

CHAPTER 373

POWERS, DUTIES, AND PRIVILEGES OF COUNTIES

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**373.01 POWERS** Each organized county is a body politic and corporate, and as such empowered to act for the following purposes:

- (1) To sue and be sued;
- (2) To acquire and hold real and personal property for the use of the county, and lands sold for taxes as provided by law; and to purchase and hold for the benefit of the county real estate sold by virtue of judicial proceedings, to which the county is a party;
- (3) To sell, lease, and convey any real or personal estate owned by the county, and to give contracts or options to sell, lease or convey any such real or personal estate, and make such order respecting the same as may be deemed conducive to the interests of its inhabitants; provided, no sale, lease or conveyance of any such real estate, nor any contract or option therefor, shall be valid, unless a resolution fixing a time for considering same and setting out the terms and conditions thereof shall be published in the official proceedings of the county commissioners at least 30, and not more than 60, days prior to the time it shall have been voted upon; provided, further, before causing the publication of any such resolution, the commissioners may require a satisfactory bond, to be furnished by the person or persons desiring such sale, a lease, conveyance, contract or option, conditioned to abide by the terms thereof, if granted to him or them; provided, further, if at the time so fixed any more favorable proposition or propositions shall have been filed with the auditor affecting the same property and accompanied by like satisfactory bond, all propositions may be at that time considered, and the one most favorable to the county accepted; provided, further, that in no case shall any such lands be disposed of without there being reserved to the county any and all iron ore and other valuable minerals in and upon the same, with right to explore for, mine and remove the same, nor shall such minerals and mineral rights be disposed of, either before or after disposition of the surface rights, otherwise than by mining lease, in similar general form to that provided by section 93.20 for mining leases affecting state lands, such lease to be for a term not exceeding 50 years, and to be issued on a royalty basis, royalty to be not less than 25 cents per ton of 2,240 pounds, and to fix a minimum amount of royalty payable during each year, whether mineral is removed or not; provided, further, prospecting options for such mining leases may be granted for periods not exceeding one year, such options to require, among other things, periodical showings to the county board of the results of exploration work done;
- (4) To make all contracts and do all other acts in relation to the property and concerns of the county necessary to the exercise of its corporate powers.

[R. L. s. 409; 1907 c. 310 s. 1] (638)

**373.011 COUNTY MAY PAY ROAD AND BRIDGE BONDS FROM MONEYS OBTAINED FROM STATE FOR HIGHWAY PURPOSES.** In any county which has a total outstanding indebtedness in excess of ten per cent of the assessed valuation of the property in such county where the bonds of the county have been issued

to obtain money for the construction of highways and are outstanding, the county may expend moneys received from the state road and bridge fund in discharge of such bonds.

[1943 c. 145 s. 1]

**373.02 POWERS, HOW EXERCISED.** The powers of the county as a body politic and corporate shall only be exercised by the county board, or in pursuance of a resolution by it adopted; and deeds and other written instruments made by the county shall be executed in its name by the chairman of such board and by the auditor as clerk thereof.

[R. L. s. 411] (641)

**373.03 CONVEYANCES TO COUNTY; EFFECT.** All real and personal estate conveyed by any form of conveyance to any county or the inhabitants thereof, or to any person for the use and benefit of such county or its inhabitants, shall be deemed to be the property thereof; and all such conveyances shall have the same force and effect as if made to such county by its corporate name.

[R. L. s. 410] (640)

**373.04 CERTAIN COUNTIES AUTHORIZED TO CONSTRUCT BRANCH RAILROAD TRACKS.** In all cases where county buildings, or buildings in which a county is interested with other counties, are situated upon land adjacent to or near a railway track, such county: the county in which such buildings are located, may pay from the general revenue fund thereof, or from any money raised by such county in excess of its proportionate share for any such institution, the costs of procuring a right of way for and the building of a branch track suitable for the transportation thereon from the railway track to such buildings of any or all articles and commodities needed by the institution and of persons going to and from the same.

[1915 c. 55] (639)

**373.05 COUNTY BUILDINGS.** Each county shall provide at the county-seat, and keep in good repair, a suitable court-house, supplied with fire-proof vaults, a suitable and sufficient jail, and other necessary buildings.

[R. L. s. 412] (643)

**373.053 WAR MEMORIAL BUILDINGS.** Subdivision 1. **County war memorial; limitation on cost.** Subject to the limitations of this section, any county may construct and maintain in said county a building, including a hospital, to be erected as a memorial to the men and women who have served in the armed forces of the United States during a time when it was at war; provided, the construction of such building at a sum not to exceed a specified amount is authorized by a vote of the electors of the county in the manner provided by Minnesota Statutes 1941, Section 375.20. The cost of such building in any county shall not exceed \$250,000.

Subd. 2. **Supervision.** The war memorial building, if not a hospital, shall be under the supervision and control of the county board. The building shall be used as a meeting place for local or county units of any war veterans' organization chartered by the Congress of the United States, and if there be space, for offices of such organizations. In addition thereto the building may also contain the county library and the exhibits of the county historical society and such other civic and recreational facilities as may be determined by the county board. If such memorial be a hospital, it shall be under the control of the county board or a hospital commission to be appointed by the board.

Subd. 3. **City or village may convey site.** Any city or village in which the construction of a war memorial building or hospital has been authorized, may acquire and convey to the county without compensation therefor a suitable tract of land upon which to construct such building.

Subd. 4. **War memorial building fund.** For the payment of the cost of the war memorial building or hospital, the county board, after approval of the project by a vote of the electors of the county, is authorized to certify to the county auditor such amount as may be necessary for the construction of such building and the portion thereof to be levied in each succeeding taxable year, not exceeding five years, until the whole thereof has been raised. The county auditor on receipt of such certification shall levy upon all taxable property in the county a tax in each year so certified by the county board sufficient to produce the amount so certified. The proceeds of such tax levy shall be deposited in a separate fund to be known as the "War Memorial Building Fund."

Subd. 5. **Maintenance.** The county board is authorized to certify to the county auditor such amount as may be necessary each year for the maintenance and operation of such building or hospital. The county auditor upon receipt of the certification shall levy a tax upon all taxable property in the county sufficient to produce the amount so certified. The proceeds of such tax levy shall be credited to the War Memorial Building Fund and shall be used only for the maintenance and operation of the war memorial building. Any balance remaining in the fund at the end of any year shall be available for the next year, and the amount to be certified by the county board for the maintenance and operation of the war memorial building or hospital shall be reduced by the amount of such balance.

Subd. 6. **Gifts authorized.** To carry out the purposes of this section the county board or hospital commission may accept grants or gifts from the federal government or any of its agencies, or from any person.

[1945 c. 399]

**373.06 ACTIONS AGAINST COUNTIES.** No action shall be maintained by any claimant, except the State of Minnesota, against a county upon any claim except county orders, when the only relief demanded is a judgment for money, until such claim shall have been duly presented to the board and it shall have failed to act upon the same within the time fixed by law, or unless such board shall consent to the institution of such action. No action shall be brought by any person, except the State of Minnesota, upon any county order until the expiration of 30 days after a demand for payment thereof has been made and any judgment against the county entered in an action brought on any such order without such demand shall be void.

[R. L. s. 620; 1923 c. 210] (994)

**373.07 SUITS AGAINST COUNTIES; SERVICE; JURORS.** Service of summons or other original process in actions against a county shall be made upon the chairman or clerk of the board, either during a session of the board, or within ten days before the day appointed for one. The person served shall forthwith notify the county attorney of such service and lay before the board at its next regular meeting all the information he may have regarding such action. In actions where the county is a party, its inhabitants, if otherwise qualified, may be jurors.

[R. L. s. 413] (644)

**373.08 COUNTY, HOW NAMED IN SUITS.** In all actions and proceedings by or against a county, the name in which it shall sue or be sued shall be "The county of ....." (insert name of the county); but this provision shall not prevent county officers, when authorized by law, from suing in their official names for the benefit of the county.

[R. L. s. 414] (645)

**373.09 CLAIMS AGAINST COUNTY; APPEAL.** When any claim against a county is disallowed by the county board, in whole or in part, a claimant may appeal from its decisions to the district court by causing a written notice of such appeal to be filed in the office of the auditor within 15 days after written notice mailed to the claimant by the county auditor showing the disallowance of the claim and giving security for costs, to be approved by the auditor, who shall forthwith notify the county attorney thereof. When any claim against a county shall be allowed, in whole or in part, by such board, no order shall be issued in payment of the same or any part thereof, until after 15 days from date of the decision; and the county attorney may, on behalf and in the name of such county, appeal from such decision to the district court, by causing a written notice of such appeal to be filed in the office of the auditor within 15 days after date of the decision appealed from; or any seven taxpayers of the county may, in their own names, appeal from such decision to the district court by causing a written notice of appeal, stating the grounds thereof, to be filed in the office of the auditor within 15 days after the date of the decision appealed from, and giving to the claimant security for his costs and disbursements, to be approved by a judge of the district court; and thereafter no order shall be issued in payment of any such claim until a certified copy of the judgment of the court shall be filed in the office of the auditor. Upon filing of such notice of appeal, the court shall acquire jurisdiction of the parties and of the subject matter, and may compel a return to be made as in the case of an appeal from a judgment of a justice of the peace. In any county subject to the provisions of Laws 1941, Chapter 118, in which a claim has been audited and certified by the county auditor as required by Laws 1941, Chapter 118, Section 5, or whose population now or here-

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after exceeds 250,000, but is less than 450,000, such claim may be paid not earlier than the third day after allowance by the county board.

[*R. L. s. 415; 1925 c. 317 s. 1; 1933 c. 191; 1943 c. 114 s. 1; 1945 c. 246 s. 1*] (646)

**373.10 PROCEEDINGS ON APPEAL.** Within ten days after an appeal has been taken, the auditor shall without charge file in the office of the clerk of such court a certified copy of the claim and a transcript of the record of the action of the board thereon, together with a copy of the notice of appeal, and the date of the filing thereof in his office. The proceeding shall be put upon the calendar for trial as an issue of fact at the next general term of the district court, beginning not less than ten days after the date of the appeal; and on or before the second day of such term the court shall direct pleadings to be made up as in civil actions, upon which the proceeding shall be tried, and all questions of law summarily heard and determined. Issues of fact shall be tried and judgment rendered and perfected as in civil actions but no execution shall issue thereon except for the collection of a counterclaim or costs and disbursements in case of a judgment therefor against a claimant.

[*R. L. s. 416*] (647)

**373.11 APPEAL TO SUPREME COURT; COUNTER-CLAIM.** An appeal from the judgment of the district court may be taken to the supreme court as in civil actions within 30 days after the actual entry of the judgment. If no appeal is taken, a certified copy of the judgment shall be filed in the office of the auditor; and, if an appeal is taken, the determination of the supreme court shall be certified to the district court and judgment entered in accordance therewith, and that judgment certified to and filed in the office of the county auditor. In either case, after such certified copy is filed, orders shall be drawn on the county treasury in payment of any judgment in favor of a claimant; and execution may issue out of the district court for the collection of any costs against a claimant; provided that, in any case where costs are awarded against a claimant and there is any allowance on the claim in his favor, the amount of such costs shall be deducted from such allowance, and in any case of an appeal the county may, in the district court, interpose, as a counterclaim, any demand which it has against such claimant, and have execution for the collection of any judgment in its favor.

[*R. L. s. 417*] (648)

**373.12 JUDGMENTS AGAINST COUNTIES; HOW PAID.** When any judgment is recovered against a county, or against any county officer, in an action prosecuted by or against him officially, where the same is to be paid by the county, no execution shall issue except as herein provided; but, unless reversed, the same shall be paid from funds in the treasury, if there be any available; if not, the amount thereof shall be levied and collected as other county charges, and, when so collected, shall be paid to the person in whose favor the judgment was rendered, upon the delivery of a proper voucher therefor. If payment is not made within 30 days after the time the treasurer is required by law to make settlement with the auditor next after the rendition of such judgment, execution may issue, but the property of the county only shall be liable thereon.

[*R. L. s. 418*] (649)

**373.13 COMMISSIONER DISTRICTS; ST. LOUIS COUNTY.** The county board of any county now or hereafter having an area of over 5,000 square miles and now or hereafter containing a city of the first class is hereby authorized to redistrict any county commissioner district in the county, now or hereafter wholly included within any such city of the first class, so that such district shall include such number of election districts within such city, and such contiguous congressional townships, or part of any township, not less than one-half thereof, as the county board shall determine; provided, that all such territory within such city and townships included in such district shall be contiguous territory.

The redistricting of any commissioner district under the provisions of this section shall be governed by the statutes now applicable to the redistricting of such commissioner district, except as herein otherwise provided.

[*1917 c. 177 s. 1*] (651-1)

**373.14 INDEBTEDNESS FUNDED.** Any county in this state having an assessed valuation of taxable property, inclusive of money and credits, of not more than \$8,000,000, and having a net debt, as defined by section 475.03, subdivision 8, not exceeding \$500,000, as of December 31, 1932, and having outstanding floating

indebtedness incurred prior to January 1, 1933, represented by warrants issued against its revenue fund, poor fund, or road and bridge fund, aggregating in principal and accrued interest a sum greater than can be paid out of cash in these funds plus the amount of current taxes which have been levied for such purposes payable during 1933, and which floating debt exceeds \$150,000 in principal and accrued interest, may fund or otherwise pay and discharge such indebtedness in the manner provided in sections 373.14 to 373.19; and, in the event of the funding provisions of sections 373.14 to 373.19 being resorted to, each and all of the provisions, conditions, and limitations thereof shall apply and shall be controlling over those of any other act inconsistent therewith.

[1933 c. 296 s. 1] (997-5)

**373.15 WARRANTS VALIDATED.** Any and all such outstanding warrants which shall be funded in the manner authorized by sections 373.14 to 373.19, and which have been issued for any lawful purpose properly chargeable to such respective funds, are hereby declared to be valid and enforceable obligations of such county; provided, that the validation hereby effected shall not affect any warrants, the validity of which is questioned in any litigation now pending. The determination by unanimous vote of the county board of such county that any such outstanding warrants have been issued and that bonds shall be issued for the purpose of funding the same in the manner herein provided for shall be final and conclusively binding upon such county. The county board is hereby authorized and empowered to issue the bonds of such county in an amount not to exceed the principal of such warrants and interest thereon accrued up to the date of such bonds, and not exceeding in any event \$150,000, without submitting the question of such issue to the electors of such county and without regard to the amount of any and all other outstanding debts of the county, the proceeds thereof to be used solely for the purpose of taking up, paying, canceling, and retiring a like amount of principal and interest of such warrants. The bonds shall be payable so that the first payment becomes due and payable not more than nine years from the date of issuance of such bonds and the last instalment thereof shall become due and payable not more than 20 years from the date of the issuance of such bonds. They shall be sold in conformity with section 475.15 and shall be direct and general obligations of the county issuing them. Nothing in sections 373.14 to 373.19 shall be construed to require that the full amount of such outstanding indebtedness shall be retired by the issuance and sale of such bonds.

[1933 c. 296 s. 2] (997-6)

**373.16 TAX LEVY TO RETIRE BONDS.** The county board of any county issuing bonds pursuant to the authority of sections 373.14 to 373.19 shall, before the issuance thereof, levy for each year, until the principal and interest are paid in full, a direct annual tax in an amount not less than ten per cent in excess of the sum required to pay the principal and interest thereof when and as such principal and interest become due; provided, that in case such bonds are sold directly to the state, the levy shall be made according to the law covering such sale. Such tax shall be irrevocable until all such indebtedness is paid; and, after the issuance of such bonds, no further action of the county board shall be necessary to authorize the extension, assessment, and collection of such tax. The county auditor shall keep a register in which shall be entered a record of the aggregate amount of such bonds authorized, the aggregate amount issued, the purpose for which issued, the number, denomination, date, and maturity of each, the rate of interest, and time of payment thereof, and place of payment of principal and interest, and the amount of taxes levied for the payment thereof in each year, and shall extend and assess the tax so levied. Nothing herein contained shall be construed as limiting the power of the county to levy taxes to pay the bonds issued hereunder, but the county board shall have the power, and it shall be its duty, to levy any taxes necessary to provide revenue to pay the full principal and interest of such bonds.

[1933 c. 296 s. 3] (997-7)

**373.17 LIMITATION OF EXPENDITURES.** So long as any bonds issued pursuant to sections 373.14 to 373.19 remain outstanding, unless a sum equal to the full principal and interest to maturity thereon be held in the sinking fund for the retirement thereof, the maximum amount of obligations incurred and expenditures made in any year shall not exceed \$50,000 for revenue fund purposes, nor \$40,000 for poor fund purposes, nor \$30,000 for road and bridge purposes, and the county

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board is authorized to levy during such period only such amount of taxes for such purposes as will produce such sum. In the event that taxes levied for such purposes shall exceed such sum for each of these funds, the excess shall be carried over and go to reduce the taxes for the next ensuing year for such purposes.

[1933 c. 296 s. 4] (997-8)

**373.18 COUNTY BOARD TO DETERMINE REVENUES.** The county board shall annually at its meeting in January determine the amount of funds which will be available during the current year for revenue fund, poor fund, and road and bridge fund purposes from the proceeds of the tax levy made therefor in the preceding year and from other sources, if any, known to be due and payable into the county treasury for such purposes during such year, and shall thereupon, at such meeting, make and spread upon its minutes a definite budget of the expenditures made and to be made and indebtedness incurred and to be incurred for the purpose of such respective funds during such year, which expenditures and indebtedness shall, in no case, exceed the aggregate amount of revenues so determined to be available for such year. Such budget shall allot the sum authorized for each institution, department, division, or purpose chargeable to such fund. As nearly as may be, a specific program of activities shall be determined upon, and no change shall thereafter be made which shall cause to be diverted to any other purpose any item so determined upon, except by unanimous vote of the county board at a regular meeting after at least three weeks' published notice of a hearing thereon; provided, that at least ten per cent of the total sum authorized for each such fund shall be allotted to and carried as a reserve for emergencies and such reserve for emergencies may be expended by the county board by unanimous action without such hearing for any purpose specified in the budget when the sum previously allotted to such purpose has been expended.

[1933 c. 296 s. 5] (997-9)

**373.19 COUNTY AUDITOR TO KEEP RECORD OF ALLOTMENTS.** The county auditor shall keep a record showing accurately the amount allotted to each item of the budget for each year and the amounts incurred and expended from time to time on account of each of such items, which records shall be presented and examined at each meeting of the county board and show the true condition of affairs at the date of such meeting.

[1933 c. 296 s. 6] (997-10)

**373.20 TAX RELIEF FOR CERTAIN COUNTIES.** Any county in which the full value of all property which is exempt from local taxation, because taxes thereon are paid into the state treasury under the provisions of the gross earnings tax laws, exceeds the taxable value of all other non-exempt real and personal property, exclusive of money and credits, shall be entitled to receive from the state treasury such an amount annually as would be produced by computing a tax of one-fourth of the current tax rate for county purposes upon the full value of such property which is exempt from local taxation because of the provisions of the gross earnings tax laws.

[1937 c. 344 s. 1] (997-21)

**373.21 APPLICATION TO STATE AUDITOR.** Any such county desiring to take advantage of sections 373.20 to 373.24 shall apply in writing therefor, to the state auditor, and such application shall contain the following facts:

(1) The valuation of the property in the county not subject to local taxation because the same is subject to taxation under the gross earnings tax law; (railroad valuation shall cover all railroad property located in said county except rolling stock, main tracks, and fills or bridges supporting the same);

(2) The value of all real and personal property, exclusive of money and credits, within any such county, subject to local taxation;

(3) The rate of taxation in mills for county purposes for the current and next preceding years;

(4) The total amount spent for all county purposes by any such county for the last preceding year, and an estimate of the expenses for the county for the current year.

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The information called for in clause (1) shall be ascertained and certified, upon the request of any such county, by the railroad and warehouse commission; and the information called for in clauses (2), (3), and (4) shall be certified by the auditor of such county.

[1937 c. 344 s. 2] (997-22)

**373.22 AUDITOR TO FIX AMOUNTS.** The state auditor shall immediately consider such matter and determine whether or not the county is entitled to aid under the provisions of sections 373.20 to 373.24; and, if he finds that the county is entitled to the aid, he shall determine the amount to which the county is entitled to within the limitations of sections 373.20 to 373.24, and he shall draw his warrant upon the state treasurer in favor of the county for the amount to which it is entitled and deliver the same to the county, taking proper voucher or receipt therefor.

[1937 c. 344 s. 3] (997-23)

**373.23 LIMIT OF PAYMENTS.** Not more than \$30,000 in the aggregate shall be disbursed in any one calendar year to all the counties entitled to aid under the provisions of sections 373.20 to 373.24; and, in the event the amount of \$30,000 is insufficient to pay the full amount to which these counties shall be entitled annually thereunder, the state auditor shall apportion the sum pro rata to each of the counties.

[1937 c. 344 s. 4] (997-24)

**373.24 PURPOSES FOR WHICH EXPENDED.** Moneys received by any county under sections 373.20 to 373.24 shall be used only for the purpose of payment or providing for the payment of any bonded or other indebtedness of such county outstanding January 1, 1937.

Any such revenue not required to pay or provide for the payment of any such indebtedness shall be used to cover and pay current operating expenses to reduce and replace tax levies on real and personal property.

[1937 c. 344 s. 5] (997-25)