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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE No. 1193

February 19, 2007

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The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs

March 14, 2007

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A bill for an act
1.2 relating to counties; providing a process for making the Office of County
1.3 Recorder appointive in Beltrami County.

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

1.5 Section 1. BELTRAMI COUNTY RECORDER, OFFICE MAY BE APPOINTED.

1.6 Subdivision 1. Authority to make office appointive. Notwithstanding Minnesota
1.7 Statutes, section 382.01, upon adoption of a resolution by the Beltrami County Board
1.8 of Commissioners, the Office of County Recorder is not elective but must be filled by
1.9 appointment by the county board as provided in the resolution.

1.10 Subd. 2. Board controls; may change as long as duties done. Upon adoption of a
1.11 resolution by the Beltrami County Board of Commissioners and subject to subdivisions 3
1.12 and 4, the duties of an elected official required by statute whose office is made appointive
1.13 as authorized by this section must be discharged by the Board of Commissioners of
1.14 Beltrami County acting through a department head appointed by the board for that
1.15 purpose. Reorganization, reallocation, or delegation or other administrative change or
1.16 transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

1.17 Subd. 3. Incumbents to complete term. The person elected at the last general
1.18 election to an office made appointive under this section must serve in that capacity and
1.19 perform the duties, functions, and responsibilities required by statute until the completion
1.20 of the term of office to which the person was elected or until a vacancy occurs in the
1.21 office, whichever occurs earlier.

1.22 Subd. 4. Publishing resolution; petition, referendum. The Beltrami County
1.23 Board may provide for the appointment of the county recorder as permitted in this section
1.24 if the resolution to make the office appointive is approved by at least 80 percent of the

2.1 members of the county board. Before the adoption of the resolution, the county board  
2.2 must publish a resolution notifying the public of its intent to consider the option once each  
2.3 week for two consecutive weeks in the official publication of the county. Following the  
2.4 publication, the county board shall provide an opportunity at its next regular meeting  
2.5 for public comment relating to the option, prior to formally adopting the option. The  
2.6 resolution may be adopted and implemented without the submission of the question to the  
2.7 voters of the county unless, within 30 days after the second publication of the resolution, a  
2.8 petition requesting a referendum, signed by at least ten percent of the registered voters  
2.9 of Beltrami County, is filed with the Beltrami County auditor. The petition must meet  
2.10 the requirements of the secretary of state, as provided in Minnesota Statutes, section  
2.11 204B.071, and any rules adopted to implement that section. If a petition is filed, the  
2.12 resolution may be implemented unless disapproved by a majority of the voters of the  
2.13 county voting on the question at a regular or special election.

2.14 **EFFECTIVE DATE.** This section is effective the day after the Beltrami County  
2.15 Board of Commissioners and its chief clerical officer timely complete their compliance  
2.16 with Minnesota Statutes, section 645.021, subdivisions 2 and 3.