

CHAPTER 173—S.F.No. 1878

An act relating to Carver County; providing for the county board to appoint county recorder, county auditor, and county treasurer; providing for a referendum option to determine if an office is appointive in Carver County.

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

Section 1. CARVER COUNTY; AUDITOR, TREASURER, AND RECORDER MAY BE APPOINTED.

Subdivision 1. **Authority to make offices appointive.** Notwithstanding Minnesota Statutes, section 382.01, upon adoption of a resolution by the Carver County Board of Commissioners, the offices of county auditor, county treasurer, and county recorder 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 Carver County Board of Commissioners and subject to subdivisions 3 and 4, the duties of the elected official required by statute, whose office is made appointive as authorized by this section, must be discharged by the Board of Commissioners of Carver County acting through a division head appointed by the board for that purpose. A reorganization, reallocation, 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 a position made appointive under this section 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. **Publishing resolution; petition, referendum.** The county board may provide for the appointment of the county auditor, county treasurer, and the county recorder, as permitted in this section if the resolution to make the office appointive is approved by at least 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 must provide an opportunity at its next regular meeting for public comment relating to the option, before formally adopting the option. The resolution may be implemented without the submission of the question 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 voters registered in the last general election of the county, is filed with the county auditor. If a petition is filed, the resolution may be implemented unless disapproved by a majority of the voters of the county voting on the question at a regular or special election.

Subd. 5. **Effective date; local approval.** This section is effective the day after the governing body of Carver 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 30, 2006

Signed by the governor March 31, 2006, 6:04 p.m.