

voting thereon at an election ordered by the governing body if special assessments have been *or will be* levied in an amount not less than 50 percent of the amount of such bonds; and provided further that where such bonds are payable wholly from the net revenues of all such operations, the bonds may be authorized, issued, and sold by a resolution adopted by the governing body without an election notwithstanding any charter or statutory provision to the contrary.

Sec. 2. Minnesota Statutes 1965, Section 459.14, Subdivision 7, is amended to read:

Subd. 7. **Special assessments, hearing.** An automobile parking facility is a local improvement within the meaning of sections 429.01 to 429.091 and, except as otherwise provided in this section, may be financed in whole or in part by special assessments levied in accordance with those sections. In apportioning such special assessments, the governing body shall take into consideration the improvements on the land and the present and potential use of the respective lots, pieces or parcels during the anticipated period of usefulness of the facility providing the benefits. *If the governing body in levying such assessments determines that all or part of the benefited property is benefited to a lesser extent than other property, it may establish separate benefit districts for an improvement each comprising property benefited to a like extent, whether or not contiguous, and may provide either a different rate of assessment or, in lieu thereof, a different number of installments payable at such times as the governing body shall determine, subject only to the condition that the assessments for such benefit districts be made payable at such times as will permit the use thereof for payment of principal of and interest on any bonds issued for the improvement with respect to which they are levied. Interest on the unpaid balance of assessments levied under this subdivision shall be payable semiannually with other taxes levied on such property.*

Approved May 3, 1967.

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#### CHAPTER 289—H. F. No. 1533

[Coded in Part]

*An act relating to village government, amending Minnesota Statutes 1965, Sections 412.011, Subdivision 1; 412.02, Subdivisions 1 and 2; 412.021, Subdivision 2; 412.101; 412.191, Subdivision 1; 412.211, by adding a subdivision; 412.541, Subdivisions 1 and 4; 412.551; 412.561, Subdivision 1; 412.571, Subdivisions 1, 2, 3, and*

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

4; 412.581; 412.631; and 412.851; Minnesota Statutes 1965, Chapter 412, by adding sections thereto; repealing Minnesota Statutes 1965, Sections 412.181, Subdivision 10; 412.541, Subdivision 3; and 412.761 to 412.821.

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

Section 1. Minnesota Statutes 1965, Section 412.011, Subdivision 1, is amended to read:

412.011 **Village government; formation of a village.** Subdivision 1. **Incorporation.** Territory containing a resident population of not less than 100 persons may become incorporated as a village in the manner hereinafter prescribed if it is not included within the limits of any incorporated municipality; *and if the territory is not within the jurisdiction of the Minnesota Municipal Commission pursuant to Minnesota Statutes, Chapter 414.* Such territory shall include land which has been platted into lots and blocks in the manner provided by law and may include unplatted lands joining such platted area if so conditioned as properly to be subjected to village government. Any area not less than one section nor more than a full township in area shall be deemed to be so conditioned if the assessed valuation of the platted land in such area equals or exceeds 50 per cent of the total assessed valuation in such an area and the average population of the area exceeds 100 persons for each section in the area.

Sec. 2. Minnesota Statutes 1965, Section 412.02, Subdivisions 1 and 2, are amended to read:

412.02 **Village elections; officers, terms, vacancies.** Subdivision 1. **Terms.** *Except in villages which have biennial elections as provided in section 16 of this act,* the following officers shall be elected for the terms and in the years shown and in the villages described in the table.

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

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Clerk-Treasurer	Two	Even-numbered	Every standard plan village where such offices exists pursuant to subdivision 3
Three Trustees <i>Councilmen</i>	Three	One each year	Every standard plan village
Four Trustees <i>Councilmen</i>	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 or in which the office has not been abolished pursuant to subdivision 5

Subd. 2. **Terms; vacancies.** 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 qualified as such shall hold office until their successors qualify. Vacancies in office shall be filled by the council within 60 days after the vacancy occurs. In case of a tie, the mayor shall fill the vacancy by appointment. Appointments to fill vacancies in office occurring before the first day to file affidavits of candidacy for the annual village election shall expire upon the qualification of a successor elected at such election and the office shall be filled at such election for the unexpired portion, if any, of the term. Except where the office is to be filled at the annual village election, appointments to fill vacancies

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in office occurring on or after the first day to file affidavits of candidacy for the annual village election and before the first business day of January shall expire upon the qualification of a successor elected at the next ensuing annual village election and the office shall be filled at such election for the unexpired portion, if any, of the 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. *Vacancies in office shall be filled for the remainder of the term by the council. In case of a tie vote on such appointments the mayor shall fill the vacancy by appointment for the unexpired term.*

Sec. 3. Minnesota Statutes 1965, Section 412.021, Subdivision 2, is amended to read:

Subd 2. **Officers to be elected; optional plan.** Unless such village has adopted an optional plan of government as provided in sections 412.541 to ~~412.821~~ 412.751, 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, 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~~ *councilmen*, for terms so arranged that one term expires the first business day of January of each of the three years following. If the village has adopted an optional plan A, B, or C there shall be elected at such election a mayor, constable and a justice of the peace, each for a term expiring the first business day of January of the next even-numbered year; a constable and a justice of the peace, each for a term expiring the first business day of January in the next odd-numbered year; and four ~~trustees~~ *councilmen*, 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~~ *councilmen* shall expire the year following the year in which the term of the mayor expires. *No candidate for trustee councilman 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 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. 4. Minnesota Statutes 1965, Section 412.101, is amended to read:

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

**412.101 Peace officers.** Except in a village operating under Optional Plan B or C the mayor and other members of the council shall be peace officers and may suppress in a summary manner any riotous or disorderly conduct in the streets or other public places of the village and command the assistance of all persons under such penalties as may be prescribed by ordinance.

Sec. 5. Minnesota Statutes 1965; Chapter 412, is amended by adding a section to read:

**[412.181] Mayor, councilmen; salaries.** *Subdivision 1. Salaries of mayor and trustees. The council of any village may by ordinance fix the salaries of the mayor and councilmen. The ordinance shall not be effective until the first business day of January next following and if within 30 days following its publication a petition asking for an election on the proposition signed by voters equal to 10 per cent of the number of voters at the last regular election is filed with the clerk, the ordinance shall not be effective until it has been approved by a majority of the votes cast on the question at a regular or special election. Salaries thus fixed by ordinance shall remain in effect until changed by similar action, except that the council may by resolution fix such salaries in a smaller amount for any year. Until thus changed by ordinance the salary of the mayor and council shall be that in effect pursuant to law or ordinance on December 31, 1967, provided that in no event shall the salaries be less than \$10 per month for each councilman and \$15 per month for the mayor. Notwithstanding the other requirements of this section, the council of any village may by ordinance reduce the salaries of the mayor and councilmen without submitting the question to the voters of the village.*

Sec. 6. Minnesota Statutes 1965, Section 412.191, Subdivision 1, is amended to read:

**Subd. 1. Composition of village council.** The village council in a standard plan village shall consist of the mayor, the clerk, and the three ~~trustees~~ councilmen. In optional plan villages the council shall consist of the mayor and the four councilmen. Three members shall constitute a quorum although a smaller number may adjourn from time to time.

Sec. 7. Minnesota Statutes 1965, Section 412.221, is amended by adding a subdivision to read:

**Subd. 33. Advisory elections in certain cases.** *When the village council has sole authority to decide whether the village should join a special district or similar independent governmental body having taxing powers within the village, the council shall have au-*

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*thority to submit to the voters at a regular or special election the question of whether the municipality should join such a body. The results of the election on the question so submitted shall be advisory to the council only and shall have no binding effect upon its decision to join or withdraw from the special district or similar independent body.*

Sec. 8. Minnesota Statutes 1965, 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, or clerk-treasurer and the election of an additional trustee councilman as hereinafter provided in this chapter. These departures from the standard form of village government are referred to hereafter as Optional Plan A.

Sec. 9. Minnesota Statutes 1965, 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 procedures set forth in section 412.551. Until the adoption of an optional plan, *and except as provided in section 17*, every village shall operate under the standard form of village government earlier provided in this chapter under which the voters elect the treasurer, if there is one, and a council consisting of a mayor, three trustees councilmen, and the clerk or clerk-treasurer.

Sec. 10. Minnesota Statutes 1965, Section 412.551, is amended to read:

**412.551 Adoption of specific plan.** Subdivision 1. **Submission to voters; one plan only; three year limitation on solicitation.** The village council may, and upon petition therefor signed by voters equal in number to at least 15 per cent of the electors voting at the last previous village election, shall, submit to the voters at a regular or special election the question of adoption by the village of Optional Plan A, B, or C or B. Only one plan shall be so submitted at any one election, and no plan shall be submitted in any village in which another optional plan is already in effect until the latter plan has been in effect for at least three years, except that any such plan shall be submitted at the election on incorporation of a village if the incorporation petition so requests and the population of the proposed village, when the submission of Optional Plan B or C is proposed, is more than 1,000. *No plan, except a Home Rule Charter submitted under Minnesota Statutes, Chapter 410, shall be submitted*

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

*in any village in which another optional plan is already in effect until the latter plan has been in effect for at least three years.*

**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 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?”

~~“Shall Optional Plan C, providing for the commission form of government, be adopted for the government of the village?”~~

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.

**Subd. 3. Adoption by affirmative vote.** If a majority of the votes cast on the question of adoption of Optional Plan A, ~~B, or C~~ or B is in the affirmative, the plan so voted upon shall be adopted in the village and, once placed in effect as subsequently provided in this chapter, shall remain in effect until abandoned by a similar majority at subsequent election at which the question of abandonment or adoption of another optional plan is submitted.

**Subd. 4. Three-year limitation; abandonment of plan.** At any time more than three years after the adoption of any *an* optional plan in a village, the question of abandonment of such plan may be submitted to the voters, in the same manner as provided in the foregoing sections for the submission of the question of adoption, except that in the statement of the question on the ballot, the word “abandoned” shall be substituted for the word “adopted.” If a majority of the votes cast on the question is in favor of abandonment, the plan shall be abandoned; and, subject to the special provisions for transition back to the standard form of village government contained in subsequent sections of this chapter, the standard plan of village government shall be resumed in the village and all the provisions of law applicable to villages in which an optional plan is not in operation shall henceforth apply to the village.

**Subd. 5. Report by village clerk and county auditor.** Whenever the question of adoption or abandonment of *an* optional plan

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~~A, B, or C~~ is submitted in any village and results in a majority vote in favor of the question submitted, the village clerk shall promptly file with the county auditor and with the secretary of state a certificate stating the date of election, the question submitted, and the vote on the question.

Sec. 11. Minnesota Statutes 1965, Section 412.561, Subdivision 1, is amended to read:

Subdivision 1. All laws of the state applicable to a village before the adoption of *an* optional plan ~~A, B, or C~~ and not inconsistent with the provisions relating to such plan shall apply to and govern the village after the adoption of any optional plan.

Sec. 12. Minnesota Statutes 1965, Section 412.571, Subdivisions 1, 2, 3 and 4 are amended to read:

**412.571 Continuance in office; elections.** Subdivision 1. **Composition of council.** When *an* optional plan ~~A, B, or C~~ is first adopted in any village in which the standard plan of village government is then in operation, the council shall continue as then constituted until the expiration of the term of the incumbent clerk. At the village election preceding expiration of the term of the incumbent clerk, and at the election every third year thereafter, two ~~trustees~~ *councilmen* shall be elected and at intervening village elections, one ~~trustee~~ *councilman* shall be elected, each for a three-year term. If the optional plan is adopted at the annual village election at which the office of clerk is to be filled, the candidate elected to that office at the election shall not assume his office of clerk in January, but shall become the fourth ~~trustee~~ *councilman* unless he is appointed clerk under the optional plan, in which case the unfilled office of ~~trustee~~ *councilman* shall be considered vacant.

Subd. 2. **Incumbent clerk and treasurer serve their terms.** When *an* 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, shall continue to serve until the expiration of their respective terms.

Subd. 3. **Abandonment of plan; members of council.** When *an* optional plan ~~A, B, or C~~ is abandoned and another optional plan is adopted in its place, incumbent members of the council shall continue to serve until the expiration of their respective terms, and the election schedule shall not be affected by the change.

Subd. 4. **Abandonment; incumbent councilmen continue.** When any optional plan is abandoned and the standard form of village government is resumed, terms of then incumbent ~~trustees~~ *coun-*

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*cilmen* shall not be affected by the abandonment; but until the first business day of January of the next year in which the terms of two ~~trustees councilmen~~ expire, the clerk shall not serve as a member of the council. At the village election preceding that date only one ~~trustee councilman~~ shall be elected. If the optional plan is abandoned at an annual village election, the offices that would be filled at that election only in standard plan villages shall be filled conditionally at the election and the ballot shall indicate that the successful candidate for each such office will assume his office only if the optional plan is abandoned as a result of the election.

Sec. 13. Minnesota Statutes 1965, 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 councilmen~~ and, except as provided in that section, the clerk and treasurer or clerk-treasurer shall be appointed by the council for indefinite terms.

Sec. 14. Minnesota Statutes 1965, Section 412.631, is amended to read:

412.631 **Composition of council.** In any village operating under Optional Plan B, the council shall, except as provided in section 412.571, be composed of a mayor and four ~~trustees councilmen~~.

Sec. 15. Minnesota Statutes 1965, Section 412.851, is amended to read:

412.851 **Vacation of streets.** The council may by resolution vacate any street, alley, public grounds, *public way*, or any part thereof, *on its own motion or on petition of a majority of the owners of land abutting on the street, alley, public grounds, public way, or part thereof to be vacated. When there has been no petition, the resolution may be adopted only by a vote of four-fifths of all members of the council.* No such vacation shall be made unless it appears ~~for~~ in the interest of the public to do so. After a hearing preceded by two weeks' published and posted notice after a resolution of vacation is adopted, the council shall prepare and present to the proper county officers a notice of completion of the proceedings in accordance with section 117.19.

Sec. 16. [412.022] **Biennial Elections.** *Subdivision 1. Procedure. The council may, by ordinance, establish four-year terms for the offices of mayor, clerk, treasurer, or clerk-treasurer,*

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

*and councilman and provide for holding regular village elections in every odd-numbered year or every even-numbered year; but the ordinance shall not become effective without the approval of a majority of the electors voting on the ordinance at a general or special election. When so approved, the ordinance shall govern village elections thereafter, applying to the first ensuing village election to which it can apply by its terms, except that it shall not apply to the village election in the year in which it is adopted unless it is approved by the voters at least four weeks before the closing date for the filing of affidavits of candidacy for such election.*

**Subd. 2. Terms.** *Terms of incumbent officers shall not be curtailed by the adoption of the biennial election system; but the term of every incumbent elective officer expiring in January following a year in which there is no village election shall be extended to the succeeding year. At each biennial village election, successors to incumbents whose terms will expire in the following January shall be chosen for four-year terms, except in the case of constables and justices of the peace, if any, who shall serve for two-year terms.*

**Subd. 3. Annual election re-establishment.** *Any village holding biennial elections may re-establish the system of annual elections and corresponding terms of office in the manner provided in subdivision 1 for adoption of the biennial election system. Terms of incumbents shall not be curtailed by the change, but wherever necessary, terms shall be extended in order to provide for the same election schedule as provided by Minnesota Statutes, Section 412.02, Subdivision 1.*

**Sec. 17. [412.572] Conversion to Optional Plan A.**  
**Subdivision 1. Assumption of Plan A.** *Except as otherwise provided by this section, on January 1, 1970, every village operating under the standard plan of village government shall assume the Plan A form of government as prescribed by Minnesota Statutes, Chapter 412 in the same manner as if the change to Optional Plan A form of government had been approved by the voters in the manner prescribed by that chapter.*

**Subd. 2. Referendum on petition.** *Prior to January 1, 1970, the village council may, and upon petition therefor signed by voters equal in number to at least 15 per cent of the electors voting at the last previous village election, shall, submit to the voters at a regular or special election the question of adopting Optional Plan A. Subdivision 1 of this section shall not be effective in any village where such an election is held unless a majority of the votes cast on the question in such an election are in the affirmative. If the majority of votes cast on the question are not in the affirmative, such a vil-*

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

*lage shall remain a standard plan village. The question on assuming Optional Plan A shall be that provided by section 412.551, subdivision 2.*

**Subd. 3. Adoption and abandonment of Plan A after January 1, 1970.** *Nothing in this section shall prevent an Optional Plan A village from abandoning such plan in the manner provided in section 412.551. Nothing in this section shall prevent any standard plan village from adopting an optional plan after January 1, 1970.*

**Sec. 18. Repealer.** *Minnesota Statutes 1965, Sections 412.181, Subdivision 10, 412.541, Subdivision 3, and 412.761 to 412.821 are repealed.*

Approved May 3, 1967.

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CHAPTER 290—H. F. No. 1565

[Not Coded]

*An act relating to Anoka, Dakota and Stearns counties; authorizing the county board to establish a budget for the county sheriff's office.*

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

**Section 1. Anoka, Dakota and Stearns counties; sheriff's budget.** The provisions of Minnesota Statutes 1965, Section 387.20, Subdivision 6, shall be applicable to Anoka, Dakota and Stearns counties.

**Sec. 2.** This act shall become effective as to each county after its approval by the county board of the respective counties named in Section 1 and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 3, 1967.

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CHAPTER 291—H. F. No. 1684

[Coded]

*An act designating the pink and white lady slipper as the official state flower.*

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