

Sec. 4. FOUR-FIFTHS VOTE; REVERSE REFERENDUM.

The county board may provide for the appointment of the county recorder as permitted in this act without an affirmative vote of the voters of the county if the resolution to make the office appointed is approved by 80 percent of the members of the county board. Before the adoption of the resolution, the county board must publish a resolution notifying the public of its intent to consider adopting the option once each week for two consecutive weeks in the official publication of the county. Following the publication, the county board shall provide an opportunity at its next regular meeting for public comment relating to the option, prior to formally adopting the option. The option may be implemented without the submission of the question of its implementation to the voters of the county, unless within 30 days after the second publication of the resolution, a petition requesting a referendum, signed by at least ten percent of the registered voters of the county, is filed with the county auditor. If a petition is filed, the option may be implemented unless disapproved by a majority of the voters of the county voting on the question at a regular or special election.

Sec. 5. EFFECTIVE DATE; LOCAL APPROVAL.

This act is effective the day after the governing body of Steele county and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Presented to the governor March 20, 2002

Signed by the governor March 22, 2002, 2:10 p.m.

CHAPTER 257—S.F.No. 3258

An act relating to state lands; providing for a land exchange with city of Garfield.

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

Section 1. LAND EXCHANGE BETWEEN STATE AND CITY OF GARFIELD.

(a) Notwithstanding Minnesota Statutes, sections 94.342 to 94.344 and 222.63, or any other statute to the contrary, the commissioner of transportation, with the unanimous approval of the Minnesota land exchange board, may convey the land described in paragraph (b) to the city of Garfield in exchange for the land described in paragraph (c).

(b) The land to be conveyed to the city of Garfield by the state is located in Douglas county and is described as:

That part of the Northwest Quarter of the Southwest Quarter and the Northeast Quarter of the Southwest Quarter, Section 32, Township 129 North, Range 38 West, being part of the unplatted city of Garfield,

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according to the recorded plat thereof, Douglas county, Minnesota, described as follows: Commencing at the west quarter corner of said Section 32; thence on an assumed bearing of North 89 degrees 35 minutes 46 seconds East along the east-west quarter line of said Section 32 a distance of 1109.88 feet to the point of beginning of the land to be described, said point being 25.00 feet northeasterly at a right angle from the last center line position of the Burlington Northern Railroad tracks; thence South 56 degrees 48 minutes 26 seconds East, parallel with said center line 3.17 feet; thence southeasterly parallel with said center line along a tangential curve concave to the southwest, radius 5754.60 feet, central angle 09 degrees 17 minutes 00 seconds a distance of 932.39 feet; thence continuing parallel with said center line tangent to said curve South 47 degrees 31 minutes 26 seconds East 61.55 feet; thence South 00 degrees 27 minutes 13 seconds East 54.50 feet; thence northwesterly along a non-tangential curve concave to the southwest, central angle 02 degrees 36 minutes 03 seconds, radius 23987.56 feet, an arc distance of 1088.91 feet to the north line of said Northwest Quarter of the Southwest Quarter; the chord bears North 52 degrees 07 minutes 36 seconds West 1088.82; thence North 89 degrees 35 minutes 46 seconds East 75.42 feet to the point of beginning.

Containing 1.29 acres more or less.

(c) The land to be conveyed to the state by the city of Garfield is located in Douglas county and is described as:

That part of the Northwest Quarter of the Southwest Quarter and the Northeast Quarter of the Southwest Quarter, Section 32, Township 129 North, Range 38 West, being part of the unplatted city of Garfield, according to the recorded plat thereof, Douglas county, Minnesota, described as follows:

Commencing at the west quarter corner of said Section 32; thence on an assumed bearing of North 89 degrees 35 minutes 46 seconds East along the east-west quarter line of said Section 32 a distance of 1109.88 feet, said point being 25.00 feet northeasterly at a right angle from the last center line position of the Burlington Northern Railroad tracks; thence South 56 degrees 48 minutes 26 seconds East, parallel with said center line 3.17 feet; thence southeasterly parallel with said center line along a tangential curve concave to the southwest, radius 5754.60 feet, central angle 09 degrees 17 minutes 00 seconds a distance of 932.39 feet; thence continuing parallel with said center line tangent to said curve South 47 degrees 31 minutes 26 seconds East 61.55 feet to the point of beginning of the land to be described; thence South 00 degrees 27 minutes 13 seconds East 54.50 feet; thence northwesterly along a non-tangential curve concave to the southwest, central angle 02 degrees 36 minutes 03 seconds, radius 23987.56 feet, an arc distance of 1088.91 feet to the north line of said Northwest Quarter of the Southwest

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Quarter; the chord bears North 52 degrees 07 minutes 36 seconds West 1088.82; thence South 89 degrees 35 minutes 46 seconds West along said north line 123.38 feet to the northeasterly right-of-way line of county state-aid highway No. 82; thence South 56 degrees 48 minutes 26 seconds East along said right-of-way line 168.76 feet; thence continuing along said right-of-way line on a tangential curve concave to the southwest, central angle 09 degrees 17 minutes 00 seconds, an arc distance of 914.57 feet; thence continuing along said right-of-way line tangent to said curve South 47 degrees 31 minutes 26 seconds East 577.91 feet; thence North 42 degrees 28 minutes 34 seconds East 110.00 feet; thence North 47 degrees 31 minutes 26 seconds West 516.37 feet to the point of beginning.

Containing 2.72 acres more or less.

(d) The land conveyed to the state in paragraph (c) shall become part of the state rail bank and shall be administered according to Minnesota Statutes, section 222.63.

Presented to the governor March 20, 2002

Signed by the governor March 22, 2002, 2:01 p.m.

CHAPTER 258—S.F.No. 2434

An act relating to Polk county; providing a process for making certain offices appointive in Polk county.

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

Section 1. **POLK COUNTY OFFICERS MAY BE APPOINTED.**

Subdivision 1. **AUTHORITY TO MAKE OFFICE APPOINTIVE.** Notwithstanding Minnesota Statutes, section 382.01, upon adoption of a resolution by the Polk county board of commissioners, the offices of county recorder and county auditor-treasurer are not elective but must be filled by appointment by the county board as provided in the resolution.

Subd. 2. **BOARD CONTROLS; MAY CHANGE AS LONG AS DUTIES DONE.** Upon adoption of a resolution by the Polk county board of commissioners and subject to subdivisions 3 and 4, the duties of an elected official required by statute whose office is made appointive as authorized by this section must be discharged by the board of commissioners of Polk county acting through a department head appointed by the board for that purpose. A reorganization, reallocation, or delegation or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

Subd. 3. **INCUMBENTS TO COMPLETE TERM.** The person elected at the last general election to an office made appointive under this section must serve in that

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