

CHAPTER 382

COUNTY OFFICERS

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382.01 OFFICERS ELECTED; TERMS. In every county in this state there shall be elected at the general election in 1918 a county auditor, a county treasurer, sheriff, register of deeds, county attorney, and coroner, and county superintendent of schools.

The terms of office of these officers shall be four years and shall begin on the first Monday in January next succeeding their election. They shall hold office until their successors are elected and qualified. These offices shall be filled by election every four years thereafter.

[1913 c 458 s 1, 2; 1915 c 168 s 1, 2; 1959 c 700 s 1] (820, 821)

NOTE: See State ex rel v Berg, 132 M 426, 434, 157 NW 652. As to county superintendent of schools, see section 121.355.

382.02 VACANCIES, HOW FILLED. Any appointment made to fill a vacancy in any of the offices named in section 382.01 shall be for the balance of such entire term, and be made by the county board.

[1915 c. 168 s. 3] (822)

382.03 TRANSPORTATION FURNISHED. In any county of this state now or hereafter having a population of 400,000 or over, the county board may provide and maintain, at the expense of the county, transportation facilities for the use of the county surveyor and his deputies, the sheriff and his deputies, and the members of the county board in and about the performance of the duties of their respective offices; provided, that the total amount which may be expended in any one year for transportation of the members of the county board shall not exceed \$3,000; provided, further, that the providing of transportation facilities to members of county boards within the provisions of this section shall include and permit reasonable allowances on a monthly basis to members for the use of their own automobiles in the performance of their official duties notwithstanding the provisions of any law fixing allowances for use of their own automobiles by public officers in the performance of their duties on a mileage basis.

[1927 c. 220 s. 1; 1939 c. 361 s. 2] (822-3)

382.04 OFFICES AT THE COUNTY-SEAT. Every county auditor, treasurer, register of deeds, clerk of district court, sheriff, judge of probate, and court commissioner shall keep his office at the county-seat. In any county where general terms of the district court are established and held at a place other than the county-seat, the court commissioner may have his office at such other place. In any county the judge of the district court may make an order which will permit such court commissioner to have his office at some other place than the county-seat of such county.

[R. L. s. 602; 1909 c. 447 s. 1] (975)

382.05 TO REPORT FEES. Every elected or appointed county official shall make and file with the auditor of his county, on or before January 25 in each year, a statement, verified by his oath, on a form prescribed by the public examiner, showing in detail the amount of all fees, gratuities, reimbursements, and emolu-

ments of whatever nature received by him as such official, or in connection with his official work, necessary expenditures made in connection therewith, and net amounts retained by said official, during the preceding calendar year.

[R. L. s. 603; 1965 c. 54 s. 1] (976)

NOTE: See section 388.13.

382.06 PENALTY FOR VIOLATION. Every county official who shall refuse or neglect to comply with the provisions of section 382.05 shall be guilty of a gross misdemeanor and upon conviction punished by a fine of not less than \$100 nor more than \$1,000 or by imprisonment in the county jail for not less than 30 days nor more than one year or by both.

[R. L. s. 604] (977)

382.07 STATEMENTS; PROSECUTION. The county auditor shall present all statements required by section 382.05 to the county board at its first meeting held after January 25 thereafter, together with a list of the officials who have not filed such statements, and thereupon the board shall direct the county attorney to prosecute such officials.

[R. L. s. 605; 1965 c. 54 s. 2] (978)

382.08 RECORDING FEES PAID BY COUNTY. The fees for filing and recording official bonds, oaths of office, certificates, or other evidences of election or qualification for office, required by law to be filed or recorded with the register of deeds or clerk of the district court, shall be paid by the county.

[R. L. s. 606] (979)

382.09 BLANKS FURNISHED. The secretary of state, attorney general, and public examiner shall prepare and cause to be printed blank forms for official bonds for all county officers who are required by law to execute such bonds, and the secretary of state, as often as may be necessary, shall forward to the auditor of each county a sufficient supply of such forms for use in such county.

[R. L. s. 607] (980)

382.10 BONDS RECORDED AND FORWARDED TO SECRETARY OF STATE. Official bonds of county officers when approved by the county board, and their oaths of office and the bonds and oaths of their deputies, except register of deeds, shall be filed and recorded in the office of the register of deeds and when recorded shall be forwarded by him to the secretary of state as soon as recorded. Such secretary shall submit all such bonds to the attorney general for approval as to form and execution, who, if he finds the same satisfactory, shall endorse his approval thereon and thereupon the secretary of state shall file the same in his office for the use of all parties interested.

[R. L. s. 608; 1909 c. 115 s. 1] (981)

382.11 NON-APPROVAL OF BOND. In case the attorney general shall find any such bond defective in form or defectively executed, he shall endorse his non-approval thereon, stating his reasons therefor. The secretary of state shall thereupon advise the proper county board of such non-approval, and such board shall require the officer who executed such bond to forthwith execute a new bond in compliance with the statute, which shall be approved, recorded, and filed in like manner as other official bonds. The original bond executed by any such officer shall remain on file and be a valid obligation until such perfected bond is filed with the secretary of state. Nothing in this section shall be construed as interfering with the power of the county board in reference to the approval of bonds, or calling for new or additional bonds.

[R. L. s. 609] (982)

382.12 BONDS NOT WITHDRAWN. No bond so filed with the secretary of state shall be removed except upon the written order of a judge of a court of record before whom an action is pending to enforce the conditions thereof.

[R. L. s. 610] (983)

382.13 NEW BOND; NOTICE. When the county board of any county shall deem the official bond of any county officer insufficient, or when any surety upon any such bond shall file with the board a written request that such officer be required to give a new bond, stating therein his reasons, such board shall give such officer written notice to furnish a new official bond, to be approved by them, before the first day of their next regular, special, or adjourned meeting to be held more than 20 days from the date of such notice, under penalty of forfeiting his office. Such notice shall be personally served and returned in the same manner as a summons in a civil action.

[R. L. s. 611] (984)

382.14 FAILURE TO GIVE; OFFICE VACANT. If any county officer served with notice to furnish a new bond, as provided in section 382.13, fails or neglects to do so, his office shall be deemed vacant. If it shall be made to appear to the board that such officer has been unable to furnish such bond by reason of physical disability, it may give him such further reasonable time to furnish the same as it deems proper, not later than the next meeting of the board. If such bond is not furnished within the further time so granted, such office shall be deemed vacant as before provided.

[R. L. s. 612] (985)

382.15 ORIGINAL, HOW AFFECTED BY NEW BOND. The rights and liabilities of the parties to the original bond of any such officer, existing or incurred at or prior to the time of the approval and filing of such new bond, shall not be in any wise affected or impaired by the giving of such new bond; but such original bond and the sureties thereon shall not be liable for the acts of such officer done or performed after the new bond is approved, recorded, and filed as required by law.

[R. L. s. 613] (986)

382.153 PREMIUM ON SURETY BOND, PAID BY COUNTY. In counties now or hereafter having a population of more than 250,000, when a corporate surety bond has been furnished by any county officer or employee pursuant to statute or resolution of the county board, the premium therefor shall be paid by the county, provided that the county board may designate the surety.

The county board shall cause to be published in its official publication, a notice for bids for the furnishing of all such bonds and shall award a contract to the lowest responsible bidder.

In lieu of the individual bonds required to be furnished by employees, a schedule or position bond or undertaking may be given by the employees of each county office or department, or a single corporate surety fidelity, schedule or position bond or undertaking covering all the employees of any such county may be furnished, in the respective amounts fixed by law, or by the person or board authorized by law to fix the same, conditioned substantially as provided in section 574.13, and upon a form to be prescribed by the commissioner of administration.

[1943 c 537 s 1; 1945 c 57 s 1; 1947 c 69 s 1; 1963 c 563 s 1]

382.154 PREMIUM FOR BONDS, OFFICERS AND EMPLOYEES, PAYMENT. The premium upon any bond now or hereafter required of any elected or appointed county officer or employee, and their respective deputies or assistants, together with the expense of recording or filing such bonds, shall be paid by the county in which such officers or employees are elected or appointed; provided that this section shall not apply in counties having more than 250,000 inhabitants.

[1945 c. 32 s. 1]

382.16 RECORDS ARE PUBLIC; COPIES. The several judges of probate, county auditors, registers of deeds, and clerks of the district court, during the hours when their respective offices are open, or are required by law to be kept open, shall exhibit any papers, files, or records of their office or in their official custody, for the inspection of any person demanding the same, free of charge, except in cases where fees are provided by law, and then upon tender of such fees.

The several county auditors, judges of probate, and clerks of the district court, during the hours when their respective offices are required by law to be open, shall furnish to any person demanding the same a certified copy of any record, file, or paper in their office or in their official custody upon tender of such fees therefor as are by law allowed to registers of deeds for like services.

[R. L. ss. 614, 615] (987, 988)

382.17 WOMEN DEPUTIES. Any woman who is a citizen of this state is eligible to appointment as a deputy of any public official authorized by law to appoint deputies.

[R. L. s. 616; 1917 c. 56] (989)

382.18 OFFICIALS NOT TO BE INTERESTED IN CONTRACTS. No county official, or deputy or clerk or employee of such official; and no commissioner for tax-forfeited lands or his assistants, shall be directly or indirectly interested in any contract, work, labor, or business to which the county is a party or in which it is or may be interested or in the furnishing of any article to, or the purchase or sale of any property, real or personal, by, the county, or of which the consideration, price,

or expense is payable from the county treasury. Any violation of the provisions of this section shall be a gross misdemeanor.

[*R L s 617; 1947 c 360 s 1*] (990)

382.187 [Expired]

382.19 SALARIES NOT REDUCED. The salary, compensation, or allowances of county officers, including judges of probate, their deputies and assistants, as now or hereafter provided by law shall not be reduced or diminished by reason of reduction in the assessed valuation of property in any county due to the omission of motor vehicles from the tax rolls thereof under any law enacted or hereafter enacted pursuant to the provisions of the Constitution of the State of Minnesota, Article 16 or by reason of the exemption of class 2 property pursuant to the provisions of section 272.61.

[*1921 c 361 s 1; Ex 1959 c 70 art 2 s 6*] (997-1)

382.20 SALARIES NOT AFFECTED BY ASSESSED VALUATION REDUCTION. When the salary or clerk hire of any county officer shall be decreased during the term for which he is or was elected because of a reduction in the assessed valuation of the county the board of county commissioners are hereby authorized to fix such salary and clerk hire in an amount equal to that received prior to the reduction in the assessed valuation of the county.

[*1929 c. 313*] (997-2)

382.21 SALARIES OF COUNTY OFFICERS. The annual salary of the county auditor, county treasurer, and county commissioners in all counties of this state, except as provided in sections 382.23 to 382.25, shall be the same amount as provided by law for the year 1931 regardless of any decrease in valuation, any change in population, or any other factor on which such salary may have been based; provided that where the salary now being paid to any county auditor or county treasurer is 20 percent or more below the minimum amount provided in those sections the same is hereby fixed at 90 percent of such minimum amount for the year 1936.

[*1935 c. 349 s. 1; Ex. 1936 c. 39 s. 1*] (997-4a)

382.23 NOT TO AFFECT CERTAIN OFFICERS. The provisions of section 382.21 shall not apply to any county where the salaries of county auditors, county treasurers, or county commissioners are fixed by Laws 1933, Chapters 16, 46, 76, 96, 143, 281, 284, and 432, or by any act heretofore passed by the 1935 legislature, and it shall not apply to any county now having not less than ten nor more than 12 towns and a population of not less than 15,000 nor more than 16,000 according to the United States census of 1930, nor to any county now having not less than 60 nor more than 63 full or fractional congressional townships and a population of not less than 33,000 nor more than 38,000 according to the 1930 census.

[*1935 c. 349 s. 3; Ex. 1936 c. 39 s. 1*] (997-4c)

382.24 APPLICATION. Except for the minimum amounts as provided in sections 382.23 to 382.25 the salaries of county auditors, county treasurers, and county commissioners shall be the same as otherwise provided by law.

[*1935 c. 349 s. 4; Ex. 1936 c. 39 s. 1*] (997-4d)

382.25 CLERK HIRE, AUDITORS AND TREASURERS. There shall be allowed for clerk hire in the office of the county auditor and the county treasurer in all counties of the state an amount equal to that provided by law for the year 1931 and the amount allowed pursuant to sections 384.16 and 385.37, which amounts have heretofore been approved by the public examiner and the attorney general. This section shall not apply to any county where such clerk hire is provided for by Laws 1933, Chapters 16, 76, 166, 281, 284, and 432, or by any act heretofore passed by the 1935 legislature. The county board at its annual meeting in January each year may revoke the authorization of the amount granted by it, or any part thereof, under the provisions of sections 384.16 and 385.37.

[*1935 c. 351 s. 1*] (997-4g)

382.26 CLERK HIRE OTHERWISE PROVIDED. Except as provided by section 382.25 the clerk hire allowance for such county auditors and county treasurers shall be the same as otherwise provided or fixed by law.

[*1935 c. 351 s. 2*] (997-4h)

382.265 CLERK HIRE IN CERTAIN COUNTIES. In all counties of this state where the amount of clerk hire now or hereafter provided by law for any county office, including the office of probate judge, shall be insufficient to meet the require-

ments of said office, the county officer in need of additional clerk hire shall prepare a petition and statement setting forth therein the amount of additional clerk hire needed and file the same with the county auditor, who shall present the same to the board of county commissioners at the next meeting of said board. If the board of county commissioners shall grant said petition by majority vote of all members elected to the board, then the amount of additional clerk hire requested in said petition shall thereupon become effective for said office. Said board shall act on any such petition within 60 days from the time it has been filed with the county auditor. If the board of county commissioners shall determine that the amount of additional clerk hire requested in said petition is excessive and more than is necessary for said office, it shall fix the amount of such additional clerk hire to be allowed, if any, and notify such officer thereof. If said county officer or any taxpayer of the county shall be dissatisfied with the decision of the board of county commissioners, he may, at his own expense, within ten days after the decision of said board, appeal to the district court. The district court, either in term or vacation and upon ten days notice to the chairman of the board of county commissioners, shall hear such appeal and summarily determine the amount of additional clerk hire needed by an order, a copy of which shall be filed with the county auditor.

[1939 c. 319 s. 1; 1945 c. 330 s. 1]

382.27 REIMBURSEMENT OF PEACE OFFICERS. When any sheriff, deputy sheriff, constable, or other peace officer of this state shall hereafter receive physical injury while in the discharge of his official duty as such peace officer the county board of the county wherein such officer resides may audit and allow bills for physicians' services, nurse, and hospital expenses rendered necessary because of such injury and may appropriate money out of the revenue fund of the county for payment thereof.

[1911 c. 268 s. 1] (761)

382.28 JUSTICES AND CONSTABLES. In each election district established as provided by section 203.07 there shall be elected at the general election two justices of the peace and two constables, whose term of office shall be two years. Any vacancy that may occur in either of such offices shall be filled by appointment by the county board.

[R L s 445; 1961 c 560 s 34] (776)

382.29 [Repealed, 1961 c 714 s 2]

382.31 ACCEPTANCE AND DEALING WITH NEGOTIABLE PAPER; DEFINITION. As used in this section negotiable paper means any check, draft, or express or post office money orders.

[1967 c 616 s 1]

382.32 ACCEPTANCE OF NEGOTIABLE PAPER. Subdivision 1. Except as provided in subdivision 2, the county board of any county may by resolution authorize any county officer in his discretion to accept negotiable paper in payment of any moneys required by law to be paid to the officer on behalf of the county, the state of Minnesota or any political subdivision.

Subd. 2. The county treasurer of any county may in his discretion accept negotiable paper in payment of any tax, assessment, license, penalty or interest or costs or claim due the county, the state of Minnesota, or any political subdivision the payment of which is made to the county treasurer.

[1967 c 616 s 2]

382.33 RECEIPT FOR PAYMENT. When negotiable paper is accepted in accordance with section 382.32 and a receipt demanded the treasurer or other county officer shall issue a conditional receipt with the words "Paid By Check—Not A Valid Receipt Until Check Is Paid" stamped boldly on its face.

[1967 c 616 s 3]

382.34 PRESENTATION FOR PAYMENT; NON-PAYMENT EFFECT; PURCHASER. Subdivision 1. When negotiable paper is accepted by the treasurer he shall present it promptly for payment. If any negotiable paper is not paid on due presentation for any reason, any record of payment made on any official record because of the acceptance of the negotiable paper shall be cancelled and the tax, assessment, license, penalty or interest remains a lien as though no payment had been accepted, and such lien shall be enforceable against a bona fide purchaser or encumbrancer who erroneously relied upon any conditional record of payment.

Subd. 2. If negotiable paper is accepted by the treasurer and within 10 days of

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such acceptance the county treasurer is requested to issue a current tax certificate, the treasurer shall issue such certificate with the words "taxes paid—conditional receipt issued" stamped thereon.

Subd. 3. The treasurer's powers to cancel tax receipts shall appear on every person's tax statement as provided for in section 276.04 stamped boldly on its face with the words "All Tax Receipts Subject to Cancellation By County Treasurer For Dishonor Of Negotiable Paper Offered In Payment."

[1967 c 616 s 4]

382.35 LIABILITY OF OFFICER; RETURN WITHOUT PAYMENT. Subdivision 1. A county officer accepting negotiable instruments shall not be personally liable for the nonpayment of any negotiable paper accepted by him pursuant to section 382.32.

Subd. 2. Any county officer accepting negotiable paper shall make any memoranda necessary to enable him to make proper cancellation of any record on the return of the negotiable paper without payment.

[1967 c 616 s 5]

382.36 PRESENTMENT FOR PAYMENT. When negotiable paper is accepted by any county officer the county treasurer shall promptly present it for payment. If the negotiable paper is not paid on due presentation for any reason, the treasurer shall return it to the county officer who accepted it. If a statutory procedure is prescribed for the collection of the amount represented by the negotiable paper, such paper shall be returned to the person submitting it and the amount collected pursuant to such procedure. If no special statutory procedure is prescribed for the collection of the amount represented by the negotiable paper, the county attorney shall use all legal means at his disposal to compel payment of the amount represented by the negotiable paper.

[1967 c 616 s 6]