

conservation commission in the case of a transfer pursuant to clause (2).

Approved May 24, 1967.

CHAPTER 718—S. F. No. 821

An act relating to the office of county attorney and certain administrative duties thereof; prescribing salaries for county attorneys; amending Minnesota Statutes 1965, Sections 388.10 and 388.18; repealing Minnesota Statutes 1965, Section 388.105.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1965, Section 388.10, is amended to read:

388.10 County attorney; salaries; assistants. The county attorney of any county in this state who has no assistant is hereby authorized to appoint, with the consent of the county board of the county, ~~an attorney~~ *one or more attorneys* to assist him in the performance of his duties. ~~Such~~ *Each* assistant shall have the same duties and be subject to the same liabilities as the county attorney and hold office during the pleasure of the county attorney. ~~Such~~ *Each* assistant shall be appointed in writing and his oath and appointment shall be filed for record with the register of deeds. The county board of such county shall fix the salary of ~~the~~ *each* assistant county attorney appointed pursuant to the provisions of this section, and the salary when so fixed by such county board shall thereafter be paid by the county in equal monthly installments upon the warrant of the county auditor during the period for which such salary is so fixed or during such portion thereof as ~~the~~ *an* assistant county attorney ~~shall continue~~ *continues* in office.

Sec. 2. Minnesota Statutes 1965, Section 388.18, is amended to read:

388.18 Compensation schedule, salaries. Subdivision 1. **Minimum salaries.** The county attorneys in all counties in this state with less than ~~50,000~~ *100,000* inhabitants, *according to the 1960 federal census* shall receive as compensation for services rendered by them for their respective counties annual salaries *not less than the following amounts to be fixed by the county board; provided, that the minimum annual salary of the county attorney in all counties of this state with less than 50,000 inhabitants shall be based on the*

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~~populations~~ *population* according to the then last preceding state or federal census as follows:

(a) In counties with less than ~~6,000~~ *10,000* inhabitants ~~\$1,500~~ *\$4,000*;

(b) In counties with ~~6,000~~ *10,000* but less than ~~10,000~~ *20,000* inhabitants ~~\$1,800~~ *\$5,000*;

(c) In counties with ~~10,000~~ *20,000* but less than ~~14,000~~ *30,000* inhabitants ~~\$2,100~~ *\$6,000*;

(d) In counties with ~~14,000~~ *30,000* but less than ~~18,000~~ *40,000* inhabitants ~~\$2,400~~ *\$7,000*;

(e) In counties with ~~18,000~~ *40,000 or more* but less than ~~22,000~~ *inhabitants* ~~\$2,700~~ *\$8,000*;

~~(f) In counties with 22,000 but less than 30,000 inhabitants \$3,000;~~

~~(g) In counties with 30,000 but less than 35,000 inhabitants \$3,250;~~

~~(h) In counties with 35,000 but less than 50,000 inhabitants \$3,500;~~

(i) ~~The annual salary of the county attorney shall be paid in 12 equal monthly instalments upon the warrant of the county auditor drawn on the county revenue fund.~~

If dissatisfied with the amount so fixed, any county attorney may appeal to the district court within 30 days by filing with the auditor a notice thereof. The court, either in term or vacation and upon eight days notice to the chairman of the board, shall hear such appeal and summarily determine the amount of such salary for the term of office by an order, a copy of which shall be filed with the auditor.

No county attorney shall hereafter be entitled to additional compensation under the provisions of ~~Laws 1943, Chapter 597.~~

Subd. 2. ~~Laws 1949, Chapter 597, shall not be construed as repealing or superseding any other act, relating to the same subject, enacted by the 1949 session of the legislature, nor shall it be construed as repealing any existing law which provides for a higher salary, in any county, than the amount provided in this section.~~

Subd. 2. **Set by board.** *The county board of each of the counties specified in subdivision 1 annually shall set by resolution the salary of the county attorney which shall be paid to the county at-*

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torney at such intervals as the board shall determine but not less often than once each month. At the January meeting prior to the first date on which applicants may file for the office of county attorney the board shall set by resolution the minimum salary to be paid the county attorney for the term next following. In the event a vacancy occurs in the office of county attorney the board may set the annual salary for the remainder of the calendar year at an amount less than was set for that year. The board in any case specified in this section may not set the annual salary at an amount less than the minimums provided in subdivision 1 but it may set the salary in excess of such minimums. The salary of the county attorney shall not be reduced during the term for which he is elected or appointed.

*Subd. 3. **Cost of living adjustments.** The salary of the county attorney when set pursuant to the provisions of subdivision 1 shall constitute a base salary and the county attorney shall be subject to any cost of living adjustment made subsequent to the effective date of this act pursuant to the provisions of Minnesota Statutes, Section 375.43, and acts amendatory thereof or supplemental thereto.*

*Subd. 4. **Effect upon certain sections.** Subdivisions 1 through 3 shall not be construed as repealing any existing law which provides for a higher minimum salary in any county than the amount provided in subdivision 1, but shall be deemed to supersede the provisions of any act setting a maximum salary for the county attorney in any of the counties specified in subdivision 1.*

*Subd. 5. **Budget for office.** The county board by resolution shall provide the budget for (1) the salary of the county attorney, any assistant county attorneys and employees in the county attorney's office; (2) other expenses necessary in the performance of the duties of said office and (3) the payment of premiums of any bonds required of the county attorney and any assistant county attorney or employee in the county attorney's office and the board is authorized to appropriate funds therefor.*

*Subd. 6. **Appeal from resolution of the board.** The county attorney, if dissatisfied with the action of the county board in setting the amount of his salary or the amount of the budget for the office of county attorney, may appeal to the district court on the grounds that the determination of the county board in setting such salary or budget was arbitrary, capricious, oppressive or in unreasonable disregard for the responsibilities and duties of said office. The appeal shall be taken within 15 days after the date of the resolution setting such salary or budget by serving a notice of appeal on the county auditor and filing same with the clerk of the district court. The county board may retain special counsel pursuant to Minnesota Statutes,*

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Section 388.09 to represent it in the appeal proceedings. The court either in term or vacation and upon 10 days notice to the chairman of the board shall hear such appeal. On the hearing of the appeal the court shall review the decision or resolution of the board in like manner as though reviewed by certiorari, except new or additional evidence may be taken. The court may order the officer appealing and the board to submit briefs or other memoranda and may dispose of the appeal on such writings. If the court shall find that the board acted in an arbitrary, capricious, oppressive or unreasonable manner it shall remand the matter to the county board for further action consistent with the court's finding.

Sec. 3. **Inconsistent provisions superseded.** *All laws relating to the compensation and budget for the county attorney inconsistent herewith are superseded.*

Sec. 4. *This act shall be in effect on July 1, 1967.*

Sec. 5. *Minnesota Statutes 1965, Section 388.105, is repealed.*

Approved May 24, 1967.

CHAPTER 719—S. F. No. 890

[Not Coded]

An act relating to Hennepin county; providing for the filling of vacancies on the county board by election in certain cases.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Hennepin county; vacancies on board.** Notwithstanding the provisions of Minnesota Statutes, Section 375.10, if a vacancy occurs in a seat on the board of county commissioners of Hennepin county more than six months before the general election in which a commissioner will next be selected to occupy such seat the county auditor shall, within seven days after the vacancy occurs, call a special election within the affected district to fill such vacancy. The auditor shall specify a date for the election which shall be between 56 and 77 days after the vacancy occurred. Candidates shall file with the county auditor prior to the 35th day before the election. The primary election shall be held 14 days before the election. If no more than two candidates file for the office, the primary election shall be cancelled and the date of the general election advanced 14 days.

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