

association, and this amount shall be within the limits provided by this act. The amount of lump sum benefits so determined by the bylaws of the relief association shall not be effective until approved by the governing body of the village of Hoyt Lakes. Except as provided herein, the provisions of section 69.06 shall continue to apply to the fire department relief association of the village of Hoyt Lakes to the same extent as they did before the adoption of this act.

Sec. 2. This act is effective upon its approval by the governing body of the village of Hoyt Lakes and compliance with Minnesota Statutes, Section 645.021.

Approved March 22, 1973.

CHAPTER 34—S.F.No.438

An act relating to the abolition of the office of village constable; amending Minnesota Statutes 1971, Sections 412.02, Subdivision 1; 412.021, Subdivision 2; 412.022, Subdivision 2; 412.101 and 412.861, Subdivision 1; and repealing Minnesota Statutes 1971, Sections 412.02, Subdivision 4, and 412.161.

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

Section 1. Minnesota Statutes 1971, Section 412.02, Subdivision 1, is amended to read:

412.02 VILLAGES; CONSTABLES; ABOLITION OF OFFICE; VILLAGE ELECTIONS; OFFICERS, TERMS, VACANCIES. Subdivision 1. Except in villages which have biennial elections as provided in section 412.022, 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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Officer	Number of Years in Term	Year Elected	Village in Which Elected
Clerk-Treasurer	Two	Even-numbered	Every standard plan village where such office exists pursuant to subdivision 3
Three Councilmen	Three	One each year	Every standard plan village
Four Councilmen	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

Sec. 2. Minnesota Statutes 1971, 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 412.751, 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 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

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plan 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 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 councilmen shall expire the year following the year in which the term of the mayor expires. No candidate for 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. 3. Minnesota Statutes 1971, Section 412.022, Subdivision 2, is amended to read:

Subd. 2. **TERMS.** No more than three council members shall be elected at any biennial election. 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 unless such extension will cause more than three council members to be elected at any election, in which case the term of every such officer shall be shortened to the preceding year. Any village which has adopted a biennial election system under this section and which elects more than three council members at any such election shall by ordinance provide that one or more such officers be elected for a shorter term in order to comply with the requirement that no more than three council members be elected at each biennial election. No such ordinance need be submitted to the voters for approval. 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.

Sec. 4. Minnesota Statutes 1971, Section 412.101, is amended to read:

412.101 PEACE OFFICERS. Except in a village operating under Optional Plan B 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. The council may designate one or more of its police officers or members as a process

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officer, who shall have all the powers and duties of town constable. The council may require process officers to pay into the village treasury all fees received by them for performing the duties of constables.

Sec. 5. Minnesota Statutes 1971, Section 412.861, Subdivision 1, is amended to read:

412.861 PROSECUTIONS, VIOLATIONS OF ORDINANCES.
Subdivision 1. **COMPLAINT.** All prosecutions for violation of ordinances shall be brought in the name of the village upon complaint and warrant as in other criminal cases. If the accused be arrested without a warrant, a written complaint shall thereafter be made, to which he shall be required to plead, and a warrant shall issue thereon. The warrant and all other process in such cases shall be directed for service to any police officer, marshal, process officer, court officer, if there is a municipal court in the village, ~~marshal~~, or constable of any town, or city, or village in the county, to the sheriff of the county, or all of them.

Sec. 6. In the next and subsequent editions of Minnesota Statutes, the revisor of statutes is directed to delete all references to village constables.

Sec. 7. Minnesota Statutes 1971, Sections 412.02, Subdivision 4, and 412.161, are repealed.

Sec. 8. **EFFECTIVE DATE.** This act shall take effect upon its passage and approval. Incumbents shall continue to exercise the powers and functions of constables until the expiration of their terms or until an earlier vacancy occurs.

Approved March 22, 1973.

CHAPTER 35—S.F.No.586

An act relating to Minnesota Statutes; providing for the correction of erroneous, ambiguous and obsolete statutory references and terminology; eliminating certain duplicitous and conflicting provisions superseded by or conflicting with other provisions of law; amending Minnesota Statutes 1971, Sections 6.34, Subdivision 3; 10.09; 10.39, Subdivision 1; 15A.15; 16.15, Subdivision 1; 16.871; 21.53, Subdivision 1; 24.25, Subdivision 4; 30.472; 30.473; 32.10; 32.101; 32.102; 32.645, Subdivision 1; 38.162;

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