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State of Minnesota
HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 252

01/17/2017 Authored by Newberger, O'Driscoll and Knoblach
The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act
1.2 relating to counties; providing a process for making the office of county recorder
1.3 appointive in Benton County.

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

1.5 Section 1. **BENTON COUNTY RECORDER MAY BE APPOINTED.**

1.6 Subdivision 1. Authorization to make office appointive. Notwithstanding Minnesota
1.7 Statutes, section 382.01, upon adoption of a resolution by the Benton County Board of
1.8 Commissioners, the office of county recorder is not elective but must be filled by appointment
1.9 by the county board as provided in the resolution.

1.10 Subd. 2. Board controls; may change as long as duties done. Upon adoption of a
1.11 resolution by the county board of commissioners, and subject to subdivisions 3 and 4, the
1.12 duties of an elected official required by statute whose office is made appointive as authorized
1.13 by this section must be discharged by the county board of commissioners acting through a
1.14 department head appointed by the board for that purpose. Reorganization, reallocation,
1.15 delegation, or other administrative change or transfer does not diminish, prohibit, or avoid
1.16 the discharge of duties required by statute.

1.17 Subd. 3. Incumbents to complete term. The person elected at the last general election
1.18 to an office made appointive under this section must serve in that capacity and perform the
1.19 duties, functions, and responsibilities required by statute until the completion of the term
1.20 of office to which the person was elected or until a vacancy occurs in the office, whichever
1.21 occurs earlier.

2.1 Subd. 4. **Publishing resolution; petition, referendum.** (a) Before the adoption of a
2.2 resolution to provide for the appointment of the county recorder, the county board must
2.3 publish a proposed resolution notifying the public of its intent to consider the issue once
2.4 each week for two consecutive weeks in the official publication of the county. Following
2.5 publication and prior to formally adopting the resolution, the county board shall provide an
2.6 opportunity at its next regular meeting for public comment relating to the issue. After the
2.7 public comment opportunity, at the same meeting or a subsequent meeting, the county board
2.8 of commissioners may adopt a resolution that provides for the appointment of the county
2.9 recorder as permitted in this section. The resolution must be approved by at least 80 percent
2.10 of the members of the county board. The resolution may take effect 60 days after it is
2.11 adopted, or at a later date stated in the resolution, unless a petition is filed as provided in
2.12 paragraph (b).

2.13 (b) Within 60 days after the county board adopts the resolution, a petition requesting a
2.14 referendum may be filed with the county auditor-treasurer. The petition must be signed by
2.15 at least ten percent of the registered voters of the county. The petition must meet the
2.16 requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071,
2.17 and any rules adopted to implement that section. If the petition is sufficient, the question
2.18 of appointing the county recorder must be placed on the ballot at a regular or special election.
2.19 If a majority of the voters of the county voting on the question vote in favor of appointment,
2.20 the resolution may be implemented.

2.21 Subd. 5. **Reverting to elected offices.** (a) The county board may adopt a resolution to
2.22 provide for the election of an office made an appointed position under this section, but not
2.23 until at least three years after the office was made an appointed position. The county board
2.24 must publish a proposed resolution notifying the public of its intent to consider the issue
2.25 once each week for two consecutive weeks in the official publication of the county. Following
2.26 publication and before formally adopting the resolution, the county board must provide an
2.27 opportunity at its next regular meeting for public comment relating to the issue. After the
2.28 public comment hearing, the county board may adopt the resolution. The resolution must
2.29 be approved by at least 60 percent of the members of the county board and is effective
2.30 August 1 following adoption of the resolution.

2.31 (b) The question of whether an office made an appointed position under this section
2.32 must be made an elected office must be placed on the ballot at the next general election if:

2.33 (1) the position has been an appointed position for at least three years;

3.1 (2) a petition signed by at least ten percent of the registered voters of the county is filed
3.2 with the office of the county auditor-treasurer by August 1 of the year in which the general
3.3 election is held; and

3.4 (3) the petition meets the requirements of the secretary of state, as provided in Minnesota
3.5 Statutes, section 204B.071, and any rules adopted to implement that section. If a majority
3.6 of the voters of the county voting on the question vote in favor of making the office an
3.7 elected position, the election for the office must be held at the next regular or special election.

3.8 **EFFECTIVE DATE.** This section is effective the day after the Benton County Board
3.9 of Commissioners and its chief clerical officer timely complete their compliance with
3.10 Minnesota Statutes, section 645.021, subdivisions 2 and 3.