

resolution shall not become effective. If 35 percent of individuals and business organizations subject to a service charge file an objection to the resolution adopted imposing a service charge pursuant to section 3 with the city clerk before the effective date of the resolution, the resolution shall not become effective.

Sec. 10. EXCLUSION FROM PETITION REQUIREMENTS AND VETO POWER.

The petition requirement of section 8 and the right of owners and those subject to a service charge to veto a resolution in section 9 do not apply to second or subsequent years' applications of a tax or service charge which is authorized to be in effect for more than one year pursuant to a resolution which has met the petition requirements of section 8 and which has not been vetoed under section 9 for the first year's application. A resolution levying a tax or imposing a service charge for more than one year shall not be adopted unless the notice of public hearing required by section 3 and the notice mailed with the adopted resolution pursuant to section 9 include the following information:

(a) In the case of improvements, the maximum rate or amount of taxes to be levied or the maximum service charge to be imposed in any year and the maximum number of years the taxes will be levied or service charges imposed to pay for the improvement.

(b) In the case of operating and maintenance services, the maximum rate or amount of taxes to be levied or the maximum service charge to be imposed in any year and the maximum number of years, or a statement that the tax will be imposed for an indefinite number of years, the taxes will be levied or service charges imposed to pay for operation and maintenance services.

The resolution may provide that the maximum amount of tax to be levied or maximum service charge to be imposed in any year will increase or decrease from the maximum amount authorized in the preceding year based on an indicator of increased cost or a percentage amount established by the resolution.

Sec. 11. EFFECTIVE DATE.

Sections 1 to 10 are effective the day following final enactment.

Approved March 24, 1986

CHAPTER 416—S.F.No. 2090

An act relating to counties; clarifying county commissioner conflict of interest provisions; authorizing counties to develop and market computer software products; providing a method for consolidation of the offices of county auditor and county treasurer; changing

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certain referendum provisions for adoption of optional forms of county government; exempting other departments or agencies of the same county from having to be billed by county recorder for certain recording transactions; amending Minnesota Statutes 1984, sections 375.09; 375.18, subdivision 7; 375A.11, subdivision 3; 375A.12, subdivisions 3 and 4; and 383C.17; Minnesota Statutes 1985 Supplement, section 386.77; proposing coding for new law in Minnesota Statutes, chapter 375; repealing Minnesota Statutes 1984, sections 394.01 to 394.05.

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

Section 1. Minnesota Statutes 1984, section 375.09, is amended to read:

375.09 MAY NOT HOLD OTHER OFFICE; ~~NO INTEREST IN CONTRACT~~ BRIBERY; VIOLATION; MALFEASANCE.

No county commissioner shall be ~~appointed or hold another~~ appointed or hold another elected by the board of which he is a member to any office or position of trust or emolument during tenure as commissioner nor be employed by the county in which he is a commissioner. No commissioner shall receive any money or other valuable thing as a condition of voting or inducement to vote for any contract or other thing under consideration by the board; ~~or become a party to; or directly or indirectly interested in;~~ any contract made by the board. Every ~~appointment or election made~~ and every contract or payment voted for or made contrary to this section is void. Any violation of this section is a malfeasance in office.

Sec. 2. Minnesota Statutes 1984, section 375.18, subdivision 7, is amended to read:

Subd. 7. **TRANSFER OF SURPLUS.** Each county board may transfer by ~~unanimous a majority~~ a majority vote any surplus beyond the needs of the current year in any county fund to any other county fund to supply a deficiency in it.

Sec. 3. **[375.84] PREPAY SOFTWARE, SUBSCRIPTIONS, UNITED STATES DOCUMENTS.**

A county may make advance deposits or payments for software development or maintenance services for county-owned or leased electronic data processing equipment and for newspaper, magazine, and other subscription fees customarily paid for in advance, and may allow advance deposits by any department or agency of the county with the Library of Congress and federal Supervisor of Documents for items to be purchased from these federal agencies.

Sec. 4. **[375.85] COUNTIES MAY MARKET SOFTWARE PRODUCTS.**

Notwithstanding any other law to the contrary, a county or group of counties acting jointly under section 471.59 may sell or license self-developed or vendor custom-developed computer software products or systems either on competitive bids or in the open market, in the discretion of the county board. Prices for the software products or systems may be based on market considerations. A county or group of counties may make agreements with private persons or entities to assist with marketing software products or systems.

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Sec. 5. [375.86] APPLICATION OF OTHER LAW.

Subdivision 1. NONPUBLIC DATA. County software product programming source code, object code, and all material relating to product or system development and distribution is "trade secret information" for purposes of classification under section 13.37, subdivision 2.

Sec. 6. Minnesota Statutes 1984, section 375A.11, subdivision 3, is amended to read:

Subd. 3. **VACANCIES IN CERTAIN ELECTIVE OFFICES.** (a) If any of the offices of county auditor, treasurer or county recorder shall become vacant before the expiration of the term for the office, a county board may appoint either of the holders of the other two offices to fill the vacancy for the unexpired term. The board may provide additional compensation for the added duties imposed on the appointee by virtue of his holding two offices for that period. If the office of county auditor or treasurer becomes vacant, the county board may initiate a referendum by resolution to consolidate the two offices into one elected office. The referendum shall be conducted according to section 375A.12, subdivisions 4 and 5.

(b) The authority granted by clause (a) of this subdivision shall be in addition to the authorities granted by existing law or statute and by the provisions of sections 375A.01 to 375A.13 relating to consolidation and appointment of county offices; the authority granted by this subdivision may be exercised notwithstanding any prohibitions against the holding of two offices that may exist in the laws or statutes of this state.

Sec. 7. Minnesota Statutes 1984, section 375A.12, subdivision 3, is amended to read:

Subd. 3. **REFERENDA; PROCEDURE.** Any referendum required to be held as a condition of the adoption of an option may be initiated by a resolution by the county board, a recommendation of a county government study commission or a petition signed by voters equal in number to five percent of the electors voting at the last previous election for the office of governor requesting that a referendum be held on the adoption of one or more of the options provided in sections 375A.01 to 375A.10. ~~Unless the referendum is a recommendation of the study commission~~ If a study commission has been established, a referendum on an option may not be initiated by a resolution of the county board or a petition of voters until after the study commission has completed its study provided for in section 375A.13, subdivision 3.

Sec. 8. Minnesota Statutes 1984, section 375A.12, subdivision 4, is amended to read:

Subd. 4. **CONDUCT OF ELECTION.** When a referendum is required to be held, the county auditor shall conduct the referendum following the procedures provided in chapter 372, as nearly as possible and not inconsistent with

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sections 375A.01 to 375A.10; ~~except, instead of the county board meeting to act on the petition, a committee consisting of the persons who constitute a jury commission as provided in section 593.13, shall meet and act on the petition.~~ The referendum may be held at any primary, general or special election held not less than 30 days before the first day on which candidates may file for county office.

Sec. 9. Minnesota Statutes 1984, section 383C.17, is amended to read:

383C.17 COURTHOUSE BUILDING COMMISSION.

~~Notwithstanding the provisions of Minnesota Statutes 1961, sections 394.01 to 394.05,~~ In St. Louis County, the courthouse building commission shall have the authority to assign and reassign space and rooms to the various offices in the courthouses and county office buildings in said county.

Sec. 10. Minnesota Statutes 1985 Supplement, section 386.77, is amended to read:

386.77 CONVEYANCES AND DOCUMENTS FOR BENEFIT OF GOVERNMENTAL AGENCIES, FEES.

An instrument of conveyance, assignment or release, a judgment or other document, which is entitled to recording or filing, and which by its terms is for the benefit of the state or any county, city or town, shall be recorded or filed by any county recorder or registrar of titles without the payment of fees when offered for filing or recording by the state or any of its agencies, or by the benefited subdivision. The fee for the recording or filing shall be paid by the state, its agency, or by the benefited subdivision, but not by another department or agency of that county, upon submission of a statement of charges by the county recorder or registrar of titles.

Sec. 11. **REPEALER.**

Minnesota Statutes 1984, sections 394.01, 394.02, 394.03, 394.04, and 394.05 are repealed.

Sec. 12. **EFFECTIVE DATE.**

Section 1 does not become effective for any county commissioner currently holding two elected offices until the term of one of the offices expires.

Approved March 24, 1986

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