

**CHAPTER 519—S.F.No. 1759**

*An act relating to counties; providing for the responsibilities and appointments of deputy county treasurers; providing for sheriffs and deputies compensation and expenses; permitting compensation for use of automobiles; authorizing the county board of Dakota County to set amount for expense account; permitting units to contract with each other for police service; amending Minnesota Statutes 1978, Sections 385.02, Subdivision 1; 387.20, Subdivisions 1 and 6; 436.05; and Chapter 387, by adding a section; and Laws 1961, Chapter 249, Section 2, as amended.*

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

Section 1. Minnesota Statutes 1978, Section 385.02, Subdivision 1, is amended to read:

**385.02 DEPUTIES; BONDS.** Subdivision 1. **APPOINTMENT OF DEPUTIES.** County treasurers may by certificate in writing appoint one or more deputies, who, before entering upon their duties, shall file with the county recorder such certificates, with their oaths of office endorsed thereon. Such deputies may sign all papers and do all other things which county treasurers may themselves do. County treasurers are responsible for the acts of their deputies and may revoke their appointments at pleasure.

Sec. 2. Minnesota Statutes 1978, Section 387.20, Subdivision 1, is amended to read:

**387.20 SALARIES; APPEALS.** Subdivision 1. The sheriffs of all counties of the state with less than 75,000 inhabitants according to the 1960 federal census shall receive yearly salaries for all services rendered by them for their respective counties, 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 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

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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.~~

A county may pay a sheriff or deputy as compensation for the use of his own automobile in the performance of official duties a mileage allowance prescribed by the county board or a monthly or other periodic allowance in lieu of mileage. The allowance for automobile use is not subject to limits set by other law.

Sec. 3. Minnesota Statutes 1978, Section 387.20, Subdivision 6, is amended to read:

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, including the reimbursement of the sheriff or his designee for necessary and reasonable expenses incurred in furnishing board, laundry and other services to prisoners in the county jail, provided that the county board may at its option provide for the furnishing of these services to the prisoners, ~~and~~ (3) the payment of premiums of any bonds or license fees required of the sheriff or any deputy or other employee in said office and (4) mileage allowances prescribed by the board and the board is authorized to appropriate funds therefor and for the salary of the sheriff.

Sec. 4. Minnesota Statutes 1978, Chapter 387, is amended by adding a section to read:

**[387.145] CHIEF DEPUTY; APPOINTMENT IN CERTAIN COUNTIES.** Notwithstanding the provision of any law to the contrary the sheriff of any county which has 100,000 or more inhabitants according to the 1980 federal census or the latest federal census thereafter may appoint a chief deputy or first assistant with the approval of the county board.

Sec. 5. Laws 1961, Chapter 249, Section 2, as amended by Laws 1965, Chapter 629, Section 2, is amended to read:

Sec. 2. **DAKOTA COUNTY, COMMISSIONERS' EXPENSE.** Each member of the board of county commissioners shall be allowed a ~~sum not to exceed \$1,000 per year, which said sum shall be payable in equal monthly installments~~ an annual sum as determined by the county board as and for expense account.

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Sec. 6. Sections 1, 2, 3, and 4 of this act shall be effective on the day following final enactment. Section 5 of this act shall be effective upon compliance with Minnesota Statutes, 1979 Supplement, Section 645.021, Subdivision 3.

Sec. 7. Minnesota Statutes 1978, Section 436.05, is amended to read:

436.05 POLICE SERVICE PROVIDED BY SHERIFF. Subdivision 1. Any home rule charter or statutory city, or town and or the sheriff of the any county in which that governmental unit is situated may contract for the furnishing of police service to that unit by the sheriff any other home rule charter or statutory city or town, through the use of personnel and equipment subject to his the authority of the contracting unit. Any such contract shall be approved by both a majority of the members of the governing body of the any contracting home rule charter or statutory city, the board of supervisors of any contracting town and by a majority of the members of the board of commissioners of the any contracting county.

Subd. 2. Except that service under the contract may be supplied by only one of the contracting parties as provided in this section, any contract authorized by subdivision 1 shall otherwise comply with section 471.59.

Subd. 3. Under any such contract, a person employed by the sheriff a home rule charter or statutory city, town or sheriff of a county may be empowered to exercise some or all of the police powers and duties of a city or town police officer of the other contracting unit, but that person shall not by reason thereof be classified as an employee of the city or town other unit for any purpose other than the discharge of such powers and duties.

Subd. 4. Subdivisions 1, 2, and 3 above do not dispense with procedural requirements of any other act providing for the joint or cooperative exercise of any governmental power.

Subd. 5. The sheriff shall not by virtue of this section be relieved of any duties imposed upon him or his office by law.

Subd. 6. When a contract is entered into by the county and any municipality pursuant to the provisions of this section, those employees of the municipality a contracting unit who are at the time of the contract working on a full time basis for the municipality unit in a law enforcement capacity may, by action of the county civil service commission authorities of the contracting units, if there be a county civil service commission they exist, become employees of the county other contracting unit in such appropriate classification as may be determined by the said county civil service commission authority of the unit to which they are transferred, and such thereafter the employees shall be subject to and protected by the provisions of the laws establishing such county the civil service commission authority of the unit that employs them.

Approved April 7, 1980

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