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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **3662**

March 3, 2008

Authored by Hilty

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

March 17, 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 local government; providing for a public hearing and public testimony

1.3 before making an appointment to fill a vacancy on a county board; changing

1.4 the time period in which an appointment may be made; amending Minnesota

1.5 Statutes 2006, section 375.101, by adding a subdivision; Minnesota Statutes

1.6 2007 Supplement, section 375.101, subdivision 4.

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

1.8 Section 1. Minnesota Statutes 2007 Supplement, section 375.101, subdivision 4,

1.9 is amended to read:

1.10 Subd. 4. **Option for filling vacancies; appointment.** Except as provided in

1.11 subdivision 3, and as an alternative to the procedure provided in subdivisions 1 and 2, any

1.12 other vacancy in the office of county commissioner may be filled by board appointment at

1.13 a regular or special meeting. The appointment shall be evidenced by a resolution entered

1.14 in the minutes and shall continue until an election is held under this subdivision. All

1.15 elections to fill vacancies shall be for the unexpired term. If the vacancy occurs before the

1.16 first day to file affidavits of candidacy for the next county general election and more than

1.17 ~~two years remain~~ one year remains in the unexpired term, a special election shall be held

1.18 in conjunction with the county general election. The appointed person shall serve until the

1.19 qualification of the successor elected to fill the unexpired part of the term at that special

1.20 election. If the vacancy occurs on or after the first day to file affidavits of candidacy for

1.21 the county general election, or when less than ~~two years remain~~ one year remains in the

1.22 unexpired term, there shall be no special election to fill the vacancy and the appointed

1.23 person shall serve the remainder of the unexpired term and until a successor is elected

1.24 and qualifies at the county general election.

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

2.3 Subd. 5. **County boards.** Before making an appointment to fill a vacancy under  
2.4 subdivision 3 or 4, the county board must hold a public hearing not more than 30 days after  
2.5 the vacancy occurs with public notice given in the same manner as for a special meeting  
2.6 of the county board. At the public hearing the board must invite public testimony from  
2.7 persons residing in the district in which the vacancy occurs relating to the qualifications  
2.8 of prospective appointees to fill the vacancy. Before making an appointment, the board  
2.9 also must notify public officials in the affected district on the appointment, including town  
2.10 board and city council members, and must enter into the record at the board meeting in  
2.11 which the appointment is made the names and addresses of the public officials notified.