

called, and, if they appear, their appearance shall be recorded;

~~(2)~~ (b) If the presiding officer be a party, a speaker pro tem shall be elected to preside;

~~(3)~~ (c) The contestant's evidence shall be submitted first, followed by that of the ~~contestant~~ *contestee*, and the ~~contestee~~ *contestant* shall open the argument, and close the same after the contestee has been heard;

~~(4)~~ (d) The vote upon the contest shall *be viva voce*, any member may offer reasons for the vote he intends to give, and a majority of the votes given shall decide; but no party to the contest shall vote upon any question relative thereto; and

~~(5)~~ (e) The clerk or secretary shall enter the proceedings in the journal.

Sec. 9. *Laws 1959, Chapter 675, Article X, Section 4, Section 5, Section 6, and Section 8, and Article XII, Section 35, are hereby repealed.*

Approved April 20, 1961.

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CHAPTER 608—H. F. No. 1000

[Coded in Part]

*An act relating to home rule charter of cities and villages; amending Minnesota Statutes 1957, Sections 410.05, 410.06, 410.07 as amended, 410.10, 410.12, subdivisions 1 and 4 as amended, 410.16, and 410.24; repealing Minnesota Statutes 1957, Section 410.26.*

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

Section 1. Minnesota Statutes 1957, Section 410.05 is amended to read:

410.05 **Charter commission.** When the judges of the judicial district in which such city or village is situated, shall deem it for the best interest of the municipality so to do, they may appoint a ~~board of freeholders~~ *charter commission* to frame such charter, composed of 15 members, each of whom shall ~~have been~~ *be a freeholder and* qualified voter of such city or village ~~for five years last past~~; and, upon pre-

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sentation to them of a petition requesting such action, signed by at least ten percent of the number of voters of such municipality, as shown by the returns of the election last held therein, *or upon resolution of the governing body of the city or village requesting such action*, they shall appoint such board. No person shall be disqualified from serving on such board by reason of his holding any other public office or employment. The members shall severally hold office for the term of four years, or until they cease to be such resident voters and freeholders, and vacancies in the ~~board~~ *commission* shall be filled by appointment of the judges for the unexpired terms. Upon the expiration of such four-year term, the judges shall appoint a new ~~board~~ *commission* and in case for any reason the judges shall fail to appoint a new ~~board~~ *commission* within 30 days then thereafter at any time the judges upon their own motion may, and upon the written petition of ten ~~freeholders~~ *voters* of the city, shall appoint the new ~~board~~ *commission*. Every appointment shall be made by order filed with the clerk of the court. Every appointee who shall neglect to file with the clerk within 30 days a written acceptance and oath of office shall be deemed to have declined such appointment and his place shall be filled as though he had resigned. The judges, within 30 days thereafter, shall make such rules with reference to such ~~board~~ *commission*, and require such reports, as may appear desirable or necessary. Any appointee who has qualified by filing his written acceptance and oath of office within 30 days may thereafter be removed at any time from office, by written order of the district court, the reason for such removal being stated in the order; and when any member has failed to perform the duties of his office and has failed to attend four consecutive meetings, without being excused by the ~~board~~ *commission*, the secretary of the ~~board of freeholders~~ *charter commission* shall file a certificate with the court setting forth those facts and the district court shall thereupon make its order of removal, and fill the vacancy created as in the case of a resignation.

Sec. 2. Minnesota Statutes 1957, Section 410.06 is amended to read:

410.06 **Compensation; expenses.** The members of such ~~board~~ *commission* shall receive no compensation, but the ~~board~~ *commission* may employ an attorney and ~~stenographer~~ *other personnel* to assist in framing such charter, and any amendment or revision thereof, and their reasonable compensation and the cost of printing such charter, or any

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amendment or revision thereof, when so directed by the ~~board~~ *commission*, shall be paid by such city or village. ~~The cost of preparation, printing, and legal services in framing and submitting such charter in the first instance shall not exceed \$1,500. The amount of reasonable and necessary charter commission expenses that shall be so paid by the city or village shall not exceed in any one year the sum of \$10,000 for a first class city and \$1,500 for any other city or village; but the council may authorize such additional charter commission expenses as it deems necessary. Other statutory and charter provisions requiring budgeting of, or limiting, expenditures do not apply to charter commission expenses. The council may levy a tax in excess of statutory or charter tax limitations to pay such expenses.~~

Sec. 3. Minnesota Statutes 1957, Section 410.07, as amended by Laws 1959, Chapter 305, Section 1, is amended to read:

**410.07 Determination of desirability; framing charter.** As soon as practicable after such appointment, the charter commission shall deliver to the clerk of the city or village *either (1) its report determining that a home rule charter for the city or village is not necessary or desirable, or (2) the draft of a proposed charter, in either case 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*

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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 permitted 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. 4. Minnesota Statutes 1957, Section 410.10 is amended to read:

**410.10 Submission of charter.** *Subdivision 1.* Upon delivery of such draft, the council or other governing body of the city or village shall cause the proposed charter to be submitted at the next general election thereafter occurring in the city or village within six months after the delivery of such draft, and if there is no general city or village election occurring in the city or village within six months after the delivery of such draft, then the council or other governing body of the city or village shall cause the proposed charter to be submitted at a special election to be held within 90 days after the delivery of such draft. The council or other governing body may call a special election for that purpose only at any time. If the election is held at the same time with the general election, the voting places and election officers shall be the same for both elections. *At any time before the council has fixed the date of the election upon the proposed charter, the charter commission may recall it for further action; and the council may authorize recall of the charter by the commission at any later date prior to the first publication of the proposed charter.*

*Subd. 2. The notice of election shall contain the complete charter and shall be published once a week for two successive weeks in the official newspaper of the city or village, or if there be none, in a legal newspaper of general circulation in the city or village. 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.*

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*The governing body may in addition thereto publish the notice in any other legal newspaper published in the city or village.*

*Subd. 3.* The ballot shall bear the printed words, "Shall the proposed new charter be adopted? Yes—No," with a square after each of the last two words, in which the voter may place a cross to express his choice. If any part of such charter be submitted in the alternative, the ballot shall be so printed as to permit the voter to indicate his preference in any instance by inserting a cross in like manner.

*Subd. 4.* If any charter so submitted be rejected the ~~board~~ charter commission may propose others from time to time until one is adopted.

Sec. 5. Minnesota Statutes 1957, Section 410.12, Subdivision 1 as amended by Laws 1959, Chapter 305, Section 3 is amended to read:

**410.12 Amendments. 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 percent of the total votes cast at the last previous state general election in the city. *If the city has a system of permanent registration of voters, only registered voters are eligible to sign the petition.* 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.

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

Sec. 6. Minnesota Statutes 1957, Section 410.12, Subdivision 4 as amended by Laws 1959, Chapter 305, Section 4 is amended to read:

Subd. 4. **Election.** Amendments shall be submitted to the qualified voters at a general or special election *and published* 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 55 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. 7. Minnesota Statutes 1957, Section 410.16, is amended to read:

**410.16 Forms of government incorporated in charter.** ~~The board of freeholders charter commission, appointed under the provisions of sections 410.04 to 410.11 are hereby authorized and empowered, in addition to all powers now granted to any such board of freeholders, to may incorporate as part of the proposed charter for any city the commission, mayor-council, council-manager form of city government or any other form not inconsistent with constitution or statute, and to may provide that all elective city officers, including mayor and members of the council, shall be elected at large or otherwise.~~

Sec. 8. Minnesota Statutes 1957, Section 410.24, is amended to read:

**410.24 New or revised charter.** ~~Any city named in section 410.23 having a home rule charter is hereby authorized and empowered to may amend its present so called "home rule" charter in the nature of a revision and submit and adopt such revision a new or revised charter as is by law pro-~~

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vided in the manner provided by law for the original adoption of such so called "home rule" charter.

**410.27 Sec. 9 Amendments of charter.** *Subdivision 1. The council of any city having a home rule charter may propose charter amendments to the voters by the method prescribed in this section.*

*Subd. 2 The council may propose any charter amendment by ordinance.*

*Subd. 3. Any ordinance proposing such an amendment shall be submitted to the charter commission. Within 60 days thereafter, the charter commission shall review the proposed amendment but before the expiration of such period the commission may extend the time for review for an additional 90 days by filing with the city clerk its resolution determining that an additional time for review is needed.*

*Subd. 4. After reviewing the proposed amendment, the charter commission shall approve or reject the proposed amendment or suggest a substitute amendment. The commission shall promptly notify the council of the action taken.*

*Subd. 5. Upon notification of the charter commission's action, the council shall submit to the people, in the same manner as provided in section 410.12, subdivision 4, the amendment originally proposed by it or the substitute amendment proposed by the charter commission. The amendment shall become effective only when approved by the voters as provided in section 410.12, subdivision 4. If so approved, it shall be filed in the same manner as other amendments.*

**Sec. 10.** *Minnesota Statutes 1957, Section 410.26, is repealed.*

**Sec. 11.** *This act is effective July 1, 1961.*

Approved April 20, 1961.

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#### CHAPTER 609—H. F. No. 1022

*An act relating to wild animals, pertaining to daily and possession limits of fish by nonresidents under the age of 16; amending Minnesota Statutes 1957, Section 97.45, Subdivision 6, and Section 98.47, Subdivision 1.*

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