

A bill for an act

relating to counties; providing for appointment and consolidation of certain county offices, subject to notice, hearing, reverse referendum; amending Minnesota Statutes 2006, sections 375.101, subdivision 1, by adding a subdivision; 375A.10, subdivision 5; 375A.12, subdivision 2, by adding a subdivision; 382.01.

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

Section 1. Minnesota Statutes 2006, section 375.101, subdivision 1, is amended to read:

Subdivision 1. **Option for filling vacancies; election in 30 to 60 90 days.** Except as provided in subdivision 3, a vacancy in the office of county commissioner ~~shall~~ may be filled as provided in this subdivision and subdivision 2, or as provided in subdivision 4. If the vacancy is to be filled under this subdivision and subdivision 2, it must be filled at a special election not less than 30 nor more than ~~60~~ 90 days after the vacancy occurs. The special primary or special election may be held on the same day as a regular primary or regular election but the special election shall be held not less than 14 days after the special primary. The person elected at the special election shall take office immediately after receipt of the certificate of election and upon filing the bond and taking the oath of office and shall serve the remainder of the unexpired term. If the county has been reapportioned since the commencement of the term of the vacant office, the election shall be based on the district as reapportioned.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2006, section 375.101, is amended by adding a subdivision to read:

2.1            Subd. 4. **Option for filling vacancies; appointment.** Except as provided in  
2.2 subdivision 3, and as an alternative to the procedure provided in subdivisions 1 and 2, any  
2.3 other vacancy in the office of county commissioner may be filled by board appointment at  
2.4 a regular or special meeting. The appointment shall be evidenced by a resolution entered  
2.5 in the minutes and shall continue until an election is held under this subdivision. All  
2.6 elections to fill vacancies shall be for the unexpired term. If the vacancy occurs before the  
2.7 first day to file affidavits of candidacy for the next county general election and more than  
2.8 two years remain in the unexpired term, a special election shall be held in conjunction  
2.9 with the county general election. The appointed person shall serve until the qualification  
2.10 of the successor elected to fill the unexpired part of the term at that special election. If the  
2.11 vacancy occurs on or after the first day to file affidavits of candidacy for the county general  
2.12 election, or when less than two years remain in the unexpired term, there shall be no special  
2.13 election to fill the vacancy and the appointed person shall serve the remainder of the  
2.14 unexpired term and until a successor is elected and qualifies at the county general election.

2.15            **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.16            Sec. 3. Minnesota Statutes 2006, section 375A.10, subdivision 5, is amended to read:

2.17            Subd. 5. **Auditor-treasurer.** In any county exercising the option provided  
2.18 in subdivision 2, clause (c), the office shall be known thereafter as the office of  
2.19 auditor-treasurer, if the office is to remain elective. If the board chooses to make the  
2.20 office of auditor-treasurer elective, and not require a referendum, it must act with the  
2.21 concurrence of 80 percent of its members.

2.22            In the exercise of this option, the county board shall direct which of the offices of  
2.23 auditor or treasurer shall be terminated for the purpose of providing for the election to  
2.24 the single office of auditor-treasurer. The duties, functions and responsibilities which  
2.25 have been heretofore and which shall hereafter be required by statute to be performed  
2.26 by the county auditor and the county treasurer shall be vested in and performed by the  
2.27 auditor-treasurer without diminishing, prohibiting or avoiding those specific duties  
2.28 required by statute to be performed by the county auditor and the county treasurer.

2.29            Nothing in this subdivision shall preclude the county from exercising the option to  
2.30 make the combined office of auditor-treasurer appointive as if it had been specifically  
2.31 enumerated in subdivision 2. If the combined office is to be appointive, a referendum  
2.32 under section 375A.12 shall be necessary, except as provided by section 375A.12,  
2.33 subdivision 2a.

2.34            If the combined office is to be elective, a referendum under section 375A.12 shall  
2.35 be necessary if:

**S.F. No. 124, 1st Engrossment - 85th Legislative Session (2007-2008)**

3.1 (a) the county board requires a referendum; or

3.2 (b) a referendum is required by a petition of a number of voters equal to ten  
3.3 percent of those voting in the county at the last general election that is received by the  
3.4 county auditor within 30 days after the second publication of the board resolution that  
3.5 orders the combination.

3.6 The persons last elected to the positions of auditor and treasurer before adoption  
3.7 of the resolution shall serve in those offices and perform the duties of those offices until  
3.8 the completion of the terms to which they were elected.

3.9 Sec. 4. Minnesota Statutes 2006, section 375A.12, subdivision 2, is amended to read:

3.10 Subd. 2. **Form of government options.** Except as provided in subdivision 2a, the  
3.11 options provided in sections 375A.01 to 375A.10 shall be adopted in any county only after  
3.12 an affirmative vote of the voters in the county on the question of the adoption of the  
3.13 option. Except as provided in section 375A.01, only one such plan may be submitted  
3.14 at any one election.

3.15 Sec. 5. Minnesota Statutes 2006, section 375A.12, is amended by adding a subdivision  
3.16 to read:

3.17 Subd. 2a. **Publishing resolution; hearing; petition; referendum.** An option  
3.18 provided in section 375A.10, subdivision 2, clause (a), for the appointment of the county  
3.19 auditor, county treasurer, or county recorder; or for the appointment of the auditor-treasurer  
3.20 under section 375A.10, subdivision 5, may be adopted by the county board by resolution  
3.21 if the option is approved by at least 80 percent of the members of the county board. Before  
3.22 the adoption of the resolution, the county board must publish a resolution notifying the  
3.23 public of its intent to consider the option once each week for two consecutive weeks  
3.24 in the official publication of the county. Following the publication, the county board  
3.25 shall provide an opportunity at its next regular meeting for public comment relating to  
3.26 the option, prior to formally adopting the option. The resolution may be adopted and  
3.27 implemented without the submission of the question to the voters of the county unless,  
3.28 within 30 days after the board meeting at which the public is provided an opportunity  
3.29 to comment on the proposal, a petition requesting a referendum, signed by at least ten  
3.30 percent of the registered voters of the county, is filed with the county auditor. The petition  
3.31 must meet the requirements of the secretary of state, as provided in section 204B.071 and  
3.32 any rules adopted to implement that section. If a petition is filed, the resolution may be  
3.33 implemented unless disapproved by a majority of the voters of the county voting on the  
3.34 question at a regular or special election.

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4.1 A county must not begin the process authorized in this subdivision if a proposed  
4.2 resolution could be subject to a referendum that would be held at the same election as an  
4.3 election to fill the affected county offices.

4.4 Sec. 6. Minnesota Statutes 2006, section 382.01, is amended to read:

4.5 **382.01 OFFICERS ELECTED; TERMS.**

4.6 In every county in this state there shall be elected at the general election in 1918 a  
4.7 county auditor, a county treasurer, sheriff, county recorder, county attorney, and coroner.

4.8 The terms of office of these officers shall be four years and shall begin on the first  
4.9 Monday in January next succeeding their election. They shall hold office until their  
4.10 successors are elected and qualified. Each of these offices shall must be filled by election  
4.11 every four years ~~thereafter~~ after 1918, unless an office is consolidated with another county  
4.12 office, or made appointive under chapter 375A or some other general or special law.