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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **3577**

February 28, 2008

Authored by Tschumper

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

March 13, 2008

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to counties; providing a process for making certain county offices
1.3 appointive in Houston County.

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

1.5 Section 1. **HOUSTON COUNTY OFFICES 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 Houston County Board of
1.8 Commissioners, the offices of county auditor and treasurer are not elective but must be
1.9 filled by 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 Houston 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 Houston 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 Houston County
1.23 Board may provide for the appointment of the county auditor and treasurer as permitted
1.24 in this section if the resolution to make the office appointive is approved by at least 80

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

2.14 **EFFECTIVE DATE.** This section is effective the day after the Houston 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.