

accompanying snowmobile: the person's parent, legal guardian, or other person 18 years of age or older. However, a person 12 years of age or older may operate a snowmobile on public lands and waters under the jurisdiction of the commissioner if the person has in immediate possession a valid snowmobile safety certificate issued by the commissioner.

It is unlawful for the owner of a snowmobile to permit the snowmobile to be operated contrary to the provisions of this section.

When the judge of a juvenile court, or any of its duly authorized agents, shall determine that any person, while less than 18 years of age, has violated the provisions of sections 84.81 to 84.88, or any other state or local law or ordinance regulating the operation of snowmobiles, the judge, or duly authorized agent, shall immediately report such determination to the commissioner and may recommend the suspension of the person's snowmobile safety certificate. The commissioner is hereby authorized to suspend the certificate, without a hearing.

Approved May 12, 1987

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#### CHAPTER 90—S.F.No. 225

*An act relating to towns; providing for powers of town boards and board members; providing for elections; providing conditions for ownership of town cemetery lots; amending Minnesota Statutes 1986, sections 365.10; 365.27; 365.37; 365.51; 366.01, by adding a subdivision; 367.03; 367.33, subdivisions 1, 4, and 5; and 471.96; repealing Minnesota Statutes 1986, section 365.06.*

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

Section 1. Minnesota Statutes 1986, section 365.10, is amended to read:

**365.10 TOWN MEETINGS, POWERS.**

The electors of each town have power, at their annual town meeting:

(1) to determine the locations of pounds, and number of poundmasters, and to discontinue any such pounds;

(2) to select such town officers as are to be chosen;

(3) to make lawful orders and bylaws as they deem proper for restraining horses, cattle, sheep, swine, and other domestic animals from going at large on the highways, provide for impounding those animals so going at large, and to fix penalties for violations of the orders or bylaws;

(4) to vote money for the repair and construction of roads and bridges, and

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to vote such sums as they deem expedient for other town expenses, including the construction and maintenance of docks and breakwaters;

(5) when they deem it for the interest of the town to direct that a specified amount of the road tax be expended, under the direction of their town board, on the roads of an adjoining town;

(6) to authorize the town board to purchase or build a town hall or other building for the use of the town, and to determine the amount of money to be raised for that purpose; but, if a site for a town hall is once obtained, it shall not be changed for another site, except by vote therefor designating a new site by two-thirds of the votes cast at such election of the legal voters of the town;

(7) to authorize the town board, by vote, to purchase grounds for a town cemetery, and limit the price to be paid, and to vote a tax for the payment thereof;

(8) to authorize the town, either by itself or in conjunction with one or more other towns, to purchase grounds for a public park and to limit the price to be paid therefor, to authorize the town, alone or in conjunction with such other town or towns, to care for, improve, and beautify such parks, and to determine, by ballot, the amount of money to be raised for that purpose, and to vote a tax for the payment thereof;

(9) to vote money to aid in the construction of community halls, to be erected by farm bureaus, farmers clubs, or other like organizations;

(10) to vote a tax to purchase and maintain a public dumping ground;

(11) to authorize the town board, by resolution, to determine whether to open or maintain town roads or town cartways under the jurisdiction of the town board upon which no maintenance or construction has been conducted for 25 years or more. For purposes of this clause the provisions of section 163.16 shall not apply to town roads described in this clause. Nothing in this clause shall be construed to abridge the right of town voters or land owners to petition for the establishment of a cartway as provided in section 164.08;

(12) to authorize the town board to spend money in an amount as determined by the electors for the purpose of commemorating an event of historical significance to the town;

(13) to authorize the town board to provide, by ordinance, for licensing and regulating the presence or keeping of dogs and cats and their running at large within the town;

(14) to authorize the town board to contract with nonprofit organizations for health, social, or recreational services in an amount not to exceed a total of \$5,000 in any year when deemed in the public interest and of benefit to the town;

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(15) to authorize the town board to provide for the collection and disposal of household waste and other refuse, consistent with other law; ~~and~~

(16) to authorize the town board to establish a perpetual care program for the administration and maintenance of any cemetery located in the town. Before establishing a perpetual care program, the town board must make the determination that sufficient funds are available from burial plot sales, gifts, and private assistance to administer and maintain the cemetery. Cemetery administration may include the sale of burial plots and the supervision of burials. The town may accept gifts of money and other assistance from individuals to establish the perpetual care program; and

(17) to grant the town board authority to provide for a specific activity that is within any of the following categories:

- (a) the government and good order of the town,
- (b) the suppression of vice and immorality,
- (c) the prevention of crime,
- (d) the protection of public and private property,
- (e) the benefit of residence, trade, and commerce,
- (f) the promotion of health, safety, order, and convenience, and
- (g) the general welfare.

Authority under clause (17) may be exercised by ordinances that the board deems expedient and that are consistent with the constitution and laws of the United States and this state.

Sec. 2. Minnesota Statutes 1986, section 365.27, is amended to read:

**365.27 SALE AND REVERSION OF LOTS; PROCEEDS.**

Lots of such cemetery may be sold by the town board only for the burial of those permitted by the board and, upon sale, shall be conveyed in like manner as its other real estate. Proceeds of all sales shall be paid into the town treasury, and shall constitute a fund to be used only in maintaining, improving, and ornamenting such cemetery.

If a lot is sold but not used, ownership reverts to the town 40 years after the sale or 40 years after the most recent recording with the county recorder of a notice of the kind described in section 541.023 or another document that relates to the ownership, whichever is latest. The town may take legal action in the same way as any other person to clarify the ownership or assure the marketability of the lot.

Sec. 3. Minnesota Statutes 1986, section 365.37, is amended to read:

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**365.37 CONTRACTS; LET ON BIDS, OFFICERS NOT TO BE INTERESTED.**

Except as provided in sections 471.87 to 471.89, no supervisors, town clerk, or town board shall become a party to, or be directly or indirectly interested in, any contract made or payment voted by the town board and all contracts let on bid shall be let to the lowest responsible bidder after ten days public notice, posted in the three most public places in the town or published for two weeks in a newspaper generally circulated in the town, of the time and place of receiving bids. In cases of special emergency, a contract may be let without the notice being given or sealed bids solicited. A special emergency, for the purposes of this section, is a situation where immediate action must be taken, essential to the health, safety, or welfare of the community. Every contract made and payment voted or made contrary to the provisions of this section shall be void and ~~any such~~ an officer violating the provisions of this section shall be guilty of a misdemeanor and, in addition to the provisions prescribed by law, removed from office.

Sec. 4. Minnesota Statutes 1986, section 365.51, is amended to read:

**365.51 ANNUAL TOWN MEETING; PRECINCTS; POLLING PLACES.**

There shall be an annual town meeting held in each town on the second Tuesday of March at the place designated by the annual town meeting, and if no designation is so made then at the place designated by the town board. The place designated may be located outside the town within five miles of one boundary of the town. In the event of inclement weather the meeting shall be held on another March day designated by the board. The clerk shall give ten days' published notice specifying time and place in a qualified newspaper having general circulation within the town, or by posted notice, as the town board shall direct unless the voters at the annual town meeting direct otherwise. ~~All town officers required by law to be elected shall be chosen thereat, and other business done as is by law required or permitted~~ An annual town election shall be held on the same day as the annual town meeting to elect all town officers required by law to be elected. Other town business shall be conducted at the town meeting as provided by law. The town board may, with respect to an election by ballot at the annual town meeting for the purpose of ~~selecting town officers or~~ determining any matter of town business, provide for the casting of ballots in precincts and at polling places. Precincts and polling places shall be designated by the town board in the manner prescribed by sections 204B.14 and 204B.16.

Sec. 5. Minnesota Statutes 1986, section 366.01, is amended by adding a subdivision to read:

Subd. 11. OPEN MEETING LAW; EXEMPTION. Except for the notice requirements, section 471.705 does not apply to gathering of town board members to perform on-site inspections, if the town has no employees or other staff able to perform the inspections and the town board is acting essentially in a staff capacity.

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Sec. 6. Minnesota Statutes 1986, section 367.03, is amended to read:

**367.03 OFFICERS ELECTED AT ANNUAL MEETING ELECTION; VACANCIES.**

Subdivision 1. **OFFICERS, TERMS.** Except in towns operating under option A, there shall be elected in each town three supervisors as provided in this section. Where a new town has been or may be organized and supervisors have been or may be elected for such town at a town meeting prior to the annual town ~~meeting~~ election, such supervisors shall serve only until the next annual town ~~meeting~~ election at which ~~meeting~~ election three supervisors shall be elected, one for three years, one for two years, and one for one year, so that the term of one shall expire each year. The number of years for which each is elected shall be indicated on the ballot. At all other annual town ~~meetings~~ elections one supervisor shall be elected for three years to fill the place of the one whose term expires at that time. Except in towns operating under either option B or option D, or both, there shall be elected at the annual town ~~meeting~~ election held in even-numbered years one town clerk, and at the annual town ~~meeting~~ election held in odd-numbered years one town treasurer. The clerk and treasurer each shall serve for a term of two years and until their successors are elected and qualified.

Subd. 2. **VACANCIES.** When a vacancy occurs in a town office the town board shall fill the vacancy by appointment. The person appointed shall hold office until the next annual town ~~meeting~~ election, when a successor shall be elected to hold office for the unexpired term. A vacancy in the office of supervisor shall be filled by the remaining supervisors and the town clerk until the next annual town ~~meeting~~ election, when a successor shall be elected to hold for the unexpired term. When, because of a vacancy, more than one supervisor is to be chosen at the same election, candidates for the offices of supervisor shall file for one of the specific terms being filled. Law enforcement vacancies shall be filled by appointment by the town board.

Subd. 3. **CONSTABLES.** The town, by majority vote at its annual town meeting, may decide to authorize the town board to appoint three or less law enforcement officers. The positions may be filled by any combination of (a) peace officers, (b) constables, or (c) deputy constables. The board of supervisors shall notify the board of peace officer standards and training in writing at least 14 days before the first day of employment of a peace officer, constable or deputy constable. In the event no law enforcement official is appointed, the duties of a constable described by law may be delegated to any person so appointed by the board of supervisors setting forth such compensation as the board of supervisors shall deem reasonable.

Sec. 7. Minnesota Statutes 1986, section 367.33, subdivision 1, is amended to read:

Subdivision 1. **ELECTION AT ANNUAL ~~MEETING~~ ELECTION OR SPECIAL ELECTION.** Following the adoption of option A in a town, except a

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town exercising the powers of a statutory city, the town board may call a special town election to be held not less than 30 days nor more than 60 days after the annual town meeting at which the option is adopted, for the purpose of electing two additional members to the board of supervisors. In lieu of calling a special election, the town board may determine to elect the additional two members of the town board at the next annual town ~~meeting~~ election. If the town is exercising the powers of a statutory city pursuant to section 368.01 or pursuant to a special law granting substantially similar powers, the town board shall call a special election to be held not less than 30 days nor more than 60 days after the annual meeting at which option A is adopted for the purpose of electing the two additional supervisors.

Sec. 8. Minnesota Statutes 1986, section 367.33, subdivision 4, is amended to read:

Subd. 4. **TERMS.** If the additional supervisors are elected at a special election, they shall serve only until the next annual town ~~meeting~~ election, at which the additional members shall stand for election, one for a term of two years and one for a term of three years. The candidate receiving the highest number of votes shall be elected for the longer term. If the additional supervisors are elected at an annual ~~meeting~~ election, one shall serve for a term of two years and the other for a term of three years with the candidate receiving the highest number of votes being elected for the longer term.

Sec. 9. Minnesota Statutes 1986, section 367.33, subdivision 5, is amended to read:

Subd. 5. **ABANDONMENT OF OPTION A.** In a town in which option A is abandoned, the terms of incumbent supervisors shall not be affected, but if one or more supervisors are to be elected at the annual town election held on the same day as the annual town meeting at which the option is abandoned, the election of one supervisor, or two if there be more than one elected, shall be considered null. Otherwise the offices of the two incumbent supervisors expiring at the annual ~~meeting town~~ election or ~~meetings~~ elections next following the annual meeting at which the option is abandoned shall not be filled. Thereafter the town board shall be composed of three supervisors unless option A is again adopted in that town.

Sec. 10. Minnesota Statutes 1986, section 471.96, subdivision 1, is amended to read:

Subdivision 1. The governing bodies of cities, ~~and~~ counties, and towns are hereby authorized to appropriate necessary funds to provide membership of their respective municipal corporations or political subdivisions respectively in county, regional, state, and national associations of a civic, educational or governmental nature which have as their purpose the betterment and improvement of municipal governmental operations. Cities ~~and~~, counties, and towns are also authorized to participate through duly designated representatives in the meetings and activities of such associations, and the governing bodies of cities ~~and~~,

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counties, and towns respectively are authorized to appropriate necessary funds to defray the actual and necessary expenses of such representatives in connection therewith. For purposes of this section the governing body of a town is the town board.

Sec. 11. **REPEALER.**

Minnesota Statutes 1986, section 365.06, is repealed.

Approved May 12, 1987

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**CHAPTER 91—S.F.No. 409**

*An act relating to child abuse reporting; requiring mandated reporters to report certain past occurrences of child abuse or neglect; requiring the commissioner to investigate reports of past occurrences of child abuse or neglect in a facility; amending Minnesota Statutes 1986, section 626.556, subdivisions 3, 6, and 10b.*

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

Section 1. Minnesota Statutes 1986, section 626.556, subdivision 3, is amended to read:

Subd. 3. **PERSONS MANDATED TO REPORT.** (a) A professional or the professional's delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, or law enforcement who knows or has reason to believe a child is being neglected or physically or sexually abused, or has been neglected or physically or sexually abused within the preceding three years, shall immediately report the information to the local welfare agency, police department or the county sheriff. The police department or the county sheriff, upon receiving a report, shall immediately notify the local welfare agency orally and in writing. The local welfare agency, upon receiving a report, shall immediately notify the local police department or the county sheriff orally and in writing. The county sheriff and the head of every local welfare agency and police department shall each designate a person within their agency, department, or office who is responsible for ensuring that the notification duties of this paragraph and paragraph (b) are carried out. Nothing in this subdivision shall be construed to require more than one report from any institution, facility, school or agency.

(b) Any person may voluntarily report to the local welfare agency, police department or the county sheriff if the person knows, has reason to believe, or suspects a child is being or has been neglected or subjected to physical or sexual abuse. The police department or the county sheriff, upon receiving a report, shall immediately notify the local welfare agency orally and in writing. The local welfare agency, upon receiving a report, shall immediately notify the local police department or the county sheriff orally and in writing.

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