i>
<i>Clerk</i>	<i>Two</i>	<i>Even-numbered</i>	<i>Every standard plan village in which there is no clerk- treasurer</i>

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

<i>Officer</i>	<i>Number of Years in Term</i>	<i>Year Elected</i>	<i>Village in Which Elected</i>
<i>Treasurer</i>	<i>Two</i>	<i>Odd-numbered</i>	<i>Every standard plan village in which there is no clerk- treasurer</i>
<i>Clerk-Treasurer</i>	<i>Two</i>	<i>Even-numbered</i>	<i>Every standard plan village where such office exists pursuant to Subdivision 3</i>
<i>Three Trustees</i>	<i>Three</i>	<i>One each year</i>	<i>Every standard plan village</i>
<i>Four Trustees</i>	<i>Three</i>	<i>One each year except two every third year</i>	<i>Every optional plan village</i>
<i>Assessor</i>	<i>Two</i>	<i>Even-numbered</i>	<i>Every standard plan village constituting a separate assess- ment district</i>
<i>Two Constables</i>	<i>Two</i>	<i>One each year</i>	<i>Every village in which the office has not been abolished pursuant to Subdivision 4</i>
<i>Municipal Judges (Number Provided By Law)</i>	<i>Six</i>	<i>Year preceding expiration of term</i>	<i>Every village in which a municipal court has been established</i>
<i>Two Justices of the Peace</i>	<i>Two</i>	<i>Year preceding expiration of term</i>	<i>Every village without a municipal court</i>

*Subd. 2. Terms of village elective officers shall commence on the first business day of January following the election at which the officer is chosen. All officers chosen and*

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qualified as such shall hold office until their successors qualify. Vacancies in office shall be filled for the remainder of the term by the council; in case of a tie, the mayor shall fill the vacancy by appointment for the unexpired term. When a vacancy in the office of assessor is not filled by appointment as provided in this section before the first day of May following its occurrence, the county auditor shall appoint some resident of the county as assessor for such village.

**Subd. 2.** ~~The mayor, one constable, one trustee, and, if elective, the treasurer, shall be elected in each odd numbered year. One constable, one trustee, and, if elective, the assessor and clerk shall be elected in each even numbered year; and an additional trustee shall be elected every third year in every village operating under an optional plan of government. Terms of present incumbents not conforming to this subdivision shall be extended for one year.~~

**Subd. 3.** ~~The existing succession of terms of municipal judges and justices of the peace shall be continued, and their successors shall be elected at the village election preceding the expiration of their respective terms. In villages operating under the standard plan of village government the council may by ordinance adopted at least 60 days before the next regular village election combine the offices of clerk and treasurer in the office of clerk-treasurer, but such an ordinance shall not be effective until the expiration of the term of the incumbent treasurer and thereafter the duties of the treasurer as prescribed by this chapter shall be performed by the clerk-treasurer. The offices of clerk and treasurer may be re-established by ordinance. If the offices of clerk and treasurer are combined as provided by this section, the council shall provide for an annual audit of the village's financial affairs by the public examiner or a public accountant in accordance with minimum auditing procedures prescribed by the public examiner.~~

**Subd. 4.** ~~The council of any village having one or more regularly employed village police officers may by ordinance adopted at least 60 days before the next regular village election abolish the office of constable; but if within 30 days after publication of the ordinance, a petition asking for a popular referendum on the ordinance is signed by voters equal to ten percent of the number of voters voting at the last village election and filed with the clerk, the ordinance shall be suspended on the proposition at a regular or special village election. After such approval, or after the expiration of 30~~

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*days without the filing of the required petition, each of the two offices of constable in such village shall cease to exist at the end of the term of the incumbent or when an earlier vacancy occurs. In similar manner the office of constable may be re-established in any such village. Any ordinance heretofore adopted by any village to abolish the office of constable pursuant to the authority granted by Laws 1957, Chapter 137 is legalized notwithstanding the repeal of that authority by Laws 1959, Chapter 675, and any such village may re-establish the office of constable as provided by this section.*

Sec. 2. Minnesota Statutes 1957, Section 412.221, Subdivision 2, is amended to read:

Subd. 2. **Contracts.** The village council shall have power to make such contracts as may be deemed necessary or desirable to make effective any power possessed by the council. The village may purchase *personal property through a conditional sales contract and real property through a contract for deed* under which *contracts* the seller is confined to the remedy of recovery of the property in case of non-payment of all or part of the purchase price, which shall be payable over a period of not to exceed five years. *When the contract price of property to be purchased by contract for deed or conditional sales contract exceeds one percent of the assessed valuation of the village, the village may not enter into such a contract for at least ten days after publication in the official newspaper of a council resolution determining to purchase property by such a contract; and, if before the end of that time a petition asking for an election on the proposition signed by voters equal to ten percent of the number of voters at the last regular village election is filed with the clerk, the village may not enter into such a contract until the proposition has been approved by a majority of the votes cast on the question at a regular or special election.*

Sec. 3. Minnesota Statutes 1957, Section 412.221, Subdivision 4, is amended to read:

Subd. 4. **Liability insurance.** The village council shall have power to procure insurance against liability of the village or of its officers and employees for torts committed within the scope of their official duties, whether governmental or proprietary. *The procurement of insurance by the village shall constitute a waiver of the defense of governmental immunity to the extent of such coverage in the insurance policy, and the writing of such policy by the insurance company shall constitute permission by the insurance com-*

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*pany to the village to waive governmental immunity to the extent of the coverage in the policy. The waiver of defense of governmental immunity made pursuant to such provision in the policy of insurance shall not subject the village to liability in excess of the insurance coverage provided by the policy.*

Sec. 4. Minnesota Statutes 1957, Section 412.591, is amended to read:

**412.591 Optional plan "A"; duties of clerk.** *Subdivision 1.* The village clerk shall perform all the duties imposed on the clerk in villages generally but he shall not be a member of the council, except that when Optional Plan A is first adopted in any village, the incumbent clerk shall continue to be a member of the council until the expiration of his term. The duties of the village treasurer and assessor shall not be affected by adoption of Optional Plan A.

*Subd. 2.* *Villages operating under Optional Plan A may, by an ordinance effective after the expiration of the term of the incumbent treasurer at the date of adoption of Optional Plan A, combine the offices of clerk and treasurer in the office of clerk-treasurer and thereafter the duties of the treasurer as prescribed by this chapter shall be performed by the clerk-treasurer. The offices of clerk and treasurer may be re-established by ordinance. If the offices of clerk and treasurer are combined as provided by this section, the council shall provide for an annual audit of the village's financial affairs by the public examiner or a public accountant in accordance with minimum procedures prescribed by the public examiner.*

Approved April 10, 1961.

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CHAPTER 231—S. F. No. 238

[Coded]

*An act relating to paints and varnishes and the distribution and sale of same; providing penalties for violation of act; repealing Minnesota Statutes 1957, Section 24.02, Subdivision 5, and Sections 24.13, 24.14, 24.15, 24.16, and 24.17.*

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

Section 1. **[24.131] Minnesota paint and varnish**

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