

CHAPTER 375

COUNTY BOARDS

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375.01 MEMBERS, NUMBER OF. Each county shall have a board of five commissioners who shall be known as the county board and whose terms of office shall be four years and until their successors qualify; but, in counties having an area of over 5,000 square miles and a population exceeding 75,000, the board shall consist of seven members.

[R. L. s. 419] (650)

375.02 COMMISSIONER DISTRICTS. Each county shall be divided into as many districts numbered consecutively as it has members of the board. In all counties such districts shall be bounded by town, village, ward, or precinct lines, composed of contiguous territory, and contain as nearly as practicable an equal population. Counties may be redistricted by the county board after each state or federal census. When it appears that after a state or federal census 30 percent or more of the population of any county is contained in one district, exclusive of the inmates of any state penal or corrective institution, or state hospital for the insane, maintained wholly or partly within such district, such county shall be redistricted by its county board. The county board may first submit the question of redistricting to the voters of the county at the next regular election after such state or federal census or the passage of Laws 1943, Chapter 300, upon a separate ballot and in the following form:

Shall there be a redistricting of
county commissioners' districts?

☐ Yes
☐ No

In the event the voters on this question cast a majority vote in favor of redistricting, the county board shall redistrict. Otherwise it need not do so. When any board of county commissioners has not redistricted a county as by law required

prior to the enactment of Laws 1943, Chapter 300, such board may submit to the voters the question of redistricting as herein provided and shall be subject to the provisions of Laws 1943, Chapter 300.

The county board shall not have authority or jurisdiction to redistrict a county unless it shall cause at least three weeks published notice of its purpose to do so, stating the time and place of the meeting where the matter will be considered, to be published in the newspaper having the contract for publishing the commissioners' proceedings for the county for the current year. One commissioner shall be elected in each such district who, at the time of the election, shall be a resident thereof, and the person so elected shall be entitled to hold the office only while he remains a resident of the commissioner district. When a county is redistricted there shall be a new election of commissioners in all the districts of the county at the next general election. The board shall determine that not less than two, nor more than three, members of the board shall be elected for a term of two years and the remainder for a term of four years at the next general election. Thereafter all commissioners shall be elected for four years; provided that where no change is made in the boundaries of a district, or in districts having only one resident commissioner after such redistricting, the commissioner in office at the time of the redistricting shall serve for the full period for which he was elected, and where a county has heretofore been redistricted between the time of the general election and the time at which commissioners elected at such general election were required to qualify and no change was made in the boundary of the district to which such commissioner was elected, or in districts having only one resident commissioner after such redistricting, such commissioner-elect, after duly qualifying as a commissioner for the district, shall serve for the full period for which elected.

[*R L s 420; 1913 c 537 s 1; 1917 c 370; 1923 c 366 s 1; 1931 c 105; 1933 c 77; 1933 c 363; 1935 c 279; Ex1936 c 76; 1941 c 268; 1943 c 300 s 1; 1957 c 345; 1969 c 9 s 81*] (651)

375.03 TERM OF COMMISSIONERS. In each new county, and in each county which shall be entitled to an increase of the number of commissioners, there shall be elected at the next general election a commissioner from each odd-numbered district for a term of two years, and one from each even-numbered district for a term of four years; and thereafter all commissioners shall be elected for a term of four years, except that elections or appointments to fill vacancies shall be for the unexpired term only. In counties having a population of more than 150,000, every such commissioner, before he enters upon his duties, shall give bond to the state in the sum of \$10,000, with a legally authorized surety company as surety, conditioned for the faithful performance of his official duties. Such bond shall be approved by a judge of the district court, and together with his oath of office and certificate of election, be filed with the secretary of state. The premium on the bond shall not exceed that prescribed by law for county treasurers, and shall be paid by the county.

[*R L s 421; 1951 c 102 s 1*] (652)

375.04 TIE DETERMINED BY LOT. If two or more persons have an equal and the highest number of votes for the office of county commissioner in any district, the auditor shall give notice, in writing, to such persons to attend at his office at a time specified, and he shall then and there, in their presence, publicly decide by lot which of them shall be declared elected. The person so selected shall be the commissioner from the district.

[*R. L. s. 422*] (653)

375.05 [Repealed, 1967 c 716 s 51]

375.055 COUNTY COMMISSIONERS' SALARIES. Subdivision 1. **Fixed by county board.** The county commissioners in all counties of the state having a population of less than 100,000 according to the 1960 federal census, shall receive as compensation for services rendered by them for their respective counties, annual salaries, in an amount set by the county board, provided that such salary shall not become effective until January 1 of the next odd numbered calendar year, and provided that such salary is established in conformity with this subdivision. The county board may establish a new salary by a resolution adopted and published in the even numbered year not less than 30 days prior to the date of opening of filings for the office of county commissioner. The resolution shall contain a statement of the new salary to be established set forth on an annual basis. In addition

to its publication in the official newspaper of the county as part of the proceedings of the meeting of the county board, the same shall be published in one other newspaper of the county, if there be one located in a different municipality in the county than the official newspaper. The salary of a county commissioner shall not change except in accordance with the provisions of this subdivision.

Subd. 2. [Repealed, 1967 c 716 s 5]

Subd. 3. **Cost of living adjustments.** The salary as provided in subdivision 1 hereof shall constitute a base salary; the board of county commissioners, if they so elect, may increase said base salary on the basis of the cost of living salary adjustment as provided in Minnesota Statutes, Section 375.43, and acts amendatory thereof or supplementary thereto.

Subd. 4. **Inconsistent provisions superseded.** Except as otherwise herein provided, all acts or parts of acts, which relate to salaries of county commissioners, in any county of the state having a population of less than 100,000 according to the 1960 federal census, are hereby superseded as of January 1, 1969 insofar as they are inconsistent with the provisions of this section.

Subd. 5. **Other benefits.** Except as provided herein nothing in this section shall limit the right of a county commissioner to collect and retain any fees, per diem payment, or any mileage or expense allowance, payment in lieu of mileage or reimbursement of expenses in attending meetings or in the conduct of the business of a board, commission or committee of county government on which he serves, which he is now authorized by any other provision of the law to collect and retain in addition to the stated amount of his annual salary; or to participate in any group insurance program instituted by the county board for county officers and employees; provided that the several members of the county board shall not receive a per diem for service on the board of auditors, the board of equalization, or the canvassing board and provided further that a county commissioner, other than the chairman of the county board, shall not be paid in excess of \$50 by way of per diems for service in any calendar month on a committee of the county board or on any board, commission or committee of county government or a total of \$400 for such service in any calendar year. The chairman of the county board shall not be paid in excess of \$70 by way of per diems for service in any calendar month on a committee of the county board or on any board, commission or committee of county government or a total of \$700 for such service in any calendar year.

Subd. 6. **Validation.** The salary heretofore paid any county commissioner under the provisions of any existing law insofar as they are inconsistent with this section, which may be found to be unconstitutional or invalid for any reason, by a court of competent jurisdiction, is hereby legalized and made valid.

Subd. 7. M.S. 1949 [Repealed, 1951 c 327 s 6]

Subd. 7. M.S. 1965 [Repealed, 1967 c 716 s 5]

[1945 c 526 s 1, 2, 4, 5, 6; 1947 c 259 s 1; 1949 c 423 s 1; Ex1959 c 4 s 1; 1967 c 716 s 1-3; 1969 c 1133 s 1]

375.06 COMPENSATION FOR COMMITTEE WORK; TRAVEL EXPENSES.

Subdivision 1. The several members of the county boards in counties having less than 100,000 inhabitants according to the 1960 federal census shall receive \$10 per day for each and every day necessarily occupied in the discharge of their official duties while acting on any committee under the direction of the board, and may be allowed and paid in addition thereto their actual and necessary traveling expenses incurred in the discharge of such committee work. Any committee may be comprised of all of the members of the county board.

The several members of the county boards in addition to any compensation authorized for their duties may be allowed and paid their actual and necessary traveling expenses in attending meetings of the board. The chairman of the county board shall receive seven and one half cents per mile, each way, for going to the county seat to sign warrants during recess of the county board.

Subd. 2. If a county commissioner is authorized to be reimbursed for his traveling expenses while performing his official duties as a county commissioner or while serving on a board, commission or committee, such reimbursement shall be limited to expenses actually paid or incurred by him. If authorized to be paid mileage or receive reimbursement for expenses in performing any such duty and the commissioner uses his private automobile, he may be reimbursed for the use thereof not to exceed the rate specified for such reimbursement in Minnesota Statutes, Section 15A.20 for each mile actually traveled. This subdivi-

sion shall not supersede any law specifying a maximum mileage or expense allowance for a commissioner or for all commissioners on a county board.

[1907 c 296 s 1; 1911 c 283 s 1; 1913 c 456 s 1; 1951 c 487 s 1; 1957 c 612; 1963 c 387 s 4; 1965 c 286 s 1; 1967 c 716 s 4] (657)

375.07 MEETINGS; QUORUM. The board shall meet at the county-seat for the transaction of business on the first Tuesday after the first Monday in January, and on the second Monday in July, in each year, and shall hold such extra sessions as it deems necessary for the interests of the county. A majority shall constitute a quorum, and no business shall be done unless voted for by a majority of the whole board, but less than a majority may adjourn. Extra sessions shall be called by a majority of the board and the clerk shall give at least ten days' notice thereof to each of the commissioners. No session shall continue longer than six days.

[R. L. s. 424] (658)

375.08 BOARD TO FILL VACANCIES IN COUNTY OFFICES. When a vacancy occurs in the office of county auditor, county treasurer, register of deeds, sheriff, county attorney, county surveyor, coroner, or county superintendent, the county board shall fill the same by appointment. For that purpose it shall meet at the usual place of meeting, upon one day's notice from the chairman or clerk, which shall be served personally upon each member in the same manner as a district court summons is authorized to be served. The person so appointed shall give the bond and take the oath required by law, and shall hold for the remainder of the unexpired term, and until his successor qualifies; provided, that when such vacancy occurs in any of the offices hereinbefore mentioned, in which office there is a chief deputy or first assistant, then the chief deputy or first assistant is empowered and authorized to perform all of the duties and functions of the office until such time as the same is filled by appointment by the county board.

[R. L. s. 425; 1939 c. 153] (659)

375.09 MAY NOT HOLD OTHER OFFICE; NO INTEREST IN CONTRACT; VIOLATION; MALFEASANCE. No county commissioner shall be appointed or elected by the board of which he is a member to any office or position of trust or emolument, and no commissioner shall receive any money or other valuable thing as a condition of voting or inducement to vote for any contract or other thing under consideration by the board, or become a party to, or directly or indirectly interested in, any contract made by the board; and every appointment or election made and every contract or payment voted for or made contrary to the provisions of this section shall be void. Any violation of the provisions of this section shall be a malfeasance in office.

[R. L. s. 447] (778)

375.10 VACANCY IN OFFICE OF COMMISSIONER; HOW FILLED. Any vacancy in the office of county commissioner occurring more than 30 days before election shall be filled by a board of appointment, consisting of the chairman of the town board of each town, and the mayor or president of each city and village, in the commissioner district in which such vacancy occurs, which shall meet at the auditor's office for that purpose, upon three days' written notice given by such auditor and served personally. If such commissioner district is wholly within the limits of a city or village, such vacancy shall be filled by the council of such municipality. If the board of appointment, as so constituted, consists of an even number of members and shall fail to fill such vacancy within 15 days after the date of the first meeting thereof, upon notice by the county auditor, the vacancy shall be filled at a special election held for that purpose under the provisions of law relating to special elections in counties. If such vacancy in the office of the county commissioner shall occur in a county in which the township system has been completely abolished, such vacancy shall be filled by the board of county commissioners, and the county auditor. Absence from the county for six consecutive months shall be deemed to create a vacancy.

[R L s 426; 1923 c 315; 1935 c 84 s 1; 1971 c 470 s 1] (660)

375.11 SEAL; AUTHENTICATED COPIES OF BOARD PROCEEDINGS PRIMA FACIE EVIDENCE. The seal of the county auditor shall be the seal of the board and copies of its proceedings, authenticated as required by law, shall be prima facie evidence thereof in all cases.

[R. L. s. 427] (661)

375.12 PUBLICATION OF PROCEEDINGS. The county board shall cause

the official proceedings of its sessions to be published in some qualified newspaper produced and published in its county, which publication shall be let annually by contract to the lowest bidder, at the first regular session of the board in January each year. In each county whose population exceeds 600,000, the proceedings shall be published in a daily newspaper, and in counties having a population exceeding 250,000 but less than 600,000, the proceedings may be published in any legal newspaper, produced and published at the county seat, which newspaper shall be the official newspaper of the county, and in each such county the proceedings shall be published also in one other qualified newspaper produced and published in the county outside the county seat. The board may reject any offer if, in its judgment, the public interests so require, and may thereupon designate a newspaper without regard to any rejected offer. In any county whose population exceeds 50,000, and is less than 250,000, the proceedings may be published in one daily and one weekly newspaper at their respective county seats. If the official newspaper of the county shall cease to exist for any reason, except by consolidation with another newspaper, the county board shall have authority to designate another newspaper for the remainder of the year. For the purpose of this section, a newspaper is produced and published in the county if it has in the county its known office of issue, as such term is defined in section 331.02, and if it does its typographic composition or presswork or both in the county.

[*R. L. s. 428; 1907 c. 447; 1941 c. 507; 1947 c. 161 s. 1; 1949 c. 69 s. 1; 1967 c. 532 s. 1; 1971 c. 532 s. 1*] (662)

375.13 CHAIRMAN. The county board, at its first session in each year shall elect from its members a chairman and a vice-chairman. The chairman shall preside at its meetings and sign all documents requiring signature on its behalf and his signature as chairman, attested by the county auditor, shall be binding as the signature of such board. In case of the absence or incapacity of the chairman, the vice-chairman shall perform his duties. In counties having more than five commissioners, and in which counties the mayor of a city of the first class located in such county is by law *ex officio* chairman of such board, a second vice-chairman shall be elected, who shall perform the duties of the chairman and vice-chairman in their absence. If the chairman and vice-chairman or vice-chairmen, as the case may be, are absent from any meeting, all documents requiring the signature of the board shall be signed by a majority thereof and likewise attested.

[*R. L. s. 429; 1937 c. 165 s. 1*] (663)

375.14 OFFICES AND SUPPLIES FURNISHED FOR COUNTY OFFICERS. The county board shall provide offices at the county-seat for the auditor, treasurer, register of deeds, sheriff, judge of probate, clerk of the district court, county superintendent of schools, and county highway engineer, with suitable furniture therefor, also safes and vaults for the security and preservation of the books and papers belonging thereto, and provide for the heating, lighting, and maintenance of such offices. The board shall furnish all county officers with all books, stationery, letter-heads, envelopes, postage, telephone service, office equipment, and supplies necessary to the discharge of their respective duties and make like provision for the judges of the district court so far as may be necessary to the discharge of their duties within the county or concerning matters arising therein; provided, that the board shall not be required to furnish any county officer with professional or technical books or instruments except in so far as the board may deem the same to be directly necessary to the discharge of his official duties as part of the permanent equipment of his office.

[*R. L. s. 430; 1927 c. 346*] (664)

375.15 DAMAGED RECORDS TRANSCRIBED. In case the records of any offices named in section 375.14 shall be damaged so as to render any portion of them liable to become illegible, destroyed, or lost, the county board shall provide suitable books, and cause such records to be transcribed, so that the new volumes will correspond, in designation, letter or number, and page, to the original records. The fees for such work shall be fixed by such board, and shall not exceed seven cents per folio for the whole work done. Printed record books shall be used when practicable for both original and transcribed records.

[*R. L. s. 432*] (666)

375.16 APPROPRIATION FOR INCIDENTAL EXPENSES. At its regular meetings in January and July the county board may appropriate from the county

revenue fund a sum not exceeding \$5,000 to pay incidental expenses of county officers incurred for postage, and for necessary express, freight, telephone, telegraph, water, and light charges, the mileage and per diem of town officers making election returns, to be paid on the warrant of the county auditor upon the presentation of a properly itemized and verified bill, except in cases where the county auditor considers the sum charged excessive, in which case he shall file the bill, if requested by the person presenting the same, for action by the board at its next meeting.

[*R L s 431; 1907 c 390 s 1; 1919 c 305; 1947 c 149 s 1; 1957 c 55; 1961 c 538 s 1*] (665)

375.163 ASSOCIATION OF COUNTY COMMISSIONERS; DUES, EXPENSES.

The county board of any county may appropriate out of its general fund money to pay the annual dues of the county for membership in the state association of county commissioners and the actual necessary expense of delegates designated by the county board to attend meetings of the league.

[*1955 c 364 s 1*]

375.17 PUBLICATION OF FINANCIAL STATEMENTS. Annually, not later than the first Tuesday after the first Monday in February, the county board shall make a full and accurate statement of the receipts and expenditures of the preceding year, which shall contain a statement of the assets and liabilities, a summary of receipts, disbursements, and balances of all county funds together with a detailed statement of each fund account together with an itemized account of amounts paid out, to whom, and for what purpose, under the form and style prescribed by and on file with the public examiner, which prescribed form and any changes or modifications thereof shall so far as practical be uniform for all counties and shall be approved by the attorney general and the state printer and within 30 days thereafter shall cause the same to be published for one issue in some newspaper within the county, which newspaper must be a duly qualified legal newspaper, as provided by law. The county board may refrain from publishing the names of persons receiving poor relief or direct relief and the amounts paid to each, but the totals of the disbursements for such purposes must be published. In addition to the publication thereof in the newspaper designated by the board as the official newspaper for publication of the financial statement, the same shall be published in one other newspaper of the county, if there be one located in a different municipality in the county than the official newspaper. The county board shall call for separate bids for each publication. At its meeting in July and January each year it shall examine and count all the funds in the treasury, examine the accounts and vouchers of the auditor and treasurer, and make a written certificate of the condition of the treasury, showing the amount, kind, and character of the funds therein, and all other matters in connection therewith and file the same with the auditor. Insofar as any provision of this section is inconsistent with the provisions of section 393.07, the provisions of that section shall prevail.

[*R L s 433; 1907 c 205 s 1; 1933 c 410; 1941 c 370 s 1; 1945 c 170 s 1; 1947 c 235 s 1; 1957 c 543*] (667)

375.18 GENERAL POWERS. Subdivision 1. **Accounts, examination, settlement and allowance.** Each county board may examine and settle all accounts of the receipts and expenses of the county, and examine, settle, and allow all accounts, demands, and causes of action against the same, and, when so settled, issue county orders therefor, as provided by law.

Subd. 2. **Manage property, funds, business.** Each county board may have the care of the county property, and management of the county funds and business, except in cases otherwise provided for, and make such orders concerning the same as it deems expedient.

Subd. 3. **Courthouse, jail.** Each county board may erect, furnish, and maintain a suitable court house and jail, but no indebtedness shall be created for such purpose in excess of five mills on each dollar of assessed valuation without the approval of a majority of the voters of the county voting on the question of issuing the obligation at an election.

Subd. 4. **Towns, organization, boundaries.** Each county board may set off, organize, vacate, and change the boundaries of towns subject to the limitations hereinafter prescribed, designate the time and place of holding the first town meeting therein, and make all necessary orders for the disposition and preservation of the records of any town vacated.

Subd. 5. **Towns, apportionment of funds.** Each county board may apportion,

pro rata, according to the assessed valuation, among the several parts of a town divided by it, any funds of such town not raised or theretofore appropriated for a purpose inconsistent with such apportionment.

Subd. 6. Towns, apportionment of taxes. Each county board may apportion all uncollected taxes then levied or assessed for the benefit of any town divided by the board, and provide for the payment thereof when collected, pursuant to the apportionment, having due regard to the purpose for which such taxes were levied.

Subd. 7. Transfer of surplus. Each county board may transfer by unanimous vote any surplus beyond the needs of the current year in any county fund to any other such fund to supply a deficiency therein, except in counties having over 75,000 inhabitants.

Subd. 8. County agricultural society, farm improvement association, appropriation. Each county board may appropriate to any county agricultural society of its county, which is a member of the state agricultural society, or to any farm improvement association organized by the citizens of two or more counties jointly for the purpose of advancing the agricultural interest of each of such counties, a sum of money not exceeding \$1,000 each, annually; provided, that in any county in which two county agricultural societies are members of the state agricultural society any appropriation so made shall be divided equally between them; and, in addition to the appropriation above referred to, in all cases where a county owns grounds and buildings used for agricultural fairs and other purposes, the county board, by a four-fifths vote, may appropriate annually a sum of money equal to five percent of the total value of such property in the association or society having the management, control, and direction of agricultural fairs held therein, for the purpose of repairs, upkeep, improvements, extensions, and alterations of such grounds and buildings; and, in all such cases, if the area of any such county is not less than 43, nor more than 45, full or fractional congressional townships and the population thereof is not less than 25,000, nor more than 31,000, according to the last federal census, such additional appropriation may be a sum not exceeding ten percent of the total value of such property.

Subd. 9. County fairs, purchase or condemnation of lands. Each county board may purchase or condemn land with such improvements, if any, as may be thereon, for the purpose of holding thereon agricultural fairs and exhibitions and appropriate money in payment therefor, not exceeding the sum of \$5,000, and such county board may purchase or condemn land for holding such fairs and exhibitions thereon and appropriate money in payment therefor in excess of the sum of \$5,000 when authorized so to do by a vote of the people; accept and receive a donation or donations to be used to obtain lands for the purpose of holding thereon agricultural fairs and exhibitions and in such case and for such purpose, without being authorized by a vote of the people, to purchase or condemn lands not exceeding in value the amount of such donation or donations; improve and erect structures thereon, for which purpose they may receive donations of money, materials or labor; and lease such land from time to time to agricultural and other societies of similar nature and establish reasonable rules and regulations under which such land may be used by all such societies in the county; provided, that all structures and improvements made on such land by societies using the same shall belong to the county.

(All proceedings for the condemnation of such lands shall be had under the provisions of chapter 117.)

Subd. 10. Erection of memorials to veterans. Each county board may appropriate, in counties having a population of not more than 20,000, a sum not exceeding \$10,000, and in counties having a population of more than 20,000, and less than 100,000, a sum not exceeding \$20,000, to erect or aid in erecting a monument or other memorial to the soldiers and sailors of the nation, such monument or other memorial to be constructed on the court house square, or in a public park at the county-seat, or in a cemetery adjacent to the county-seat, or elsewhere in the county-seat.

Subd. 11. Construction of railways. Each county board may authorize by resolution any person, company, or corporation to construct and maintain railway lines to be operated by other than steam power upon any public road outside of cities and villages not boulevarded or parked, for a period not exceeding 25 years, upon the terms as to use and occupation prescribed in such resolution; the use so granted not to interfere with the reasonable use of such road as a highway, and

to cease in case of the vacation thereof, unless proceedings to condemn are taken within six months thereafter and diligently prosecuted; provided, that such railway and its property shall be subject to taxation by such methods and at such rate as the proper authorities may from time to time prescribe in accordance with law.

Subd. 12. Parks, acquisition of land. Each county board may acquire by gift or purchase and improve not exceeding one acre of land within the county, for use as a park, site for a building, or other public purpose, and, when required by the public interest, sell and convey the same; which land may be paid for out of moneys in the county treasury not otherwise appropriated, or by issuing bonds of the county.

Subd. 13. Powers conferred by law. Each county board may exercise such other powers as are or may be conferred upon them by law.

[*R L s 434; 1911 c 89; 1911 c 255; 1913 c 94; 1913 c 347; 1913 c 478; 1915 c 219; 1917 c 347; 1919 c 125; 1919 c 139; 1921 c 337; 1941 c 130; 1947 c 637 s 1; 1951 c 82 s 1*] (668)

375.181 SITES FOR COUNTY BUILDINGS. If the board of county commissioners of any county at any regular or extra meeting shall adopt and enter in the minutes of its proceedings a resolution declaring that it is necessary to acquire for the use of the county any land, describing it, to be used as a site for a courthouse or other public building or for the purpose of enlarging the site of any such building already owned by the county, and the board of county commissioners is unable to purchase the land at a reasonable price, the title to any such land may be acquired by condemnation as provided in chapter 117.

[*1905 c 7 s 1; 1961 c 561 s 7*] (6558)

375.19 ADDITIONAL POWERS. In addition to all other powers now or hereafter by law conferred upon county boards, authority hereby is given to receive and accept for their counties real or personal property by gift, bequest, devise, conveyance, or otherwise from any person whose care, support, treatment, or maintenance, in whole or in part, is or may be chargeable to or furnished or provided by such counties, and to hold or dispose of the same for the benefit of their counties, as by law provided in the case of other county property; to permit use of county equipment for soil conservation projects and to make annual expenditures from the general revenue fund for soil conservation purposes not exceeding an aggregate amount of one cent per acre of all lands included within soil and water conservation districts in the county. All expenditures made by any county board of commissioners subsequent to May 1, 1947, not exceeding the annual amount herein provided for, are hereby validated.

[*1923 c 241; 1947 c 255 s 1; 1951 c 645 s 1; 1969 c 637 s 1*] (669)

375.191 [Repealed, 1969 c 333 s 7]

375.192 REDUCTIONS IN ASSESSED VALUATION OF REAL PROPERTY. Subdivision 1. Notwithstanding section 270.07, upon written application by the owner of the property, the county board of each county shall have power to grant such reduction, for the current year, of the assessed valuation of any real property in that county which erroneously has been classified, for tax purposes, as non-homestead property, as is necessary to give it the assessed valuation which it would have received if it had been classified correctly. The application shall be made on a form prescribed by the commissioner of taxation. It shall include a statement of facts of ownership and occupancy, and shall be sworn to by the owner of the property before an officer authorized to take acknowledgments. Before it is acted upon by the county board, the application shall be referred to the county assessor, or if the property is located in a city of the first class having a city assessor, to such assessor, who shall investigate the facts and attach his report of such investigation to the application.

Subd. 2. Notwithstanding section 270.07, upon written application by the owner of the property, where such application seeks a reduction in full and true valuation not in excess of \$300, the county board may grant such reduction or abatement of assessed valuation or taxes and of any costs, penalties or interest thereon as said board may deem just and equitable and to order the refundment in whole or in part of any taxes, costs, penalties or interest thereon which have been erroneously or unjustly paid. Such application must be approved by the county assessor, or if the property is located in a city of the first class or city of the second class having a city assessor, by such assessor, and by the county auditor prior to consideration by the county board. The methods of obtaining a reduction or abate-

ment of ad valorem values contained in subdivisions 1 and 2 shall be in addition to the method provided in Minnesota Statutes 1965, Section 270.07.

[1949 c 76 s 1; 1949 c 485 s 1; 1963 c 591 s 1; *Ex*1967 c 32 art 8 s 4]

375.193 RETAIL VENDORS OF SOFT DRINKS, LICENSES. There is hereby conferred upon each county board the authority, by resolution or ordinance, to license or regulate the business of vendors at retail of soft drinks and other non-alcoholic beverages located outside the limits of any municipality. The board may impose a reasonable license fee therefor and suspend or revoke such license for any violation of such ordinance or resolution or of Minnesota Statutes, Chapter 340. Any person violating the terms of any resolution or ordinance adopted pursuant to this section shall be guilty of a misdemeanor.

[1955 c 810 s 1; 1957 c 229; 1971 c 23 s 33]

375.195 SALE OF BUILDINGS ON PUBLIC PROPERTY. Subdivision 1. **County auditor may sell property.** Upon resolution of the county board, the county auditor may offer for sale and sell at public auction for cash at not less than the value appraised by the county board, any buildings or improvements upon any lands held by the state in trust for the taxing districts. If such buildings are not sold at public auction as herein provided, they may thereafter, and at any time within one year from the date thereof, be sold at private sale by the county auditor at not less than the appraised value.

Subd. 2. Sale on request of commissioner of natural resources. The county auditor may offer for sale and sell at public auction any buildings or improvements upon state lands or platted lots under the control of the commissioner of natural resources not held in trust for the taxing districts, at not less than the value appraised by the county board and approved by the commissioner of natural resources, provided such buildings or improvements shall not be offered for sale by the county auditor unless requested to do so by the commissioner of natural resources. If such buildings or improvements are not sold when offered at such public sale, they may thereafter and within the period of one year therefrom be sold at private sale by the county auditor at not less than the appraised value thereof.

Subd. 3. Finding by county board. No such buildings or improvements shall be offered for sale or sold until the county board has, by resolution, found that such buildings or improvements constitute a fire hazard, an inducement to trespass, or constitute a public nuisance. At least two weeks prior to the sale of such buildings or improvements, the county auditor shall cause to be published in a legal newspaper in the county and shall post on the bulletin board in his office and at least one other prominent place in the court house, a notice of such sale, which notice shall include the date of the sale, a description of the buildings and improvements, the lands upon which they are situated and the appraised value thereof.

Subd. 4. Sale conditioned upon removal. All sales under subdivisions 1 or 2 shall be conditioned upon the removal from the land by the purchaser of all buildings and improvements within 90 days of the date of purchase, and upon failure to so remove them, the buildings shall revert to the state and may be resold as provided in subdivisions 1 or 2.

Subd. 5. Disposition of proceeds. The proceeds from the sale of any such buildings or improvements located on lands held by the state in trust for the taxing districts, shall be deposited in the forfeited tax fund of the county and shall be distributed in the same manner as if the parcel of land on which the buildings or improvements were situated had been sold. The proceeds from the sale of any buildings or improvements on lands held by the state free of any trust for the taxing districts shall be remitted by the county auditor to the commissioner of natural resources to be deposited in the state treasury in the fund to which the proceeds from the sale of the lands from which the buildings are removed would properly be credited.

[1945 c 465; 1947 c 181 s 1-4; 1969 c 1129 art 3 s 1]

375.197 [Repealed, 1965 c 45 s 73]

375.20 QUESTIONS SUBMITTED TO VOTE; BALLOT. When the county board is authorized to do any act, incur any debt, appropriate money for any purpose, or exercise any other power or authority, only when authorized to do so by a vote of the people, the question to be voted upon may be submitted at a special or any general election, by a resolution specifying the matter or question to be voted upon; and, if it is to authorize the appropriation of money, creation of a debt, or levy of a tax, shall state the amount thereof. Notice of such election shall

be given as in the case of special elections; and, if the question submitted be adopted, the board shall pass an appropriate resolution to carry the same into effect. In all such elections the form of the ballot shall be: "In favor of (here state the substance of the resolution to be submitted), Yes..... No," with a square opposite each of the words "yes" and "no," in one of which the voter shall make a cross to indicate his choice; provided that the county board may call a special county election upon any such question to be held within 60 days after a resolution to that effect shall be adopted by the county board. Upon the adoption of such a resolution the county auditor shall post and publish notices of such election, as required by section 203.49. The election shall be conducted and the returns canvassed in the manner prescribed by sections 203.44 to 203.55, so far as practicable.

[R L s 450; 1931 c 384; 1961 c 560 s 32] (786)

375.21 CONTRACTS OF COUNTY BOARDS. Subdivision 1. No contract for work or labor, or for the purchase of furniture, fixtures, or other property, or for the construction or repair of roads, bridges, or buildings, the estimated cost or value of which exceeds \$3,500, shall be made by a county board without first advertising for bids or proposals in some newspaper of the county. If, for the purchase of property or for work and labor, two weeks published notice that proposals will be received, stating the time and place, shall be given. If, for the construction or repair of roads, bridges, or buildings, three weeks published notice shall be given. The notice shall state the time and place of awarding the contract and contain a brief description of the work. Every such contract shall be awarded to the lowest responsible bidder and duly executed in writing, and the person to whom the same is awarded shall give a sufficient bond to the board for its faithful performance. If no satisfactory bid is received, the board may readvertise. Every contract made without compliance with the provisions of this section shall be void. In case of an emergency arising from the destruction or impassability of roads or bridges by floods, rain or snow, or other casualty, or from the breaking or damaging of any county property, where the public interests would suffer by delay, such contracts for purchase or repairs may be made without advertising for bids, but in such case the action of the board shall be recorded in its official proceedings.

Subd. 2. [Repealed, 1967 c 364 s 2]

Subd. 3. [Repealed, 1967 c 364 s 2]

[R L s 618, 619; 1919 c 355; 1921 c 376; 1923 c 80; ~~Ex~~1934 c 69; 1935 c 17; 1939 c 5; 1939 c 246; 1947 c 138 s 1; 1957 c 497 s 1; 1959 c 337 s 1; 1967 c 364 s 1; 1969 c 153 s 1; 1969 c 613 s 3] (991, 992, 993-1)

NOTE: See sections 160.17 and 471.345.

375.22 EMERGENCY. In case of an emergency arising from breakage, damage, or decay in any county property of any county with a population of more than 225,000, that cannot be allowed to wait for the time required to advertise for bids, then such repairs may be made without advertising for bids; provided, such work is authorized by a majority of the board of county commissioners, and such action shall be ratified and recorded in the official proceedings of the board at its next meeting.

[1905 c 189 s 1] (993)

375.23 ASSESSMENT AND ROAD DISTRICTS IN UNORGANIZED TERRITORY; ASSESSORS; OVERSEERS OF ROADS. The county board of any county, any part of which is not organized into towns, shall, at its meeting in January, in each year, divide such unorganized territory into one or more assessment and road districts and appoint a qualified person residing therein as assessor for each district and another as overseer of roads therein, each of whom shall possess the powers and perform the duties of a town assessor and town overseer of roads, respectively. Each shall hold his office for the term of one year. The compensation of any such overseer of roads shall be fixed by the county board, not exceeding \$4.00 per day. The compensation of any such assessor shall be fixed by the county board, not exceeding \$6 per day; provided, that the county board at its annual meeting may fix the compensation of the assessor on an annual basis, but such compensation when so fixed shall not exceed \$400 and shall not be less than \$75.00 in any one year and, in addition to the per diem or compensation fixed on an annual basis, the county board is authorized in its discretion to allow the assessor mileage at the rate of five cents per mile for each mile necessarily traveled in his assessment work.

[R. L. s. 442; 1909 c. 250 s. 1; 1945 c. 528 s. 1] (770)

375.24 APPOINTMENT OF JUSTICES OF THE PEACE AND CONSTABLES IN CERTAIN UNORGANIZED TERRITORY. In any county of this state having no organized townships or in which the distance from any full and fractional unorganized township is more than 20 miles from the nearest town or municipality or county-seat, and which full and fractional unorganized township is entirely separated from the town or municipality or county-seat by water, the county board of such county may appoint one or more justices of the peace and one or more constables for such unorganized township, who shall have the same powers and duties as like officers in towns in the county.

Before entering upon their duties such officers shall give bond to the county in such penal sum as the county board shall determine, which bonds shall be otherwise conditioned as bonds for such officers in towns in the county. Such bonds shall be approved by the county board and filed with the clerk of the district court.

[1935 c. 85 ss. 1, 2; 1941 c. 234] (1081-1, 1081-2)

375.25 COUNTY BONDS MAY BE BOUGHT BY FUNDS IN TREASURY; RE-SALE. When any fund in the treasury of any county of this state having not more than 50,000 population is of such size that, in the opinion of the county board, the same would not be necessary to be expended for the purpose for which it was paid in within two or more years from the time of such determination, the board may thereupon authorize the auditor and treasurer of the county to purchase out of such fund any outstanding bonds of the county at not exceeding the face value thereof and accrued interest thereon to date of purchase and the bonds so purchased shall be kept by the treasurer as an asset of such fund. Any bonds so purchased may again be sold by the board at not less than the face value thereof when, in its judgment, it is deemed necessary to replenish the fund out of which such bonds were purchased.

[1907 c. 214 ss. 1, 2] (669-1) (669-2)

375.26 GIFTS, ACCEPTANCE. Any county in this state may receive by grant, gift, devise, or bequest, and take charge of, own, hold, control, invest, and administer free from taxation, in accordance with the terms of the trust or the conditions of the gift, any personal property, and any real property not to exceed 40 acres in any one county, for the use and benefit of the inhabitants of the county or as a park or recreation grounds, and in the encouragement, aid, and maintenance of the county cooperative work and education in agriculture and home economics, and in aid and furtherance of the object and purpose of the farm bureau association in the county. Such county may, from time to time, by resolution of the county board, appropriate from the county revenue fund such sum or sums as may be by the board be deemed necessary to suitably maintain, improve, and care for the property for such use and purpose, not exceeding the sum of \$3,500 in any one year.

[1925 c. 13 s. 1; 1933 c. 59 s. 1; 1939 c. 30 s. 1; 1949 c. 481 s. 1; 1951 c. 158 s. 1; 1957 c. 8 s. 1] (669-12)

375.27 LIABILITIES, LIMITATIONS, AND CONDITIONS OF GIFTS OF REALTY. No county, by receiving any grant, gift, devise, or bequest of any property pursuant to section 375.26 and holding and managing the same, shall incur or be subject to any liability of any kind or nature growing out of the ownership or management thereof; except that limitations and conditions may be imposed by the deed of gift as to the use of the property donated and, if the gift is accepted by the county, it shall be the duty of the county to comply with the limitations and conditions so imposed.

[1925 c. 13 s. 2] (669-13)

375.273 ACCEPTANCE OF DONATIONS FOR CARE OF CEMETERIES. Subdivision 1. **Acceptance of donations.** The board of county commissioners of any county may accept money from private sources or from any person, firm, or corporation, including fiduciaries, donated for the perpetual care of cemeteries located either wholly or partly within the county, and use such funds for the purposes provided in subdivision 2.

Subd. 2. **County board may expend funds in care of cemeteries.** Any such board of county commissioners may expend public funds under its control for the purpose of maintaining and improving, and otherwise permanently caring for cemeteries located either wholly or partly within the county, but any such expendi-

tures shall be included in, and shall not be in excess of, any limitations on expenditures now fixed by law.

Subd. 3. **Donations deposited with county treasurer.** All money donated or made available for use by such board in permanently caring for such cemeteries, shall be paid into the county treasury, and kept in a separate fund and disbursed only as authorized by the county board.

[1945 c 364 s 1]

375.28 REWARDS FOR CAPTURE OF PERSONS ACCUSED OF CRIME OR ESCAPING FROM JAIL. The county board of any county in this state shall have the power to offer and pay rewards in such amounts, not exceeding \$500 in any one case, as by it may be deemed advisable for the apprehension, arrest, or conviction, or for information leading to the apprehension, arrest, or conviction, of any person or persons accused of crime in any of the courts of the county or for the apprehension, or for information leading to the apprehension, of any prisoner escaped from any jail in the county.

[1925 c 23 s 1] (669-15)

375.29 REWARDS, PAYMENT OF. When any county in this state, having a population of more than 200,000, and an assessed valuation of more than \$250,000,000, shall have, by resolution of its county board, authorized the payment of a reward for the recovery of the body of a murderer, such county board shall be authorized to pay such reward and claim therefor, provided that no such payment shall exceed the sum of \$200, and no such payment shall be made except by resolution of the county board. The county board, before allowing any such reward, shall require proper and sufficient legal proof of the fact evidencing the recovery of the body of any such murderer. Any seven taxpayers may appeal to the district court of such county from the action of the county board, as provided by law for appeal from the allowance or disallowance of any claim by the county board.

[1935 c 234] (669-15½)

375.30 COUNTY BOARD MAY APPROPRIATE MONEY FOR CERTAIN PURPOSES. Subdivision 1. In addition to the powers now conferred on it by law, the county board of any county shall have power to appropriate, annually, a sum of money, not exceeding \$500, for the purpose of eradicating and removing rust-producing bushes, including barberry and mahonia and excluding Japanese barberry. The money so appropriated to be expended in such manner as the county board may, by resolution, provide.

Subd. 2. The county board of any county, by resolution, may appropriate and expend such sums of money as may be necessary to spray and otherwise eradicate wild hemp, commonly known as marijuana, on private property within the county. The county board of any county may authorize the use of county equipment, personnel and supplies and materials in spraying or otherwise eradicating wild hemp on such private property, and may pro rate the expenses involved between the county and owner or occupant thereof.

[1921 c 142; 1971 c 812 s 1] (671)

375.31 MOTOR VEHICLES, DAMAGE FROM OPERATION. The county board of any county may indemnify any officer or employee of the county for loss or expense arising or resulting from any claim made against him because of bodily injury, death or property damage sustained by reason of his operation of a motor vehicle while performing official duties. The county board of any county may defend any suit brought against any such officer or employee to enforce any such claim. The county board of any county may settle any such claim or suit and pay the amount of any such settlement or the amount of any final judgment rendered against any such officer or employee on any such claim without first requiring him to pay it.

[1931 c 330 s 1; 1951 c 131 s 1] (672-1)

375.32 INSURANCE POLICIES; PREMIUM, PAYMENT. Subdivision 1. **Payment of premium.** The county board of any county may pay the premium on any insurance policy which insures any officer or employee of the county or any group of such officers or employees against liability for injuries to person or property within the limitations of section 375.31. Such payment shall not impose any liability upon the county. Such insurance may be written in any insurance company authorized to transact business in the state of Minnesota.

Subd. 2. **Safety responsibility.** The county board of any county may take such action as may be necessary to bring the county and its officers and employees within the provisions and limitations of Minnesota Statutes, Chapter 170.

[1931 c 330 s 2; 1951 c 131 s 2, 3] (672-2)

375.33 FREE COUNTY LIBRARIES. Subdivision 1. **Creating, financing.** The county board of any county may establish and maintain, at a location determined by the board, a public library for the free use of residents of the county, and may levy an annual tax of not more than five mills on the dollar of all taxable property which is not already taxed for the support of any free public library and all taxable property which is situated outside of any city or village in which is situated a free public library. The proceeds of this tax shall be placed in the county library fund.

Subd. 2. **Establishment; petition, election.** If such county library be not otherwise established, upon petition of not less than 100 freeholders of the county, the county board shall submit the question of the establishment and maintenance of a free public library to the voters at the next county election. If a majority of the votes cast on such question be in the affirmative, the county board shall establish the library and shall levy annually a tax for its support, within the limits fixed by subdivision 1.

Subd. 3. **Contract with library board.** If there be a free public library in the county, the county board may contract with the board of directors of such library for the use of such library by residents of the county, and may place the county library fund under the supervision of such library board, to be spent by such board for the extension of the free use of the library to residents of the county. If there be more than one such free public library in the county the county board may contract with one or all of such library boards for such free service if in its judgment advisable.

Subd. 4. **Library board.** If no free public library in the county is available for use as a central library of the county system, the county board shall appoint a library board of five directors. The term of office of these directors is three years, and each director shall hold office until his successor is appointed and qualifies. Of the directors first appointed, two shall hold office for three years, two for two years, and one for one year from the third Saturday of July following their appointment, as specified by the county board; and thereafter the directors shall be appointed for a term of three years. This board of directors shall have the powers and duties of a board of directors of any free public library in a city or village and shall be governed by the provisions of sections 134.09, 134.11 to 134.15.

[1919 c 445 s 1; 1943 c 94 s 1; 1947 c 64 s 1; 1949 c 266 s 1; 1951 c 217 s 2; 1963 c 144 s 3] (673)

NOTE: See also section 134.12.

375.335 REGIONAL LIBRARIES. Subdivision 1. Two or more contiguous counties, except counties one or more of which contain a city of the first class over 300,000 according to the 1960 United States census may, through action by their governing bodies under the provisions of Minnesota Statutes, Section 471.59, establish and maintain a regional library, even though any one or more of the counties may already have a county library with a library board; provided that in any such county already having a county library board, the approval of said library board shall also be required. Cities in any of the contracting counties having public libraries may join in the regional library by being parties to the agreement which establishes the regional library through action of their library boards, or as hereinafter provided in subdivision 3.

Subd. 2. The agreement establishing such regional library may provide for a library board to govern the organization having all the powers and duties of county library boards as provided in Minnesota Statutes, Section 375.33. Such regional library board may consist of as many members as the contracting parties deem necessary, appointed in such numbers and for such terms by each county board party to the contract as may be determined by the contracting parties, irrespective of the existence of one or more county library boards already in existence in the participating counties. In such participating counties, such portion of the proceeds of the county library tax authorized by Minnesota Statutes, Section 375.33, Subdivision 1, shall be used for the support of the regional library as the contracting agreement may provide.

Subd. 3. Where such regional library is established, any city or village located in any of the contracting counties which is excluded from the county tax supporting the regional library under the provisions of Minnesota Statutes, Section 375.33, Subdivision 1, may, upon recommendation of its library board and upon action by its governing body, be included in such county tax and become an integral part of the regional system. Such cities or villages and any other cities or villages in the participating counties, whether or not governed by home rule charter provisions, may levy taxes for the additional support of their local library services provided that said combined levies shall not exceed the statutory limit on the library levy. Any such local public library board or governing body may, at its option, continue to control such local library fund or pay all or part thereof into the regional library fund, to be used for the increase or improvement of library services in such city or village.

Subd. 4. Any multicounty regional library heretofore created, and the agreements creating them, are hereby validated, ratified, and confirmed and the benefits of subdivisions 1 to 4 shall hereafter apply to said libraries.

[1961 c 55 s 1]

375.34 MEMORIAL DAY, APPROPRIATION FOR OBSERVANCE. The county board of each county may appropriate from the revenue fund of the county not more than \$500 annually to aid in the observance of Memorial Day in commemoration of the noble and valiant deeds of the nation's soldier dead.

[1911 c 109 s 1; 1955 c 24 s 1] (762)

375.35 APPROPRIATION TO MILITARY SERVICE MEN'S ORGANIZATIONS, MEMORIAL DAY SERVICES. The several county boards in this state are hereby empowered, in addition to the power now conferred on them by law, to appropriate annually not to exceed \$50 to each post of a recognized military service men's organization or society, holding charter from congress or incorporated in this state, organized and existing in their respective counties, for defraying the expenses of Memorial Day exercises.

[1921 c 233 s 1; 1927 c 407; 1949 c 120 s 1] (762-1)

375.36 COUNTY BOARD TO ESTABLISH SOLDIERS' REST. The board of county commissioners of any county in this state may purchase a plot of ground in any duly organized cemetery lying, in whole or in part, in the county, or in a county contiguous thereto, to be designated, set aside, and used exclusively as a soldiers' rest, and appropriate for the payment, embellishment, and upkeep thereof, and for the opening and the closing of graves therein, not to exceed the sum of \$1,000 in any one year. Any county in this state now having, or which may hereafter have, a population of not less than 150,000 may appropriate for such purposes not to exceed the sum of \$3,500 in any one year.

The county board is authorized to use such portion of the appropriation as it may deem necessary for compensation and expenses of an agent, who shall be a veteran, to care for such burial ground and to issue permits for burial therein.

[1917 c. 60 s. 1; 1923 c. 335 s. 1; 1937 c. 178 s. 1; 1945 c. 257 s. 1] (763)

375.37 "SOLDIERS' REST" USED EXCLUSIVELY FOR SOLDIERS, SAILORS, MARINES AND WAR NURSES. Any plot of ground secured and designated as a "soldiers' rest" shall be used exclusively for the interment of deceased soldiers, sailors, marines, and war nurses of the United States, without charge for space therein.

[1917 c. 60 s. 2; 1933 c. 336; 1937 c. 178 s. 2; 1945 c. 145 s. 1] (764)

375.38 VIOLATION A MISDEMEANOR. Any person interring or causing to be interred a body, or make a charge for a burial lot in such soldiers' rest, except as provided by section 375.37, shall be guilty of a misdemeanor.

[1917 c. 60 s. 3; 1937 c. 178 s. 3] (765)

375.383 WAR RECORDS, PUBLICATION. The board of county commissioners of any county may, by resolution, authorize the compilation, printing, and distribution of a book containing the war records, and, if desired by the board, pictures of residents of the county who served in the armed forces of the United States or any of its allies during the second world war, or who had active service on and after June 27, 1950, and prior to the final cessation of hostilities as proclaimed by proper federal authority, and such other information relative to war activities or services as the board deems desirable.

The board may make a tax levy in a sufficient amount to carry out the provisions of this section, which levy may be in addition to all other levies now authorized by law.

[1945 c 571 s 1; 1953 c 699 s 15]

375.39 CHANGE OF NAME OF COUNTY; ORDER OF COUNTY BOARD. The county board of any county in this state may change the name of the county upon a petition signed by a number of the legal voters of the county equal to 55 percent of the votes cast at the last preceding general election, and shall adopt the new name suggested in such petition as the official name of the county. Such petition shall be filed with the county auditor and it shall be the duty of the auditor thereupon to give public notice of the filing of such petition by publishing the same in the official newspaper of the county, and the petition shall be taken up and considered at the next meeting of the board held not less than 30 days after the date of such notice.

The prayer of the petition being granted, the board shall make a formal order to that effect, which shall be filed with the auditor, and thereupon the official name of the county shall be the one so adopted.

[1905 c. 23 ss. 1, 2] (674, 675)

375.40 COUNTY BOARD MAY LICENSE EXHIBITIONS AND SHOWS. The board of county commissioners of any county of this state is hereby authorized to license and regulate itinerant shows, carnivals, circuses, endurance contests, and exhibitions of any nature whatsoever, except those prohibited by section 624.66. Sections 375.40 to 375.42 shall not apply to shows, carnivals, circuses, contests, and exhibitions held within the incorporated limits of a village, borough, or city.

The fee for such license shall be fixed by the board of county commissioners in such amount as it shall deem advisable.

The board of county commissioners may require, as a condition to the granting of such license, the posting of a penal bond in such amount as it shall determine.

Application for such license shall be made on such form as the board of county commissioners shall determine. Upon the approval of such application and the payment of the license fee and the posting of such bond as may be required, the county auditor shall issue the license.

[1937 c 331 s 1-4] (10536-11, 10536-12, 10536-13, 10536-14)

375.41 TAKING PART IN UNLICENSED EXHIBITION OR SHOW A MISDEMEANOR. Any person, partnership, association, or corporation who conducts, or takes part in, any itinerant show, carnival, circus, endurance contest, or exhibition not licensed, as provided in section 375.40, shall be guilty of a misdemeanor.

[1937 c. 331 s. 5] (10536-15)

375.42 EXCEPTIONS. The provisions of sections 375.40 and 375.41 shall not apply to any itinerant show, carnival, circus, endurance contest, or exhibition held in connection with any agricultural association fair.

[1937 c. 331 s. 6] (10536-16)

375.43 COUNTY OFFICERS, SALARY INCREASES. Subdivision 1. **Resolution of county board.** The county board of each county with a population of less than 50,000 inhabitants according to the 1940 federal census, may, at any time after the passage of this act, adopt a resolution providing salary increases, based upon the increases in the cost of living, for the elective county officers of such county as provided in this section.

Subd. 2. Director of civil service, reports as to cost of living index. The director of civil service shall on or before June 1, 1955, and annually thereafter, on or before June 1, forward to the county auditor of each county with a population of less than 50,000 inhabitants, a certified copy of his report covering the investigation of the cost of living as provided by Minnesota Statutes 1953, Section 43.123, as amended, stating therein the increase or decrease in the cost of living which has taken place subsequent to his report for the preceding year. The report to be furnished on or before June 1, 1955, shall cover the period from April, 1954 to April, 1955, and each report thereafter shall cover a period of one year. Upon the receipt of such report the county auditor shall present it to the county board at its next meeting and thereafter file it in his office.

If the report of the director of civil service shall show that the cost of living index is more than 104.0 and not more than 107.0, then the salaries of all elective county officers included in this section may be increased in such amount as the county

board shall determine but not to exceed \$200 per annum. If the report shows that the cost of living index is more than 107.0 and not more than 110.0, then the salaries of such officers may be increased in such amount as the county board shall determine but not to exceed \$300 per annum. If the report shows that the cost of living index is more than 110.0 and not more than 113.0, then the salaries of such officers may be increased in such amount as the county board shall determine but not to exceed \$400 per annum. If the report shows that the cost of living index is more than 113.0 and not more than 116.0, then the salaries of such officers may be increased in such amount as the county board shall determine but not to exceed \$500 per annum. If the report shows that the cost of living index is more than 116.0, then the salaries of such officers may be increased in like manner by an additional amount of not more than \$100 per annum for each rise in such index of three points, or fraction thereof, above 116.0, no more than one such increase to be authorized for rises within the same three point range. In determining the salary increases, as hereinbefore provided, the county board shall grant the same amount of increase to each elective county officer included in this section, except that the amount to be allowed to members of the county board may be less than the amount provided for the other elective officers. The county board is authorized to increase the salaries of the other elective county officers, as hereinbefore provided, without providing for any increases in the salaries of the members of the county board.

Subd. 3. Cost of living increases; change, revocation. After the county board of any county has adopted a resolution providing that the salaries of the elective county officers of such county shall be increased on the basis of the cost of living, as provided in this section, it may, at any time, revise or change the amounts to be granted such officers, and may revoke or terminate such salary increases whenever it is convinced that such increases are no longer necessary or justifiable.

Subd. 4. Restoration of salary in event of reduction. If the salary of any elective county officer will be reduced because of a decrease in the population of his county, when the 1960 federal census shall become effective, under the provisions of the law now in force fixing such salary, the county board of such county is authorized to restore and fix the salary of such officer at the amount provided by law and in effect prior to such reduction. This subdivision shall apply to all officers holding office at the time the 1960 census became effective and to all officers subsequently elected.

Subd. 5. Supplementary. All laws relating to salaries of elective county officers in force at the time of the passage of this section shall remain in full force and effect except as modified or repealed by this section.

[1951 c 327 s 1-5; 1955 c 546 s 1; 1959 c 279 s 1; 1961 c 164 s 1; 1963 c 312 s 1; 1965 c 45 s 54]

375.44 MILEAGE, COUNTY HOSPITAL BOARD MEMBERS. The county board of any county in which a county hospital is located may by resolution authorize the members of any county hospital board who are not members of the county board to receive seven and one-half cents for each mile necessarily traveled in attending meetings in the performance of their duties.

[1957 c 83 s 1]

375.45 CHANGE FUNDS, ESTABLISHMENT. The county board shall establish funds in the offices of the auditor, treasurer, clerk of the district court, register of deeds, sheriff and such other offices and departments as it deems necessary for the purpose of making change only. The change funds shall be established by making an appropriation therefor from the proper fund in whatever amounts the county board shall determine. The officer receiving such fund shall be custodian of such fund and he shall be responsible for its safekeeping and use. The change fund shall not be used for the purpose of making payments of expenses such as are provided for in section 375.16.

[1959 c 502 s 1; 1967 c 44 s 1]

375.46 ROAD AND HIGHWAY PATROL; SHERIFF'S DUTY. Subdivision 1. The board of county commissioners of any county except in a county with a population of over 600,000, may appropriate, out of its general fund, money to permit the sheriff to patrol the roads and highways of his county to investigate conditions respecting observances of laws.

Subd. 2. Upon request by the board of county commissioners the sheriff of such county shall provide a patrol of roads and highways as provided in subdivision 1.

[1961 c 258 s 1]

375.47 EXPENSE ALLOWANCES FOR MEMBERS OF BOARDS AND AGENCIES. Subdivision 1. Except in counties containing a city of the first class, the board of county commissioners of each county may, by resolution, set a reasonable allowance for expenses or a per diem allowance in lieu of expenses and a mileage allowance to be paid the members of boards or agencies authorized by statute, performing duties for all or part of the county, when the board or agency does not itself have power to make expense allowances for its members. The allowances shall be paid from the funds under the administration of the boards or agencies.

Subd. 2. No member of a board or agency shall receive an allowance for expenses, or a per diem allowance in lieu of expenses, or a mileage allowance pursuant to subdivision 1, if in another capacity he receives from the county under authority of any other statute or resolution either:

(a) an allowance for or per diem allowance in lieu of the same expenses or mileage; or

(b) a fixed amount, whether as part of his salary or otherwise, for expenses of like kind incurred in the performance of his duties in such other capacity.

[1967 c 78 s 1, 2]

375.471 LAND CONSERVATION AND UTILIZATION; FEDERAL AID. The county boards of the several counties which have been designated as a resource conservation and development project area under the provisions of 7 USCA, Sec. 1011(e) and acts amendatory thereof, are authorized to enter into such agreements, as may be necessary with the secretary of agriculture of the United States and other agencies of the federal government for the program of land conservation and land utilization authorized by 7 USCA, Sec. 1010 and acts amendatory thereof, to accept assistance therefor under 7 USCA, Sec. 1011 and acts amendatory thereof, to engage in such works of improvement as are necessary to effectuate the purpose of such acts and to cooperate with the said secretary of agriculture and federal agencies to the end that residents of this state shall obtain the benefits and advantages available to them and intended by congress to be so available in such acts. The said county boards shall comply with any and all requirements of federal law and any rules and regulations promulgated thereunder and with appropriate state laws in accomplishing the purposes here intended. If a proceeding is instituted by petition for an improvement under this section, the proceedings thereafter may be conducted by a board in the same manner as is provided for the establishment of a drainage system under chapter 106. A majority of the landowners as defined in section 106.031, shall be required for a valid petition. They may also proceed under and exercise the authority granted by sections 110.121 to 110.126 or as otherwise provided by law.

[1967 c 581 s 1]

375.48 COUNTY ADMINISTRATOR; APPOINTMENT; QUALIFICATIONS. Subdivision 1. The board of county commissioners of any county may appoint and employ a county administrator upon such terms and conditions as it deems advisable and is authorized to appropriate funds and provide suitable office space for such office. The county board shall set the salary of the administrator. He shall be chosen solely on the basis of his training, experience and administrative qualifications and need not be a resident of the county at the time of his appointment. The county administrator serves at the pleasure of the board and his employment may be terminated by the board without notice. The county board may provide for a termination allowance.

Subd. 2. The county board may appoint as county administrator any county officer or employee except a county commissioner during the term for which he was elected. If a county officer or employee is appointed county administrator, the county board may provide that the duties of county administrator are in addition to his duties as such officer or employee.

[1967 c 585 s 1]

375.49 DUTIES OF COUNTY ADMINISTRATOR. Subdivision 1. The county board shall prescribe the duties and responsibilities of the county administrator. Insofar as required by the county board, he is responsible to the board for the proper administration and management of any duty assigned to him and for these purposes is deemed the head of a department.

Subd. 2. The county administrator may be assigned any of the following duties and responsibilities:

(a) To manage any or all of the affairs of the county which county board has authority to control;

(b) To examine regularly the books, papers and accounts of each department, office, and agency of the county under the control of the county board and to report to the board the condition in which he finds them and such other information as the board directs;

(c) To submit to the board such recommendations concerning the affairs of the county, its future financial needs, and its offices, departments and agencies as he deems proper;

(d) To see that all orders, resolutions and regulations of the county board are faithfully executed;

(e) To initiate and present a proposed annual budget to the county board for its review and consideration; and

(f) To serve as clerk of the county board. Upon the adoption of a resolution directing the county administrator to assume the responsibilities of clerk of the board, the county auditor shall no longer be held responsible for the duties as clerk to the board imposed by section 384.09.

[1967 c 585 s 2]

375.50 RESCISSION OF RESOLUTION ESTABLISHING ADMINISTRATOR'S OFFICE. The board at any time may rescind the resolution establishing the office of county administrator. Any duties and responsibilities previously assigned to the county administrator, upon adoption of the rescinding resolution, shall be vested in the officer or department which had responsibility for the function previous to the transfer of the function to the county administrator.

[1967 c 585 s 3]

375.51 ORDINANCES; ENACTMENT, PUBLICATION. Subdivision 1. **Enactment.** In any instance in which a county board is authorized by law to enact ordinances, such county ordinances shall be adopted in the manner hereinafter prescribed except as otherwise provided by law. Every county ordinance shall be enacted by a majority vote of all the members of the county board except where a larger number is required by law. It shall be signed by the chairman of the board and attested by the clerk of the board. The ordinance shall be published as hereinafter provided. Proof of the publication shall be attached to and filed with the ordinance in the office of the county auditor. Every ordinance shall be recorded in an ordinance book in the office of the county auditor within 20 days after its publication. All ordinances shall be suitably entitled and shall be substantially in the style: "The county board of _____ County ordains:".

Subd. 2. **Notice of intention.** No ordinance of a county shall be enacted unless a notice of the intention to enact such ordinance has been published in the official newspaper of the county not less than ten days before the meeting at which the ordinance is to be considered. The notice shall state the subject matter and the general purpose of the proposed ordinance. Proof of the publication of the notice shall be attached to and filed with the ordinance, if enacted, in the office of the county auditor.

Subd. 3. **Publication.** Every ordinance enacted by a county board shall be published at least once as part of the proceedings of the meeting at which the ordinance was enacted. Publication shall be made in the official newspaper of the county but additional publications, either in the official newspaper or other newspaper, may be ordered. An ordinance may be published in its entirety, or otherwise as hereinafter provided.

To the extent of the authority described in subdivision 1 of this section, a county may incorporate in an ordinance by reference any statute of Minnesota, any administrative rule or regulation of any department of the state of Minnesota affecting the county, or any code. The term "code" as used herein means any compilation of regulations or standards or parts thereof prepared by any governmental agency or any trade or professional association for general distribution in printed form as a standard or model on the subject of building construction, plumbing, electric wiring, inflammable liquids, sanitary provisions, public health, safety, or general welfare.

In the case of lengthy ordinances, or ordinances which include charts or maps, the ordinance need not be published in its entirety if the title of the ordinance and a summary of the ordinance is included in the publication of the proceedings of the meeting at which the ordinance was enacted. In such case and in the case a statute, administrative rule or regulation or a code is adopted by reference, all

requirements of statute for the publication of ordinances shall be satisfied if the summary of the ordinance or the ordinance incorporating the statute, regulation, ordinance or code is published in the required manner and if, prior to such publication, at least three copies of the entire ordinance or of the statute, rule, regulation or code are marked as official copies and filed for use and examination by the public in the office of the county auditor. Provisions of the entire ordinance or of the statute, rule, regulation or code thus incorporated in such ordinance by reference shall be as much a part of the ordinance as if they had been set out in full therein

[1967 c 698 s 1]

375.52 REVISION AND CODIFICATION. Any county may revise and codify and print in book, pamphlet or newspaper form any general and special laws, ordinances, resolutions and rules in force in the county. Such codification shall be a sufficient publication of any ordinance included in it and not previously published in a newspaper if a substantial quantity of the codification is printed for general distribution to the public. A notice that copies of the codification are available in the office of the county auditor shall be published in the official county newspaper for at least two successive weeks. The county board is authorized to make a reasonable charge for the cost of printing and distribution of ordinances or a codification of ordinances.

[1967 c 698 s 2]

375.53 VIOLATIONS OF ORDINANCES, PENALTIES. The county board shall have power to declare that the violation of any ordinance shall be a penal offense and to prescribe penalties therefor. Such penalties shall not exceed those permitted for conviction of a misdemeanor as defined by law.

[1967 c 698 s 3]

375.54 PROSECUTIONS UNDER ORDINANCE. All prosecutions for violation of county ordinances shall be brought by the county attorney in the name of the county upon complaint and warrant as in other criminal cases.

[1967 c 698 s 4]

375.55 DISPOSITION OF FINES RECOVERED FOR ORDINANCE VIOLATIONS. All fines, forfeitures, and penalties recovered for the violation of any county ordinance shall be paid into the county treasury. Every court or officer receiving such moneys, on or before the tenth day after the last day of the month in which such moneys were collected, shall make return thereof under oath and be entitled to duplicate receipts for the amounts paid. One of the receipts shall be filed with the county auditor.

[1967 c 698 s 5]