

CHAPTER 146—H.F.No. 1376

An act relating to state lands; directing sale and conveyance of certain state-owned lands to the city of Owatonna.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **CONVEYANCE OF STATE LANDS TO THE CITY OF OWATONNA.**

Notwithstanding Minnesota Laws 1965, chapter 216, as amended by Laws 1967, chapter 423, Laws 1975, chapter 251, and Laws 1978, chapter 459, and Minnesota Statutes, sections 94.09 to 94.16, the commissioner of administration shall quitclaim and convey to the city of Owatonna the land described in this section. The land reverts to the state if the land is not used for park purposes and the state pays the city of Owatonna for the appraised value of improvements. The land shall be conveyed in a form approved by the attorney general for consideration of not more than \$1.

The land to be conveyed is located in the county of Steele containing approximately 52.4 acres and described as:

All that part of the Northeast Quarter, Section 17, Township 107 North, Range 20 West, lying East of the Easterly right-of-way line of U.S. Trunk Highway 35.

The land to be conveyed is no longer needed for highway purposes.

Sec. 2. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Approved May 14, 1987

CHAPTER 147—H.F.No. 1444

An act relating to towns; providing procedures for their organization and dissolution; amending Minnesota Statutes 1986, sections 365.45; 368.47; and 379.01.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1986, section 365.45, is amended to read:

365.45 DISSOLUTION OF TOWNS.

When the electors of any town, at the annual meeting, or at a special meeting called for that purpose, shall have voted, by ballot, to dissolve the town organization hereunder, the town board thereof shall adopt a resolution setting forth such facts and asking for the dissolution of the town; and a copy of the resolution, a petition signed by a majority of the registered voters of the town calling for the dissolution of the town organization is filed with the town clerk at least 60 days before a regular or special town election, the question of whether to dissolve the town shall be submitted to the voters at the regular or

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special town election in the same manner provided in section 368.47. The result of the election, duly certified by the town clerk, shall be presented to the board of county commissioners of the county in which ~~such the~~ town is located; ~~such~~. The board of county commissioners may shall, or whenever the tax delinquency in any town exceeds 70 percent in any one year, the board of county commissioners of the county wherein ~~such the~~ town is situated, on its own initiative, may, by resolution, dissolve ~~such the~~ town and attach the territory formerly embraced therein to an adjoining town or towns, or provide for the government of ~~such the~~ territory as unorganized territory of the county. If ~~such the~~ dissolved territory is added to an adjoining town the proposal ~~therefor~~ shall first have the approval of a five-eighths majority of the voting electors of ~~such the~~ town to which the dissolved territory is added. Upon the adoption of the resolution by the county board ~~such the~~ town shall be dissolved and no longer entitled to exercise any of the powers or functions of an organized town. The county auditor shall give ten days notice, by one publication in the paper in which the proceedings of the county board are published, of the meeting of the county board at which ~~such~~ petition the dissolution of the town will be considered.

Sec. 2. Minnesota Statutes 1986, section 368.47, is amended to read:

368.47 TOWNS MAY BE DISSOLVED.

When the voters residing within a town in this state have failed to elect any town officials for more than ten years continuously ~~immediately prior to April 24, 1937,~~ or the town has failed and omitted for a period of ten years to exercise any of the powers and functions of a town, as provided by law, or when the assessed valuation of any town drops to less than \$40,000, or when the tax delinquency of any such town, exclusive of taxes that are delinquent or unpaid by reason of taxes being contested in proceedings for the enforcement of taxes, amounts to 50 percent of its assessed valuation, or where the state or federal government has acquired title to 50 percent of the real estate of such town, which facts, or any of them, may be found and determined by the resolution of the county board of the county in which the town is located, according to the official records in the office of the county auditor, the county board by resolution may declare any such town, naming it, duly dissolved and no longer entitled to exercise any of the powers or functions of a town. In counties having a population according to the 1930 federal census of not more than 16,000 nor less than 15,000 and having not more than 77 nor less than 75 full or fractional congressional townships, and in counties having a population according to the 1930 federal census of not more than 28,000 nor less than 27,000 and having not more than 91 nor less than 90 full or fractional congressional townships, and in counties having a population according to the 1930 federal census of not more than 210,000 nor less than 200,000 and having not more than 202 nor less than 200 full or fractional congressional townships, before any such dissolution shall become effective the ~~freeholders~~ voters of the town ~~may shall~~ express their approval or disapproval of such dissolution. The clerk of the town shall, upon ~~the petition of ten legal voters of such a~~ petition signed by a majority of the registered voters of the town, filed with the clerk at least ~~45~~ 60 days before any

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regular or special town election thereof, give notice at the same time and in the same manner of such election that the question of dissolution of such town will be submitted for determination at such election. At such election when so petitioned for the question shall be voted upon by a separate ballot, the terms of which shall be either "for dissolution" or "against dissolution," which ballot shall be deposited in a separate ballot box to be provided and the result of such voting shall be duly canvassed, certified, and returned in the same manner and at the same time as other facts and returns of the election. If a majority of the votes cast at the election shall be for dissolution, such town shall be dissolved; and, if a majority of the votes cast at the election shall be against dissolution, the town shall not be dissolved.

When a town is dissolved under the provisions of sections 368.47 to 368.49 the county shall acquire title to any telephone company or any other business being conducted by such town and such business shall be operated by the board of county commissioners until such time as a sale thereof can be made; provided that the subscribers or patrons of such businesses shall have the first opportunity of purchase. If such dissolved town has any outstanding indebtedness chargeable to such business, the auditor of the county wherein such dissolved town is located shall levy a tax against the property situated in the dissolved town for the purpose of paying the indebtedness as it becomes due.

Sec. 3. Minnesota Statutes 1986, section 379.01, is amended to read:

379.01 ORGANIZATION.

Subdivision 1. **MANNER; PETITION; NAME.** When a majority of the ~~legal~~ registered voters of any congressional township containing not less than 25 legal voters petition the county board to be organized as a town such board shall forthwith call an election on the question. If a majority of the vote in the township is in favor of organization, the county board shall proceed to fix and determine the boundaries of such new town and name the same and make and file with the auditor a full report of its proceedings in relation to the establishment thereof. Towns thus formed shall be named in accordance with the expressed wish of a majority of its voters. If they fail to request a name, the board shall select one.

Subd. 2. **PETITION BY FREEHOLDERS.** When a majority of the resident freeholders of any one, two, three, four, or five congressional townships containing in the aggregate not less than 25 freeholders who are legal voters petition the county board to be organized as a town such board shall forthwith call an election on the question. If a majority of the vote in the townships is in favor of organization, the county board shall proceed to fix and determine the boundaries of such new town and name the same and make and file with the county auditor a full report of its proceedings in relation to the establishment thereof. For the purposes of this section the word "freeholders" shall be construed to include any person who is a legal voter in any such town occupying real estate therein under the homestead or preemption laws of the United States

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or under contract of purchase from any person or corporation or from the state of Minnesota.

Subd. 3. ORGANIZATIONAL MEETING. If the result of an election held under this section is in the affirmative the county shall arrange for the holding of the first organizational meeting not more than 30 days after the election in the township to be organized.

Subd. 4. CONDUCT OF ELECTION; COSTS. The county auditor shall have the ballots printed for an election under this section, and shall otherwise make preparation for the election including having a notice published in the official newspaper of the county once a week for two successive weeks stating the date of the election and the question to be voted on. The last publication shall be no later than ten days before the election. The cost of the election shall be borne by the county.

Approved May 14, 1987

CHAPTER 148—H.F.No. 1524

An act relating to human services; setting forth appeal procedure for recipients of case management services; amending Minnesota Statutes 1986, sections 256.045, subdivisions 1, 3, 4, 5, 6, 7, and 10, and by adding a subdivision; repealing Minnesota Statutes 1986, section 256.045, subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1986, section 256.045, subdivision 1, is amended to read:

Subdivision 1. **POWERS OF THE STATE AGENCY.** The commissioner of human services may appoint one or more state welfare human services referees to conduct hearings and recommend orders in accordance with ~~subdivision 3 subdivisions 3, 4a, and 5.~~ The commissioner may appoint one or more local welfare referees to conduct hearings and issue rulings pursuant to subdivision 2; in counties requesting local welfare hearings. Welfare Human services referees designated pursuant to this section may administer oaths and shall be under the control and supervision of the commissioner of human services and shall not be a part of the office of administrative hearings established pursuant to sections 14.48 to 14.56.

Sec. 2. Minnesota Statutes 1986, section 256.045, subdivision 3, is amended to read:

Subd. 3. **STATE AGENCY HEARINGS.** ~~In counties in which the commissioner of human services has not appointed a local welfare referee, Any person applying for, receiving or having received any of the forms of public assistance described in subdivision 2~~ public assistance or a program of social services

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