

CHAPTER 749—S. F. No. 1221

An act relating to county attorneys and to the election, term, bond, criminal registers, annual report, clerk hire, contingent fund thereof; amending Minnesota Statutes 1961, Sections 388.01, 388.10, 388.105, 388.14; and repealing Minnesota Statutes 1961, Sections 388.06 and 388.07.

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

Section 1. Minnesota Statutes 1961, Section 388.01, is amended to read:

388.01 County attorneys; assistants; election; qualifications; term; bond. There shall be elected in each county a county attorney who shall be learned in the law, and whose term of office shall be four years and until his successor qualifies. Before entering upon his duties he shall give bond to the county in the penal sum of \$1,000, to be approved by the county board, conditioned that he will faithfully and impartially discharge the duties of his office and pay over without delay to the county treasurer all moneys which come into his hands by virtue thereof, which bond and his oath shall be filed for record with the register of deeds and when so recorded shall be forwarded by the register of deeds to the secretary of state, *unless said bond is in a similar manner provided or included in a general bond covering this and other officers of said county.*

Sec. 2. Minnesota Statutes 1961, Section 388.10, is amended to read:

388.10 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 to assist him in the performance of his duties. Such 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 assistant shall be appointed in writing and; ~~before entering upon the duties of his office, shall give bond to the county in the penal sum of \$500, to be approved by the county board, conditioned in the same manner as the bond required of the county attorney, which bond, with 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 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 assistant county attorney shall continue in office.

Changes or additions indicated by italics, deletions by ~~strikeout~~.

Sec. 3. Minnesota Statutes 1961, Section 388.105, is amended to read:

388.105 Stenographic hire. The county board may annually appropriate a sum not to exceed ~~\$1,800~~ to be used for providing clerk hire for the county attorney. The amount to be allowed for such purpose shall be determined by the county board but shall not exceed the sum of \$150 per month. *The county board shall annually appropriate such sum as shall be presumably necessary to furnish adequate and competent stenographic services;* 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 ~~clerk~~ *stenographic* hire by an order, a copy of which shall be filed with the auditor. All disbursements from such funds shall be made in the manner provided by law. This section shall not apply in any county now or hereafter having a population of 150,000 or more or in any county wherein ~~clerk~~ *stenographic* hire for the county attorney is provided for by any other law.

Sec. 4. Minnesota Statutes 1961, Section 388.14, is amended to read:

388.14 Contingent fund; expenses. The county board may set apart yearly a sum, not exceeding ~~\$2,000~~ *\$3,000*, as a contingent fund for defraying necessary expenses not especially provided for by law, in preparing and trying criminal cases, conducting investigations by the grand jury, and paying the necessary expenses of the county attorney incurred in the business of the county. All disbursements from such fund shall be made upon written request of the county attorney by auditor's warrant, countersigned by a judge of the district court. Any balance remaining at the end of the year shall be transferred to the revenue fund. ~~In counties now having, or that may hereafter have, a population of not less than 45,000, nor more than 60,000, and containing an area of not less than 35, nor more than 55, congressional townships, the maximum limit for the contingent fund of the county attorney appropriated by the county board shall not exceed the sum of \$1,000.~~

Sec. 5. *Minnesota Statutes 1961, Sections 388.06 and 388.07, are repealed.*

Sec. 6. *This act shall be in effect on and after July 1, 1965.*

Approved May 25, 1965.

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.