

CHAPTER 639—H.F.No. 1851

An act relating to local government; regulating duties of town officers; setting town powers; amending Minnesota Statutes 1986, sections 18.272; 367.30, subdivisions 2 and 4; 367.31, subdivision 4; 367.34; and 465.71; and repealing Minnesota Statutes 1987 Supplement, section 365.03.

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

Section 1. Minnesota Statutes 1986, section 18.272, is amended to read:

18.272 PENALTY.

Any person who violates any of the provisions of sections 18.181 to 18.271 or who violates any duly adopted rule of the commissioner or who neglects, fails, or refuses to comply with any notice duly issued thereunder by the commissioner, or a local weed inspector, and duly served upon the person, or who fails, refuses, or neglects to perform any duty imposed by sections 18.181 to 18.271, shall be guilty of a misdemeanor; and, upon conviction, punished accordingly. The penalty provided in this section for failure, refusal, or neglect to perform a duty imposed by sections 18.181 to 18.271 does not apply to a member of a town board for failure, refusal, or neglect to perform a duty imposed on members of a town board under those sections.

Sec. 2. Minnesota Statutes 1986, section 367.30, subdivision 2, is amended to read:

Subd. 2. **OPTION B; APPOINTMENT OF CLERK AND TREASURER.** Any town may provide for the appointment by the town board of its clerk or treasurer, or both, ~~or clerk-treasurer,~~ as hereinafter provided for in sections 367.30 to 367.36. This option shall be referred to as option B.

Sec. 3. Minnesota Statutes 1986, section 367.30, subdivision 4, is amended to read:

Subd. 4. **OPTION D; COMBINATION OF THE OFFICES OF CLERK AND TREASURER.** Any town ~~exercising the powers of a statutory city pursuant to section 368.01 or pursuant to a special law granting substantially similar powers~~ may provide for combining the offices of clerk and treasurer. A town may provide that the combined office be made elective or appointive. This option shall be referred to as option D.

Sec. 4. Minnesota Statutes 1986, section 367.31, subdivision 4, is amended to read:

Subd. 4. **ELECTION; FORM OF BALLOT.** The proposals for adoption of the options shall be stated on the ballot substantially as follows:

"Shall option A, providing for a five member town board of supervisors, be adopted for the government of the town?"

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"Shall option B, providing for the appointment of the clerk and treasurer by the town board, be adopted for the government of the town?"

"Shall option C, providing for the appointment of a town administrator by the town board, be adopted for the government of the town?"

"Shall option D, providing for the combining of the offices of clerk and treasurer, be adopted for the government of the town?"

If a proposal under option B is to appoint only the clerk or only the treasurer, the ballot question shall be varied to read appropriately. ~~If a town has combined the offices of clerk and treasurer, the word "clerk-treasurer" shall be substituted for the words "clerk and treasurer" in the question on the ballot on adoption of option B.~~ The ballot question for a proposal under option D must be varied to show whether the combined office is to be appointive or elective. In any of these cases, the question shall be followed by the words "Yes" and "No" with an appropriate square before each in which an elector may record a choice.

Sec. 5. Minnesota Statutes 1986, section 367.34, is amended to read:

367.34 CONTINUANCE IN OFFICE; ELECTIONS.

Subdivision 1. **OPTION B; INCUMBENT CLERK AND TREASURER.** If option B is adopted at the election at which the office of clerk or treasurer, ~~or clerk-treasurer,~~ is to be elected, the candidate elected to that office shall not assume office and that candidate's election shall be considered null. Otherwise when option B is adopted in a town, the incumbent clerk ~~and or~~ treasurer, ~~or clerk-treasurer,~~ shall continue to serve until the expiration of their terms or until an earlier vacancy occurs.

Subd. 2. **ABANDONMENT OF OPTION B.** When option B is abandoned, the offices of clerk ~~and or~~ treasurer, ~~or clerk-treasurer,~~ that would be filled at that election, shall be filled conditionally at that election, and the ballot shall indicate that the successful candidate or candidates shall assume office only if the option is abandoned as a result of the election.

Sec. 6. Minnesota Statutes 1986, section 465.71, is amended to read:

465.71 INSTALLMENT AND LEASE PURCHASES; CITIES; COUNTIES; SCHOOL DISTRICTS.

A home rule charter city, statutory city, county, town, or school district may purchase real or personal property under an installment contract, or lease personal property with an option to purchase under a lease purchase agreement, by which contract or agreement title is retained by the seller or vendor or assigned to a third party as security for the purchase price, including interest, if any, but such purchases are subject to statutory and charter provisions applicable to the purchase of real or personal property. For purposes of the bid requirements contained in section 471.345, "the amount of the contract" shall include the total of all lease payments for the entire term of the lease under a lease-purchase

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agreement. The obligation created by a lease purchase agreement shall not be included in the calculation of net debt for purposes of section 475.53, and shall not constitute debt under any other statutory provision. No election shall be required in connection with the execution of a lease purchase agreement authorized by this section. The city, county, town, or school district shall have the right to terminate a lease purchase agreement at the end of any fiscal year during its term.

Sec. 7. REPEALER.

Minnesota Statutes 1987 Supplement, section 365.03, is repealed.

Approved April 26, 1988

CHAPTER 640—H.F.No. 1943

An act relating to public administration; permitting the sale of certain tax-forfeited lands that border public waters; providing for exchange of certain tax-forfeited peat lands; permitting certain counties to levy a tax for the county historical society; imposing a reverse referendum requirement.

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

Section 1. TAX-FORFEITED LAND SALE; AITKIN COUNTY.

Notwithstanding Minnesota Statutes, section 282.018, Aitkin county may sell in accordance with the other provisions of Minnesota Statutes, chapter 282, the tax-forfeited land described in this section.

Lots 1, 2, 3, 4, 5, 6, 7, Block 2, in the Plat of Ripple View Development, in the City of Aitkin, SW1/4 of SW1/4, Section 25, Township 47, Range 27.

The lots are adjacent to the Ripple River, suitable for residential use, and located in a residential area within the Aitkin city limits. They are subject to substantial special assessments and are not necessary for public access to the Ripple River.

Sec. 2. EXCHANGE OF TAX-FORFEITED PEAT LANDS; AITKIN COUNTY.

Notwithstanding Minnesota Statutes, sections 92.461 and 94.347, Aitkin county may exchange certain tax-forfeited land containing peat and described in paragraph (a), for certain privately owned lands containing peat and described in paragraph (b), in accordance with this section.

The lands described in this section must be conveyed in a form approved by the attorney general.

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