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State of Minnesota

Printed **262**
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HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH
SESSION

HOUSE FILE No. **705**

February 24, 2011

Authored by Crawford, McDonald, LeMieur, Runbeck, Barrett and others

The bill was read for the first time and referred to the Committee on Government Operations and Elections

April 28, 2011

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Judiciary Policy and Finance

May 9, 2011

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Ways and Means

May 17, 2011

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; delaying certain audit requirements for new first
1.3 class cities; eliminating certain publication and reporting requirements; providing
1.4 for use of surplus law library funds; repealing certain county clerk hiring
1.5 requirements; repealing seed and feed loans provisions; providing for Ramsey
1.6 County Community Corrections Department duties; making clarifying and
1.7 technical changes; amending Minnesota Statutes 2010, sections 6.49; 134A.12;
1.8 279.09; 299A.77; 331A.11; 375.055, subdivision 1; 383A.404, by adding a
1.9 subdivision; repealing Minnesota Statutes 2010, sections 279.07; 279.08;
1.10 340A.403, subdivision 4; 382.265; 383A.404, subdivision 5; 395.14; 395.15;
1.11 395.16; 395.17; 395.18; 395.19; 395.20; 395.21; 395.22; 395.23; 395.24.

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

1.13 Section 1. Minnesota Statutes 2010, section 6.49, is amended to read:

1.14 **6.49 CITIES OF FIRST CLASS.**

1.15 (a) All powers and duties conferred and imposed upon the state auditor with respect
1.16 to state and county officers, institutions, property, and improvements are hereby extended
1.17 to cities of the first class. This section does not apply to a city designated a city of the
1.18 first class for a minimum of five years after the effective date of the designation under
1.19 section 410.01. Upon expiration of the five-year period, this exemption may be extended
1.20 by agreement of the city and the state auditor.

1.21 (b) Copies of the written report of the state auditor on the financial condition and
1.22 accounts of such city shall be filed in the state auditor's office, with the mayor, city
1.23 council, and city comptroller thereof, and with the city commissioners, if such city have
1.24 such officers. If such report disclose malfeasance, misfeasance, or nonfeasance in office,
1.25 copies thereof shall be filed with the city attorney thereof and with the county attorney of
1.26 the county in which such city is located, and these officials of the law shall institute such
1.27 proceedings, civil or criminal, as the law and the public interest require.

2.1 (c) The state auditor shall bill said cities monthly for services rendered, including
2.2 any examination, and the officials responsible for approving and paying claims shall
2.3 cause said bill to be promptly paid.

2.4 **EFFECTIVE DATE.** This section is effective for cities designated a city of the first
2.5 class based on the 2010 census and thereafter.

2.6 Sec. 2. Minnesota Statutes 2010, section 134A.12, is amended to read:

2.7 **134A.12 TAXABLE AS COSTS.**

2.8 The law library fee is a cost in the action and taxable as such, and is to be allotted
2.9 for the support of the library. If a county has a surplus in its law library fund, the surplus
2.10 funds may be allotted for costs relating to court facilities under section 484.77.

2.11 Sec. 3. Minnesota Statutes 2010, section 279.09, is amended to read:

2.12 **279.09 PUBLICATION OF NOTICE AND LIST.**

2.13 The county shall cause the notice and list of delinquent real property to be published
2.14 once in each of two weeks in ~~the~~ a qualified newspaper ~~designated~~, the first publication of
2.15 which shall be made on or before March 20 immediately following the filing of such list
2.16 with the court administrator of the district court, and the second not less than two weeks
2.17 later. The county shall deliver the list to the newspaper ~~designated~~ at least ten days before
2.18 the date upon which the list is to be published for the first time. Not less than five days
2.19 before the second publication, the county shall submit a revised list to the newspaper. A
2.20 taxpayer who has paid delinquent taxes since the first publication must be removed by
2.21 the county from the second publication.

2.22 Sec. 4. Minnesota Statutes 2010, section 299A.77, is amended to read:

2.23 **299A.77 ALCOHOL ENFORCEMENT ACCOUNT; APPROPRIATION.**

2.24 (a) An alcohol enforcement account is created in the special revenue fund, consisting
2.25 of money credited to the account by law. Money in the account may be appropriated
2.26 by law for (1) costs of the Alcohol and Gambling Division related to administration
2.27 and enforcement of sections 340A.403, subdivision 4; ~~340A.414, subdivision 1a;~~ and
2.28 340A.504, subdivision 7; and (2) costs of the State Patrol.

2.29 (b) The commissioner shall transfer from the account to the trunk highway fund
2.30 \$3,500,000 in fiscal year 2004 and \$3,700,000 in fiscal year 2005, or so much thereof as
2.31 is necessary to pay costs of adding State Patrol positions.

3.1 Sec. 5. Minnesota Statutes 2010, section 331A.11, is amended to read:

3.2 **331A.11 APPLICATION.**

3.3 Subdivision 1. **Application.** ~~Sections 331A.01 to 331A.11 apply~~ This chapter
3.4 applies to all political subdivisions of the state.

3.5 Subd. 2. **Notices excluded.** ~~Sections 331A.01 to 331A.11 do~~ This chapter does
3.6 not apply to notices required by private agreements or local laws to be published in
3.7 newspapers, unless they refer expressly or by implication to this chapter or to particular
3.8 provisions of this chapter.

3.9 Sec. 6. Minnesota Statutes 2010, section 375.055, subdivision 1, is amended to read:

3.10 Subdivision 1. **Fixed by county board.** (a) The county commissioners in all
3.11 counties, except Hennepin and Ramsey, shall receive as compensation for services
3.12 rendered by them for their respective counties, annual salaries and in addition may receive
3.13 per diem payments and reimbursement for necessary expenses in performing the duties of
3.14 the office as set by resolution of the county board. The salary and schedule of per diem
3.15 payments shall not be effective until January 1 of the next year. The resolution shall
3.16 contain a statement of the new salary on an annual basis. The board may establish a
3.17 schedule of per diem payments for service by individual county commissioners on any
3.18 board, committee, or commission of county government including committees of the
3.19 board, or for the performance of services by individual county commissioners when
3.20 required by law. ~~In addition to its publication in the official newspaper of the county as~~
3.21 ~~part of the proceedings of the meeting of the county board, the resolution setting the salary~~
3.22 ~~and schedule of per diem payments shall be published in one other newspaper of the~~
3.23 ~~county, if there is one located in a different municipality in the county than the official~~
3.24 ~~newspaper.~~ The salary of a county commissioner or the schedule of per diem payments
3.25 shall not change except in accordance with this subdivision.

3.26 (b) Notwithstanding paragraph (a), a resolution adopted by the county board to
3.27 decrease commissioners' salaries or per diem payments may take effect at any time.

3.28 Sec. 7. Minnesota Statutes 2010, section 383A.404, is amended by adding a
3.29 subdivision to read:

3.30 Subd. 5a. **Department duties.** The duties of the department shall be the same
3.31 as those provided in chapter 401.

3.32 Sec. 8. **REPEALER.**

- 4.1 Minnesota Statutes 2010, sections 279.07; 279.08; 340A.403, subdivision 4;
- 4.2 382.265; 383A.404, subdivision 5; 395.14; 395.15; 395.16; 395.17; 395.18; 395.19;
- 4.3 395.20; 395.21; 395.22; 395.23; and 395.24, are repealed.

279.07 PUBLICATION, BIDS.

Prior to the day on which the county board designates a newspaper for the publication of the notice and list, any publisher or proprietor of a legal newspaper, as defined by law, may file with the county auditor an offer to publish such notice and list in such paper, stating the rate charged for making such publication. The board may in its discretion receive offers presented to it at any time prior to the time when designation is made.

279.08 NEWSPAPER, DESIGNATION.

At their annual meeting in January, and prior to the designation, the county board shall open, examine, and consider all offers for publication filed or presented as provided in section 279.07, and shall thereupon award the publication of the notice and list to the publisher or proprietor of the newspaper whose offer is found to be the lowest. The board may reject any offer, if in its judgment the public interest so requires, and thereupon designate a newspaper without regard to any rejected offer. In counties now or hereafter having a population of 450,000 or more, the board shall designate a daily newspaper of general circulation throughout such county. If no such daily newspaper submits a bid at the rate herein provided, the board may designate a weekly newspaper of general circulation throughout the county. In any county in which there is no legal newspaper, the board shall designate any such newspaper printed in the judicial district in which the county is situated, and circulating in the county. Every such designation shall be by resolution, which shall be substantially in the following form:

"Resolved, that (here state the name of the newspaper) is hereby designated by the county board of the county of as the newspaper in which the notice and list of the real estate remaining delinquent on the first Monday of January,, shall be published."

A copy of the resolution certified by the auditor shall be filed with the court administrator of the district court. If, for any reason, the board fails to designate a newspaper, or the proprietor of the newspaper fails to give the required bond, the auditor shall thereupon designate the same in writing and immediately file such writing in the auditor's office and a certified copy thereof with such court administrator.

340A.403 3.2 PERCENT MALT LIQUOR LICENSES.

Subd. 4. **Notice to commissioner.** Within ten days of the issuance of a license under this section, a municipality shall inform the commissioner, on a form the commissioner prescribes, of the licensee's name and address and trade name, the effective date and expiration date of the license, and any other information on the license the commissioner requires.

382.265 CLERK HIRE IN CERTAIN COUNTIES.

In all counties of this state where the amount of clerk hire now or hereafter provided by law for any county office shall be insufficient to meet the requirements of said office, the county officer in need of additional clerk hire shall prepare a petition and statement setting forth therein the amount of additional clerk hire needed and file the same with the county auditor, who shall present the same to the board of county commissioners at the next meeting of said board. If the board of county commissioners shall grant said petition by majority vote of all members elected to the board, then the amount of additional clerk hire requested in said petition shall thereupon become effective for said office. Said board shall act on any such petition within 60 days from the time it has been filed with the county auditor. If the board of county commissioners shall determine that the amount of additional clerk hire requested in said petition is excessive and more than is necessary for said office, it shall fix the amount of such additional clerk hire to be allowed, if any, and notify such officer thereof.

383A.404 COMMUNITY CORRECTIONS DEPARTMENT.

Subd. 5. **Duties of department.** The duties of the department are:

- (1) To supervise persons placed on probation by any of the judges of any of the courts of Ramsey County, to keep accurate records of this supervision, and to make reports thereon.
- (2) To make investigations with regard to a child or person as may be ordered by the court before, during, or after the trial or hearing of the child or person, and shall furnish to the court the information, recommendations, and assistance as may be required.

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(3) To inquire into the nature of every juvenile delinquency or criminal matter in any court where authorized to appear and have supervision of the child or person during the continuance or suspension of sentence or order of commitment, and in general, perform the acts with reference thereto as the court may direct. In the execution of official duties, the department personnel shall have all the power of a peace officer.

(4) To perform the duties required of probation officers by law, including but not limited to, chapter 260, and acts amendatory thereof, and the Criminal Code of 1963, and acts amendatory thereof.

(5) To provide for psychiatric, psychological, and medical diagnosis or services for a person when directed or ordered by a court of the county, or when the services are part of the probation and investigation process.

(6) To make collections of support money in divorce and other actions when ordered by a judge of a court of the county and to make collections of money and property when ordered to be paid as restitution or reimbursement and to turn over the money or property to the person or persons entitled thereto as directed by the court.

(7) To make investigations both as to custody and other matters and provide counseling in domestic relation cases as required and to exercise supervision over children and other persons in the cases that the court directs.

(8) To perform other duties for the protection of children and parents as a court of the county directs.

(9) To provide services as marital counseling, taking of wage assignments, financial reports, marriage consent investigations, and other duties as a court of the county directs.

(10) To make all necessary inquiries and prepare petitions for withdrawals from minor trust funds when directed by the judge of the district court.

(11) To perform other acts in relation to the above listed duties and any other services as the courts of the district direct.

395.14 SEED AND FEED LOANS.

Authority is granted to any county in the state to lend money to residents of the county who are citizens of the United States or resident aliens or who have declared their intention of becoming citizens of the United States, for the purpose of purchasing seed and feed for teams whenever there has been a total or partial failure of crops in the county, by reason of hail, flood, drought, fire, or other cause. Qualified residents must own, or hold under contract for deed, land previously under cultivation and cropped and in condition capable of being cropped during the ensuing year, but must be unable to procure seed for planting their land and feed for their teams while doing the planting and must be in imminent danger of losing their property. If not less than 25 resident landowners of the county, before March first next following the crop failure, present to the auditor of the county a petition signed by them asking that the county lend money to residents suffering by reason of the crop failure, for the purpose of purchasing seed and feed, the auditor shall receive and file the petition and at once call a meeting of the county board to consider the petition. The county board shall, on or before the second Monday in March, next following, meet and consider the petition and may enter an order that the county lend, from its general fund, sums as it deems necessary for the purpose; however, the amount shall not, with the existing indebtedness of the county, exceed the amount of indebtedness fixed by the laws of this state.

395.15 APPLICATIONS TO COUNTY AUDITOR.

Any resident freeholder of such county may apply for seed and feed or either of them, for personal use as follows: The freeholder shall file with the county auditor, on or before the second Monday in March, a verified written application therefor showing the following facts:

(1) the freeholder's name, residence, and the places where the freeholder has resided during the past five years;

(2) all lands owned or occupied by the freeholder and the freeholder's interest therein and the encumbrances, if any, thereon;

(3) all personal property owned by the freeholder and the encumbrances, if any, thereon;

(4) the number of acres the freeholder seeded and harvested last year and the number of bushels of grain threshed therefrom;

(5) the description of land desired to be prepared for crop and seed, its condition and number of acres plowed and unplowed;

(6) the number of horses and oxen owned by the freeholder and the encumbrances, if any, thereon;

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(7) the number of bushels and kind of seed desired and the number of bushels of feed required; and

(8) that the freeholder is poor and unable to procure seed or feed from any other source.

395.16 COUNTY BOARD; WHEN TO RECEIVE APPLICATIONS.

The county auditor shall file and number the applications in the order received and call the county board to meet on the second Tuesday in March next following; and the board shall meet and consider these applications separately and in the order of their filing, and may grant such applications, in whole or in part, as appears to it just and proper. Not more than 200 bushels of wheat, or its equivalent in other seed, shall be furnished to any one person.

The county board is hereby granted authority, in its discretion, to direct the filing by the auditor of the petition provided for in section 395.14 after March 1st, and to receive applications for grain after the second Monday in March and to act upon such petition and application the same as if received prior to the respective dates provided in section 395.15.

The county board shall make an order specifying the names of persons and amounts allowed with the kind and quantities of seed and feed granted, and the county auditor shall issue and deliver to the applicant a warrant showing such allowance. Such warrant shall be for the purchase of such seed and feed and for no other purpose whatever, and shall be paid by the county treasurer only when there is endorsed on the back thereof a receipt signed by the applicant, acknowledging receipt by the applicant from some reputable person, of the seed and feed therein specified.

395.17 COUNTY AUDITOR AND COUNTY ATTORNEY TO COUNSEL BOARD.

The county auditor and county attorney are hereby required to attend all meetings of the county board provided in sections 395.14 to 395.24 and to carefully examine all applications filed under the provisions of sections 395.14 to 395.24 and shall give the board the benefit of all information they may have relative to the applicants, and shall counsel, advise, and assist the county board in the discharge of its duties under sections 395.14 to 395.24.

395.18 CONDITION OF CONTRACT.

The warrant provided for in section 395.16 shall not be delivered until the applicant shall have signed a contract in duplicate, attested by the county auditor, to the effect that the applicant, for and in consideration of the seed and feed specified received from the county, promises to pay to the county the amount allowed for the same, on or before the first day of October following, with interest at the rate of six percent per annum, that such amount shall be a first lien upon the crop raised from the seed and, in addition thereto, shall be taxable against the real property of the applicant for which seed and feed was furnished. The contract shall also contain a true description of the land upon which the applicant intends to and will sow and plant such seed, in due season next following, and shall specify that the written application shall be a part of this contract. The auditor shall forthwith record one of such duplicate contracts with the county recorder of the county, for which the applicant shall pay the required recording fee and file the other duplicate in the auditor's office.

395.19 COUNTY TO HAVE LIEN UPON CROPS.

Upon the filing of the contracts provided for in section 395.18, the county shall acquire a just and valid lien upon the crops of grain raised each year by the person receiving the seed or feed, for the amount owing to the county upon the contract, as against all creditors, purchasers, or mortgagees, whether in good faith, or otherwise, and the filing of the contract shall be held and considered to be full and sufficient notice to all parties of the existence and extent of the lien, which shall continue in force until the amount covered by the contract is fully paid.

395.20 INDEBTEDNESS DUE OCTOBER 1, RATE OF INTEREST.

The amount of such indebtedness upon such contracts shall become due and payable on the first day of October in the year in which the seed or feed, or both, is furnished, together with interest on such amount from the date of the warrants issued therefor, at the rate of six percent per annum; and, if the indebtedness be not paid on or before the first day of November of that year it shall then be the duty of the auditor of the county to cause the amount of the indebtedness to be

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entered upon the tax list of the county, as a tax against the land owned by the applicant for whom the aid was furnished, to be collected as other taxes are collected under the laws of this state.

395.21 MARKETING OF GRAIN.

Each and every person who has received seed or feed, or both, under the provisions of sections 395.14 to 395.24, shall, as soon as crops for the year wherein payment is to be made are harvested and threshed, market a sufficient amount of grain to pay the amount then due on the contract and pay the same over to the auditor of the county.

395.22 PENALTY FOR VIOLATION.

Any person who shall, contrary to the provisions of sections 395.14 to 395.24, sell, transfer, take, or carry away, or in any manner dispose of, the seed or feed, or any part thereof, furnished by the county under sections 395.14 to 395.24 or shall use or dispose of such seed or feed, or any part thereof, for any other purpose than that of planting or sowing with same as stated in the application and contract, or shall sell, transfer, take, or carry away, or in any manner dispose of, the crop or any part thereof, produced from the sowing or planting of such seed, before the same is paid for, is guilty of a misdemeanor and shall pay all the costs of prosecution, and whoever under any of the provisions of sections 395.14 to 395.24 shall be found guilty of false swearing shall be deemed to have committed perjury and shall upon conviction suffer the pains and penalties of that crime. Upon the recording of the contract in the office of the county recorder, and the sowing of the seed obtained therefor, the title and right of possession to the growing crop and to the grain produced from the seed shall be in the county which shall have furnished the seed until the debt incurred for such seed or feed, shall have been paid, and any seizure thereof or interference therewith except by the applicant and those in the applicant's employ, for the purpose of harvesting, threshing, and marketing the same to pay such debt, shall be deemed a conversion thereof and treble damages may be recovered against the person so converting the same by the county furnishing such seed and feed.

395.23 DUTIES OF POLICE OFFICERS.

It shall be the duty of the town clerk of a town and the members of the county board, sheriff, and county attorneys of any county furnishing seed or feed, having any knowledge of the violation of the provisions of sections 395.14 to 395.24, to file a complaint with a district court. The court shall issue a warrant for the arrest of the offender, and proceed to hear and determine the matter or to bind the offender over to appear before the grand jury, as the case may be.

395.24 PRO RATA DISTRIBUTION.

If more seed grain is applied for than can be supplied by the county board, a pro rata distribution shall be made by it among those who shall have been found entitled to the benefits of sections 395.14 to 395.24. The board shall have the right to refuse any application which it may deem improper to grant, and may revise their adjustment of applications at any time before final distribution.