

A bill for an act

relating to counties; providing for appointment and consolidation of certain county offices, subject to notice, hearing, reverse referendum; amending Minnesota Statutes 2008, sections 375A.10, subdivision 5; 375A.12, subdivision 2, by adding a subdivision; 382.01.

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

Section 1. Minnesota Statutes 2008, section 375A.10, subdivision 5, is amended to read:

Subd. 5. **Auditor-treasurer.** In any county exercising the option provided in subdivision 2, clause (c), the office shall be known thereafter as the office of auditor-treasurer, if the office is to remain elective. If the board chooses to make the office of auditor-treasurer elective, and not require a referendum, it must act with the concurrence of 80 percent of its members.

In the exercise of this option, the county board shall direct which of the offices of auditor or treasurer shall be terminated for the purpose of providing for the election to the single office of auditor-treasurer. The duties, functions and responsibilities which have been heretofore and which shall hereafter be required by statute to be performed by the county auditor and the county treasurer shall be vested in and performed by the auditor-treasurer without diminishing, prohibiting or avoiding those specific duties required by statute to be performed by the county auditor and the county treasurer.

Nothing in this subdivision shall preclude the county from exercising the option to make the combined office of auditor-treasurer appointive as if it had been specifically enumerated in subdivision 2. If the combined office is to be appointive, a referendum under section 375A.12 shall be necessary, except as provided by section 375A.12, subdivision 2a.

If the combined office is to be elective, a referendum under section 375A.12 shall be necessary if:

(a) the county board requires a referendum; or

(b) a referendum is required by a petition of a number of voters equal to ten percent of those voting in the county at the last general election that is received by the county auditor within 30 days after the second publication of the board resolution that orders the combination.

The persons last elected to the positions of auditor and treasurer before adoption of the resolution shall serve in those offices and perform the duties of those offices until the completion of the terms to which they were elected.

Sec. 2. Minnesota Statutes 2008, section 375A.12, subdivision 2, is amended to read:

Subd. 2. **Form of government options.** Except as provided in subdivision 2a, the options provided in sections 375A.01 to 375A.10 shall be adopted in any county only after an affirmative vote of the voters in the county on the question of the adoption of the option. Except as provided in section 375A.01, only one such plan may be submitted at any one election.

Sec. 3. Minnesota Statutes 2008, section 375A.12, is amended by adding a subdivision to read:

Subd. 2a. **Publishing resolution; hearing; petition; referendum.** An option provided in section 375A.10, subdivision 2, clause (a), for the appointment of the county auditor, county treasurer, or county recorder; or for the appointment of the auditor-treasurer under section 375A.10, subdivision 5, may be adopted by the county board by resolution if the option is approved by at least 80 percent of the members of the county board. Before the adoption of the resolution, the county board must publish a resolution notifying the public of its intent to consider the option once each week for two consecutive weeks in the official publication of the county. Following the publication, the county board shall provide an opportunity at its next regular meeting for public comment relating to the option, prior to formally adopting the option. The resolution may be adopted and implemented without the submission of the question to the voters of the county unless, within 60 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.

3.1 Sec. 4. Minnesota Statutes 2008, section 382.01, is amended to read:

3.2 **382.01 OFFICERS ELECTED; TERMS.**

3.3 In every county in this state there shall be elected at the general election ~~in 1918~~ a
3.4 county auditor, a county treasurer, sheriff, county recorder, county attorney, and coroner.

3.5 The terms of office of these officers shall be four years and shall begin on the first
3.6 Monday in January next succeeding their election. They shall hold office until their
3.7 successors are elected and qualified. Each of these offices shall must be filled by election
3.8 every four years thereafter, unless an office is consolidated with another county office, or
3.9 made appointive under chapter 375A or some other general or special law.