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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE No. 3335

March 4, 2010

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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

March 15, 2010

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A bill for an act
1.2 relating to Mower County; providing a process for making office of county
1.3 recorder appointive.

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

1.5 Section 1. MOWER COUNTY 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 Mower 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 Mower 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 Mower County acting through a department head appointed by the board for that purpose,
1.15 who may distribute the duties required by statute. A reorganization, reallocation, or
1.16 delegation or other administrative change or transfer does not diminish, prohibit, or avoid
1.17 the discharge of duties required by statute.

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

1.23 Subd. 4. Publishing resolution; petition; referendum. The county board may
1.24 provide for the appointment of a county office as permitted in this section if the resolution

2.1 to make the office appointive is approved by at least 80 percent of the members of the
2.2 county board. Before the adoption of the resolution, the county board must publish a
2.3 resolution notifying the public of its intent to consider the option once each week for two
2.4 consecutive weeks in the official publication of the county. Following the publication,
2.5 the county board shall provide an opportunity at its next regular meeting for public
2.6 comment relating to the option, prior to formally adopting the option. The resolution
2.7 may be implemented without the submission of the question to the voters of the county
2.8 unless, within 30 days after the second publication of the resolution, a petition requesting
2.9 a referendum, signed by at least ten percent of the registered voters of the county, is filed
2.10 with the county auditor. If a petition is filed, the resolution may be implemented unless
2.11 disapproved by a majority of the voters of the county voting on the question at a regular
2.12 or special election.

2.13 **EFFECTIVE DATE; LOCAL APPROVAL.** This section is effective the day after
2.14 the governing body of Mower County and its chief clerical officer timely complete their
2.15 compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.