SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 753

1.1 A bill for an act

1.2 relating to counties; providing a process for making certain county offices

1.3 appointive in Crow Wing County.

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

1.5 Section 1. **CROW WING COUNTY AUDITOR-TREASURER AND RECORDER**

1.6 **MAY BE APPOINTED.**

1.7 Subdivision 1. **Authorization to make office appointive.** Notwithstanding

1.8 Minnesota Statutes, section 382.01, upon adoption of a resolution by the Crow Wing

1.9 County Board of Commissioners, the offices of county auditor-treasurer and county

1.10 recorder are not elective but must be filled by appointment by the county board as

1.11 provided in the resolution.

1.12 Subd. 2. **Board controls; may change as long as duties done.** Upon adoption of

1.13 a resolution by the county board of commissioners and subject to subdivisions 3 and 4,

1.14 the duties of an elected official required by statute whose office is made appointive as

1.15 authorized by this section must be discharged by the county board of commissioners

1.16 acting through a department head appointed by the board for that purpose. Reorganization,

1.17 reallocation, delegation, or other administrative change or transfer does not diminish,

1.18 prohibit, or avoid the discharge of duties required by statute.

1.19 Subd. 3. **Incumbents to complete term.** The person elected at the last general

1.20 election to an office made appointive under this section must serve in that capacity and

1.21 perform the duties, functions, and responsibilities required by statute until the completion

1.22 of the term of office to which the person was elected or until a vacancy occurs in the

1.23 office, whichever occurs earlier.

2.1   Subd. 4. **Publishing resolution; petition; referendum.** (a) Before the adoption

2.2   of a resolution to provide for the appointment of the county auditor-treasurer and the

2.3   county recorder, the county board must publish a proposed resolution notifying the

2.4   public of its intent to consider the issue once each week for two consecutive weeks in the

2.5   official publication of the county. Following publication and prior to formally adopting

2.6   the resolution, the county board shall provide an opportunity at its next regular meeting

2.7   for public comment relating to the issue. After the public comment opportunity, at the

2.8   same meeting or a subsequent meeting, the county board of commissioners may adopt

2.9   a resolution that provides for the appointment of the county auditor-treasurer and the

2.10   county recorder as permitted in this section. The resolution must be approved by at least

2.11   80 percent of the members of the county board. The resolution may take effect 60 days

2.12   after it is adopted, or at a later date stated in the resolution, unless a petition is filed as

2.13   provided in paragraph (b).

2.14   (b) Within 60 days after the county board adopts the resolution, a petition requesting

2.15   a referendum may be filed with the county auditor-treasurer. The petition must be signed

2.16   by at least ten percent of the registered voters of the county. The petition must meet

2.17   the requirements of the secretary of state, as provided in Minnesota Statutes, section

2.18   204B.071, and any rules adopted to implement that section. If the petition is sufficient, the

2.19   question of appointing the county auditor-treasurer and recorder must be placed on the

2.20   ballot at a regular or special election. If a majority of the voters of the county voting on

2.21   the question vote in favor of appointment, the resolution may be implemented.

2.22   Subd. 5. **Reverting to elected offices.** (a) The county board may adopt a resolution

2.23   to provide for the election of an office made an appointed position under this section, but

2.24   not until at least three years after the office was made an appointed position. The county

2.25   board must publish a proposed resolution notifying the public of its intent to consider the

2.26   issue once each week for two consecutive weeks in the official publication of the county.

2.27   Following publication and before formally adopting the resolution, the county board must

2.28   provide an opportunity at its next regular meeting for public comment relating to the

2.29   issue. After the public comment hearing, the county board may adopt the resolution. The

2.30   resolution must be approved by at least 60 percent of the members of the county board and

2.31   is effective August 1 following adoption of the resolution.

2.32   (b) The question of whether an office made an appointed position under this section

2.33   must be made an elected office must be placed on the ballot at the next general election if:

2.34   (1) the position has been an appointed position for at least three years;

3.1   (2) a petition signed by at least ten percent of the registered voters of the county

3.2   is filed with the office of the county auditor-treasurer by August 1 of the year in which

3.3   the general election is held; and

3.4   (3) the petition meets the requirements of the secretary of state, as provided in

3.5   Minnesota Statutes, section 204B.071, and any rules adopted to implement that section.

3.6   If a majority of the voters of the county voting on the question vote in favor of making

3.7   the office an elected position, the election for the office must be held at the next regular

3.8   or special election.

3.9   **EFFECTIVE DATE.** This section is effective the day after the Crow Wing County

3.10   Board of Commissioners and its chief clerical officer timely complete their compliance

3.11   with Minnesota Statutes, section 645.021, subdivisions 2 and 3.