

## CHAPTER 416—H. F. No. 835

[Not Coded]

*An act relating to the city of Two Harbors in Lake county; authorizing disability pay to volunteer firemen under certain conditions.*

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

**Section 1. Two Harbors, city of; volunteer firemen.** The city of Two Harbors in Lake county may, by its city council at a regular meeting, pass a resolution by a majority vote of the members of the city council, to pay its volunteer firemen the sum of \$15 per day for a period not to exceed the first seven days of total disability resulting from an accident in the line of duty as a volunteer fireman.

**Sec. 2.** This act shall become effective only after its approval by the city council of the city of Two Harbors and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved May 13, 1965.

## CHAPTER 417—H. F. No. 893

[Coded in Part]

*An act relating to village government; amending Minnesota Statutes 1961, Section 412.02, Subdivision 1, as amended; amending Minnesota Statutes 1961, Section 412.02, Subdivisions 3 and 4, and adding a new subdivision to the section; amending Minnesota Statutes 1961, Sections 412.021, Subdivision 2; 412.541, Subdivisions 1 and 4; 412.551, Subdivision 2; 412.571, Subdivisions 2 and 5; 412.581; and 412.591, Subdivision 1.*

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

**Section 1. Village government.** Minnesota Statutes 1961, Section 412.02, Subdivision 1, as amended by Laws 1963, Chapter 799, Section 5, is amended to read:

**Subdivision 1.** The following officers shall be elected for the terms and in the years shown and in the villages described in the table.

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

Officer	Number of Years in Term	Year Elected	Village in Which Elected
Mayor	Two	Odd-numbered	Every village
Clerk	Two	Even-numbered	Every standard plan village in which there is no clerk-treasurer
Treasurer	Two	Odd-numbered	Every standard plan village in which there is no clerk-treasurer
Clerk-Treasurer	Two	Even-numbered	Every standard plan village where such office exists pursuant to subdivision 3
Three Trustees	Three	One each year	Every standard plan village
Four Trustees	Three	One each year except two every third year	Every optional plan village
Two Constables	Two	One each year	Every village in which the office has not been abolished pursuant to subdivision 4
Municipal Judges (Number provided by law)	Six	Year preceding expiration of term	Every village in which a municipal court has been established
Two Justices of the Peace	Two	Year preceding expiration of term	Every village without a municipal court <i>or in which the office has not been abolished pursuant to subdivision 5</i>

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

Sec. 2. Minnesota Statutes 1961, Section 412.02, Subdivision 3, is amended to read:

Subd. 3. 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~~ *or when an earlier vacancy occurs.* After the effective date of the ordinance, the duties of the treasurer and deputy treasurer as prescribed by this chapter shall be performed by the clerk-treasurer; *or his duly appointed deputy.* 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.

Sec. 3. Minnesota Statutes 1961, Section 412.02, Subdivision 4, is amended to read:

Subd. 4. The council of any village having one or more regularly employed village police officer 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 *in operation until it has been approved by a majority of those voting on the proposition at a regular or special village election.* After such approval, or after the expiration of 30 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. 4. Minnesota Statutes 1961, Section 412.02, as amended by Laws 1963, Chapter 799, Section 5, and Laws 1963, Chapter 811, Section 1, is amended by adding a new subdivision to read:

*Subd. 5. In villages without a municipal court, the council*

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*may by ordinance adopted at least 60 days before the next regular village election abolish one or both of the offices of justice of the peace. The ordinance shall be effective upon the expiration of the term of the justice of the peace whose office has been abolished or when an earlier vacancy occurs. The office of justice of the peace so abolished may be re-established by ordinance.*

Sec. 5. Minnesota Statutes 1961, Section 412.021, Subdivision 2, is amended to read:

**Subd. 2. Optional plan; officers to be elected.** Unless such village has adopted an optional plan of government as provided in sections 412.541 to 412.821, there shall be elected a mayor, treasurer, constable and justice of the peace, each for a term expiring the first business day of January of the next even-numbered year; a clerk, ~~assessor~~; constable, and justice of the peace, each for a term expiring the first business day of January in the next odd-numbered year; and three trustees, for terms so arranged that one term expires the first business day of January of each of the three years following. ~~If the village is incorporated between March 15 and July 1 of an even numbered year, no assessor shall be elected at the initial election.~~ If the village has adopted Optional Plan A, B, or C there shall be elected at such election a mayor, constable and justice of the peace, each for a term expiring the first business day of January of the next even-numbered year; a constable and justice of the peace, each for a term expiring the first business day of January in the next odd-numbered year; and four trustees, for terms so arranged that one expires the first business day of January of each of the three years following except that the terms of two trustees shall expire the year following the year in which the term of the mayor expires. No candidate for trustee shall run for a particular term but the number of years in the term of each successful candidate shall be determined by his relative standing among the candidates for the office, the longest term going to the candidate receiving the highest number of votes. If the election occurs in the last four months of the year, no election shall be held in the village on the annual village election day that year, and the next following year shall be disregarded in fixing the expiration of terms of officers chosen under this subdivision at the initial election.

Sec. 6. Minnesota Statutes 1961, Section 412.541, Subdivision 1, is amended to read:

**412.541 Optional plans.** Subdivision 1. **Optional Plan "A".** Any village may provide for the appointment of its clerk, ~~and treasurer, and, if the village is a separate election district, assessor, or clerk-treasurer,~~ and the election of an additional trustee

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as hereinafter provided in this chapter. These departures from the standard form of village government are referred to hereafter as Optional Plan A.

Sec. 7. Minnesota Statutes 1961, Section 412.541, Subdivision 4, is amended to read:

Subd. 4. **Adoption or abandonment; standard form.** Any one of such plans may be adopted or abandoned in any such village by following the procedure set forth in section 412.551. Until the adoption of an optional plan, every village shall operate under the standard form of village government earlier provided in this chapter under which the voters elect the treasurer ~~and assessor~~, if there is one, and a council consisting of the mayor, three trustees, and the clerk; *or clerk-treasurer.*

Sec. 8. Minnesota Statutes 1961, Section 412.551, Subdivision 2, is amended to read:

Subd. 2. **Election; form of ballot.** The several proposals for the adoption of optional plans shall be stated on the ballot substantially as follows:

"Shall Optional Plan A, modifying the standard plan of village government by providing for the appointment by the council of the clerk; *and treasurer and assessor*; be adopted for the government of the village?"

"Shall Optional Plan B, providing for the council-manager form of village government, be adopted for the government of the village?" ~~If the village is not then a separate assessment district, the phrase, "if the village should provide its own assessor" shall precede the word "assessor" in the question on the ballot on adoption of Optional Plan A. If the village has combined the offices of clerk and treasurer, the word "clerk-treasurer" shall be substituted for the words "clerk and treasurer" in the question on the ballot on adoption of~~ *Optional Plan A.* In any of these cases, the question shall be followed by the words, "Yes" and "No" with an appropriate square before each in which a voter may record his choice.

Sec. 9. Minnesota Statutes 1961, Section 412.571, Subdivision 2, is amended to read:

Subd. 2. **Incumbent clerk and treasurer serve their terms.** When Optional Plan A, B, or C is first adopted in any village in which the standard plan is then in operation, the incumbent clerk; *and treasurer, or clerk-treasurer, and assessor*; ~~if any~~; shall continue to serve until the expiration of their respective terms.

Sec. 10. Minnesota Statutes 1961, Section 412.571, Subdivision 5, is amended to read:

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Subd. 5. **Abandonment; incumbent clerk and treasurer continue.** When any optional plan is abandoned and the standard form of village government is resumed, the term of the incumbent clerk, *or clerk-treasurer and assessor, if any,* shall continue until the first business day of January in the next odd-numbered year and the term of the incumbent treasurer *if any* shall continue until the first business day of January in the next even-numbered year; and their successors shall be chosen at the annual village election immediately preceding.

Sec. 11. Minnesota Statutes 1961, Section 412.581 is amended to read:

412.581 **Optional Plan "A"; officers.** In any village operating under Optional Plan A, the council shall be composed of five members consisting, except during the initial period of its operation as provided in section 412.571, of the mayor and four trustees and, except as provided in that section, the clerk; *and treasurer, and assessor, if any, or clerk-treasurer,* shall be appointed by the council for indefinite terms.

Sec. 12. Minnesota Statutes 1961, Section 412.591, Subdivision 1, 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 *if that office exists* ~~and assessor~~ shall not be affected by adoption of Optional Plan A.

Sec. 13. *This act is effective on July 1, 1965.*

Approved May 13, 1965.

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CHAPTER 418—H. F. No. 975

[Not Coded]

*An act relating to the firemen's relief, death benefit and pension association in the City of Austin in Mower County; amending Laws 1949, Chapter 87, Sections 1, 21, 22, 23, and 26.*

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

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