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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 658

02/04/2021

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The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act
1.2 relating to local government; providing for election of the police chief in cities of
1.3 the first class; proposing coding for new law in Minnesota Statutes, chapter 436.

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

1.5 Section 1. 436.07 POLICE; CITIES OF THE FIRST CLASS.

1.6 Subdivision 1. Application. This section applies to cities of the first class.

1.7 Subd. 2. Election of police chief; term. Notwithstanding any provision in the home
1.8 rule charter or ordinances, the city's chief of police shall be elected by the voters at the city's
1.9 general election. The person elected to be chief of police shall serve a term of four years,
1.10 beginning on the first Monday in January following the election, and until a successor is
1.11 elected and qualified.

1.12 Subd. 3. Qualifications; oath; bond. (a) Every person who files as a candidate for police
1.13 chief must be licensed as a peace officer in this state. Before taking office, the elected police
1.14 chief shall give bond to the state in a sum not less than \$25,000, to be approved by the city
1.15 council, on the condition that the police chief will take an oath to well and faithfully in all
1.16 things perform and execute the duties of office, without fraud, deceit, or oppression. The
1.17 bond and oath of office shall be recorded with the county recorder.

1.18 (b) If any person elected to the office of police chief fails to give bond and take the oath
1.19 prescribed by law on or before the first Monday in January after the election, the failure
1.20 shall be deemed a refusal to serve and a vacancy shall be declared.

2.1 Subd. 4. **Vacancies.** A vacancy shall be filled by appointment by the city council. The
2.2 person appointed shall serve until a police chief is elected at the next date on which a special
2.3 election may be held.

2.4 Subd. 5. **Control of police department.** The elected chief of police shall provide for
2.5 the appointment of additional officers and other police department personnel.

2.6 Subd. 6. **Budget; compensation.** The city council shall determine the budget for the
2.7 police department, including the compensation of the police chief. If the police chief is
2.8 dissatisfied with the action of the city council in setting the amount of the police chief's
2.9 salary or the amount of the budget for the police department, the police chief may appeal
2.10 to the district court on the grounds that the determination of the city council in setting the
2.11 police chief's salary or budget of the police department was arbitrary, capricious, oppressive,
2.12 or without sufficiently taking into account the extent of the responsibilities and duties of
2.13 the department, and the police chief's experience, qualifications, and performance. The
2.14 appeal shall be taken within 15 days after the date of the resolution setting the salary or
2.15 budget by serving a notice of appeal on the county auditor and filing the notice with the
2.16 district court. The court upon ten days' notice to the mayor and city council shall hear the
2.17 appeal. On the hearing of the appeal the court shall review the decision or resolution of the
2.18 city council in a hearing de novo and may hear new or additional evidence, or the court may
2.19 order the officer appealing and the city council to submit briefs or other memoranda and
2.20 may dispose of the appeal on those writings. If the court finds that the city council acted in
2.21 an arbitrary, capricious, oppressive, or unreasonable manner or without sufficiently taking
2.22 into account the extent of the responsibilities and duties of the office of the police chief and
2.23 the police chief's experience, qualifications, and performance, the court shall make such
2.24 order to take the place of the order appealed from as is justified by the record and shall
2.25 remand the matter to the city council for further action consistent with the court's findings.
2.26 After determination of the appeal, the city council shall proceed in conformity with the
2.27 court's findings.

2.28 **EFFECTIVE DATE.** This section is effective August 1, 2021. A city of the first class
2.29 must elect its chief of police at its first general election held after January 1, 2022.