

the trustee for recovery of such damages for the exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally suffered by the death. The court on motion shall make an order allowing such continuance and directing pleadings to be made and issues framed as in actions begun under this section.

Approved May 26, 1965.

CHAPTER 838—S. F. No. 1154

[Coded in Part]

An act relating to salaries, fees and budgets of county treasurers; amending Minnesota Statutes 1961, Section 385.373.

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

Section 1. Minnesota Statutes 1961, Section 385.373, is amended to read:

385.373 County treasurer's salaries; counties under 75,000 inhabitants. Subdivision 1. **Salary schedule.** The county treasurers in all counties of the state, with less than ~~50,000~~ *75,000* inhabitants according to the ~~last~~ *1960* federal census, shall receive as full compensation for services rendered by them for their respective counties, annual salaries, *not less than the following amounts* based on the population according to the then last preceding federal census: ; the taxable valuation of real and personal property, exclusive of money and credits, as reported in the abstract of tax lists for the preceding year and the number of full and fractional congressional townships, as follows:

(a) In counties with less than ~~6,500~~ *10,000* inhabitants \$~~6,000~~; ~~\$2,400~~ and \$250 for each \$1,000,000 taxable evaluation or major fraction thereof, and \$5 for each full or fractional congressional township, with the aggregate not to exceed \$2,850;

(b) In counties with ~~6,500~~ *10,000* but less than ~~12,000~~ *20,000* inhabitants \$~~6,500~~; ~~\$2,550~~ and \$200 for each \$1,000,000 taxable valuation or major fraction thereof, and \$5 for each full or fractional congressional township, with the aggregate not to exceed \$3,300;

(c) In counties with ~~12,000~~ *20,000* but less than ~~16,000~~ *30,000* inhabitants \$~~7,000~~; ~~\$2,800~~ and \$100 for each \$1,000,000 taxable valuation or major fraction thereof, and \$5 for each full or

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fractional congressional township, with the aggregate not to exceed \$3,450;

(d) In counties with ~~16,000~~ *30,000* but less than ~~21,000~~ *40,000* inhabitants ~~\$7,500; \$3,000 and \$100 for each \$1,000,000~~ taxable valuation or major fraction thereof, and \$5 for each full or fractional congressional township, with the aggregate not to exceed \$3,600;

(e) In counties with ~~21,000~~ *40,000 or more* but less than ~~30,000~~ inhabitants ~~\$8,000; \$3,200 and \$75 for each \$1,000,000~~ taxable valuation or major fraction thereof, and \$5 for each full or fractional congressional township, with the aggregate not to exceed \$3,800;

(f) In counties with ~~30,000~~ but less than ~~39,500~~ inhabitants ~~\$3,500 and \$50 for each \$1,000,000~~ taxable valuation or major fraction thereof, and \$5 for each full or fractional congressional township, with the aggregate not to exceed \$3,900;

(g) In counties with ~~39,500~~ but less than ~~50,000~~ inhabitants ~~\$3,750 and \$50 for each \$1,000,000~~ taxable valuation or major fraction thereof, and \$5 for each full or fractional congressional township, with the aggregate not to exceed \$4,200;

(h) *(f) The maximum to be allowed on the basis of area under the provisions of the foregoing classifications shall not exceed \$100. The county board of each of the counties specified in this subdivision annually shall set by resolution the salary of the county treasurer which shall be paid to the county treasurer 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 treasurer the board shall set by resolution the minimum salary to be paid the county treasurer for the term next following. In the event a vacancy occurs in the office of county treasurer 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 no case may set the annual salary at an amount less than the minimums provided in this subdivision but it may set the salary in excess of the minimums. The salary of the county treasurer shall not be reduced during the term for which he was elected or appointed.*

Subd. 2. **Application of certain sections.** In any county where the county board has heretofore adjusted the salary of the county treasurer under the provisions of Minnesota Statutes 1945, Section 385:374, the percentage of increase or decrease provided in such adjustment shall apply to the maximum amounts specified in

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section 385.373 until revoked or adjusted at a different amount by the county board. *The salary of the county treasurer when set pursuant to the provisions of subdivision 1 shall constitute a base salary and the county treasurer shall be subject to any cost of living adjustment hereafter made pursuant to the provisions of Minnesota Statutes, Section 375.43, and acts amendatory thereof or supplemental thereto.*

Subd. 3. Effect upon certain sections. This section 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 minimum salary in any county than the amount provided in section 385.373: subdivision 1, but shall be deemed to supersede the provisions of any act setting a maximum salary for the county treasurer in any of the counties specified in subdivision 1.

Sec. 2. Minnesota Statutes 1961, Section 385.373, is amended by adding a subdivision to read:

Subd. 4. [Subd. 5.] Collection of fees. *The county treasurer shall charge and collect all fees as prescribed by law and all such fees collected by him shall be paid to the county in the manner and at the times prescribed by the county board, but not less often than once each month. The county treasurer shall not retain any additional compensation, per diem or other emolument for his services in any activity of county government, but may receive and retain mileage and expense allowances as prescribed by law.*

Sec. 3. Minnesota Statutes 1961, Section 385.373, is amended by adding a subdivision to read:

Subd. 5. [Subd. 6.] Budget. *The county board by resolution shall provide the budget for (1) the salaries of deputies, clerks and other employees in the office of the county treasurer; (2) other expenses necessary in the performance of the duties of said office and (3) the payment of premiums of any bonds required of any deputy, clerk or employee in said office and the board is authorized to appropriate funds therefor and for the salary of the county treasurer. Nothing in this subdivision shall limit the right of the county treasurer to appoint deputies for said office as provided in Minnesota Statutes 1961, Section 385.02.*

Sec. 4. Minnesota Statutes 1961, Section 385.373, is amended by adding a subdivision to read:

Subd. 6. [Subd. 7.] Appeal from resolution of the board. *The county treasurer if dissatisfied with the action of the county board in setting the amount of his salary or the amount of the*

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budget for the office of county treasurer, 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 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. 5. [Subd. 8.] **Provisions to take effect.** *The provisions of sections 1 through 4 shall take effect in the respective counties specified in subdivision 1 as follows: (1) Upon the expiration of the term of the incumbent holding the office on July 1, 1965, or (2) upon the occurrence prior thereto of a vacancy in the office of county treasurer, or (3) subsequent to July 1, 1965, and upon not less than 30 days written notice by the treasurer, the county board shall make the provisions of sections 1 through 4 effective on the first day of the month following the expiration of the notice period.*

Sec. 6. *All laws relating to the salary, fees and clerk hire for the county treasurer inconsistent herewith are superseded.*

Approved May 26, 1965.

CHAPTER 839—S. F. No. 1235

[Coded in Part]

An act relating to the prohibition of strikes of certain public employees and the adjustment of grievances of such employees; amending Minnesota Statutes 1961, Sections 179.52 and 179.57; amending Minnesota Statutes 1961, Chapter 179, by adding sections thereto.

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

Section 1. [179.50] **Public employees; strikes; adjustment**

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