

teachers as defined in Minnesota Statutes 1961, Section 125.03, Subdivision 1.

Approved May 26, 1965.

CHAPTER 840—S. F. No. 1484

An act relating to salaries, fees and deputies of county sheriffs; amending Minnesota Statutes 1961, Sections 387.14 and 387.20.

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

Section 1. Minnesota Statutes 1961, Section 387.20, is amended to read:

387.20 Sheriffs; salaries, fees; deputies. *Subdivision 1.* ~~The several sheriffs of all the counties classified in accordance with the provisions of section 387.19 of the state with less than 75,000 inhabitants according to the 1960 federal census shall receive a yearly salary salaries and their expenses in lieu of fees for all services rendered by them for their respective counties, excepting those required of them by the tax laws of this state and the salary shall be payable in 12 equal installments each on the last secular day of each month out of the county revenue fund on warrants drawn by the county auditor upon the county treasurer and the minimum amount of the salary shall be \$3,600 per annum: not less than the following amounts according to the then last preceding federal census:~~

- (a) *In counties with less than 10,000 inhabitants, \$6,000;*
- (b) *In counties with 10,000 but less than 20,000 inhabitants, \$6,500;*
- (c) *In counties with 20,000 but less than 30,000 inhabitants, \$7,000;*
- (d) *In counties with 30,000 but less than 40,000 inhabitants, \$7,500;*
- (e) *In counties with 40,000 or more inhabitants, \$8,000.*

In addition to such salary each sheriff shall be reimbursed for all expenses incurred by him in the performance of his official duties for his county and his claim for such expenses shall be prepared, allowed, and paid in the same manner as other claims against counties are prepared, allowed, and paid except that the expenses incurred

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by such sheriffs in the performance of service required of them in connection with insane persons either by a probate court or by law and a per diem for deputies and assistants necessarily required under such performance of such services shall be allowed and paid as provided by the law regulating the apprehension, examination, and commitment of insane persons: *provided that any sheriff or deputy receiving an annual salary shall pay over any per diem received by him to the county in the manner and at the time prescribed by the county board, but not less often than once each month.*

All claims for livery hire shall state the purpose for which such livery was used and have attached thereto a receipt for the amount paid for such livery signed by the person of whom it was hired and if the sheriff uses his own team or automobile he shall be allowed therefor the same amount which would be charged reasonably by any other person for the use of such team or automobile under the same circumstances.

Subd. 2. The county board of each of the counties specified in this section annually shall set by resolution the salary of the county sheriff which shall be paid to the county sheriff 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 sheriff the board shall set by resolution the minimum salary to be paid the county sheriff for the term next following. In the event a vacancy occurs in the office of county sheriff, 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 subdivision may not set the annual salary at an amount less than the minimum provided in this subdivision, but it may set the salary in excess of such minimums. The salary of the county sheriff shall not be reduced during the term for which he was elected or appointed.

Subd. 3. The salary of the county sheriff when set pursuant to the provisions of subdivisions 1 and 2 shall constitute a base salary and the county sheriff 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. 4. This section 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 sheriff in any of the counties specified in subdivision 1.

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Subd. 5. The county sheriff shall charge and collect all fees and per diems prescribed by law and all such fees and per diems 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 sheriff shall not retain any additional compensation or other emolument for his services in any activity of county government. For purposes of this subdivision, (1) the expenses of the sheriff incurred by him in the performance of his official duties for his county (2) uniform allowances, (3) mileage and travel allowances, except as the board shall have furnished motor vehicles pursuant to Minnesota Statutes 1961, Section 387.29, (4) living quarters provided by the county, and (5) payments for boarding prisoners, shall not be deemed an emolument of the office.

In lieu of payments made to the sheriff pursuant to Minnesota Statutes 1961, Sections 641.02, 641.03, 641.11 or 641.13 the county board, at its option may provide for board, laundry and other services for prisoners in the county jail and thereafter the sheriff shall not receive any additional compensation for providing board, laundry or other services for prisoners as provided in Minnesota Statutes 1961, Sections 641.02, 641.03, 641.11 or 641.13.

Subd. 6. The county board by resolution shall provide the budget for (1) the salaries of deputies, jailers, matrons, bailiffs, clerks and other employees in the office of the sheriff; (2) other expenses necessary in the performance of the duties of said office and (3) the payment of premiums of any bonds or license fees required of any deputy or other employee in said office and the board is authorized to appropriate funds therefor and for the salary of the sheriff. Nothing in this subdivision shall limit the right of the sheriff to appoint deputies or other employees for said office as provided by law.

Subd. 7. The sheriff, 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 sheriff, 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

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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. 2. [Subd. 8.] The provisions of section 1 shall take effect in the respective counties specified in section 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 sheriff, or (3) subsequent to July 1, 1965, and upon not less than 30 days written notice by the sheriff, the county board shall make the provisions of section 1 effective on the first day of the month following the expiration of the notice period.

Sec. 3. All laws relating to the salary, fees, and deputies and clerk hire for the county sheriff inconsistent herewith are superseded.

Approved May 26, 1965.

CHAPTER 841—S. F. No. 1485

[Coded in Part]

An act relating to salaries, fees, and budget of county auditors; amending Minnesota Statutes 1961, Section 384.151.

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

Section 1. Minnesota Statutes 1961, Section 384.151, is amended to read:

384.151 County auditors salaries, fees and clerk hire, counties under 75,000 inhabitants. Subdivision 1. **Salary schedule.** The county auditors 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 or 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

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