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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH  
SESSION

HOUSE FILE No. **1658**

March 12, 2009

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The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform,  
Technology and Elections

1.1 A bill for an act  
1.2 relating to counties; repealing special laws authorizing appointment of certain  
1.3 county officers and requiring elections; repealing Minnesota Statutes 2008,  
1.4 sections 383A.20, subdivisions 2, 3, 4, 5, 10, 12; 383B.025; 383C.136; 383E.03;  
1.5 383E.04; 383E.05; 383E.06; Laws 1990, chapter 431; Laws 1991, chapter 338;  
1.6 Laws 1992, chapter 474; Laws 1997, chapter 90, as amended; Laws 1997,  
1.7 chapter 153; Laws 1998, chapter 302; Laws 1998, chapter 307; Laws 1998,  
1.8 chapter 308; Laws 2001, chapter 105; Laws 2001, chapter 180; Laws 2001,  
1.9 chapter 184; Laws 2002, chapter 256; Laws 2002, chapter 258; Laws 2002,  
1.10 chapter 263; Laws 2003, chapter 43; Laws 2005, chapter 75, sections 2; 3; Laws  
1.11 2006, chapter 173; Laws 2007, chapter 26; Laws 2008, chapter 160; Laws 2008,  
1.12 chapter 161; Laws 2008, chapter 209.

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

1.14 Section 1. **COUNTY OFFICE ELECTIONS REQUIRED.**

1.15 Any county whose special law is repealed in section 2, must elect a county auditor,  
1.16 recorder, treasurer or auditor-treasurer if that office was made appointed under the special  
1.17 law repealed in section 2. The election must be held so that the elected officer takes  
1.18 office in January 2010.

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

1.20 Sec. 2. **REPEALER.**

1.21 Minnesota Statutes 2008, sections 383A.20, subdivisions 2, 3, 4, 5, 10, and 12;  
1.22 383B.025; 383C.136; 383E.03; 383E.04; 383E.05; and 383E.06, and Laws 1990, chapter  
1.23 431; Laws 1991, chapter 338; Laws 1992, chapter 474; Laws 1997, chapter 90, as  
1.24 amended by Laws 2000, chapter 259, section 1; Laws 1997, chapter 153; Laws 1998,  
1.25 chapter 302; Laws 1998, chapter 307; Laws 1998, chapter 308; Laws 2001, chapter 105;  
1.26 Laws 2001, chapter 180; Laws 2001, chapter 184; Laws 2002, chapter 256; Laws 2002,

2.1 chapter 258; Laws 2002, chapter 263; Laws 2003, chapter 43; Laws 2005, chapter 75,  
2.2 sections 2; and 3; Laws 2006, chapter 173; Laws 2007, chapter 26; Laws 2008, chapter  
2.3 160; Laws 2008, chapter 161; and Laws 2008, chapter 209, are repealed.

2.4 **EFFECTIVE DATE.** This section is effective January 1, 2010.

**383A.20 GOVERNMENT ADMINISTRATION.**

Subd. 2. **Auditor, treasurer, court commissioner and county recorder.** (a) In the county of Ramsey, the offices of county auditor, county treasurer, court commissioner, and county recorder are not elective but filled by appointment by the Ramsey County Board of Commissioners as provided in subdivisions 1 and 2, unless the office is abolished pursuant to a reorganization or consolidation under clause (b).

(b) The duties, functions and responsibilities which are required by statute to be performed by the various elected officials whose offices are by subdivisions 1 and 2 made appointive are vested in and performed by Ramsey County. Ramsey County may initiate and direct a reorganization, consolidation, reallocation or delegation of these duties, functions, or responsibilities to promote efficiency in county government, and may make the other administrative changes, including the abolishing of the offices of auditor, treasurer and county recorder or the transfer of personnel that the county considers necessary for this purpose. The reorganization, reallocation, or delegation or other administrative change or transfer does not diminish, prohibit or avoid those specific duties required by statute to be performed by those officials whose office is now made appointive.

(c) The elected county auditor, county treasurer, court commissioner, and county recorder shall serve as the heads of departments created by Ramsey County to perform the functions performed by their offices and shall serve until their terms of office expire; or upon the expiration of their terms until successors are appointed and duly qualify; and shall not prior to age 70 be disqualified from reappointment by reason of age.

Subd. 3. **Group insurance for retired employees.** Ramsey County shall provide to each employee, including an elected official, who retires, during retirement or to the surviving spouse of the employee, insurance protection in the amount that the county considers proper, providing medical, surgical and hospitalization benefits for the employee and dependent spouse. These benefits may not exceed benefits of similar nature existent and authorized for employees of the county. For these benefits for each retired employee, the average monthly premium cost is limited to \$14 and for the spouse of the employee the monthly premium cost is limited to \$10. If the revised Consumers' Price Index, as published by the United States Department of Labor, Bureau of Labor Statistics, for the city of Minneapolis, Minnesota (or if no index is published for the city of Minneapolis, for the nearest city to Minneapolis for which an index is published), as of January 15 of each year (or for the date nearest to January 15 if no index is published as of January 15), shall be above 119 (using the average for the year 1967 as a base), the total maximum amounts for average monthly premium cost shall be increased by one percent for each point increase in the index above 119. For purposes of this computation, a fractional point increase shall be disregarded if less than one-half point and treated as one full point if one-half point, or more.

Subd. 4. **Eligibility.** The benefits provided in subdivision 3 are available at normal retirement to each employee or elected official who retires at normal retirement; at age 65 to each employee or elected official who retires after 55 years of age or older and has at least 20 years of county service; and at age 62 to each employee or elected official who retires after 62 years of age or older and has at least 30 years of county service.

Subd. 5. **Workers' compensation for sheriff's personnel.** Ramsey County may insure with an insurance carrier its liability to pay workers' compensation with respect to personnel subject to the authority of its sheriff who are engaged in the furnishing of police service to a city or town pursuant to the provisions of section 436.05. This insurance shall be governed by the provisions of chapter 176. The failure of the county of Ramsey to insure with an insurance carrier its liability to pay workers' compensation to any other employee or group of employees shall not preclude exercise of the authority conferred by this subdivision.

Subd. 10. **Automobile mileage.** (a) Generally. Ramsey County may provide for the payment of an automobile allowance to a county officer or employee, except a county commissioner, who officially uses a personal automobile in the performance of public duties. The authorization shall include any limitations as to amount and persons qualified for the automobile allowance, the formula to be used for the allowance, and other limitations or safeguards that the county considers to be expedient in the public interest. A county commissioner may receive actual and necessary expenses as provided in the charter.

(b) Definition. Automobile allowance is defined as the payment of compensation or reimbursement made by the county, through the use of a formula decided upon by the county, to an officer or employee for the use of a personal automobile in the performance of public duty.

(c) Limitations. Ramsey County shall have full authority and control, free from other limitations except as provided in this subdivision, to provide the method of payment, the formula

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for payment and the amount of the automobile allowance to be paid. This subdivision, insofar as the county of Ramsey is concerned, is paramount to any other statute of the state of Minnesota now existing.

Subd. 12. **Cash over and short account of imprest cash fund.** The county may establish a cash over and short account within each of its imprest cash funds and cash receipt accounts. This account shall be used to record on a daily basis overages and shortages of cash receipts.

At the end of each fiscal year, the county shall credit or debit the overage or shortage from each imprest cash fund and cash receipt account to the county revenue fund.

In the instance of a debit balance remaining in the cash over or short account, the county may transfer money sufficient to offset the debit balance from any available fund.

The county budget director shall make the appropriate adjustments and entries on the general books of the county.

**383B.025 COUNTY BOARD APPOINTS AUDITOR, TREASURER, RECORDER.**

Subdivision 1. **Board may abolish under subdivision 2.** In the county of Hennepin, the offices of county auditor, county treasurer and county recorder shall not be elective but shall be filled by appointment by the Hennepin County Board of Commissioners as hereinafter provided, unless such office is hereafter abolished pursuant to a reorganization or consolidation under subdivision 2.

Subd. 2. **Heads are unclassified; statutory duties remain.** The duties, functions and responsibilities which have been heretofore and which shall be hereafter required by statute to be performed by the various elected officials whose offices are by this section made appointive shall be vested in and performed by the Board of Commissioners of Hennepin County through department heads appointed by the board for that purpose. Any such department head shall be in the unclassified service as defined by sections 383B.26 to 383B.42. The Board of Commissioners of Hennepin County shall have the authority to initiate and direct any reorganization, consolidation, reallocation or delegation of such duties, functions, or responsibilities for the purpose of promoting efficiency in county government, and may make such other administrative changes, including the abolishing of the offices of auditor, treasurer and county recorder or the transfer of personnel, as are deemed necessary for this purpose. Such reorganization, reallocation or delegation or other administrative change or transfer shall not diminish, prohibit or avoid those specific duties required by statute to be performed by those officials whose office is now made appointive.

**383C.136 ORGANIZATION OF OFFICES.**

In St. Louis County, the duties and functions of the county treasurer shall be transferred to and be performed by the county auditor, and the office of county treasurer is abolished.

In St. Louis County, no person shall be elected after 1986 to succeed the county recorder. In 1991 the county board shall appoint a county recorder to serve at its discretion.

**383E.03 APPOINTMENT OF COUNTY OFFICIALS.**

Upon adoption of a resolution by the Anoka County Board of Commissioners, the offices of county auditor, county recorder, and county treasurer in the county shall not be elective but shall be filled by appointment by the county board as provided in sections 383E.03 to 383E.06, unless the office is abolished pursuant to a reorganization or consolidation under section 383E.04.

**383E.04 REORGANIZATION OF COUNTY OFFICES.**

(a) Upon adoption of a resolution by the Anoka County Board of Commissioners and subject to sections 383E.05 and 383E.06, the duties of the elected officials required by statute whose offices are made appointive by sections 383E.03 to 383E.06 shall be discharged by the board of commissioners of Anoka County acting through a department head or heads appointed by the board for that purpose. Each appointed department head shall serve at the pleasure of the board. The board may reorganize, consolidate, reallocate, or delegate the duties to promote efficiency in county government. It may make other administrative changes, including abolishing the offices of auditor, recorder, and treasurer. A reorganization, reallocation, or delegation or other administrative change or transfer shall not diminish, prohibit, or avoid the discharge of duties required by statute.

(b) The time requirements in sections 386.30 and 507.093 apply to an appointed department head described in paragraph (a) and begin after the tax certifications required by

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chapters 272 and 287 are made, but the total period to complete the time requirements after receipt of the instrument by the appointed department head must not exceed 60 days.

**383E.05 SCHEDULE.**

Persons elected at the November 1986 general election to the positions of auditor, recorder, and treasurer shall serve in those capacities and perform the duties, functions, and responsibilities required by statute, until the completion of the term of office to which each was elected, or until a vacancy occurs in the office, whichever occurs earlier.

**383E.06 REFERENDUM.**

The county board, before action as permitted by section 383E.04 and before any appointment as permitted by section 383E.03 or 383E.04, but after adopting a resolution permitted by section 383E.03 or 383E.04, shall publish the resolution once each week for two consecutive weeks in the official publication of the county. The resolution may be implemented without the submission of the question to the voters of the county, unless within 21 days after the second publication of the resolution a petition requesting a referendum, signed by at least ten percent of the registered voters of the county, is filed with the county auditor. If a petition is filed, the resolution may be implemented unless disapproved by a majority of the voters of the county, voting on the question at a regular or special election.