

lor's or higher degree, or provides a program which is acceptable for credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and

(d) Is a public or other nonprofit institution.

(e) Notwithstanding any of the foregoing provisions of this clause, all colleges and universities in this state are institutions of higher education for purposes of this section.

(16) "Hospital" means an institution which has been licensed, certified or approved by the department of health as a hospital.

Sec. 2. Minnesota Statutes 1974, Section 268.04, is amended by adding a subdivision to read:

Subd. 31. "Family farm corporation" has the meaning given to it in section 500.24, subdivision 1.

Sec. 3. This act is effective retroactively to January 1, 1976.

Approved March 11, 1976.

CHAPTER 44—S.F.No.375

[Coded in Part]

An act relating to city and town government; excluding statutory cities from the application of certain city laws; modifying the application of other laws to conform to the present classification of cities; amending various statutes to reflect the conversion of villages and boroughs to statutory cities; repealing various obsolete provisions of municipal laws; amending Minnesota Statutes 1974, Sections 144.154; 145.01; 205.07, Subdivision 1; 205.10; 205.11; 205.13; 205.14, Subdivision 3; 205.15; 205.16; 205.17, Subdivisions 1 and 3; 205.20, Subdivisions 1 and 4; 329.09; 340.20; 366.10; 410.05, Subdivision 1; 412.02, Subdivision 5; 412.022, Subdivision 1; 412.023, Subdivision 5; 412.131; 412.171; 412.191, Subdivision 1; 412.311; 412.571, Subdivisions 1, 4 and 5; 413.02, Subdivisions 1 and 2; 414.09, Subdivision 3; 415.11, Subdivision 1; 427.09; 427.10; 427.11; 427.12; 429.111; 437.02; 440.11; 440.135, Subdivision 1; 446.04, Subdivision 1; 447.05; 451.06; 451.09; 452.01, Subdivision 1; 455.01; 455.05; 455.13; 455.23; 455.26; 455.27; 455.28; 455.29; 455.30; 455.32; 456.32; 457.13; 458.09, Subdivision 1; 458.20; 458.25; 458.46; 463.04; 465.26; 465.70; 465.71; 471.38, Subdivision 1; 471.69; Chapters 205, by adding a section; 410, by adding a section; and repealing Minnesota Statutes 1974, Sections 118.05; 129.13; 145.02; 197.64; 205.05; 205.06; 205.07, Subdivision 2; 205.08; 205.09; 205.091; 205.12; 274.013; 275.24; 275.36; 368.12; 368.50 to 368.84; 412.017; 412.022, Subdivisions 2 and 3; 412.191, Subdivision 5; 412.841; 415.031 to 415.07; 416.03; 416.04; 416.08 to 416.15; 418.13 to 418.15; 423.21; 426.09; 426.10; 426.15 to 426.18; 435.05; 435.41; 435.46; 436.02; 436.04; 437.01; 438.03; 438.04; 438.07; 440.12; 440.16 to 440.32; 440.39;

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441.10 to 441.20; 441.265 to 441.46; 443.14 to 443.17; 443.20 to 443.25; 444.15; 446.03; 447.08; 447.09; 447.23; 448.04 to 448.16; 448.26 to 448.49; 449.04; 449.05; 449.07; 450.06 to 450.08; 452.01, Subdivision 2; 452.02 to 452.07; 452.18 to 452.20; 453.01 to 453.14; 454.01 to 454.045; 455.02 to 455.04; 455.06 to 455.11; 455.15 to 455.22; 456.01 to 456.15; 456.23; 457.02; 457.12; 458.26 to 458.31; 458.47 to 458.49; 459.08 to 459.13; 461.01; 461.07 to 461.11; 463.05; 465.06 to 465.08; 465.51; 465.52; 465.57; 465.59 to 465.63; 471.01 to 471.04; 471.05 to 471.14; 471.48; 645.44, Subdivision 3a; Chapter 460, as it appears in Minnesota Statutes 1945; Laws 1895, Chapter 239; Laws 1897, Chapter 85; Laws 1901, Chapter 379; Laws 1907, Chapter 22; Laws 1911, Chapter 53; Laws 1913, Chapters 7 and 47; Laws 1915, Chapters 125 and 230, Sections 2 and 3; Laws 1917, Chapter 190; Laws 1919, Chapter 424; Laws 1921, Chapter 30; Extra Session Laws 1935, Chapter 8; Laws 1937, Chapter 198; Laws 1941, Chapter 266, as amended; Laws 1947, Chapter 470 and Laws 1953, Chapter 697.

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

Section 1. **MUNICIPALITIES; REVISION AND CONSOLIDATION OF LAW; PURPOSE.** It is the purpose of this act to revise the municipal laws of the state as an outgrowth of the adoption of Laws 1973, Chapter 123, as amended by Laws 1974, Chapter 337, converting all villages, boroughs, and cities operating under general and special laws into statutory cities operating under Minnesota Statutes, Chapter 412. In so doing it is the intention of the legislature to determine by this act which laws formerly applicable to all cities or all cities of a particular class should be extended to former villages; to apply to first class cities laws adopted for such cities using a classification criterion that has become obsolete; to make certain laws uniform for both statutory cities and home rule charter cities; to eliminate inconsistencies; to update certain provisions; to simplify language; and to repeal numerous laws, all as part of a continuing effort to revise and consolidate the municipal laws so as to provide a coherent, uniform, workable code for the municipal corporations of the state.

Sec. 2. Minnesota Statutes 1974, Section 144.154, is amended to read:

144.154 **PRIMARY REGISTRATION DISTRICTS, CITIES, COUNTIES.** For the purposes of sections 144.151 to 144.204, each home rule charter city which by ordinance elects to maintain local registration of vital statistics and each county shall constitute a primary registration district. The state registrar may establish registration districts on United States government reservations and appoint local registrars for them.

Sec. 3. Minnesota Statutes 1974, Section 145.01, is amended to read:

145.01 **LOCAL HEALTH BOARDS; HEALTH OFFICERS.** Every town board shall be a board of health within and for the town and

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have jurisdiction over every statutory city within its boundaries wherein no organized board of health exists. Every statutory city not within the boundaries of a town shall, and every other statutory city may ; and every city shall, provide by ordinance for the establishment of a board of health therefor. Every home rule charter city shall by charter or ordinance establish a board of health which shall be composed as provided in this section unless otherwise provided by charter. In the absence of ~~such~~ provision for a board of health in any home rule charter city, or in any statutory city not within the boundaries of a town, the state board of health, hereinafter called the state board, may appoint three or more persons to act as such until a local board is established and organized and may fix their compensation, which the city shall pay. Two members of each county board, chosen by it yearly at its annual meeting, and one resident physician elected at the same time, shall constitute the county board of health, with jurisdiction over all unorganized towns therein, and with such other powers and duties in reference to the public health as the state board shall, by its published regulations, prescribe. All local health boards of each county shall cooperate so far as practicable and the state board by written order may require any two or more local boards to act together for the prevention or suppression of epidemic diseases. At least one member of every local board shall be a physician, who shall be the local health officer and executive of the board except that a home rule charter city may provide by charter that the council shall be the board of health, but in that case it shall appoint a health officer who is a physician . If no member of a town board is a physician, it shall appoint a health officer for the town. The compensation of all local health officers shall be prescribed by the body appointing him or to which he belongs and the same, together with his necessary expenses, shall be paid by the county or municipality in which he serves.

Sec. 4. Minnesota Statutes 1974, Chapter 205, is amended by adding a section to read:

[205.021] CITY ELECTIONS; STATUTES APPLICABLE. In all statutory and home rule charter cities, the regular, primary, and special elections held for choosing public officials for the city and deciding public questions relating to the city shall be held as provided in sections 205.01 to 205.17; except that sections 205.01 to 205.15 are not applicable to any city the charter of which provides for the manner of holding its regular, primary, or special municipal elections. Sections 205.01 to 205.17 shall also apply to towns to the extent specified in those sections.

Sec. 5. Minnesota Statutes 1974, Section 205.07, Subdivision 1, is amended to read:

205.07 CITY ELECTION. Subdivision 1. **DATE.** The regular city election in each statutory city shall be held biennially on the first Tuesday after the first Monday in November in every even-numbered year; except that the governing body of any statutory city may, by ordinance

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passed at a regular meeting held before September 1 of any year, elect to hold the election on the first Tuesday after the first Monday in November in each odd-numbered year. Any city which is a village on January 1, 1974 and has before that date provided for a system of biennial elections in the odd-numbered year shall continue to hold its elections in that year until changed in accordance with this section. When a city changes its elections from one year to another, and does not provide otherwise by ordinance, the term of any incumbent expiring at a time when no city election is held in the months immediately prior thereto is extended until the date for taking office following the next scheduled city election. If such change results in having three councilmen to be elected at a succeeding election, the two persons receiving the highest vote shall serve for terms of four years and the person receiving the third highest number of votes shall serve for a term of two years. To the extent necessary to provide for an orderly transition to the odd or even year election plan, the council may adopt supplementary ordinances regulating initial elections, officers to be chosen at such elections, and shortening or lengthening the terms of incumbents and those so elected so as to conform as soon as possible to the regular schedule provided in section 412.02, subdivision 1. Whenever the time for holding the city election is changed, the city clerk immediately shall notify in writing the county auditor and secretary of state of the change of date; and thereafter the regular city election shall be held on the first Tuesday after the first Monday in November in each odd-numbered or even-numbered year until the ordinance is revoked and similar notification is made.

Sec. 6. Minnesota Statutes 1974, Section 205.10, is amended to read:

205.10 SPECIAL CITY ELECTIONS. ~~The council of any city, however organized, may, by ordinance or resolution, elect to hold special elections for any purpose, and when held they~~ Special elections may be held in any statutory or home rule charter city on any question on which the voters are authorized by law or charter to pass judgment. A special election may be ordered by the city council on its own motion or, on a question that has not been submitted to the voters in an election within six months previously, upon a petition signed by a number of voters equal to 20 percent of the votes cast at the last regular city election. No question so submitted shall be deemed carried without such a majority in its favor as may be required by law or charter in the particular instance. The election officials for any special election shall be the same as for the last preceding regular city election unless changed according to law. Otherwise special elections shall be conducted and the returns made in the manner provided for the regular municipal election; except that. This section is not applicable to any city the charter of which specifically prohibits or ~~limits~~ regulates the holding of special elections.

Sec. 7. Minnesota Statutes 1974, Section 205.11, is amended to read:

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205.11 PRIMARY ELECTIONS, SECOND, THIRD, AND FOURTH CLASS CITIES AND CERTAIN TOWNS. Subdivision 1. RESOLUTION OR ORDINANCE. The council of any city of the second, third, or fourth class, however organized, or any town containing a statutory city may, by ordinance or resolution adopted at least six weeks before the time of holding the next regular municipal election, elect to choose nominees for city municipal offices by a primary election system as provided in this section, except that this section is not applicable to any city the charter of which specifically prohibits or provides for a city primary election. The resolution or ordinance, when adopted, shall be effective for all ensuing municipal elections until revoked.

Subd. 2. CITY AND TOWN PRIMARY ELECTION DATE; NOTICE. The city-municipal primary election shall be held two weeks before the regular municipal election or at such other time as may be designated by the council in the ordinance or resolution adopting the city-municipal primary election system. The clerk shall give notice of the primary election in the manner provided for notice of the regular municipal election.

Subd. 3. CITY OR TOWN PRIMARY ELECTION, CANDIDATES, FILING. Not more than six nor less than four weeks before the primary election any person eligible and desiring to have his name placed on the primary election ballot as a candidate for office shall file his affidavit of candidacy with the city clerk. The affidavit shall be substantially the same form as required of candidates for state offices. Upon payment of the proper filing fee to the clerk, The clerk shall place the name of the candidate upon the primary election ballot without partisan designation the names of persons whose candidacies have been filed and the proper filing fee paid . When not more than twice the number of persons to be elected to a city-municipal office file for the nomination thereof, their names may not be placed upon the primary ballot, and their names shall be placed on the regular municipal election ballot as the nominees for that office. Blank spaces may not be provided on the ballot for writing in the names of candidates.

Subd. 4. PRIMARY ELECTION RESULTS. The city municipal primary election shall be conducted and the returns made in the manner provided for the state primary election so far as practicable. Within two days after the election, the council of the municipality shall canvass the returns of the city-municipal primary election, and the two candidates for each office who receive the highest number of votes, or a number of candidates equal to twice the number of persons to be elected to the office, who receive the highest number of votes, shall be the nominees for the office named; and their names shall be certified to the city municipal clerk who shall place them on the regular municipal election ballot without partisan designation and without payment of an additional fee.

Subd. 5. VACANCY IN NOMINATION. When a vacancy occurs in a nomination made at a city-municipal primary election, the vacancy Changes or additions indicated by underlining deletions by strikethrough

shall be filled in the manner provided for filling vacancies after the state primary election.

Sec. 8. Minnesota Statutes 1974, Section 205.13, is amended to read:

205.13 CITY ELECTION, CANDIDATES, FILING. ~~Unless a city holds a primary election for nominating candidates for the municipal election, Not more than six nor less than four weeks before the primary election, or before the municipal election if there is no primary election, any person eligible and desiring to have his name placed on the official ballot as a candidate for an office to be voted for at the election shall file his affidavit of candidacy with the city-municipal clerk. The affidavit shall be substantially the same form as required of candidates for state offices. An application also may be signed by not less than five voters and filed on behalf of any qualified voter in the municipality whom they desire to be a candidate if service of a copy of the application is made on the candidate and proof of service is endorsed on the application before filing.~~ Upon payment of the proper filing fee to the clerk, the clerk shall place the name of the candidate on the official ballot without partisan designation. ~~Unless a candidate has filed an affidavit of candidacy and paid a filing fee, his name may not be placed upon the official ballot for the municipal election.~~

Sec. 9. Minnesota Statutes 1974, Section 205.14, Subdivision 3, is amended to read:

Subd. 3. CANVASS OF RETURNS, CERTIFICATE OF ELECTION, BALLOTS, DISPOSITION. ~~Within two days after the election, the council shall canvass the returns and declare the results of the election. After the time for contesting elections has passed, the city-municipal clerk shall issue a certificate of election to the each successful candidate who receives the highest number of votes for each office, but in case of a contest, the certificate shall not be issued until the contest has been determined by the proper court.~~ In case of a tie vote, the council shall determine the result by lot. ~~The clerk shall certify the results of the election to the county auditor, and the city clerk shall be the final custodian of the ballots and the returns of the election.~~

Sec. 10. Minnesota Statutes 1974, Section 205.15, is amended to read:

205.15 CITY ELECTIONS, FILING FEES. Unless the charter of a city provides the amount of the fee to be paid upon filing an application or affidavit of candidacy for city office, the filing fee for city-municipal offices shall be as follows:

- (a) In first class cities, the sum of \$20;
- (b) In second and third class cities, the sum of \$5; and

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(c) In fourth class cities and towns , the sum of \$2.

Sec. 11. Minnesota Statutes 1974, Section 205.16, is amended to read:

205.16 CITY ELECTIONS, NOTICE. Subdivision 1. **PUBLICATION AND POSTING.** In ~~all cities, however organized,~~ every statutory city and every home rule charter city, the charter of which does not provide the manner in which notice of an election is given for every election held within the city for municipal purposes, the city clerk shall, except as hereinafter provided, cause two weeks' published notice, and may also cause ten days' posted notice, of the election, stating the time and place thereof, the location of each polling place, the offices to be filled, and all propositions or questions to be voted upon at the election. In any city of the fourth class, the council may dispense with publication of the notice of the regular city election, in which case, ten days' posted notice shall be given. The city clerk shall also post a copy of the notice in his office for public inspection ; ~~except that this subdivision is not applicable to any city the charter of which provides the manner in which notice of an election is given .~~

Subd. 2. **SAMPLE BALLOT, NOTICE.** In all statutory and home rule charter cities, ~~however organized,~~ for every election held within the city for municipal purposes, the city clerk shall, at least one week before the election, publish a sample ballot in the official newspaper of the city ~~and,~~ except that the council of any fourth class city may dispense with publication. At least four days before the election the clerk shall post a sample ballot in his office for public inspection ; and a sample ballot shall also be posted in each polling place .

Sec. 12. Minnesota Statutes 1974, Section 205.17, Subdivision 1, is amended to read:

205.17 CITY OR TOWN ELECTION, BALLOTS, FORM. Subdivision 1. In all statutory and home rule charter cities of the second, third and fourth class, ~~however organized and in all towns~~ , for the regular municipal election, the ~~city-municipal~~ clerk shall prepare and cause to be printed ~~in blocks of 50~~ on light green paper the official ballot upon which the names of all candidates for ~~city-municipal~~ offices shall be printed. The ballot shall be printed in blocks of 50 insofar as practicable, shall be headed "City or Town Election Ballot," and shall state the name of the city or town , the date of the election, and otherwise shall conform to the white ballot used at the general election. ~~Unless the charter or law under which the city is organized specifically prohibits the rotation of names of candidates on the ballot or unless the council provides otherwise by resolution,~~ The names shall be arranged thereon on city ballots in the manner provided for the state elections. On town ballots names of the candidates for each office shall be arranged alphabetically according to the surname of each candidate.

Sec. 13. Minnesota Statutes 1974, Section 205.17, Subdivision 3, is
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amended to read:

Subd. 3. The ~~city-municipal~~ primary election ballot of cities of the second, third and fourth class and towns shall conform as far as practicable with the regular municipal election ballot except that it shall be printed on white paper, and blank spaces may not be provided for writing in the names of candidates.

Sec. 14. Minnesota Statutes 1974, Section 205.20, Subdivision 1, is amended to read:

205.20 UNIFORM MUNICIPAL ELECTION DAY. Subdivision 1. **DEFINITION.** For the purposes of this section, the term municipality means a home rule charter city ; ~~however organized~~ .

Sec. 15. Minnesota Statutes 1974, Section 205.20, Subdivision 4, is amended to read:

Subd. 4. **MODIFICATION OF TERMS OF OFFICE.** If the uniform municipal election day is adopted, the terms of all incumbents at the time of adoption of the ordinance holding offices filled by municipal election whose terms end at a different date are hereby extended to the first business day in January of the even numbered year first following the date the term would otherwise expire, unless this extension would be longer than 13 months. If the extension would be longer than 13 months, the terms of such incumbents are hereby shortened so as to end on the first business day in January of the even numbered year first preceding the date the term would otherwise expire.

Notwithstanding any provision of law or municipal charter to the contrary, the governing body of a municipality adopting the uniform municipal election day shall in the adopting ordinance designate a new term for each office to be filled where the term for such office at the time of the ordinance is an odd number of years. Such new terms shall be an even number of years and for no more than one year longer than the term in effect at the time of the adoption of the ordinance. At the time of any election, the governing body may also provide that one or more members of any multi-member body shall be elected for a shorter term than is otherwise provided, if and in the manner necessary to achieve staggered terms on such multi-member bodies so that, to the extent mathematically possible, the same number of members is thereafter chosen at each election, exclusive of those chosen to fill vacancies for unexpired terms. ~~If a statutory city adopts the uniform municipal election day, it may in the adopting resolution provide that the terms of the mayor and council members are thereafter four years.~~

Sec. 16. Minnesota Statutes 1974, Section 329.09, is amended to read:

329.09 CITIES OVER 50,000. Any person ~~now or hereafter~~ licensed by any city ~~now or hereafter~~ having ~~over 50,000~~ inhabitants to

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~~engage or follow the business or occupation of the first class as a hawker or peddler therein shall have the right and be entitled to~~may engage in ~~and follow that business or occupation within the limits of such city without paying any additional license therefor, and without obtaining any other or additional license therefor, notwithstanding any law of this state to the contrary.~~

Sec. 17. Minnesota Statutes 1974, Section 340.20, is amended to read:

340.20 LOCAL OPTION ELECTIONS; PETITION. The recorder or clerk of any statutory city or any home rule charter city of the fourth class shall, upon the petition of a number of legal voters of the ~~statutory city of the fourth class~~ equal to 30 percent of the persons voting at the last election in such ~~statutory city of the fourth class~~ or 200 legal voters of the ~~statutory city of the fourth class~~ whichever is the lesser number, filed with him at least 15 days before the regular election thereof, give notice at the same time and in the same manner as the notice of such election that the question of granting license in such ~~statutory city of the fourth class~~ for the sale of intoxicating liquor 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 license" or "against license," which ballot shall be deposited in a separate ballot box to be provided in each voting precinct and the result of such voting shall be duly canvassed, certified and returned in the same manner and at the same time as the other facts and returns of the election.

Sec. 18. Minnesota Statutes 1974, Section 366.10, is amended to read:

366.10 ZONING REGULATIONS. The board of supervisors of any town ~~in this state located within a county having a population of more than 450,000 and an assessed valuation, exclusive of money and credits, of over \$280,000,000, and the board of supervisors in any town of this state~~ bordering on any city of the first, second, third, ~~or~~ fourth class, other than a statutory city which was a village on December 31, 1973, or located within a county bordering on any county containing any city of the first, second, or third class, ~~is hereby authorized and empowered to~~may submit to the legal voters of the town for their approval or rejection at any annual ~~town meeting~~ or at any special town meeting ~~called for that purpose~~, the question as to whether or not such board shall adopt building and zoning regulations and restrictions in the town. The board of supervisors in any town of ~~this state~~ which has within its borders a hospital established in accordance with Laws 1955, Chapter 227, ~~is hereby authorized and empowered to~~may submit to the legal voters of the town for their approval or rejection at any annual ~~town meeting~~ or at any special town meeting ~~called for that purpose~~, the question as to whether or not such board shall adopt building and zoning regulations and restrictions in the town regulating the type of buildings that may be built or occupations carried on

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within a radius of one-half mile ~~to~~ of such hospital.

Sec. 19. Minnesota Statutes 1974, Chapter 410, is amended by adding a section to read:

[410.015] DEFINITIONS RELATING TO CITIES. The term "statutory city" means any city which has not adopted a home rule charter pursuant to the constitution and laws; the words "home rule charter city" mean any city which has adopted such a charter. In any law adopted after July 1, 1975, the word "city" when used without further description extending the application of the term to home rule charter cities means statutory cities only.

Sec. 20. Minnesota Statutes 1974, Section 410.05, Subdivision 1, is amended to read:

410.05 CHARTER COMMISSION. Subdivision 1. **APPOINTMENT.** When the district court of the judicial district in which a city is situated, deems it for the best interest of the ~~municipality~~ city so to do, the court, acting through its chief judge, may appoint a charter commission to frame and amend a charter. Upon presentation of a petition requesting such action, signed by at least ten percent of the number of voters of the city, as shown by the returns of the last regular city election, or upon resolution of the governing body of the city requesting such action, the court shall appoint a charter commission. The commission shall be composed of not less than seven nor more than 15 members, each of whom shall be a qualified voter of the city. The size of the commission shall be determined within the above limits by the court, except that where the commission is appointed pursuant to a petition of the voters or resolution of the governing body of the city, the size of the commission shall be as specified in such petition or resolution. Any city ~~having a home rule charter may amend such by charter to~~ provision fix the size of the charter commission at a figure which shall not be less than seven nor more than 15 members, and ~~until such amendment is repealed,~~ such charter provision shall prevail over any inconsistent provisions of this subdivision. Upon presentation of a petition requesting such action, signed by at least ten percent of the number of voters of the municipality, as shown by the returns of the last annual municipal election, or upon resolution of the governing body of the city requesting such action, the court shall appoint a charter commission. No person shall be disqualified from serving on a charter commission by reason of his holding any other elective or appointive office other than judicial.

Sec. 21. Minnesota Statutes 1974, Section 412.02, Subdivision 5, is amended to read:

Subd. 5. In ~~cities without a municipal court~~ any statutory city in which the office of justice of the peace exists, the council may by ordinance adopted at least 60 days before the next regular city election abolish ~~one or both of the offices~~ office of justice of the peace. The or-

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ordinance shall be effective upon the expiration of the term of the incumbent justice of the peace ~~whose office has been abolished~~ or when an earlier vacancy occurs. The office of justice of the peace so abolished may be re-established by ordinance.

Sec. 22. Minnesota Statutes 1974, Section 412.022, Subdivision 1, is amended to read:

412.022 **BIENNIAL ELECTIONS.** Subdivision 1. **PROCEDURE.** The council may, by ordinance, establish a four-year ~~term~~ term or reestablish a two year term for the ~~offices~~ office of mayor ; clerk; ~~treasurer, or clerk-treasurer, and councilman and provide for holding regular city 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 elections thereafter, applying to the first ensuing election to which it can apply by its terms; except that it~~ commencing with the ensuing term, except that in a standard plan city which establishes a four year term for mayor, the first mayor to serve a four year term shall be elected at the first election when the clerk is not to be elected. In any case the ordinance shall not apply to the election ~~and affect the term of the mayor elected in the year in which it is adopted unless it is approved by the voters~~ adopted at least four weeks before the closing date for the filing of affidavits of candidacy for such election.

Sec. 23. Minnesota Statutes 1974, Section 412.023, Subdivision 5, is amended to read:

Subd. 5. **OTHER OFFICERS.** Any statutory city previously operating as a city or borough under a general or special law which did not require the election of a justice of the peace ~~or constable~~ or in which such ~~officers~~ office did not exist, is not required by Laws 1973, Chapter 123 to ~~appoint~~ elect such ~~officers~~ officer . Any such city which has established the office of city administrator by ordinance may continue such office in existence notwithstanding the provisions of Laws 1973, Chapter 123.

Sec. 24. Minnesota Statutes 1974, Section 412.131, is amended to read:

412.131 **ASSESSOR; DUTIES, COMPENSATION.** ~~The~~ If there is a city assessor he shall assess and return as provided by law all property taxable within the city, if a separate assessment district, and the assessor of the town within which the city lies shall not include in his return any property taxable in the city. Any assessor may appoint a deputy assessor as provided in Section 273.06. The assessor may be compensated on a full-time or part-time basis at the option of the council but his compensation shall be not less than \$100 in any one year, if fixed on an annual basis, or not more than \$20 per day, if fixed on a per diem basis. If his compensation is not fixed by the council the assessor

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shall be entitled to compensation at the rate of \$20 per day for each days service necessarily rendered, and mileage at the rate of ~~seven and one half cents per mile~~ paid other city officers for each mile necessarily traveled in going to and returning from the county seat of the county to attend any meeting of the assessors of the county legally called by the county auditor, and also for each mile necessarily traveled in making his return of assessment to the proper county officer and in attending sectional meetings called by the county assessor, except when mileage is paid by the county. In addition to other compensation, the council may allow the assessor ~~seven and one half cents~~ mileage at the same rate per mile as paid other city officers for each mile necessarily traveled in his assessment work.

Sec. 25. Minnesota Statutes 1974, Section 412.171, is amended to read:

412.171 DUTIES OF JUSTICES OF THE PEACE. ~~Statutory~~ city justices of the peace shall possess all the powers of ~~town-granted~~ justices of the peace by section 487.35 and other laws and shall be governed by the same laws as town justices except that their official bonds shall run to the city and shall be approved by the council. ~~They may hear and determine accusations made against persons for~~ In cases involving the violation of any ordinance of the city and upon conviction may impose the penalties prescribed ~~they shall have the powers prescribed by section 487.35, subdivision 2~~ . Whenever a city is situated in more than one county, ~~each~~ the justice may exercise his authority and shall file his bond or a duplicate thereof in both counties.

Sec. 26. Minnesota Statutes 1974, Section 412.191, Subdivision 1, is amended to read:

412.191 MEMBERS; POWERS, DUTIES. Subdivision 1. **COMPOSITION OF CITY COUNCIL.** The city council in a standard plan city shall consist of the mayor, the clerk, and the three councilmen. In optional plan cities, except those cities having a larger council under section 412.023, subdivision 4, the council shall consist of the mayor and the four councilmen. ~~Three~~ A majority of all the members shall constitute a quorum although a smaller number may adjourn from time to time.

Sec. 27. Minnesota Statutes 1974, Section 412.311, is amended to read:

412.311 CONTRACTS. Except as provided in sections 471.87 to 471.89, no member of a council shall be directly or indirectly interested in any contract made by the council. ~~Every~~ Whenever the amount of a contract for the purchase of merchandise, materials or equipment or for any kind of construction work undertaken by the city which requires an expenditure of \$2000 or more, except a contract for a local improvement made under section 429.041 or any other law having an inconsistent provision relating to contracts for local improvements, ~~is~~

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estimated to exceed \$5,000, the contract shall be let to the lowest responsible bidder, after notice has been published once in the official newspaper at least ten days in advance of the last day for the submission of bids. If the amount of the contract exceeds \$1,000, it shall be entered into only after compliance with section 471.345.

Sec. 28. Minnesota Statutes 1974, Section 412.571, Subdivision 1, is amended to read:

412.571 CONTINUANCE IN OFFICE; ELECTIONS. Subdivision 1. **COMPOSITION OF COUNCIL.** When an optional plan is first adopted in any statutory city in which the standard plan of statutory city government is then in operation, the council shall continue as then constituted until the expiration of the term of the incumbent clerk. At the city election preceding expiration of the term of the incumbent clerk, ~~and at the election every third year thereafter, two councilmen one councilman shall be elected and at intervening elections, one councilman shall be elected; each for a three-year term in addition to the councilman or councilmen who would otherwise be chosen at the election.~~ If one other councilman is chosen at the election, the term of the additional councilman chosen at the election shall be four years, but if two other councilmen are chosen at the election, the initial term of the additional councilman chosen at the election shall be two years. At each regular election thereafter, two councilmen shall be elected for four year terms. If the optional plan is adopted at the ~~annual~~-regular city 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 councilman unless he is appointed clerk under the optional plan, in which case the unfilled office of councilman shall be considered vacant.

Sec. 29. Minnesota Statutes 1974, Section 412.571, Subdivision 4, is amended to read:

Subd. 4. ABANDONMENT; INCUMBENT COUNCILMEN CONTINUE. When any optional plan is abandoned and the standard form of city government is resumed, terms of then incumbent councilmen 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 councilmen ~~expire following the next regular city election~~, the clerk shall not serve as a member of the council. At the city election preceding that date only one councilman shall be elected. ~~If the optional plan is abandoned at an annual election, the offices that would be filled at that election only in standard plan cities 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. 30. Minnesota Statutes 1974, Section 412.571, Subdivision 5, is amended to read:

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Subd. 5. **ABANDONMENT; CLERK AND TREASURER TRANSITION.** When any optional plan is abandoned and the standard form of city government is resumed, the term office of the incumbent clerk, or clerk-treasurer shall continue remain appointive until the first business day of January in following the next odd-numbered year-regular city election and the term office of the incumbent treasurer, if any there is no clerk-treasurer, shall continue remain appointive until the first business day of January in the next even-numbered year following the first subsequent city election at which the clerk is not elected; and their successors the successor to the incumbent clerk, clerk-treasurer, and treasurer shall be chosen at the annual regular city election immediately preceding the January in which the office becomes elective.

Sec. 31. Minnesota Statutes 1974, Section 414.09, Subdivision 3, is amended to read:

Subd. 3. **ELECTIONS OF MUNICIPAL OFFICERS.** An order approving an incorporation or consolidation pursuant to sections 414.02, 414.021, or 414.041 shall set a date for this election of new municipal officers not less than 45 days nor more than 60 days after the issuance of such order. The commission shall appoint an acting clerk for election purposes, at least three election judges who shall be residents of the new municipality, and shall designate polling places within the new municipality.

The acting clerk shall prepare the official election ballot. Affidavits of candidacy may be filed by any person eligible to hold municipal office not more than four weeks nor less than two weeks before the date designated by the commission for the election. At least one week before the first day to file such affidavits the acting clerk shall publish a notice in a newspaper qualified as a medium of official publication and of general circulation within the new municipality stating the first and last dates on which such affidavits may be filed, the location of the clerk's office, the clerk's office hours, and the amount of the filing fee.

The acting clerk shall publish a notice of election in a newspaper qualified as a medium of official publication and of general circulation within the new municipality for two successive weeks immediately prior to the date designated by the commission for the election. The election notice shall state the purpose, date, and polling places for the election, and shall state the time the polls shall be open, which time shall be at least five hours.

If the new municipality is a statutory city, the election shall be conducted in conformity with the requirements of the laws for conducting a statutory city election in so far as applicable. If the new municipality is a home rule charter city, the election shall be conducted in conformity with the charter and the laws for conducting city elections in so far as applicable. Any person eligible to vote at a township or municipal election within the area of the new municipality, is eligible to vote at such election.

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Any excess in the expense of conducting the election over receipts from filing fees shall be a charge against the new municipality; any excess of receipts shall be deposited in the treasury of the new municipality.

Sec. 32. Minnesota Statutes 1974, Section 413.02, Subdivision 1, is amended to read:

413.02 CHANGE OF NAME. Subdivision 1. **STATUTORY CITY; PROCEDURE.** When 20 percent of the legal voters of a any statutory or home rule charter city shall petition the governing body thereof for a change of its name, the question of such change of name may be submitted to the voters of the ~~municipality-city~~ at any general or special election; and, if a majority of all the votes cast upon the question are in favor of such change, the governing body of the ~~municipality~~ may by ordinance ; ~~by a four-fifths vote of all members thereof,~~ change the name of the ~~municipality city~~ .

Sec. 33. Minnesota Statutes 1974, Section 413.02, Subdivision 2, is amended to read:

Subd. 2. **FILING EFFECT.** Upon the filing of a certified copy of the ordinance with the auditor of the county in which the city is located and with the state auditor and the secretary of state, the name of ~~such-the~~ city shall be changed as in ~~such-the~~ ordinance provided. ~~Such-~~The change in name shall in no way affect any liability, obligation, power, duty, law, or ordinance, or other matter or thing in any way relating to ~~such-the~~ city, excepting that the new name of ~~such-the~~ city shall thereafter be substituted for and used in the place of its old name.

Sec. 34. Minnesota Statutes 1974, Section 415.11, Subdivision 1, is amended to read:

415.11 CITIES OF SECOND, THIRD AND FOURTH CLASS, SALARIES OF GOVERNING BODY. Subdivision 1. Notwithstanding the provisions of any general or special law, charter, or ordinance, the governing body of any statutory or home rule charter city of the second, third or fourth class may by ordinance fix their own salaries as members of such governing body, and the salary of the chief elected executive officer of such city, in such amount as they deem reasonable.

Sec. 35. Minnesota Statutes 1974, Section 427.09, is amended to read:

427.09 FAILURE TO DESIGNATE DEPOSITORY. If the council of any statutory city or-home rule charter city of the fourth class or any statutory city shall refuse or fail to act, as provided in section 427.01, within 30 days after the beginning of the fiscal year the treasurer shall select one or more depositories, not exceeding four in number, for the safe-keeping of city funds and deposit such funds therein, in the name

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of the city, to the extent of ~~not more than \$10,000~~ authorized by sections 118.10 and 118.17 in each depository so selected without requiring security therefor ; ~~providing that such bank is insured by the federal deposit insurance corporation .~~

Sec. 36. Minnesota Statutes 1974, Section 427.10, is amended to read:

427.10 TREASURER NOT LIABLE, WHEN. The ~~statutory~~ city treasurer, in the absence of negligence, shall not be liable for the loss of moneys while so deposited within the limits above specified occasioned by the closing or insolvency of a designated depository.

Sec. 37. Minnesota Statutes 1974, Section 427.11, is amended to read:

427.11 INTEREST ON FUNDS. All interest received on funds deposited under the provisions of sections 427.09 and 427.10 shall be credited to the respective ~~statutory~~ city funds.

Sec. 38. Minnesota Statutes 1974, Section 427.12, is amended to read:

427.12 WARRANT AS CHECK ON CITY DEPOSITORY. When a disbursement is made by order or warrant in any home rule charter city of the second, third, or fourth class, ~~however organized~~, the order or warrant for the disbursement shall be so drawn that when signed in an appropriate place by the treasurer or other officer to whom it is directed, it becomes a check on the city depository.

Sec. 39. Minnesota Statutes 1974, Section 429.111, is amended to read:

429.111 CHARTER PROVISIONS; EFFECT. Any city of the ~~second class operating under special legislative charter and any municipality~~ operating under a home rule charter may proceed either under this chapter or under its charter in making an improvement unless a home rule charter or amendment adopted after April 17, 1953, provides for making such improvement under this chapter or under the charter exclusively.

Sec. 40. Minnesota Statutes 1974, Section 437.02, is amended to read:

437.02 POWER TO REGULATE TRANSIENT MERCHANTS. Every city of the state, ~~whether incorporated under a home rule charter or a general or special law of this state~~, in addition to all other powers given the city by any law of this state, ~~shall have power or charter, may~~ by ordinance ~~to~~ regulate, control, and license transient merchants and ~~to~~ provide for the punishment of persons violating such ordinances.

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Sec. 41. Minnesota Statutes 1974, Section 440.11, is amended to read:

440.11 CHANGE NAME OF STREETS. The council of each home rule charter city in the state which now has or hereafter may have no more than 50,000 inhabitants is hereby authorized and empowered to of the second, third, or fourth class may by ordinance change the name of and ~~to~~ rename any of the streets, lanes, avenues, public highways, parks, and public grounds of the city. Immediately after publication, the ordinance shall be recorded in the office of the register of deeds of the county in which the city is located.

Sec. 42. Minnesota Statutes 1974, Section 440.135, Subdivision 1, is amended to read:

440.135 VACATING STREETS, CITIES THIRD CLASS. Subdivision 1. **APPLICATION.** This section applies to every home rule charter city of the third class ~~however organized~~.

Sec. 43. Minnesota Statutes 1974, Section 446.04, Subdivision 1, is amended to read:

446.04 CERTAIN CITIES; LOCAL IMPROVEMENT CERTIFICATES. Subdivision 1. **ISSUANCE.** The ~~city council or common council of each and every city of this state now or hereafter having a population of more than 50,000 inhabitants is hereby authorized and empowered~~ of the first class may, for the purposes herein designated in subdivision 4, ~~to~~ issue from time to time, as needed, the negotiable certificates of indebtedness of such city to an amount not exceeding \$300,000 in any one year; ~~said negotiable~~. The certificates of indebtedness ~~to~~ shall be made in such denomination and payable at such places and at such times, not more than five years from the date thereof, as may be deemed best, and ~~to~~ shall bear interest at a rate not to exceed ~~six percent per annum~~ the maximum rate specified in chapter 475 payable semiannually with interest coupons attached, payable at such place or places as shall be designated therein ~~and said city~~. The council or common council, as the case may be is further authorized to may negotiate and sell such negotiable certificates of indebtedness, from time to time as needed, at private or public sale, as ~~shall be determined by said city or common~~ the council determines. No such ~~negotiable certificates of indebtedness~~ shall be sold for a less amount than the par value thereof and accrued interest thereon.

Not more than \$100,000 of any yearly issue of such ~~negotiable certificates of indebtedness~~ shall be made payable in any one year.

Sec. 44. Minnesota Statutes 1974, Section 447.05, is amended to read:

447.05 HOSPITALS IN CERTAIN CITIES. Any home rule charter city ~~in the state, whether operating under a home rule charter or other~~

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wise, now or hereafter having more than 1,000, and not more than 20,000, inhabitants; in addition to all powers now possessed by it, is hereby authorized and empowered, acting by and through its council, of the third or fourth class may by resolution or ordinance duly adopted or enacted ~~approved~~ by an affirmative vote of not less than two-thirds of all the ~~members elect~~ members of the council, to acquire by gift, devise, purchase, condemnation, or otherwise, and to establish, maintain, equip, improve, own, hold, and operate hospitals; hospital sites, and hospital grounds within the limits of the city.

Sec. 45. Minnesota Statutes 1974, Section 451.06, is amended to read:

451.06 **APPLICATION.** Sections 451.04 to 451.06 shall apply to all home rule charter cities of the fourth class ~~whether organized under general or special laws, including those operating under home rule charters.~~

Sec. 46. Minnesota Statutes 1974, Section 451.09, is amended to read:

451.09 **STEAM HEAT SYSTEMS; DISCONTINUANCE OR CONVERSION.** Any steam heat system operated by a public utilities board or commission in any home rule charter city may be discontinued in whole or in part at the discretion of such board or commission. Funds may be expended at the discretion of such board or commission to ~~partially or wholly~~ compensate persons to whom service is discontinued for the expense of converting to some other type of heat system. Prior to exercising any of the authority granted by this section, the public utilities board or commission shall obtain the approval of the governing body of the city. The authority granted by this section shall apply notwithstanding any statute, city charter, or other law to the contrary. This section shall not apply to Austin, ~~Buhl, Hibbing,~~ Marshall; ~~Mountain Iron~~ and Virginia.

Sec. 47. Minnesota Statutes 1974, Section 452.01, Subdivision 1, is amended to read:

452.01 **DEFINITIONS.** Subdivision 1. **WORDS, TERMS, AND PHRASES.** Unless the language or context clearly indicates that a different meaning is intended, the words, terms, and phrases defined in subdivision 2; for the purposes of sections 452.02 to 452.07, shall be given the meaning subjoined thereto; and the words, terms, and phrases defined in subdivision 3, for the purposes of sections 452.08 to 452.14, shall be given the meaning subjoined thereto.

Sec. 48. Minnesota Statutes 1974, Section 455.01, is amended to read:

455.01 **CITIES OF THE SECOND OR THIRD CLASS MAY CONSTRUCT OR PURCHASE ELECTRIC LIGHT PLANT.** Each home rule

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~~charter city of the second class or the third class in the state is hereby authorized and empowered , by an affirmative vote of two-thirds of all the members of its council, to may construct, erect, or purchase an electric light plant to be operated by the city for the lighting of its public streets, alleys, lanes, parks, and public grounds, and for such other municipal purposes and uses requiring light or power, as the council of the city may direct, and for such the use and benefit of the inhabitants of the city ; and upon such conditions as the council of the city may prescribe from time to time by ordinance .~~

Sec. 49. Minnesota Statutes 1974, Section 455.05, is amended to read:

455.05 ELECTRIC LIGHT AND POWER PLANTS; AUTHORITY; SALE OF ELECTRICITY. ~~The governing body of any home rule charter city of the third class in the state, in addition to all of the powers now possessed by the city, is hereby authorized and empowered, acting by and through its council, city commission, or other governing body, to erect and may construct a municipal electric light and power plant or plants within the city, and such necessary transmission and distribution systems as may be required in connection therewith and to operate the same ; for the purpose of providing electricity for municipal purposes ; and to sell and dispose of electricity for light, heat, and power purposes to private consumers within and without the city ; and to sell and dispose of electricity to private consumers outside of the corporate limits of the city .~~

Sec. 50. Minnesota Statutes 1974, Section 455.13, is amended to read:

455.13 PURCHASE OF ELECTRICITY. ~~Any home rule charter city of this state now or hereafter owning an electric light and power plant and now or hereafter having a population of 10,000 or less, shall be authorized and empowered to enter into a may contract or contracts for the purchase by the city of electricity for the purpose of operating to operate the electric plant, upon such terms as may be approved by a two-thirds vote of all of the members of the governing body thereof . The contracts term of any such contract shall not be made to run for a period exceeding exceed 15 years unless the governing body of the city shall determine determines that a longer period shall be, not exceeding 40 years, is in furtherance of sound utility practice ; in which case no such contract shall be made to run for a period exceeding 40 years .~~

Sec. 51. Minnesota Statutes 1974, Section 455.23, is amended to read:

455.23 ELECTRIC LIGHT AND POWER PLANTS IN CITIES OF FOURTH CLASS. ~~In any home rule charter city of the fourth class or statutory city that was formerly a borough, howsoever organized, the council, or other governing body thereof, shall have power to may~~

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erect poles and string wires and cables thereon within the corporate limits of such city and install in connection therewith ~~such~~ equipment as may be necessary to light the streets of ~~such municipality the city~~ and furnish electrical current to ~~the-its~~ inhabitants thereof; and ~~shall have power to-it~~ may connect such a system of poles, wires and cables with ~~an-a~~ public or private electric light and power plant ~~being maintained and operated without the corporate limits of such outside the city, whether the same is being so maintained and operated as a municipal plant or otherwise,~~ by erecting poles along any public road or highway and extending from such city to such electric light and power plant, subject to the provisions of law relating to the use of public roads, highways; and streets by light and power companies and string along such poles, wires and cables for the transmission of electrical current from such plant to the system of poles, wires and cables erected in such city; and ~~such council-the~~ governing body may enter into such contract or contracts for and on behalf of its ~~municipality the city and the-its~~ inhabitants thereof for furnishing electrical current and power ~~as to it may be deemed advisable~~ and may prescribe the rates to be charged for such current and power.

Sec. 52. Minnesota Statutes 1974, Section 455.26, is amended to read:

455.26 EXTENSION OF ELECTRIC LINES. Except as otherwise restricted by chapter 216B, the council of any home rule charter city of the fourth class in this state owning and operating an electric light plant, ~~is hereby authorized and empowered to-may~~ extend the lines, wires, and fixtures of its plant ~~to and~~ into any statutory city lying within three miles of the limits of the city, with the consent of the council or other governing body of the statutory city and ~~to~~ appropriate and expend money therefor.

Sec. 53. Minnesota Statutes 1974, Section 455.27, is amended to read:

455.27 POWERS OF COUNCIL. The council ~~is-may~~ also ~~authorized and empowered to~~ make contracts and arrangements with any person or statutory city ~~to and in-into~~ which the electric light line may be ~~so~~ extended, necessary for the proper extension, operation, and maintenance of the line, the collecting of compensation for the light or current, and service that may be furnished thereby, and for the reimbursement of the cost of the extension.

Sec. 54. Minnesota Statutes 1974, Section 455.28, is amended to read:

455.28 USE OF STREETS; CONTRACTS. The council or other governing body of any statutory city to which an electric line may be extended pursuant to sections 455.26 to 455.28 ~~is hereby authorized and empowered to-may~~ grant to the city making the extension, the right of ~~the-to~~ use of the streets, alleys, and other public grounds of

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the statutory city for the erection, operation, and maintenance of the line for that purpose, and to make contracts and arrangements for the lighting of the statutory city thereby and the payment therefor.

Sec. 55. Minnesota Statutes 1974, Section 455.29, is amended to read:

455.29 MUNICIPALITIES MAY EXTEND ELECTRIC SERVICE.
Except as otherwise restricted by chapter 216B, the governing body, or the commission or board charged with the operation of the public utilities, if one exists therein, of any municipality in the state ~~now or hereafter~~ owning and operating an electric light and power plant for the purpose of the manufacture and sale of electrical power or for the purchase and redistribution of electrical power, ~~shall~~ may, upon a two-thirds vote of the governing body, or the commission or board, in addition to all other powers now possessed by such municipality, ~~have power to~~ sell electricity to customers, singly or collectively, outside of such municipality, within the state but not to exceed a distance of 30 miles from the corporate limits of the municipality. Before any municipality shall have the power to extend its lines and sell electricity outside of the municipality as provided by sections 455.29 and 455.30, the governing body shall first submit to the voters of the municipality, at a general or special election, the general principle of going outside the municipality and fixing the maximum amount of contemplated expenditures reasonably expected to be made for any and all extensions then or thereafter contemplated. Three weeks' published notice shall be given of such election as required by law, and if a majority of those voting upon the proposition favors the same, ~~except that in the case of statutory cities, a five eighths vote shall be required,~~ and then the municipality shall thereafter be considered as having chosen to enter the general business of extending its electric light and power facilities beyond the corporate limits of the municipality. It shall not be necessary to submit to a vote of the people the question of any specific enlargement, extension, or improvement of any outside lines; provided the voters of the municipality have generally elected to exercise the privileges afforded by sections 455.29 and 455.30, and, provided, that each and any specific extension, enlargement, or improvement project is within the limit of the maximum expenditure authorized at the election. In cities ~~now or hereafter~~ operating under a home rule charter, where a vote of the people is not now required in order to extend electric light and power lines, no election shall be required under the provisions of any act. At any election held to determine the attitude of the voters upon this principle, the question shall be simply stated upon the ballot provided therefor, and shall be substantially in the following form: "Shall the city of undertake the general proposition of extending its electric light and power lines beyond the limits of the municipality, and limit the maximum expenditures for any and all future extensions to the sum of \$.....?" For this purpose every municipality is authorized and empowered to extend the lines, wires, and fixtures of its plant to such customers and may issue certificates of indebtedness therefor in an amount not to exceed the actual cost of

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the extensions and for a term not to exceed the reasonable life of the extensions. These certificates of indebtedness shall in no case be made a charge against the municipality, but shall be payable and paid out of current revenues of the plant other than taxes.

Sec. 56. Minnesota Statutes 1974, Section 455.30, is amended to read:

455.30 NOT TO EXTEND INTO OTHER MUNICIPALITIES. No lines, wires, or fixtures shall be extended by any municipality into the territorial limits of any other city without the consent of the ~~council or other~~ governing body of the city.

Sec. 57. Minnesota Statutes 1974, Section 455.32, is amended to read:

455.32 DISPOSITION OF SURPLUS ELECTRICITY TO PRIVATE CONSUMERS OUTSIDE CITY. Any home rule charter city of the fourth class in this state ~~now or hereafter~~ owning and operating an electric light and power plant for the production and distribution of electricity ~~shall be authorized and empowered to~~ may dispose of any surplus electricity ~~so~~ produced to private consumers desiring the same residing outside the corporate limits of the city, at ~~such~~ rates and upon ~~such~~ terms as the ~~council or other~~ governing body of the city may deem proper. Any disposition made pursuant to this section shall be subject to the restrictions in chapter 216B.

Sec. 58. Minnesota Statutes 1974, Section 456.32, is amended to read:

456.32 EXTENDING WATER PIPES. Any home rule charter city in the state, ~~now or hereafter~~ owning and operating water-works, is ~~hereby authorized to~~ may extend its water-works and water pipes over, under, and along any road, street, alley, or public highway in this state, whether within or without the corporate limits of such city, and to supply water for a reasonable compensation to the occupants of property adjacent or accessible to the line so extended, whether within or without the corporate limits of such city; provided, this section shall not be construed as granting any rights to any city within the corporate limits of any other city; provided that such line shall be so extended as not to interfere with the safety or convenience of ordinary travel over these roads, streets, alleys, and public highways.

Sec. 59. Minnesota Statutes 1974, Section 457.13, is amended to read:

457.13 LEASING, SELLING, ABANDONING OF WATER-WORKS OR LIGHTING PLANTS. Any home rule charter city of the fourth class in this state ~~wherein there is constructed and in operation water-works and lighting plant or~~ operating a water-works or lighting plant ~~for supplying water and light, or either of them, for public purposes or for the~~

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private use of its inhabitants or both, owned by any such city; may by resolution or ordinance of its governing body ; passed and adopted in the usual manner—approved by two-thirds of the electors voting thereon at a general or special election sell, lease, or abandon or discontinue the operation of any such plant or any specific part thereof ; or discontinue wholly or in part the operations thereof; if a specific part of such plant is to be sold; leased; or abandoned; or the operation thereof discontinued; such resolution shall state the specific part to be so sold; leased; or abandoned; or to be discontinued: Before any such resolution or ordinance shall become effective, the same shall be submitted to the legal voters of the city at a regular city election or special election therein and approved by a two-thirds vote of the electors voting thereon at any such election. The ballots at any such election shall be printed and contain in full the resolution or ordinance to be voted upon and thereon immediately following the resolution or ordinance, there shall be printed in appropriate manner the words "yes" and "no" on separate lines and every voter desiring to vote in favor of such proposition shall thereupon make his cross (X) mark opposite the word "yes" and every voter desiring to vote against such proposition shall make such mark opposite the word "no." In case of cities of the fourth class such election shall be conducted and the votes cast thereat shall be canvassed and the result thereof certified in like manner as in the case of an election for city officers in the respective cities of the fourth class according to the law or charter governing such city—named in the ordinance or resolution .

Thereupon if any such proposition shall be declared adopted and carried at any such election; the proper officers of any such city of the fourth class shall forthwith proceed to carry out the same according to such resolution.

This section shall apply to all cities of the fourth class however organized and whether operating under general or special laws or home rule charters; or otherwise.

Sec. 60. Minnesota Statutes 1974, Section 458.09, Subdivision 1, is amended to read:

458.09 **PORT AUTHORITY COMMISSION, APPLICATION TO SEAWAY PORT AUTHORITIES.** Subdivision 1. A commission to be known as "Port Authority of" is hereby established in and for every city of the state which has, or shall have over 50,000 inhabitants and which is or shall be first class situated upon, or adjacent to, or which ~~embraces or shall embrace~~—embracing within its boundaries, in whole or in part, a port or harbor located on a navigable lake or stream. Sections 458.09 to 458.19 are expressly declared to be applicable to all such cities. Those port authorities now or hereafter having jurisdiction over harbors located on the Great Lakes-St. Lawrence seaway system shall be known and are referred to in sections 458.09 to 458.19 as seaway port authorities. A port authority shall be a body politic and corporate in the state of Minnesota with the right to sue and

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be sued in the names above designated. A port authority shall also be considered a governmental subdivision within the meaning of Minnesota Statutes, Section 282.01. The exercise by any such authority or commission of any of its powers shall be deemed and held to be essential governmental functions of the state of Minnesota, but any such authority shall not be immune from liability by reason thereof.

Sec. 61. Minnesota Statutes 1974, Section 458.20, is amended to read:

458.20 LAND COVERED BY WATER CONDEMNED FOR SLIPS.

Each city in this state having at any time a population of over 50,000 according to the census then last taken is hereby empowered to ~~of the first class may~~ acquire by ~~proceedings in condemnation under the right of eminent domain~~ any land within the city covered with water, or an easement therein, connecting with or adjacent to public navigable waters other than adjacent rivers within or adjacent to such city; ~~whenever situated within the limits of such city~~, which shall be declared by the council by resolution necessary to be taken, damaged, injured, or destroyed for the purpose of laying out, opening, making, deepening, widening, or otherwise improving a slip or other waterway into or connecting with such public navigable waters.

Sec. 62. Minnesota Statutes 1974, Section 458.25, is amended to read:

458.25 PUBLIC LANDINGS, WHARVES, DOCKS; CONSTRUCTION, MAINTENANCE; RATES, CHARGES. Any home rule charter city of the first class in this state is hereby authorized to ~~may~~ establish, construct, maintain, and operate public landings, public wharves and docks, and transfer railroad tracks, and loading, unloading, transfer and storage facilities, either within or without such city; ~~to~~ acquire by condemnation or otherwise, all lands, riparian or otherwise and other rights and easements necessary for such purposes and ~~to~~ construct, maintain, and operate all necessary buildings and warehouses for ~~such that~~ purpose; ~~to~~; lay and collect reasonable duties or wharfage fees on vessels coming to or using the landings, wharves or docks; ~~to~~ regulate the manner of using other wharves and docks within the city and rates of wharfage to be paid by vessels using the same; ~~to~~ dredge or deepen the harbor or river or any branch or portion thereof; ~~to~~ prescribe and enforce reasonable rules and regulations for the protection and use of its properties whether within or without the city and ~~to~~ impose and enforce adequate penalties for the violation of such rules and regulations. Proceedings in eminent domain for the purposes of ~~sections 458.25 to 458.31~~ this section shall be conducted under and pursuant to the provisions of chapter 117; ~~and acts supplemental thereto~~. The powers granted in this section are in addition to all existing powers of such cities.

Sec. 63. Minnesota Statutes 1974, Section 458.46, is amended to read:

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458.46 CITIES MAY ACQUIRE LAND FOR DOCKS. The council of any city in this state is ~~hereby authorized and empowered~~ may by a two-thirds vote of all ~~the its~~ members ~~elect of the council~~ to acquire by purchase or by condemnation under chapter 117 lands, lands covered with water or buildings, for sites for public docks for passenger purposes ~~by purchase; provided the same can be done upon terms satisfactory to the council~~. No site for a public dock shall be acquired unless a necessity therefor exists and the council so determines by two-thirds vote of all its members. The council may improve sites acquired for public docks by the erection and maintenance thereon of suitable buildings and by the construction and maintenance thereon of suitable piers, and it may by ordinance provide for the regulation, control, and operation of such docks, buildings and piers, and fix charges for their use.

Sec. 64. Minnesota Statutes 1974, Section 463.04, is amended to read:

463.04 CONDEMNATION PROCEEDINGS FOR BUILDING LINE EASEMENTS. The easement above specified may be acquired by proceedings to be conducted in the following manner accordance with chapter 117 by the board of park commissioners, in case of parks and parkways controlled by a board of park commissioners, and by the city council in other cases.

The term "governing body" is used in sections 463.04 to 463.07 to designate the appropriate body in any given case, whether the city council, or board of park commissioners. The governing body shall first designate the easement to be acquired and define the lines by which it is bounded, and shall have power to condemn for the use of the public a building line easement as defined above, and when such condemnation shall have been completed, as in this section provided, the title to such easement shall pass to and be vested in the city for the public use. For the purpose of making the condemnation all the tracts of land required for any improvement may be included in the same proceeding.

No such easement shall include or take in any portion of a private residence existing at the time of the passage of sections 463.01 to 463.07 excepting by purchase or grant.

~~After making the designation the governing body shall proceed in manner following:~~

Sec. 65. Minnesota Statutes 1974, Section 465.26, is amended to read:

465.26 DIVERSION OF UNNAVIGABLE STREAMS; RAISING WATERS OF LAKES. Any first class city of this state now or hereafter having a population of more than 50,000 according to the last preceding state or national census, may, if in the judgment of its city council,

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the public health or welfare of its citizens will be promoted thereby, divert any unnavigable stream, flowing wholly or partly within the corporate limits, from its natural bed to an artificial channel or to another watercourse. The diversion may take place at any feasible or desirable point within or without the corporate limits, and the new channel may be created within or without or partly within and partly without the corporate limits. For the purpose of controlling and regulating the flow of such stream in its new channel, the city may, by the erecting of dams or other suitable means, raise the waters of any lake or lakes from which the stream may flow, or through which the new channel may flow, and control and regulate the discharge from such lake or lakes, and straighten, enlarge, and make such changes and improvements in the channels as may be necessary for such purposes. Such new channels may, where necessary, cross any highway or railway; in which case suitable bridges shall be provided.

Sec. 66. Minnesota Statutes 1974, Section 465.70, is amended to read:

465.70 TELEVISION SIGNAL DISTRIBUTION SYSTEMS; CERTAIN CITIES. Any statutory city or any home rule charter city of the third or fourth class more than 50 miles from the boundaries of a city of the first class, or any two or more of such ~~statutory cities~~ or cities acting under an agreement accepted by the governing body of each such participating municipality, may own, construct, acquire, purchase, maintain and operate within its corporate limits a television signal distribution system for the purpose of receiving, transmitting, and distributing television impulses and television energy, including audio signals and transient visual images, to the inhabitants of the city ~~or statutory city~~. This system shall be considered a public utility. The city ~~or statutory city~~ may erect, construct, operate, repair, and maintain in, upon, along, over, across, through and under its streets, alleys, highways and public grounds, poles, cross-arms, cables, wires, guy-wires, stubs, anchors, towers, antennas, pipes, connections, and other appliances, fixtures, and equipment necessary, expedient, or useful in connection therewith. It may prescribe reasonable rates and charges for the use of these facilities and the services furnished. It may prescribe, make and maintain rules for the operation thereof and do all things necessary and incidental to accomplish such purpose. Subject to and in accordance with chapter 475, the city ~~or statutory city~~ may issue obligations in a maximum amount of \$100,000 for acquisition and betterment of the system.

Sec. 67. Minnesota Statutes 1974, Section 465.71, is amended to read:

465.71 INSTALLMENT SALES OF PROPERTY; CITIES OF THIRD OR FOURTH CLASS. A third or fourth class home rule charter city may purchase real or personal property under an installment contract by which title is retained by the seller or vendor as security for the purchase price, but such purchases are subject to statutory and

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charter provisions applicable to the purchase of real or personal property.

Sec. 68. Minnesota Statutes 1974, Section 471.38, Subdivision 1, is amended to read:

471.38 CLAIMS. Subdivision 1. ITEMIZATION; DECLARATION. Except as provided in subdivision 2, where an account, claim or demand against any county, county welfare board, county board of education for unorganized territory, school district, town or home rule charter city of the second, third or fourth class, ~~including any city with a home rule charter~~, or any park district, for any property or services can be itemized in the ordinary course of business, the board or officer authorized by law to audit and allow claims shall not audit or allow the claim until the person claiming payment, or his agent, reduces it to writing, in items and signs a declaration to the effect that such account, claim, or demand is just and correct and that no part of it has been paid. The board or officer may in its discretion allow a claim prepared by the clerk or secretary of such board or officer prior to such declaration by the claimant if the declaration is made on the check or order-check by which the claim is paid, as provided in section 471.391, subdivision 2.

Sec. 69. Minnesota Statutes 1974, Section 471.69, is amended to read:

471.69 LIMITATION OF TAX LEVIES; STATEMENT. No school district, county, statutory city, or town shall contract any debt or issue any warrant or order in any calendar year in anticipation of the collection of taxes levied or to be levied for that year in excess of the average amount actually received in tax collections on the levy for the three previous calendar years plus ten percent thereof, and an average of other income excluding gifts received by the school district for the past three years. This section shall not apply to any school district, county, statutory city, or town, wherein the mineral valuation, as assessed, exceeds 25 percent of the assessed valuation of real property in such taxing district. This section shall not apply to any school district in a city of the first class which constitutes one single school district.

As soon as practicable after the beginning of each calendar year, the clerk or other recording officer of any municipality described in this section shall present to the governing body of his municipality a statement of tax collections and other income excluding gifts credited to each fund of his municipality during each of the three previous fiscal years and the yearly average thereof. The auditor of the county shall be required to furnish information as appears in the records in his office to the clerk upon request.

Sec. 70. **REPEALER.** Minnesota Statutes 1974, Sections 118.05; 129.13; 145.02; 197.64; 205.05; 205.06; 205.07, Subdivision 2; 205.08; 205.09; 205.091; 205.12; 274.013; 275.24; 275.36; 368.12; 368.50; 368.51;

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368.52; 368.53; 368.56; 368.57; 368.58; 368.61; 368.62; 368.63; 368.64;
368.65; 368.66; 368.67; 368.68; 368.69; 368.70; 368.71; 368.72; 368.73;
368.74; 368.75; 368.76; 368.77; 368.78; 368.79; 368.80; 368.81; 368.82;
368.83; 368.84; 412.017; 412.022, Subdivisions 2 and 3; 412.191, Subdi-
vision 5; 412.841; 415.031; 415.033; 415.05; 415.06; 415.07; 416.03;
416.04; 416.08; 416.09; 416.10; 416.11; 416.12; 416.13; 416.14; 416.15;
418.13; 418.14; 418.15; 423.21; 426.09; 426.10; 426.15; 426.17; 426.18;
435.05; 435.41; 435.46; 436.02; 436.04; 437.01; 438.03; 438.04; 438.07;
440.12; 440.16; 440.17; 440.18; 440.19; 440.20; 440.21; 440.22; 440.23;
440.24; 440.25; 440.26; 440.27; 440.28; 440.29; 440.30; 440.31; 440.32;
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441.18; 441.19; 441.20; 441.265; 441.27; 441.28; 441.29; 441.30; 441.31;
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448.46; 448.47; 448.48; 448.49; 449.04; 449.05; 449.07; 450.06; 450.07;
450.08; 452.01, Subdivision 2; 452.02; 452.03; 452.04; 452.05; 452.06;
452.07; 452.18; 452.19; 452.20; 453.01; 453.02; 453.03; 453.04; 453.05;
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454.01; 454.02; 454.03; 454.04; 454.041; 454.042; 454.043; 454.044;
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458.26; 458.27; 458.28; 458.29; 458.30; 458.31; 458.47; 458.48; 458.49;
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461.09; 461.10; 461.11; 463.05; 465.06; 465.07; 465.08; 465.51; 465.52;
465.57; 465.59; 465.61; 465.63; 471.01; 471.02; 471.03; 471.04; 471.05;
471.06; 471.07; 471.08; 471.09; 471.10; 471.11; 471.12; 471.13; 471.14;
471.48; 645.44, Subdivision 3a; Laws 1895, Chapter 239; Laws 1897,
Chapter 85; Laws 1901, Chapter 379; Laws 1907, Chapter 22; Laws
1911, Chapter 53; Laws 1913, Chapters 7 and 47; Laws 1915, Chapters
125 and 230, Sections 2 and 3; Laws 1917, Chapter 190; Laws 1919,
Chapter 424; Laws 1921, Chapter 30; Extra Session Laws 1935, Chap-
ter 8; Laws 1937, Chapter 198; Laws 1941, Chapter 266, as amended
by Laws 1961, Chapter 663; Laws 1947, Chapter 470; and Laws 1953,
Chapter 697, are repealed.

Minnesota Statutes 1974, Chapter 460, as it appears in Minnesota Statutes 1945, is repealed.

Sec. 71. **EFFECTIVE DATE.** This act is effective the day following final enactment.

Approved March 12, 1976.

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