

City Charter, Chapter 17, Section 12, and contract entered into thereunder between the library board of the city of Minneapolis and the board of county commissioners of Hennepin county, the membership of the library board shall consist of six members of the library board of the city of Minneapolis plus six members as trustees appointed by a majority vote of all the members of the board of county commissioners of Hennepin county for terms for each of two years beginning on July 15, 1965. Each of these members shall be citizens and residents of Hennepin county outside of the limits of the city of Minneapolis.

Sec. 2. This act shall become effective only after its approval by a majority of all of the members of the library board of the city of Minneapolis and by a majority of all of the members of the governing body of the county of Hennepin, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved May 27, 1965.

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CHAPTER 899—H. F. No. 253

[Coded in Part]

*An act relating to the incorporation of villages; annexation of property to municipalities; detachment of property from municipalities; and the commission having jurisdiction therewith; amending Minnesota Statutes 1961, Sections 414.01, Subdivision 2, as amended; 414.01, Subdivision 3; 414.01, Subdivision 8, as amended; 414.01, as amended, by adding new subdivisions; 414.02, Subdivision 1; 414.02, Subdivision 2, as amended; 414.02, Subdivision 3, as amended; 414.02, Subdivision 4; 414.02, as amended, by adding new subdivisions; 414.03, Subdivision 2, as amended; 414.03, Subdivision 5, as amended; 414.05, by adding a new subdivision; 414.06, Subdivision 3, as amended; Chapter 414, as amended, by adding a new section; and repealing Laws 1963, Chapter 807, Section 9.*

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

Section 1. Minnesota Statutes 1961, Section 414.01, Subdivision 2, as amended by Laws 1963, Chapter 807, Section 1, is amended to read:

Subd. 2. **Villages; incorporation; annexation.** ~~The commission shall be composed of three members appointed by the governor one of whom shall be learned in the law. At its first meeting~~

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after July 1, 1963, and annually thereafter, the commission shall select from its members a chairman who shall have the powers and duties prescribed by the general law applicable to the heads of departments and agencies of the state. In proceedings before the commission for the incorporation of a village; the annexation of unincorporated land to a municipality; and the annexation of a municipality or municipalities to a contiguous municipality; the chairman of the board of county commissioners and the county auditor of the county in which all or a majority of the property to be annexed or incorporated is located; shall serve as additional and ex officio members of the commission for the purpose of such proceedings. *The commission shall be composed of three members appointed by the governor, with the advice and consent of the senate, one of whom shall be learned in the law. One of the members shall be a resident of a city of the 1st class, one shall be a resident of the metropolitan area as defined in Minnesota Statutes 1961, Section 473.02, Subd. 5 excluding therefrom any resident of any city of the 1st class and one shall be a resident from the area outside of such metropolitan area as heretofore defined. The commission shall select from its members a chairman who shall have the powers and duties prescribed by the general law applicable to the heads of departments and agencies of the state. In proceedings before the commission for the incorporation of a village, and in proceedings before the commission for the annexation of unincorporated land to a municipality, two county commissioners of the board of the county in which all or a majority of the land to be annexed or incorporated is located shall serve on the commission during such time as the commission shall have under consideration said matter. The secretary of the commission shall upon receipt of a petition for such incorporation or annexation notify the county auditor of the county in which the majority of the property involved is situated of the need for the appointment of the two county commissioners to the commission. At the next succeeding meeting of the county board the commissioners shall designate the two appointed and shall thereupon immediately notify the Minnesota municipal commission secretary of their action.*

Sec. 2. Minnesota Statutes 1961, Section 414.01, Subdivision 3, is amended to read:

Subd. 3. All those appointed shall have been residents of the state for at least five years prior to the appointment. ~~All appointments shall be made within thirty days after the effective date of this law. The terms of office of all appointed members of the commission in office on the effective date of this act expire on June 30, 1965. Before June 30, 1965, the governor shall appoint their successors to take office on July 1, 1965, and to serve the following~~

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*terms and until their successors are appointed and qualify: One member for a term of two years; one member for a term of four years; and one member for a term of six years. Thereafter each appointed member shall serve for four six years and until his successor is appointed and has qualified, or until he is removed by the governor for cause after notice and hearing. In case any of the positions shall become vacant, the governor shall appoint a member for the unexpired term who shall thereupon immediately take office and carry on all the duties of the office.*

Sec. 3. Minnesota Statutes 1961, Section 414.01, Subdivision 8, as amended by Laws 1963, Chapter 807, Section 4, is amended to read:

Subd. 8. The commission shall have authority to contract with regional, state, county, or local planning commissions or to hire expert consultants to provide specialized information and assistance, and any member of the commission, ~~except those who are ex officio~~, conducting or participating in the conduct of any hearings, shall have the power to administer oaths and affirmations, to issue subpoenas, and to compel the attendance and testimony of witnesses, and the production of papers, books, and documents.

Sec. 4. Minnesota Statutes 1961, Section 414.01, as amended by Laws 1963, Chapter 807, Sections 1 to 5, and Laws 1963, Chapter 873, Section 22, is amended by adding a subdivision to read:

*Subd. 12. The commission in proceedings pursuant to Minnesota Statutes 1961, Section 414.03, Subdivision 2, as amended by Laws 1963, Chapter 807, Section 8, and Section 414.06, as amended by Laws 1963, Chapter 807, Section 11, may designate by resolution its secretary or any of its members to receive and report evidence. Anyone so designated shall have power to administer oaths to witnesses, examine witnesses, and receive evidence. In any proceeding in which the evidence is received by one commissioner or by the secretary so designated, such commissioner or secretary shall make a full report to the commission. Thereupon, the commission shall proceed to make its decision based on all the evidence presented to the commissioner or secretary so designated and upon the report submitted. The commission's order shall be stayed for a period of 30 days, during which time any party of record may demand an oral review thereof by the full commission.*

Sec. 5. Minnesota Statutes 1961, Section 414.01, as amended by Laws 1963, Chapter 807, Sections 1 to 5, and Laws 1963, Chapter 873, Section 22, is amended by adding a subdivision to read:

*Subd. 13. All orders of the commission as called for here-*

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*under, whether in connection with annexation, merger, incorporation or detachment shall be issued within one year from the date of the first hearing thereon, provided that the time may be extended for a fixed additional period upon consent of all parties of record. Failure to so order shall be deemed to be a rejection of the same. An appeal may be had from such failure to so order in the same manner as an appeal from an order as provided in Minnesota Statutes 1961, Section 414.07.*

Sec. 6. Minnesota Statutes 1961, Section 414.02, Subdivision 1, is amended to read:

**414.02 Incorporation of a village.** Subdivision 1. **Initiating the petition.** This section provides the exclusive method of incorporating a village in any county containing a city of the first or second class, in any county within any metropolitan areas as defined in Minnesota Statutes, Section 473.02, Subdivision 5, or in any other area of Minnesota if a petition is filed to incorporate a new municipality within four miles of the boundary of an existing municipality. In any other area in Minnesota the petition to incorporate shall be filed with the board of county commissioners which shall apply the standards and procedures of this section in determining whether or not to order an incorporation election as herein provided. Three or more freeholders residing within an area containing a resident population of not less than 500 persons, and which is not included within the limits of any incorporated municipality and which area includes land that has been platted into lots and blocks in the manner provided by law, may initiate proceedings for incorporation as a village. They shall take a census of the resident population in the area ~~and make a census list showing the buildings in the area used for residence and the number of people living in each.~~ *or may use a federal census made for the area within one year preceding the date of the petition or may use the latest metropolitan planning commission estimate of the population within the area.* If the population of the proposed area is found to be 500 or more, a petition may be prepared and submitted to the secretary of the commission requesting the commission to hold a hearing on the proposed incorporation. The petition shall be attached to the census list *or the metropolitan planning commission estimate or the federal census figures* and shall state the quantity of land embraced in it, platted and unplatted ~~land~~, the assessed valuation of the property, both platted and unplatted, the *estimated* number of actual residents, the proposed name of the village, a brief description of the existing facilities as to water, sewage disposal, and fire and police protection, and shall include a map setting forth the boundaries of the territory. It shall be signed by at least 100 freeholders who are residents of the area to be incorpo-

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rated, and *if a census was taken*, it shall be verified by the oaths of the census takers declaring that the census was accurately taken, specifying the dates when it was begun and completed, and that the statements in the petition are true.

Sec. 7. Minnesota Statutes 1961, Section 414.02, Subdivision 2, as amended by Laws 1963, Chapter 807, Section 6, is amended to read:

Subd. 2. **Commission's hearing and notice.** Upon receipt of a petition, made pursuant to subdivision 1 of this section, the secretary of the commission shall designate a time and place for a hearing on the petition, such time to be not less than 30 nor more than 120 days from the date the petition was received. The place of the hearing shall be within the county in which the greater area of the property to be incorporated is located and is to be established for the convenience of the parties concerned. The secretary shall cause a copy of the petition together with a notice of the hearing to be sent to each member of the commission, to the chairman of the county board and the town board in which all or a part of the property to be incorporated is located, and any duly constituted municipal or regional planning commission exercising authority over all or part of the area. They may submit briefs, prior to the hearing, for or against the proposed incorporation, stating clearly and succinctly the reasons therefor. Notice shall be posted not less than 20 days before the hearing in three public places in the area described in the petition, and the secretary shall cause notice of the hearing to be published two successive weeks in a newspaper qualified as a medium of official and legal publication of general circulation in the area to be incorporated. *The cost of publishing and posting is to be borne by the petitioners.* The hearing may be adjourned from time to time.

Sec. 8. Minnesota Statutes 1961, Section 414.02, Subdivision 3, as amended by Laws 1963, Chapter 807, Section 7, is amended to read:

Subd. 3. **Commission's order.** Pursuant to a hearing on a petition for the incorporation of a village under subdivision 1, the commission shall approve the petition for incorporation if it finds that the property to be incorporated is now, or it about to become, urban or suburban in character. The commission may, in any case, approve the petition if it finds that the existing township form of government is not adequate to protect the public health, safety and welfare in reference to plat control or land development and construction which may be reasonably expected to occur within a reasonable time thereafter. As a guide in arriving at a determination, the commission shall make findings as to the following factors: (1) The

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population of the area within the boundaries of the proposed incorporation. (2) The area of the proposed incorporation. (3) The area of platted land relative to unplatted land. (4) The character of the buildings on the platted and unplatted lands. (5) Past expansion in terms of population and construction. (6) Prospective future expansion. (7) The assessed value of platted land relative to the assessed value of the unplatted areas. (8) The present and expected necessity and feasibility of providing governmental services such as sewage disposal, water system, zoning, street planning, police, and fire protection. (9) The adequacy of the township form of government to cope with problems of urban or suburban growth in the area proposed for incorporation. The commission shall have authority to alter the boundaries of the proposed incorporation by increasing or decreasing the area to be incorporated so as to include only that property which is now, or is about to become, urban or suburban in character. In the event the boundaries are to be increased, notice shall be given to the property owners encompassed within the area to be added, by mail by three weeks' published notice in a newspaper qualified as a medium of official and legal publication of general circulation in the area affected. Notice thereof shall be mailed to all property owners on record in the office of the county treasurer in the area to be added, and the hearing shall reconvene not less than 20 days after the transmittal of such notice, unless within the 20 days those entitled to notice give their written consent to such action. *Notwithstanding any other provision of law to the contrary relating to the number of wards which may be established, the commission may provide for election of trustees by wards, not less than three nor more than seven in number, whose limits are prescribed in the commission order upon a finding that area representation is required to accord proper representation in the proposed incorporated area because of uneven population density in different parts thereof or the existence of agricultural lands therein which are in the path of suburban development; but after four years from the effective date of an incorporation the council of the village may by resolution adopted by a 4/5ths vote abolish the ward system and provide for the election of all trustees at large as in other villages.* The petition shall be denied if it appears that annexation to an adjoining municipality would better serve the interests of the area. If the proposed incorporation includes a part of an organized township, the commission shall apportion such property and obligations in such manner as shall be just and equitable having in view the value of the township property, if any, located in the area to be incorporated, the assessed value of all the taxable property in the township, both within and without the area to be incorporated, the indebtedness, the taxes due and delinquent and other revenue accrued but not paid to the township. The commission order shall

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apportion taxes due between the township and annexing municipality on an equitable basis giving due regard to the liability of the annexing municipality to furnish services, or extend utilities to the annexed area. The order shall be issued by the commission within a reasonable time after the termination of the hearing.

An order approving a petition made pursuant to subdivision 1 shall fix a day not less than 20 days nor more than 40 days after the entry of such order when an election shall be held at a place designated by the commission within the area to be incorporated. The secretary shall cause a copy of the order affirming the petition, as submitted or as amended by the commission, including notice of the election, to be posted not less than 20 days before the election in three public places in the area described in the petition, and shall cause notice of the election to be published two successive weeks in a newspaper qualified as a medium of official and legal publication, of general circulation in the area to be incorporated. The commission shall also appoint three electors resident in the area to act as judges of election; who shall be supervised in their duties by the commission; and shall fix a time, not less than six hours and until at least 7 o'clock p.m.; when the polls shall be open at the election: *shall appoint the necessary election judges from voters resident in the area and shall supervise them in their duties. The commission shall designate the polling place or places, using so far as possible the usual polling place or places. The polls shall be open at least 13 hours and until at least 8 p.m.* The judges shall conduct the election so far as practicable in accordance with the laws regulating the election of town officers. Only voters residing within the territory described in the commission's order shall be entitled to vote. The ballot shall bear the words "For Incorporation" and "Against Incorporation" with a square before each of the phrases in one of which the voter shall make a cross to express his choice. ~~The ballots and election supplies shall be provided and the judges shall be paid by the petitioners.~~ *The ballots, election supplies, posting, publishing, and the judges shall be provided and paid for by the petitioners. The order shall also provide for the submission of "Optional Plan A" at the same time as the incorporation election. The ballot shall bear the words, "If the incorporation is successful, should Optional Plan A (modifying the standard plan by providing for the appointment by the Council of the Clerk and Treasurer) be adopted as the form of government for the new village? Yes  No .*"

Sec. 9. Minnesota Statutes 1961, Section 414.02, as amended by Laws 1963, Chapter 807, Sections 6 and 7, is amended by adding a subdivision to read:

*Subd. 3a. Incorporation of entire town. In the event a*

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*petition is filed under subdivision 1 of this section and such petition designates the area to be incorporated as an entire township, less any areas previously incorporated therein, and further there is a population of 2,000 or over in such area proposed to be incorporated, the commission's order shall be limited to the area described in the petition unless the petitioner shall agree in writing to an extension of the area described; provided, however, the commission shall have the right to enlarge the area, not to exceed five percent of the area described in the petition in addition to that area consented to by the petitioner without such written consent in the event the commission determines and includes in the order a finding that such additional land is necessary for the best interest of the proposed village.*

Sec. 10. Minnesota Statutes 1961, Section 414.02, Subdivision 4, is amended to read:

Subd. 4. **Filing of incorporation document.** Upon the completion of the counting of the ballots, the judges of the election shall make a signed and verified certificate declaring the time and place of holding the election, that they have canvassed the ballots cast, and the number cast both for and against the proposition, and they shall then file the certificate with the secretary of the commission. If the certificate shows that a majority of the votes cast were "For Incorporation," the commission shall execute an incorporation order. The secretary shall attach the certificate to the original petition, the original order affirming the petition as submitted or as amended in the order, and the original proofs of the posting of the election notice and incorporation order. The secretary shall transmit to the secretary of state and to the county auditor or auditors of the county or counties in which the property is located a certified copy of these documents to be then filed as a public record. The incorporation shall be effective as of the date of such filing or on later date as is fixed in the incorporation order. If the vote is adverse, ~~no subsequent petition to incorporate the same territory shall be entertained by the commission within two years after the election and the expense of the attempted incorporation shall be borne by the petitioners.~~ If the vote is favorable, all proper expenses incurred in the incorporation shall be a charge upon the village.

Sec. 11. Minnesota Statutes 1961, Section 414.02, as amended by Laws 1963, Chapter 807, Sections 6 and 7, is amended by adding a subdivision to read:

Subd. 5. **Proceedings.** (1) *On the receipt of a resolution passed by the governing body of a municipality and a petition of 100 freeholders residents of an abutting town indicating mutual desire to form a single new municipality the commission shall order hear-*

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ings and make findings according to 414.02. An order for incorporation shall provide for the election of new trustees, the plan of government, establishment of wards, and the giving of such other considerations as may be authorized by law and shall not be effective for at least 60 days after the date thereof. The commission shall call an election upon request, for the new incorporation, if a petition containing the signatures of at least 20 per cent or 500 of the resident freeholders, whichever figure is the smaller, of either the municipality or the abutting township is filed with the secretary of the commission within 60 days after issuance of the commission's order. The election shall be held in the municipality or the abutting township in which the petitioners reside within a reasonable time, the date and place to be designated by an order of the commission.

(2) If the question of consolidation shall fail, the costs of the election shall be paid by the town and village as determined by the Minnesota Municipal Commission. Election costs shall be paid by the new village if successful.

(3) The results of the election shall be forthwith filed by the judges of the election with the secretary of state, the Minnesota municipal commission, and the county auditor. When such filings have been completed; and if a majority of the voters voting on the question have voted in favor of consolidation, the new village shall come into existence. The validity of the creation of the new village shall not be questioned directly or indirectly in any proceeding or action otherwise than by a contest instituted within ten days after completion of the filings required by this section, and in the manner prescribed by Minnesota Statutes, Chapter 414 and acts amendatory thereof.

(4) Affidavits of candidacy for the election of new village officers shall be filed with clerks of affected towns and villages but shall otherwise be as provided by law for village elections. Officers shall be elected at said election in accordance with M.S.A. 412.021.

(5) Until the election and qualification of such officers, the town board and other officers of the town shall continue to exercise their powers and duties under the town laws in that portion of the village that was formerly the town, and the council and other officers of the former village shall continue to exercise their powers and duties in that portion of the new village included in the former village. Thereafter the town board and the council of the former village shall have no jurisdiction within the new village, and the new village council and other new village officers shall act in respect to any matters previously undertaken by the town board of supervisors or village council within the limits of the new village, including the

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*making of any improvement and the levying of any special assessments therefor, in the same manner and to the same effect as if such improvement had been undertaken by the new village. Every town ordinance and resolution imposing regulations upon persons or private property within the new village shall continue in effect and become effective throughout the new village until repealed or superseded by new village ordinance. The new village council may continue or discontinue any commissions that may have previously existed in the town or former village.*

(6) *All moneys, claims and properties, including real estate belonging to, owned, held or possessed by the town or former village, and any proceeds of taxes levied by the town and former village, collected or uncollected, shall become and be the properties of the new village with full power and authority to use and dispose of the same for public purposes as the council of the new village may deem best, subject to the rights of creditors.*

(7) *Any bonded indebtedness of the town and former village shall not be assumed by the new village.*

(8) *The new village shall be liable for payment of all expenses of incorporation, consolidation and annexation proceedings incurred during the last three previous years by the town and former village.*

(9) *Until the federal census following the forming of the new village the population of the new village for all purposes shall be the estimated population furnished by the metropolitan planning commission the federal census or other census taken for the purpose of the consolidation proceedings hereunder.*

Sec. 12. Minnesota Statutes 1961, Section 414.03, Subdivision 2, as amended by Laws 1963, Chapter 807, Section 8, is amended to read:

Subd. 2. **Annexation by ordinance.** Except as hereinafter provided, territory abutting on any municipality and not included in any other municipality may be annexed to the municipality without an order of the commission in the manner provided in this subdivision:

If the land is owned by the municipality, the governing body may by ordinance declare the land annexed to the municipality, and any such land is deemed to be urban in character. *If the land is 75 percent or more bordered on three sides by a municipality such land may be annexed by serving notice of intent upon the township and giving them 60 days to file objections if any. If no objections are forthcoming within the said 60 day period such land may be annexed*

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*by ordinance. If there are objections a municipality may request the municipal commission to conduct hearings according to section 414.04, and the commission may after proper hearing order or deny the annexation.*

If the land is completely surrounded by land within the municipal limits, the governing body may by ordinance declare the land annexed to the municipality, and any such land is deemed to be urban in character.

If the land is platted or, if unplatted, does not exceed 200 acres, the owner or a majority of the owners in number may petition the governing body of the municipality to have such land included within the municipality and shall file copies of the petition with the commission, the town board and county board of the town and county in which all or any part of the land to be annexed is located, and the governing body of any other municipality whose boundaries abut upon the boundaries of the land to be annexed. Within 30 days thereafter, the town board, or the county board, or the governing body of the other municipality may submit written objections to the annexation to the commission and the municipality. Upon receipt of such objections, the municipality shall take no further action on the petition, and the commission shall proceed to hold a hearing and issue its order in accordance with the provisions of subdivisions 3 and 4 of this section. If written objections are not submitted within the time specified hereunder and if the governing body determines that the annexation will be to the best interest of the municipality and of the territory affected, it may by ordinance, except as hereinafter provided, declare such land annexed to the municipality, but if the petition is not signed by all the owners of the land proposed to be annexed, the ordinance shall not be passed until the governing body has held a hearing on the proposed annexation after at least 30 days posted notice. Whenever a petition for annexation is presented to a municipality pursuant to this paragraph and all or any part of the land described therein is included in a petition for incorporation or annexation which is pending before the commission, no action thereon shall be taken by the municipality, unless otherwise provided by an order of the commission, until final disposition has been made of the petition pending before the commission.

Any annexation provided for in this subdivision shall be deemed final upon filing a copy of the ordinance with the commission, the county auditor, and the secretary of state.

Any territory which has been annexed to a municipality prior to the enactment of Laws 1961, Chapter 645, and pursuant to Laws 1959, Chapter 686, Section 3, Subdivision 7, shall be deemed to be

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suitably conditioned for municipal government and said annexation shall be deemed final upon filing a copy of the annexation ordinance with the commission, the county auditor, and the secretary of state.

Sec. 13. Minnesota Statutes 1961, Section 414.03, Subdivision 5, as amended by Laws 1963, Chapter 621, Section 2, is amended to read:

Subd. 5. **Annexation election.** Where the petition for annexation has not been initiated by a majority of the land-owners in number within the area to be annexed, the order of the commission affirming the petition for annexation shall fix a day, not less than twenty days nor more than ~~forty ninety~~ days, after the entry of such an order, when an election shall be held at a place designated by the commission within the area to be annexed. The secretary shall cause a copy of the order affirming the petition, including the notice of the election, to be posted not less than 20 days before the election in three public places in the area to be annexed, and shall cause notice of the election to be published two successive weeks in a newspaper qualified as medium of official and legal publication, of general circulation, in the area to be annexed. The commission shall ~~also appoint three electors resident in the area to act as judges of election; who shall be supervised in their duties by the commission; and shall fix the time; not less than six hours and until at least 7 o'clock p.m.; when the polls shall be open at the election; appoint the necessary election judges from voters resident in the area and shall supervise them in their duties. The commission shall designate the polling place or places, using so far as possible the usual polling place or places. The polls shall be open at least 13 hours and until at least 8 p.m.~~ The judges shall conduct the election so far as practicable in accordance with the laws regulating the election of town officers. Only voters residing within the territory described in the commission's order shall be entitled to vote. The ballot shall bear the words "For Annexation" and "Against Annexation" with a square before each of the phrases in one of which the voter shall make a cross to express his choice. The ballots and election supplies shall be provided and the election judges shall be paid by the petitioners or annexing municipality. Immediately upon completion of the counting of the ballots, the judges of the election shall make a signed and verified certificate declaring the time and place of holding the election, that they have canvassed the ballots cast, and the number cast both for and against the proposition, and they shall then file the certificate with the secretary of the commission. If the certificate shows the majority of the votes cast were "For Annexation" the commission shall execute an annexation order. *In event an entire town is annexed or a portion of a town which contains a majority*

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*of the population of a town is annexed, the commission may provide for election of trustees by wards as provided in Minnesota Statutes, Section 414.02, Subdivision 3, and after four years from the effective date of the annexation the governing body of the municipality may by resolution adopted by an affirmative vote of the total membership of the governing body and provide for the election of all trustees at large. If the elected governing officials from the annexing municipality and the area to be annexed agree in writing, by two thirds vote in each governing body, on a different method of electing councilmen to the merged municipality, said method of representation shall be ordered by the commission, and shall be the method of electing councilmen to the merged municipality for ten years, unless earlier terminated by a four fifths vote of the merged governing body, said vote to be made only when more than two years have elapsed after the merger.* The secretary shall attach the certificate to the original petition, the original order affirming the petition as submitted or as amended in the order, and the original proofs of the posting of the election notice, and the annexation order.

Sec. 14. Minnesota Statutes 1961, Section 414.05, is amended by adding a subdivision to read:

*Subd. 2a. **Hearing.** Before any order is issued under section 414.05 a hearing shall be held and the county members shall have voting powers, and the hearing shall be conducted according to the requirements of section 414.02 or section 414.03, whichever is applicable.*

Sec. 15. Minnesota Statutes 1961, Section 414.06, Subdivision 3, as amended by Laws 1963, Chapter 807, Section 11, is amended to read:

**Subd. 3. *Hearing and notice.*** If identical petitions are submitted by the municipality and the owners of the land to be detached, as provided in subdivision 1 of this section, or in situations covered by subdivision 2 of this section, no hearing is necessary. In any other case, upon receipt of a petition, the secretary of the commission shall designate a time and place for a hearing on the petition such time to be not less than 30 nor more than 120 days from the date the petition was received. The place of the hearing shall be within the municipality to which the land is attached as the secretary may direct. The secretary shall cause a copy of the petition and notice of hearing to be sent to each member of the commission and to be sent to the council of the municipality to which the property is attached ~~and to at least 75 percent of the owners of the property proposed for detachment,~~ and shall cause notice of the hearing to be published two successive weeks in a

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newspaper qualified as a medium of official and legal publication, of general circulation within the municipality *and notice thereof shall be mailed to all property owners on record in the office of the county treasurer in the area to be detached.*

Sec. 16. Minnesota Statutes 1961, Chapter 414, as amended by Laws 1963, Chapter 621, Chapter 807, and Chapter 873, Section 22, is amended by adding a section to read:

**[414.065] State lands, proceedings.** *In any case in which the state is the fee owner of land partly or wholly within any area proposed to be annexed, incorporated, or detached, the executive council of the state of Minnesota may petition for, or consent to, any action proceeding under Minnesota Statutes, Chapter 414, if the council deems such action to be in the best interests of the state.*

Sec. 17. *Sections 1 through 16 hereof shall not apply to any final order heretofore issued by the Minnesota municipal commission from which any appeal has been taken. To any such appeal, the Laws of 1963, Chapter 807, Section 9 shall apply.*

Sec. 18. **Repealer.** *Laws 1963, Chapter 807, Section 9, is repealed, except as provided herein in Section 17:*

Approved May 27, 1965.

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#### CHAPTER 900—H. F. No. 783

*An act relating to wild animals; providing for the maintenance and operation of private fish hatcheries; amending Minnesota Statutes 1961, Section 97.48, Subdivision 22, as amended.*

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

Section 1. Minnesota Statutes 1961, Section 97.48, Subdivision 22, as amended by Laws 1963, Chapter 175, Section 1, is amended to read:

Subd. 22. **Fish; taking from private hatcheries.** The commissioner shall ~~have the power to~~ authorize the maintenance and operation of private fish hatcheries under such rules and regulations as the commissioner shall prescribe *for the raising and disposition of any fish indigenous to Minnesota waters except carp.* No license shall be required of any person for taking fish by angling at a licensed private fish hatchery operated in accordance with the rules

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