

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 All laws relating to the salary, fees, and deputies and clerk hire for the county sheriff inconsistent herewith are superseded.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

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

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 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 auditor which shall be paid to the county auditor 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 auditor the board shall set by resolution the minimum salary to be paid the county auditor for the term next following. In the event a vacancy occurs in the office of county auditor the board may set the annual salary for the remainder of the*

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

*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 minimums provided in this subdivision but it may set the salary in excess of such minimums. The salary of the county auditor shall not be reduced during the term for which he was elected or appointed.*

(i) *In any county in this state having 9,000 and less than 10,000 inhabitants according to the 1950 federal census, and over 30 and less than 40 full and fractional congressional townships, the county auditor shall receive as a maximum salary an annual salary of \$4,700 payable monthly. This salary is in addition to whatever fees or other compensation to which he is otherwise entitled.*

**Subd. 2. Application of certain sections.** *In any county where the county board has heretofore adjusted the salary of the county auditor under the provisions of Minnesota Statutes 1945, Section 384.152, the percentage of increase or decrease provided in such adjustment shall apply to the maximum amounts specified in section 384.151 until revoked or adjusted at a different amount by the county board. The salary of the county auditor when set pursuant to the provisions of subdivision 1 shall constitute a base salary and the county auditor 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 384.151, subdivision 1, but shall be deemed to supersede the provisions of any act setting a maximum salary for the county auditor in any of the counties specified in subdivision 1.*

**Sec. 2.** *Minnesota Statutes 1961, Section 384.151, is amended by adding a new subdivision to read:*

**Subd. 4. [Subd. 5.] Collection of fees.** *The county auditor 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 auditor 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.*

**Changes or additions indicated by italics, deletions by strikeout:**

*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 auditor; (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 auditor. Nothing in this subdivision shall limit the right of the county auditor to appoint deputies for said office as provided in Minnesota Statutes 1961, Section 384.08.*

Sec. 4. Minnesota Statutes 1961, Section 384.151, is amended by adding a new subdivision to read:

*Subd. 6. [Subd. 7.] Appeal from resolution of the board. The county auditor 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 auditor, 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. Minnesota Statutes 1961, Section 384.151, is amended by adding a new subdivision to read:

*Subd. 7. [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 auditor, or (3) subsequent to July 1, 1965, and upon not less than 30 days written notice by the auditor, 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.*

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

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

Approved May 26, 1965.

---

CHAPTER 842—S. F. No. 1469

[Coded]

*An act relating to salary, fees and budget of register of deeds; amending Minnesota Statutes 1961, Chapter 386, by adding a section.*

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

Section 1. Minnesota Statutes 1961, Chapter 386, is amended by adding a new section as follows:

**[386.015] Register of deeds, salaries, fees, and budget; counties under 75,000 inhabitants.** *Subdivision 1. The register of deeds in all counties of the state with less than 75,000 inhabitants according to the 1960 federal census shall receive as full compensation for services rendered by them as register of deeds and registrar of titles for their respective counties annual salaries not less than the following amounts based on the population 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.*

*Subd. 2. The county board of each of the counties specified in subdivision 1 annually shall set by resolution the salary of the register of deeds which shall be paid to the register of deeds 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 register of deeds the board shall set by resolution the minimum salary to be paid register of deeds for*

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