

Subd. 7. **EFFECTS OF NONCOMPLIANCE.** Except as provided in subdivisions 2 and 4, failure to comply with this section shall not result in a denial of the claim for reimbursement unless the compensation judge, or commissioner, determines that the noncompliance has materially prejudiced the interests of the other parties.

Sec. 22. Minnesota Statutes 2000, section 176.84, subdivision 2, is amended to read:

Subd. 2. **PENALTY.** The commissioner or compensation judge may impose a penalty of \$500 for each violation of subdivision 1. This penalty is payable to the commissioner for deposit in the assigned risk safety account.

Sec. 23. **REPEALER.**

Minnesota Statutes 2000, section 176.129, subdivisions 3, 4, and 4a, are repealed.

Sec. 24. **EFFECTIVE DATE.**

Sections 6 to 11 and 23 are effective with assessments due after July 1, 2003.

Presented to the governor March 20, 2002

Signed by the governor March 22, 2002, 2:12 p.m.

CHAPTER 263—S.F.No. 2590

An act relating to Carlton and Pine counties; permitting the appointment of the county recorder.

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

Section 1. **RECORDER MAY BE APPOINTED.**

Notwithstanding Minnesota Statutes, section 382.01, upon adoption of a resolution by the Carlton county board of commissioners, the office of county recorder in the county is not elective but must be filled by appointment by the county board as provided in the resolution. Before the county board may adopt a resolution under this section, the board must hold a public hearing on the proposal to appoint the county recorder.

Sec. 2. **BOARD CONTROLS, MAY CHANGE AS LONG AS DUTIES DONE.**

Upon adoption of a resolution by the Carlton county board of commissioners and subject to sections 3 and 4, the duties of the elected official required by statute whose office is made appointive as authorized by this act must be discharged by the board of commissioners of Carlton county acting through a department head appointed by the board for that purpose. A reorganization, reallocation, or delegation or other adminis-

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trative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

Sec. 3. APPOINTEE TO VACANCY.

The person appointed to fill the vacancy in the office following the retirement in December 2000 of the elected recorder may continue to serve until the county board exercises its authority under this act or until a recorder is elected at the end of the term being filled by appointment.

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. RECORDER MAY BE APPOINTED, DUTIES COMBINED WITH ASSESSORS.

Subdivision 1. RECORDER MAY BE APPOINTED. Notwithstanding Minnesota Statutes, section 382.01, upon adoption of a resolution by the Pine county board of commissioners, the office of county recorder in the county is not elective but must be filled by appointment by the county board as provided in the resolution. Before the county board may adopt a resolution under this section, the board must hold a public hearing on the proposal to appoint the county recorder.

Subd. 2. BOARD CONTROLS, MAY CHANGE AS LONG AS DUTIES DONE. Upon adoption of a resolution by the Pine county board of commissioners and subject to subdivisions 3 and 4, the duties of the county recorder must be discharged by the board of commissioners of Pine county acting through a department head appointed by the board for that purpose. The county board may reorganize the offices of county recorder and assessor to combine the offices and duties into one position, appointed by the county board, provided that the person appointed has the qualifications required to be appointed assessor, as provided in Minnesota Statutes, section 270.50, and any other applicable law. 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 the office of county recorder made appointive under this act

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must serve in that capacity and perform the duties, functions, and responsibilities required by statute until the completion of the term of office to which the person was elected or until a vacancy occurs in the office, whichever occurs earlier.

Subd. 4. FOUR-FIFTHS VOTE; REVERSE REFERENDUM. The county board may provide for the appointment of the county recorder and combination of the recorder's duties with those of the county assessor as permitted in this section without an affirmative vote of the voters of the county if the resolution to make the office appointed and to combine the duties with those of the assessor 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. 6. EFFECTIVE DATE.

Sections 1 to 4 of this act are effective the day after the governing body of Carlton county and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. Section 5 is effective the day after the governing body of Pine 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, 2:11 p.m.

CHAPTER 264—H.F.No. 2796

An act relating to local government; authorizing the city of Minneapolis to construct a new asphalt plant as part of a joint venture with a private enterprise; requiring local approval.

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

Section 1. JOINT VENTURE ASPHALT PLANT AUTHORIZED.

(a) Notwithstanding its city charter or any other law to the contrary, the city of Minneapolis may enter into a joint venture or other business arrangement with a private entity, for the construction, operation, management, and sharing of output for

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