

Gender Revision of 1986

Volume 7

Revising
Minnesota Statutes
Chapters 365 – 477A

365*#05S

1 365.05 SALE OF REALTY.
 2 When any real estate belonging to the town is sold the
 3 conveyance thereof shall be executed by the ~~chairman~~ chair of *
 4 the town board in ~~his~~ an official capacity, and attested by the *
 5 clerk; and such conveyance, duly witnessed and acknowledged,
 6 shall convey to the grantee therein named all of the right,
 7 title, and estate which the town then has in the real estate
 8 conveyed.

365*#125S

9 365.125 ENACTMENT OF ORDINANCES.
 10 Every ordinance shall be enacted by a majority vote of all
 11 the members of the town board unless a larger number is required
 12 by law. It shall be signed by the ~~chairman~~ chair of the town *
 13 board, attested by the clerk, and published once in a qualified
 14 newspaper having general circulation within the town. If the
 15 town board determines that publication of the title and a
 16 summary of an ordinance would clearly inform the public of the
 17 intent and effect of the ordinance, the town board may by a
 18 two-thirds vote of its members, or a four-fifths vote in a town
 19 having a five-member board direct that only the title of the
 20 ordinance and a summary be published with notice that a printed
 21 copy of the ordinance is available for inspection by any person
 22 during regular office hours of the town clerk and any other
 23 location which the town board designates. A copy of the entire
 24 text shall be posted in the community library, if there is one,
 25 or if not, in any other public location which the town board
 26 designates. Before the publication of the title and summary,
 27 the town board shall approve the text of the summary and
 28 determine that it clearly informs the public of the intent and
 29 effect of the ordinance. The publishing of the title and
 30 summary shall be deemed to fulfill all legal publication
 31 requirements as completely as if the entire ordinance had been
 32 published. The text of the ordinance shall be published in body
 33 type no smaller than brevier or eight-point type, as defined in
 34 section 331.07. Proof of the publication shall be attached to
 35 and filed with the ordinance. Every ordinance shall be recorded
 36 in the ordinance book within 20 days after publication of the
 37 ordinance or its title and summary. All ordinances shall be
 38 suitably entitled and shall be substantially in the style: "The
 39 Town Board of Supervisors of ordains:".

365*#17S

40 365.17 ADJACENT TOWNS, JOINT APPARATUS.
 41 When the electors of two or more adjacent towns have
 42 authorized the providing of apparatus for fire protection and
 43 determined the amount of money to be raised in the respective
 44 towns for that purpose the town boards of such two or more towns
 45 may arrange for pooling the amounts raised by such towns and for
 46 providing such apparatus jointly and for the maintaining of such
 47 apparatus for the use of such towns in common upon such terms
 48 and conditions and subject to such rules and regulations as may
 49 be mutually agreed upon and, in such case, the immediate control
 50 and management of the apparatus may be entrusted to a committee
 51 composed of the ~~chairman~~ chair of each of the boards. The term *
 52 of any such joint agreement may be any reasonable period not
 53 exceeding ten years.

365*#22S

54 365.22 CONDUCT OF ELECTION.
 55 Every such election shall be conducted in the same manner
 56 as elections by ballot at the regular town election. The
 57 propositions to be voted upon shall be separately stated upon
 58 the ballots, as specified in section 365.21 and opposite each
 59 proposition shall be placed two squares, with the words "yes"
 60 and "no" set opposite each square, as follows:
 61 "Yes
 62 No"
 63 and each elector shall vote separately on each proposition
 64 by making a cross in the square indicating whether ~~he~~ the *
 65 elector desires to vote "yes" or "no" on the proposition. *
 66 The polls shall be open from nine a.m. to seven p.m., and
 67 in all other respects the election shall be conducted and the
 68 votes canvassed as elections by ballot, as provided in sections
 69 205.01 to 205.17.

365*#33S

70 365.33 INTEREST; USE.

1 For the purpose of such deposit, the fund so created shall
 2 be treated as other funds in the county treasury, except as
 3 herein otherwise provided, and draw no less rate of interest
 4 than is paid on the funds of the county deposited in the
 5 depository; provided that the board of directors of the cemetery
 6 association may require all or part of the funds to be deposited
 7 on time certificates in the depository in the name of the county
 8 treasurer, payable to him the county treasurer or his successors *
 9 in office, and the county treasurer shall secure on such time
 10 deposit the highest rate of interest which the depository will
 11 pay thereon and not less than the current rate paid on time
 12 certificates by such depository; and for such principal and
 13 interest so deposited on time certificates, the treasurer shall
 14 be liable in the same way and manner and to the same extent
 15 that he the treasurer is liable upon his official bond for *
 16 moneys deposited on behalf of the county.

17 The fund shall be deposited in such depository in the name
 18 of such county and the bond or security given to the county by
 19 such depository shall be taken and held to be as security for
 20 such fund, but the treasurer of such county shall keep an
 21 accurate and separate account thereof and draw from such
 22 depository annually the interest accruing on such fund and pay
 23 the same to the board of directors of the cemetery and the board
 24 of directors shall use the interest for the purposes of sections
 25 365.29 to 365.36 and none other.

365*#36S

26 365.36 INVESTMENT OF FUND.

27 The board of supervisors, by and through the board of
 28 directors of the cemetery association, if there shall be a board
 29 of directors thereof, and if there shall not be a board of
 30 directors thereof, then acting as a board of supervisors, shall
 31 invest the fund so created in the same kind of bonds and
 32 securities as the permanent school fund of the state may be
 33 invested in and for such purpose and none other. This law, as
 34 it shall exist at the time any money is received into this fund,
 35 shall control the investment thereof and such fund shall be
 36 invested only as the law provides at the time of the receipt of
 37 the money into the fund, and no subsequent amendment or change
 38 in this law shall authorize the investment of any fund
 39 differently or in any other class of securities save as provided
 40 in this law when the money is received into the fund. The board
 41 of supervisors and the cemetery directors may require the
 42 treasurer of any such county to withdraw all or any part of such
 43 fund from such depository for investment, as hereinbefore
 44 provided, and if the fund, or any part thereof, be so invested,
 45 the bonds or other securities shall be and remain with the
 46 county treasurer and the bond of the county treasurer shall at
 47 all times be security for the proper care thereof and the
 48 payment of interest received by him the treasurer thereon to the *
 49 directors of the cemetery, and upon payment of any such bonds or
 50 other securities the treasurer of such county, upon such
 51 payment, shall deposit the same in the depository in which
 52 county funds are deposited, shall collect the interest upon the
 53 funds so loaned and pay the same to the directors of the
 54 cemetery whenever requested so to do and annually pay over to
 55 the directors of the cemetery all interest on money collected or
 56 received by him the treasurer on funds so deposited or invested *
 57 as provided in sections 365.29 to 365.36.

58 On or before the first day of March each year, the county
 59 treasurer shall make a report to the board of supervisors of the
 60 town ~~in which he shall set~~, setting forth a statement of all *
 61 moneys received by him the treasurer under the terms of sections *
 62 365.29 to 365.36 during the preceding calendar year and set
 63 forth in detail a statement of the amount of money in the
 64 permanent fund on the first day of the calendar year and the
 65 amount of securities in the fund on the first day of the
 66 calendar year, the amount of money paid into the fund during the
 67 year, the amount of money invested in securities in the year, a
 68 statement of the securities held in the fund at the end of the
 69 calendar year and the amount of money in the fund at the end of
 70 the calendar year, a statement of the amount of interest
 71 collected on the fund and turned over to the directors, and a
 72 statement of the excess, if any, of the interest over the sum
 73 necessary for the care and beautifying of the lots which the
 74 directors shall have deposited in the treasury to be added to
 75 and made a part of the permanent fund.

365*#40S

1 365.40 ACTIONS, IN WHAT NAME.

2 In all actions or proceedings the town shall sue and be
3 sued in its name, except where town officers are authorized to
4 sue in their official names for its benefit. In every action
5 against a town, process and papers shall be served on the
6 ~~chairman~~ chair of the town board or on the town clerk; and such *
7 ~~chairman~~ chair shall attend to the defense of the action, and *
8 lay before the board of supervisors at the first meeting a full
9 statement of the facts relating thereto for its direction in
10 defending the action or proceeding.

365*#41S

11 365.41 JUDGMENTS AGAINST TOWNS.

12 When a judgment is recovered against a town, or against any
13 town officer in an action against ~~him~~ the officer in ~~his~~ *
14 ~~official-name~~ an official capacity, no execution shall be issued *
15 thereon; but, unless reversed or stayed, it shall be paid by the
16 town treasurer upon demand and the delivery ~~to-him~~ of a *
17 certified copy of the docket thereof, if ~~he~~ the treasurer has in *
18 ~~his-hands~~ on hand sufficient town money not otherwise *
19 appropriated. ~~If-he-fails~~ A treasurer failing to do so, ~~he~~ *
20 shall be personally liable for the amount, unless the collection
21 thereof is afterwards stayed upon appeal. If payment is not
22 made within 30 days after the time fixed by law for the county
23 treasurer to pay over to the town treasurer the money ~~in-his~~ *
24 ~~hands~~ on hand belonging to the town levied for the purpose of *
25 paying such judgment, execution may issue, but only town
26 property shall be liable thereon.

365*#46S

27 365.46 COPY OF RESOLUTION FILED WITH SECRETARY OF STATE.

28 A certified copy of the resolution of the county board
29 declaring such town to be dissolved shall forthwith be forwarded
30 by the county auditor to the secretary of state, who shall, on
31 receipt thereof, make an appropriate ~~entry-in-the-records-of-his~~ *
32 office record of the dissolution of such town. The county *
33 auditor shall also provide notice of the dissolution to the
34 state demographer, the land management information center, the
35 Minnesota municipal board, and the commissioner of
36 transportation.

365*#54S

37 365.54 ORGANIZATION OF MEETING; MODERATOR.

38 The annual meeting shall convene at 9:00 A.M. provided that
39 the electors at the annual meeting may set a later time for
40 convening the next subsequent annual meeting. The voters
41 present between 9:00 A.M. and 10:00 A.M. or such other time as
42 may be set by the town board on the day of the annual or any
43 special town meeting, or by the electors at the previous annual
44 meeting, shall be called to order by the town clerk, if present;
45 if not, the voters present may elect a ~~chairman~~ chair by *
46 acclamation. They shall then in the same manner choose a
47 moderator of such town meeting. The moderator may be paid \$2.50
48 for such work, or such amount as may be allowed by the town
49 board.

365*#55S

50 365.55 CLERK OF MEETING.

51 The town clerk shall be clerk of the town meeting, and keep
52 full minutes of its proceedings, in which ~~he~~ shall enter be *
53 entered at length every order or direction and all rules and *
54 regulations made by the meeting. If the town clerk is absent,
55 the voters present shall elect a clerk of the meeting. The
56 minutes of such meeting shall be subscribed by the clerk of the
57 meeting and judges, and filed in the office of the town clerk
58 within two days after the meeting.

365*#57S

59 365.57 WHO MAY VOTE.

60 Every person qualified to vote at a general election may
61 vote at any town meeting in the town where ~~he~~ the person resides. *
62 If a voter is challenged, the judges shall proceed thereupon as
63 in the case of challenges at a general election, adopting the
64 oath to the circumstances of the case.

366*#01S

65 366.01 POWERS.

66 No change for subd 1 to 3

67 Subd. 4. They may select and designate a bank as the
68 depository of town money for a time not extending beyond their
69 official term, on the execution by such bank of a sufficient

1 bond to the town to be approved by the board and filed in the
 2 office of the town clerk, and thereupon may require the
 3 treasurer to deposit all or any part of the town money in such
 4 bank. Such designation shall be in writing, and set forth all
 5 the terms and conditions upon which the deposits are made, be
 6 signed by the chairman chair and clerk, and filed with the clerk. *

7 The town treasurer shall not be liable for the loss of money
 8 while so deposited, and all interest thereon shall belong to the
 9 town.

10 No change for subd 5 to 10

366*#015S

11 366.015 VOTE REQUIRED ON WEED DESTRUCTION.

12 No change for subd 1

13 Subd. 2. COST, LIEN ON LAND. If a majority of the
 14 electors voting on the question vote "Yes," a person owning or
 15 occupying real estate adjoining a town road and not a part of an
 16 incorporated municipality shall cut, destroy or remove the
 17 material described on the ballot located upon the town road
 18 adjacent to ~~his~~ the owner's land. A person who erects or *
 19 maintains a mailbox on land not owned by ~~him~~ the person shall *
 20 cut, destroy or remove the material within five feet of such
 21 mailbox. If any such person fails to comply with this
 22 provision, the town board of the town in which ~~his~~ the real *
 23 estate is located may, after ten days notice in writing, order
 24 the local weed inspector or other person to cut, destroy or
 25 remove the weeds or grass and the expense thus incurred shall be
 26 a lien on such real estate. The town board shall certify to the
 27 county auditor an itemized statement of the amount of the
 28 expense paid by the town and the county auditor shall enter such
 29 amount on the tax books as a tax upon the land, which shall be
 30 collected in the same manner as other real estate taxes.

366*#21S

31 366.21 DUTIES.

32 It shall be the duty of the board of audit:

33 (1) To examine and audit the accounts separately of each
 34 town officer authorized by law to receive or disburse money;
 35 (2) To examine and audit every account presented against
 36 the town, and to endorse thereon the amount allowed and
 37 disallowed, stating the items; and no allowance shall be made on
 38 any account which does not specifically give each item, with the
 39 date, amount, and nature thereof, separately. (Such statement
 40 shall be verified by the claimant, ~~his~~ the claimant's agent or *
 41 attorney, and filed with the town clerk, and no such claim
 42 against any town shall be considered or acted upon unless such
 43 statement shall be made and filed);

44 (3) To examine into the character and circumstances of
 45 every other demand presented against the town which it is not
 46 authorized to audit, and in its report to give a summary
 47 thereof, with its recommendations in regard thereto;

48 (4) To report in detail the items of accounts audited and
 49 allowed, the nature of each, and the person to whom allowed, and
 50 the same in respect to accounts disallowed.

51 Such report shall also contain a statement of the fiscal
 52 affairs of the town, with an estimate of the sum necessary to be
 53 raised for the current expenses or other authorized purpose for
 54 the ensuing year, and such recommendations as it may deem
 55 advisable.

367*#01S

56 367.01 DELIVERY TO SUCCESSOR.

57 Every town officer shall, immediately after qualifying,
 58 demand of ~~his~~ the officer's predecessor, or other person having *
 59 control or possession thereof, all books, records, and other *
 60 property belonging to ~~his~~ the office; and every person having
 61 control or possession of any such books, records, or property
 62 shall, upon such demand, deliver the same to such officer.

367*#03S

63 367.03 OFFICERS ELECTED AT ANNUAL MEETING; VACANCIES.

64 No change for subd 1

65 Subd. 2. VACANCIES. When a vacancy occurs in a town
 66 office the town board shall fill the vacancy by appointment.
 67 The person appointed shall hold office until the next annual
 68 town meeting, when a successor shall be elected to hold office
 69 for the unexpired term. A vacancy in the office of supervisor
 70 shall be filled by the remaining supervisors and the town clerk
 71 until the next annual town meeting, when ~~his~~ a successor shall *
 72 be elected to hold for the unexpired term. When, because of a

1 vacancy, more than one supervisor is to be chosen at the same
 2 election, candidates for the offices of supervisor shall file
 3 for one of the specific terms being filled. Law enforcement
 4 vacancies shall be filled by appointment by the town board.

5 No change for subd 3

367*#11S

6 367.11 DUTIES.

7 It shall be the duty of the town clerk:

8 (1) to act as clerk of the town board, and to keep in ~~his~~ *
 9 the clerk's office a true record of all of its proceedings; *

10 (2) unless otherwise provided by law, to have the custody
 11 of the records, books, and papers of the town, and to file and
 12 safely keep all papers required by law to be filed in ~~his~~ the *
 13 clerk's office; *

14 (3) to record minutes of the proceedings of every town
 15 meeting in the book of town records, and to enter in them at
 16 length every order or direction and all rules and regulations
 17 made by the town meeting;

18 (4) to file and preserve all accounts audited by the town
 19 board or allowed at a town meeting, and to enter a statement of
 20 them in the book of records;

21 (5) to transmit to the clerk of the district court,
 22 immediately after the election of any town constable, a written
 23 notice stating the name of the person elected; the term for
 24 which ~~he~~ the person was elected; if elected to fill a vacancy, *
 25 the name of the last incumbent of the office; and after a
 26 constable is qualified, and, upon the resignation of a
 27 constable, to immediately notify the clerk;

28 (6) to record every request for any special vote or special
 29 town meeting, and properly post the requisite notices of them;

30 (7) to post, as required by law, fair copies of all bylaws
 31 made by the town, and ~~enter over his signature,~~ make a signed *
 32 entry in the town records, of the time when and the places where *
 33 they were posted and keep an ordinance book in which shall be
 34 recorded in full all ordinances passed by the town board;

35 (8) to furnish to the annual meeting of the town board of
 36 audit every statement from the county treasurer of money paid to
 37 the town treasurer, and all other information about fiscal
 38 affairs of the town in ~~his~~ the clerk's possession, and all *
 39 accounts, claims, and demands against the town filed with ~~him~~ *
 40 the clerk; and *

41 (9) to perform any other duties required by law.

367*#12S

42 367.12 DEPUTY.

43 Each town clerk may appoint a deputy, for whose acts ~~he~~ the *
 44 clerk shall be responsible, and who, in case of ~~his~~ the clerk's *
 45 absence or disability, shall perform ~~his~~ the clerk's duties. *

367*#13S

46 367.13 LOCATION OF OFFICE.

47 The clerk of any town in this state may hold ~~his~~ office in *
 48 any statutory city the territory of which shall have been, prior
 49 to the incorporation thereof, a part of and included within the
 50 boundaries of the town.

367*#16S

51 367.16 DUTIES.

52 It shall be the duty of the town treasurer:

53 (1) To receive and take charge of all the moneys belonging
 54 to the town, or which are required to be paid into its treasury,
 55 and to pay out the same only upon the order of such town or its
 56 officers, made pursuant to law;

57 (2) To preserve all books, papers, and property pertaining
 58 to or filed in ~~his~~ the treasurer's office; *

59 (3) To keep a true account of all moneys ~~by him~~ received by *
 60 ~~virtue of his office~~ as treasurer, and the manner in which they *
 61 are disbursed, in a book provided for that purpose, and exhibit *
 62 such account, together with ~~his~~ the treasurer's vouchers, to the *
 63 town board of audit, at its annual meeting, for adjustment;

64 (4) To deliver, on demand, all books and property belonging
 65 to ~~his~~ the treasurer's office, and all moneys in ~~his~~ the *
 66 treasurer's hands as such treasurer, to ~~his~~ a successor in *
 67 office, when qualified;

68 (5) To keep in a suitable book a register of all town
 69 orders presented for payment that ~~he~~ cannot pay be paid for want *
 70 of funds, with the date when so presented, and to endorse upon
 71 the back of all such orders the words "not paid for want of
 72 funds," with the date of the endorsement, signed by ~~him~~ as the *

1 town treasurer;
 2 (6) To draw from the county treasurer, from time to time,
 3 such moneys as have been received by such treasurer for ~~his~~ the *
 4 town, and receipt therefor;
 5 (7) To make and file with the town clerk, within five days
 6 preceding the annual town meeting, a statement, in writing, of *
 7 the moneys received ~~by-him~~ from the county treasurer and from *
 8 all other sources, and all moneys paid out ~~by-him~~ as such *
 9 treasurer, setting forth the items thereof, from whom and on
 10 what account received, and the date of receiving the same; also
 11 to whom and for what purpose any moneys have been paid out ~~by~~ *
 12 ~~him~~, with the amount and date of each payment, and the *
 13 unexpended balance ~~in-his-hands~~ on hand; and *
 14 (8) To perform such other duties as are required ~~of-him~~ by *
 15 law.

367*#17S

16 367.17 NEGLECT OF DUTY.
 17 Every town treasurer who refuses or neglects to comply with
 18 the provisions of section 367.16 shall be guilty of a gross
 19 misdemeanor and, in addition to the punishment prescribed
 20 therefor, forfeit ~~his~~ office as such treasurer. *

367*#18S

21 367.18 AUDITED ACCOUNTS; PAYMENT, FORM.
 22 Accounts audited and allowed, and the amount of any account
 23 voted to be allowed, at any town meeting, shall be paid by the
 24 town treasurer, on the order of the town board, signed by the
 25 ~~chairman~~ chair and countersigned by the clerk. Each order shall *
 26 be so drawn that when signed by the treasurer in an appropriate
 27 place, it becomes a check on the town depository. The order
 28 shall be received in payment of town taxes of the town.

367*#22S

29 367.22 LAW ENFORCEMENT OFFICIAL'S BOND.
 30 Before entering upon ~~his~~ duties, and within ten days after *
 31 ~~he-is~~ being notified of ~~his~~ appointment, every law enforcement *
 32 official shall give bond to the town, in a sum directed and with
 33 sureties approved by the ~~chairman~~ chair of the town board, *
 34 conditioned for the faithful discharge of ~~his~~ official duties. *
 35 The ~~chairman~~ chair shall endorse such approval on the bond, and *
 36 cause it to be filed with the town clerk, for the benefit of any
 37 person aggrieved by the acts or omissions of the law enforcement
 38 official, and any person so aggrieved, ~~or-the-town,~~ may maintain *
 39 an action thereon, in ~~his~~ the person's own name, against the law *
 40 enforcement official and the sureties. The town may also *
 41 maintain an action. *

367*#24S

42 367.24 FEES AND DUTIES OF POUNDMASTERS.
 43 Poundmasters shall be allowed fees in amounts as determined
 44 by the town board for the following:
 45 (1) Taking animals into the pound and discharging them;
 46 (2) Keeping animals in pound; and
 47 (3) Selling impounded animals.
 48 The poundmaster shall have a lien on impounded animals for *
 49 ~~his~~ fees, which shall be paid before such animals are *
 50 discharged. If not discharged within four days, they shall be
 51 advertised by the poundmaster for sale at public auction to the
 52 highest bidder, at the place where impounded, upon 15 days'
 53 posted notice. At the time and place fixed by the notice the
 54 poundmaster shall sell the same pursuant thereto. Out of the
 55 moneys received from such sale ~~he~~ the poundmaster shall deduct *
 56 ~~his~~ fees and charges, and pay the balance to the ~~chairman~~ chair *
 57 of the town board and, at the same time, deliver to the ~~chairman~~ *
 58 chair a correct written description of each animal sold and a *
 59 statement of the amount received for the same. ~~He~~ The *
 60 poundmaster shall take duplicate receipts therefor, one of which *
 61 shall be filed with the clerk. If the owner of any animal so
 62 sold appears within 30 days, the money received by the ~~chairman~~ *
 63 chair shall be paid to ~~him~~ the owner. If not claimed within *
 64 that time, it shall be paid into the town treasury.

367*#25S

65 367.25 OATH OF OFFICE; BOND; FILING; PENALTIES.
 66 No change for subd 1
 67 Subd. 2. BOND AND OATH, VIOLATIONS. Before entering
 68 upon ~~his~~ duties, the person taking the oath shall file the same *
 69 with the town clerk. Failure to file ~~his~~ the oath and bond *
 70 within the time required shall be deemed a refusal to serve.
 71 Subd. 3. OATH, VIOLATIONS. Any town officer who

1 enters upon the duties of ~~his~~ office before taking the oath *
 2 required shall forfeit to the town the sum of \$50.

367*#31S

3 367.31 ADOPTION OF SPECIFIC OPTION.

4 No change for subd 1 to 3

5 Subd. 4. ELECTION; FORM OF BALLOT. The proposals
 6 for adoption of the options shall be stated on the ballot
 7 substantially as follows:

8 "Shall option A, providing for a five member town board of
 9 supervisors, be adopted for the government of the town?"

10 "Shall option B, providing for the appointment of the clerk
 11 and treasurer by the town board, be adopted for the government
 12 of the town?"

13 "Shall option C, providing for the appointment of a town
 14 administrator by the town board, be adopted for the government
 15 of the town?"

16 "Shall option D, providing for the combining of the offices
 17 of clerk and treasurer, be adopted for the government of the
 18 town?"

19 If a town has combined the offices of clerk and treasurer,
 20 the word "clerk-treasurer" shall be substituted for the words
 21 "clerk and treasurer" in the question on the ballot on adoption
 22 of option B. In any of these cases, the question shall be
 23 followed by the words "Yes" and "No" with an appropriate square
 24 before each in which an elector may record ~~his~~ a choice. *

25 No change for subd 5 to 7

367*#34S

26 367.34 CONTINUANCE IN OFFICE; ELECTIONS.

27 Subdivision 1. OPTION B; INCUMBENT CLERK AND TREASURER.

28 If option B is adopted at the election at which the office of
 29 clerk or treasurer, or clerk-treasurer, is to be elected, the
 30 candidate elected to that office shall not assume ~~his~~ office and *
 31 ~~his~~ that candidate's election shall be considered null. *

32 Otherwise when option B is adopted in a town, the incumbent
 33 clerk and treasurer, or clerk-treasurer, shall continue to serve
 34 until the expiration of their terms or until an earlier vacancy
 35 occurs.

36 No change for subd 2

367*#35S

37 367.35 TOWN ADMINISTRATOR.

38 Subdivision 1. APPOINTMENT; REMOVAL. As soon as
 39 practicable after adoption of option C in a town, the town board
 40 shall appoint an administrator upon terms and conditions it
 41 deems advisable. ~~He~~ The administrator shall be chosen solely on *
 42 the basis of ~~his~~ training, experience, and administrative *
 43 qualifications and need not be a resident of the town. The town
 44 clerk may be designated the administrator if ~~he~~ the clerk meets *
 45 these qualifications. The administrator shall be appointed for *
 46 an indefinite period and ~~he~~ may be removed by the board at any *
 47 time, but after ~~he~~ has having served as administrator for one *
 48 year ~~he~~ the administrator may demand written charges and a *
 49 public hearing on the charges before the board before ~~his~~ final *
 50 removal takes effect. Pending a hearing and removal, the board
 51 may suspend ~~him~~ the administrator from office, with or without *
 52 pay. The board may appoint a qualified person to perform the *
 53 duties of the administrator during ~~his~~ the administrator's *
 54 absence or disability.

55 Subd. 2. POWERS AND DUTIES. The town administrator
 56 shall be the administrative head of the town and shall be
 57 responsible for the administration and supervision of the
 58 affairs of the town ~~placed-in-his-charge~~ as assigned. ~~He~~ The *
 59 administrator shall, with the approval of the town board, *
 60 coordinate the various activities of the town. ~~He~~ The *
 61 administrator shall exercise the authority and responsibilities *
 62 assigned ~~to-him~~ by the town board by ordinance or resolution *
 63 which may include the following duties:

64 (a) To provide for the execution of all ordinances,
 65 resolutions, and orders of the board and all laws of the state
 66 required to be enforced through the town board, by ~~him~~ the *
 67 administrator or by officers who are under ~~his~~ the *
 68 administrator's direction and supervision; *

69 (b) To recommend to the town board the appointment,
 70 suspension, and removal of all town personnel whose appointment,
 71 suspension, or removal is a function of the town board by law;

72 (c) To provide for town purchases in accordance with
 73 statutory procedures;

- 1 (d) To prepare and submit to the town board a proposed
- 2 annual budget, including detailed estimates of revenue and
- 3 expenditures, and enforce the provisions of the budget as
- 4 adopted by the board;
- 5 (e) To attend all meetings of the board and recommend
- 6 measures for adoption as ~~he~~ the administrator deems advisable or *
7 expedient;
- 8 (f) To advise the board as to the financial condition and
- 9 needs of the town;
- 10 (g) To perform other assigned ministerial, nondiscretionary *
11 duties ~~assigned-to-him~~. *
- 12 No change for subd 3

367*#36S

13 367.36 COMBINING THE OFFICES OF CLERK AND TREASURER.
 14 Subdivision 1. INCUMBENT TREASURER; ANNUAL AUDIT.
 15 In a town in which option D is adopted, the incumbent treasurer
 16 shall continue in office until the expiration of ~~his~~ the term. *
 17 Thereafter the duties of the treasurer as prescribed by law
 18 shall be performed by the clerk who shall be referred to as the
 19 clerk-treasurer. If the offices of clerk and treasurer are
 20 combined, the town board shall provide for an annual audit of
 21 the town's financial affairs by the state auditor or a public
 22 accountant in accordance with minimum audit procedures
 23 prescribed by the state auditor.
 24 No change for subd 2

367*#40S

25 367.40 DEFINITIONS.
 26 No change for subd 1 to 2
 27 Subd. 3. "Constable" means any individual employed or
 28 appointed by a political subdivision who is charged with the
 29 prevention and detecting of crime, the enforcement of the
 30 general criminal laws of the state, and who has full powers of
 31 arrest. The term shall apply even though the individual
 32 exercises ~~his~~ powers and duties on a part-time basis with or *
 33 without receipt of compensation.
 34 Subd. 4. "Deputy constable" means any individual employed
 35 or appointed by a political subdivision to fulfill law
 36 enforcement duties but who is prohibited from carrying a firearm *
 37 while exercising ~~his~~ powers and duties and who has powers of
 38 arrest no greater than those of any citizen not a peace officer
 39 or constable. The term shall also include individuals
 40 voluntarily assisting local police or sheriff departments unless
 41 they qualify as constables or peace officers.

367*#41S

42 367.41 CONSTABLES AND PEACE OFFICER LICENSING
 43 REQUIREMENTS; DEPUTY CONSTABLES, REQUIREMENTS.
 44 No change for subd 1
 45 Subd. 4. Any individual seeking employment as a deputy
 46 constable pursuant to section 367.03 shall provide evidence that
 47 the county sheriff has determined, after checking criminal
 48 records and histories through the Minnesota crime information
 49 system, that ~~he~~ the individual has not been convicted of a *
 50 felony within ten years.
 51 No change for subd 5

368*#01S

52 368.01 POWERS OF CERTAIN METROPOLITAN AREA TOWNS.
 53 No change for subd 1 to 11
 54 Subd. 12. TAXICABS; BAGGAGE WAGONS. The town board
 55 of supervisors shall have power by ordinance to license and
 56 regulate baggage wagons, ~~draymen~~ dray drivers, taxicabs, and *
 57 automobile rental agencies and liveryes.
 58 No change for subd 13 to 19
 59 Subd. 20. DEPARTMENTS; BOARDS. The town board of
 60 supervisors may create departments and advisory boards and
 61 appoint officers, employees, and agents for the town as deemed
 62 necessary for the proper management and operation of town
 63 affairs. The town board may prescribe the duties and fix the
 64 compensation of all officers, both appointive and elective,
 65 employees, and agents, when not otherwise prescribed by law.
 66 The town board may require any officer or employee to furnish a
 67 bond conditioned for the faithful exercise of ~~his~~ duties and the *
 68 proper application of, and payment upon demand of, all moneys
 69 officially received by ~~him~~ the officer or employee. Unless *
 70 otherwise prescribed by law, the amount of the bonds shall be
 71 fixed by the town board. The bonds furnished by the clerk and
 72 treasurer shall be corporate surety bonds. The town board may

1 provide for the payment from town funds of the premium on the
 2 official bond of any officer or employee of the town. The town
 3 board may, except as otherwise provided, remove any appointive
 4 officer or employee when in its judgment the public welfare will
 5 be promoted by the removal. This provision does not modify the
 6 laws relating to veterans preference or to members of a town
 7 police or fire civil service commission or public utilities
 8 commission.

9 Subd. 21. ENACTMENT OF ORDINANCES. Every ordinance
 10 shall be enacted by a majority vote of all the members of the
 11 town board except where a larger number is required by law. It
 12 shall be signed by the chairman chair of the town board, *
 13 attested by the clerk and published once in a qualified
 14 newspaper having general circulation within the town. If the
 15 town board determines that publication of the title and a
 16 summary of an ordinance would clearly inform the public of the
 17 intent and effect of the ordinance, the town board may by a
 18 two-thirds vote of its members, or a four-fifths vote in a town
 19 having a five-member board direct that only the title of the
 20 ordinance and a summary be published with notice that a printed
 21 copy of the ordinance is available for inspection by any person
 22 during regular office hours of the town clerk and any other
 23 location which the town board designates. A copy of the entire
 24 text of the ordinance shall be posted in the community library,
 25 if there is one, or if not, in any other public location which
 26 the town board designates. Before the publication of the title
 27 and summary the town board shall approve the text of the summary
 28 and determine that it clearly informs the public of the intent
 29 and effect of the ordinance. The publishing of the title and
 30 summary shall be deemed to fulfill all legal publication
 31 requirements as completely as if the entire ordinance had been
 32 published. The text of the summary shall be published in a body
 33 type no smaller than brevier or eight-point type, as defined in
 34 section 331.07. Proof of the publication shall be attached to
 35 and filed with the ordinance. Every ordinance shall be recorded
 36 in the ordinance book within 20 days after publication of the
 37 ordinance or its title and summary. All ordinances shall be
 38 suitably entitled and shall be substantially in the style: "The
 39 Town Board of Supervisors ordains:".

40 No change for subd 22 to 24

41 Subd. 25. VACATION OF STREETS. The board of
 42 supervisors may by resolution vacate any street, alley, public
 43 grounds, public way, or any part thereof, on its own motion or
 44 on petition of a majority of the owners of land abutting on the
 45 street, alley, public grounds, public way, or part thereof to be
 46 vacated. When there has been no petition, the resolution may be
 47 adopted only by a vote of four-fifths of all members of the
 48 board of supervisors. No such vacation shall be made unless it
 49 appears in the interest of the public to do so after a hearing
 50 preceded by two weeks' published and posted notice. After a
 51 resolution of vacation is adopted, the clerk shall prepare a
 52 notice of completion of the proceedings which shall contain the
 53 name of the town, an identification of the vacation, a statement
 54 of the time of completion thereof and a description of the real
 55 estate and lands affected thereby. The notice shall be presented
 56 to the county auditor who shall enter the same in his the *
 57 transfer records and note upon the instrument, over his the *
 58 auditor's official signature, the words "entered in the transfer *
 59 record". The notice shall then be filed with the county
 60 recorder. Any failure to file the notice shall not invalidate
 61 any such vacation proceedings.

62 No change for subd 26 to 31

368*#45S

63 368.45 COPY OF DISSOLUTION RESOLUTION FOR SECRETARY OF
 64 STATE.

65 A certified copy of any such resolution shall forthwith,
 66 after the adoption of the same by the county board, be forwarded
 67 by the auditor of such county to the secretary of state, who
 68 shall, on receipt thereof, make an appropriate entry-in-the *
 69 records-of-his-office record of the dissolution of such town. *

368*#46S

70 368.46 DISTRIBUTION OF FUNDS.

71 Any funds belonging to the town remaining in, or hereafter
 72 coming into, the treasury of the county in which such town shall
 73 be located, shall be disposed of in the following manner:
 74 Any road or bridge funds shall be expended by the county

1 board of any such county for road and bridge improvements wholly
 2 within the limits of such town; any other funds of such town
 3 shall, by the auditor of such county, be used to pay, and ~~he~~ the *
 4 auditor shall pay, all outstanding warrants or judgments against *
 5 the town; and, if the funds so remaining are not enough to pay
 6 such outstanding warrants or judgments, upon petition of the
 7 holders thereof, the county auditor shall spread a levy against
 8 the taxable property of the town in an amount sufficient to pay
 9 the same; any other funds of such town shall, by the county
 10 auditor, be credited to the general fund of the county.

368*#47S

11 368.47 TOWNS MAY BE DISSOLVED.

12 When the voters residing within a town in this state have
 13 failed to elect any town officials for more than ten years
 14 continuously immediately prior to April 24, 1937, or the town
 15 has failed and omitted for a period of ten years to exercise any
 16 of the powers and functions of a town, as provided by law, or
 17 when the assessed valuation of any town drops to less than
 18 \$40,000, or when the tax delinquency of any such town, exclusive
 19 of taxes that are delinquent or unpaid by reason of taxes being
 20 contested in proceedings for the enforcement of taxes, amounts
 21 to 50 percent of its assessed valuation, or where the state or
 22 federal government has acquired title to 50 percent of the real
 23 estate of such town, which facts, or any of them, may be found
 24 and determined by the resolution of the county board of the
 25 county in which the town is located, according to the official
 26 records in the office of the county auditor, the county board by
 27 resolution may declare any such town, naming it, duly dissolved
 28 and no longer entitled to exercise any of the powers or
 29 functions of a town. In counties having a population according
 30 to the 1930 federal census of not more than 16,000 nor less than
 31 15,000 and having not more than 77 nor less than 75 full or
 32 fractional congressional townships, and in counties having a
 33 population according to the 1930 federal census of not more than
 34 28,000 nor less than 27,000 and having not more than 91 nor less
 35 than 90 full or fractional congressional townships, and in
 36 counties having a population according to the 1930 federal
 37 census of not more than 210,000 nor less than 200,000 and having
 38 not more than 202 nor less than 200 full or fractional
 39 congressional townships, before any such dissolution shall
 40 become effective the freeholders of the town may express their
 41 approval or disapproval of such dissolution. The clerk of the
 42 town shall, upon the petition of ten legal voters of such town,
 43 filed with ~~him~~ the clerk at least 15 days before any regular or *
 44 special town election thereof, give notice at the same time and
 45 in the same manner of such election that the question of
 46 dissolution of such town will be submitted for determination at
 47 such election. At such election when so petitioned for the
 48 question shall be voted upon by a separate ballot, the terms of
 49 which shall be either "for dissolution" or "against
 50 dissolution," which ballot shall be deposited in a separate
 51 ballot box to be provided and the result of such voting shall be
 52 duly canvassed, certified, and returned in the same manner and
 53 at the same time as other facts and returns of the election. If
 54 a majority of the votes cast at the election shall be for
 55 dissolution, such town shall be dissolved; and, if a majority of
 56 the votes cast at the election shall be against dissolution, the
 57 town shall not be dissolved.

58 When a town is dissolved under the provisions of sections
 59 368.47 to 368.49 the county shall acquire title to any telephone
 60 company or any other business being conducted by such town and
 61 such business shall be operated by the board of county
 62 commissioners until such time as a sale thereof can be made;
 63 provided that the subscribers or patrons of such businesses
 64 shall have the first opportunity of purchase. If such dissolved
 65 town has any outstanding indebtedness chargeable to such
 66 business, the auditor of the county wherein such dissolved town
 67 is located shall levy a tax against the property situated in the
 68 dissolved town for the purpose of paying the indebtedness as it
 69 becomes due.

368*#48S

70 368.48 COPY OF RESOLUTION OF DISSOLUTION FOR SECRETARY
 71 OF STATE.

72 A certified copy of any such resolution shall forthwith,
 73 after the adoption of the same by the county board, be forwarded
 74 by the auditor of the county to the secretary of state, who

1 shall on receipt thereof make an appropriate ~~entry-in-the~~ *
2 ~~records-of-his-office~~ record of the dissolution of such town. *

368*#85S

3 368.85 FIRE PROTECTION.

4 No change for subd 1 to 8

5 Subd. 9. DISSOLUTION. A special fire protection
6 district may be dissolved in the manner following: The town
7 board may submit the question of dissolution of any such special
8 district at any annual town meeting and it shall submit that
9 question at the next annual town meeting on the signed petition
10 of electors residing in such district equal in number to at
11 least one-half of the number of freeholders in such district
12 according to the tax record in the county auditor's office filed
13 with the town clerk not less than 45 days before such annual
14 meeting. Notice that the question will be submitted shall be
15 posted by the town clerk in three public places within the
16 special district not less than two weeks before the annual
17 meeting at which it will be submitted. Only voters residing in
18 the special district shall vote on the question of dissolution
19 and a separate ballot box shall be provided for votes on the
20 question. The town board shall provide ballots for the question
21 of dissolution which shall be in the same form as provided in
22 subdivision 2 except that the question therein stated shall be
23 "Shall Special Fire Protection District No. be
24 dissolved?", and if a majority vote of those voting on the
25 question vote in the affirmative, the district shall be
26 dissolved, in which event the results of the election shall be
27 certified by the chairman chair of the town board to the county *
28 auditor, and thereafter there shall be no further special levy
29 for fire protection in such district, but such dissolution shall
30 not relieve the property in such special district so dissolved
31 from any taxes theretofore levied for special fire protection
32 under the provisions of this section.

370*#05S

33 370.05 NOTICE OF ELECTION; FORM OF BALLOT.

34 The notice of the next general election of county officers
35 must specify that the question of forming the new county, or
36 changing the boundaries of existing counties, as the case may
37 be, will be voted upon at the election, and must state
38 substantially the facts in the petition. If the proposition is
39 for a change of boundaries, the ballots shall include the
40 words: "For changing county boundaries. Yes. No." If for the
41 establishment of a new county, the words: "For a new county.
42 Yes. No." Each of the last two words, "yes" and "no," shall be
43 followed by a square in which the voter may make a cross to
44 indicate ~~his~~ a choice. *

370*#13S

45 370.13 REDISTRICTING OF COUNTY; SUBSEQUENT ELECTION.

46 At least six months before the next general election in the
47 county held after the appointment and qualification of the
48 commissioner or commissioners at large, unless there is less
49 time between the appointment and qualification and the election,
50 in which event the action provided for shall be taken at the
51 first meeting after the commissioners have qualified, the board
52 shall proceed to redivide the county into five commissioner
53 districts, numbered from 1 to 5, unless otherwise provided by
54 law. At the next general election held in the county after the
55 redistricting, a commissioner shall be elected from each
56 district, the member from each odd-numbered district to hold a
57 two-year term, and the member from each even-numbered district
58 to hold a four-year term, and thereafter all commissioners,
59 except those elected or appointed to fill vacancies for
60 unexpired terms, shall be elected for four-year terms. If, the
61 redistricting causes any new district to cover the same
62 territory as any one of the old districts, the commissioner
63 elected from the old district shall continue to act as
64 commissioner from the new district for the remainder of the term
65 for which ~~he-was~~ elected. In case a contest, or other *
66 litigation, is pending involving the legality of the change of
67 boundaries of the county, the redistricting shall not be made
68 until after the contest, or other litigation, has been finally
69 determined in favor of the change of boundaries. In this event,
70 if the term of any commissioner at large expires before the
71 county is redistricted, a successor shall be elected by the
72 voters of the entire county for a term of four years, unless
73 sooner ended, under this chapter, or otherwise.

371*#09S

1 371.09 MEETING OF COUNTY BOARD.
 2 The board of county commissioners for the new county shall
 3 meet at the county seat at a time designated in the order of the
 4 governor appointing them and elect one of its number as chairman *
 5 chair. The auditor of the county in which the county seat is *
 6 located shall act as the recording officer of the board until
 7 the consolidation proceedings become effective. At the meeting,
 8 or at any adjournment, the board shall divide the new county
 9 into commissioner districts by an order defining the boundaries
 10 of each district. The order shall be filed with the auditor of
 11 each county affected.

371*#10S

12 371.10 DUTIES OF COUNTY BOARD.
 13 The board of county commissioners shall meet in July and
 14 shall levy a tax for the new county in the manner provided by
 15 law for levying taxes for county purposes. The chairman chair *
 16 shall certify to the auditor of each county affected the amount
 17 levied. The county boards of the respective counties to be
 18 consolidated shall not levy any tax for county purposes in this
 19 year.

371*#15S

20 371.15 MAY ISSUE CERTIFICATES OF INDEBTEDNESS.
 21 Any time after the county board has made the original tax
 22 levy for the new county and certified the tax levy to the
 23 respective auditors, it may issue certificates of indebtedness
 24 of the new county in anticipation of the collection of the
 25 levy. Each certificate shall be in writing, signed by the
 26 chairman chair, and attested by the recording officer of the *
 27 board, mature before December 1 following the effective date of
 28 the consolidation, and bear interest at a rate as authorized
 29 under section 475.55.

373*#02S

30 373.02 POWERS, HOW EXERCISED.
 31 The powers of the county as a body politic and corporate
 32 shall only be exercised by the county board or in pursuance of a
 33 resolution adopted by the county board. Deeds and other written
 34 instruments made by the county shall be executed in its name by
 35 the chairman chair of the county board and by the clerk of the *
 36 board.

373*#07S

37 373.07 SUITS AGAINST COUNTIES; SERVICE; JURORS.
 38 Service of summons or other original process in actions
 39 against a county shall be made upon the chairman chair of the *
 40 board or upon the county auditor, either during a session of the
 41 board, or within ten days before the day appointed for one. The
 42 person served shall immediately notify the county attorney of
 43 the service and give the board at its next regular meeting all
 44 the information he the person has regarding the action. In *
 45 actions in which the county is a party, its inhabitants, if
 46 otherwise qualified, may be jurors.

373*#09S

47 373.09 CLAIMS AGAINST COUNTY; APPEAL.
 48 When a claim against a county is disallowed in whole or
 49 part by the county board, the claimant may appeal to the
 50 district court by (1) filing a written notice of appeal in the
 51 office of the auditor within 15 days after written notice is
 52 mailed to the claimant by the county auditor showing the
 53 disallowance of the claim and (2) giving security for costs, to
 54 be approved by the auditor. The auditor shall notify the county
 55 attorney of the appeal.

56 When a claim is allowed in whole or in part by the board,
 57 no order shall be issued to pay it or any part of it, until
 58 three days after the date of the decision. The county attorney
 59 may, on behalf and in the name of the county, appeal from the
 60 decision to the district court, by filing a written notice of
 61 appeal in the office of the auditor within three days after the
 62 date of the decision appealed from. Any seven taxpayers of the
 63 county may appeal in their own names from the decision to the
 64 district court by (1) filing a written notice of appeal stating
 65 the grounds in the office of the auditor within three days after
 66 the date of the decision appealed from, and (2) giving security
 67 to the claimant for his the claimant's costs and disbursements. *
 68 The security shall be approved by a judge of the district
 69 court. After filing of a notice of appeal no order shall be
 70 issued in payment of the claim until a certified copy of the

1 judgment of the court is filed in the office of the auditor.
2 Upon filing of a notice of appeal, the court has jurisdiction of
3 the parties and of the subject matter, and may compel a return
4 to be made.

373*#10S

5 373.10 PROCEEDINGS ON APPEAL.

6 Within ten days after an appeal has been taken, the auditor
7 shall, without charge, file in the office of the clerk of the
8 court a certified copy of the claim and a transcript of the
9 record of the action of the board on it, together with a copy of
10 the notice of appeal, and the date of its filing in ~~his~~ the
11 auditor's office. The proceedings shall be put upon the *
12 calendar for trial as an issue of fact. The court shall direct *
13 pleadings to be made as in a civil action, upon which the
14 proceeding shall be tried, and all questions of law summarily
15 heard and determined. Issues of fact shall be tried and
16 judgment rendered and perfected as in a civil action but no
17 execution shall issue on the judgment except for the collection
18 of a counter-claim or costs and disbursements in case of a
19 judgment for them against a claimant.

373*#11S

20 373.11 APPEALS; COUNTERCLAIM.

21 An appeal from the judgment of the district court may be
22 taken as in other civil cases within 30 days after the actual
23 entry of the judgment. If no appeal is taken, a certified copy
24 of the judgment shall be filed in the office of the auditor. If
25 an appeal is taken, the determination of the court of appeals
26 shall be certified to the district court and judgment entered in
27 accordance with it, and that judgment certified to and filed in
28 the office of the county auditor. In either case, after the
29 certified copy is filed, orders shall be drawn on the county
30 treasury in payment of any judgment in favor of a claimant.
31 Execution may issue out of the district court for the collection
32 of any costs awarded against a claimant. If costs are awarded
33 against a claimant and there is any allowance on the claim in
34 ~~his~~ favor of the claimant, the amount of the costs shall be *
35 deducted from the allowance. In any case of an appeal, the
36 county may interpose in the district court as a counterclaim any
37 demand which it has against the claimant, and have execution for
38 the collection of any judgment in its favor.

373*#12S

39 373.12 JUDGMENTS AGAINST COUNTIES; HOW PAID.

40 When a judgment is recovered against a county, or against a
41 county officer, in an action prosecuted by or against ~~him~~ the
42 officer officially and the judgment is to be paid by the county, *
43 no execution shall issue except as provided in this section. *
44 Unless reversed, the judgment shall be paid from funds in the
45 treasury, if available. If funds are not available, the unpaid
46 amount of the judgment shall be levied and collected as other
47 county charges, and, when collected, shall be paid to the person
48 in whose favor the judgment was rendered, upon the delivery of a
49 proper voucher. If payment is not made within 30 days after the
50 time the treasurer is required by law to make settlement with
51 the auditor next after the rendition of the judgment, execution
52 may issue, but only the property of the county shall be liable
53 on it.

373*#35S

54 373.35 DIRECTOR OF BUREAU.

55 Subdivision 1. The county auditor shall serve as the
56 director of the county license bureau or, if ~~he~~ the auditor *
57 chooses not to serve, the county board shall appoint any other *
58 county officer or employee, or any other person, to serve as the
59 director upon the terms and conditions the county board deems
60 advisable. The county board shall set the compensation of the
61 director and may provide for the expenses of the office
62 including the premium of any bond required to be furnished by
63 the director. The director shall have the powers and duties
64 imposed on the county officer who previously had the authority
65 to issue or process the application for any license referred to
66 in section 373.32.

67 Notwithstanding section 168.33, subdivision 2, the
68 commissioner of public safety may appoint, and for cause
69 discontinue, the director as the deputy registrar of motor
70 vehicles in the county. If appointed a deputy registrar ~~he~~ the *
71 director shall have the same authority as a county auditor to *
72 appoint one or more deputy registrars as provided in section

1 168.33, subdivision 2.
 2 Subd. 2. The director shall be responsible for all funds
 3 in ~~his~~ the director's custody as director of the license bureau *
 4 and shall deposit them in the county treasury, a state
 5 depository or forward the funds to the appropriate state
 6 official as provided by law or rule or as designated by the
 7 county board consistent with applicable statutes and rules. The
 8 director or an employee in the bureau may not retain any portion
 9 of the fee charged by law or any surcharge upon the license or
 10 application. The sole compensation shall be the salary provided
 11 by the county board.

374*#10S

12 374.10 WHO MAY BE MEMBERS OF COMMISSION.

13 No more than two members of the advisory courthouse and
 14 city hall building commission shall be at any one time members
 15 of the county board, and no more than two of the members shall
 16 be at any one time members of the city council. If a member of
 17 the commission who was not at the time of appointment a member
 18 of either the city council or the county board subsequently
 19 becomes a member of either body, the person shall cease to be a
 20 member of the advisory courthouse and city hall building
 21 commission.

22 Immediately after the appointment of the commission, the
 23 persons appointed as members shall indicate their acceptance of
 24 their appointment, in writing, filed with the auditor of the
 25 county.

26 If a person appointed as a member of the commission fails
 27 to file written acceptance of the appointment within 20 days
 28 after the appointment, dies, resigns, or is removed from office,
 29 or a member of the commission, appointed from the membership of
 30 the city council or the county board, ceases to be a member of
 31 the council or board, a successor shall be appointed in the
 32 manner and by the same persons that originally appointed the
 33 member.

34 Immediately after the expiration of the 20 days following
 35 the appointment of the commission members, or after the filing
 36 of acceptance by all those appointed as members, the chairman *
 37 chair of the county board shall call a meeting of the commission *
 38 and shall preside at the first meeting. The commission shall *
 39 select from its own members a chairman chair and other officers
 40 it considers necessary.

374*#12S

41 374.12 PLANS AND SPECIFICATIONS DRAWN.

42 Either before or after the selection of the building site,
 43 the commission shall have plans and specifications for the
 44 building prepared and may employ architects, engineers,
 45 draftsmen drafters, and clerical help to prepare the plans and *
 46 specifications. The commission shall set the compensation of
 47 the employees. The city and the county shall pay the
 48 compensation in equal parts when presented with statements
 49 certified to be correct by a majority of the commission. All
 50 contracts and employment shall be subject to approval by the
 51 city council and county board. When the plans and
 52 specifications for the building are completed, the commission
 53 shall submit them to the city council and the county board for
 54 approval. The council and board shall approve the proposed
 55 plans and specifications, or reject them and resubmit them to
 56 the commission for further consideration. When the plans and
 57 specifications are satisfactory to both the city council and the
 58 county board, each of those bodies shall pass a resolution
 59 authorizing and instructing the commission to proceed with the
 60 work.

374*#31S

61 374.31 BUILDING COMMISSION.

62 As soon as the city and county have both authorized the
 63 issuance of bonds for the construction of a joint courthouse and
 64 city hall building, the county board and the city council shall
 65 constitute the courthouse and city hall building commission of
 66 the county, and the chairman chair of the county board shall act *
 67 as chairman chair of the commission. The commission shall *
 68 select from its own members other officers it considers
 69 necessary.

374*#33S

70 374.33 PLANS AND SPECIFICATIONS.

71 Either before or after the selection of the building site,
 72 the commission shall have plans and specifications for the

1 building prepared and may employ architects, engineers,
 2 draftsmen drafters, and clerical help to prepare the plans and *
 3 specifications. The commission shall set the compensation of
 4 the employees.

375*#025S

5 375.025 COMMISSIONER DISTRICTS.
 6 No change for subd 1 to 3
 7 Subd. 4. REDISTRICTING PLAN; ELECTION FOLLOWING
 8 REDISTRICTING. A redistricting plan whether prepared by the
 9 county board or the redistricting commission shall be filed in
 10 the office of the county auditor. A redistricting plan shall be
 11 effective on the 31st day after filing unless a later effective
 12 date is specified but no plan shall be effective for the next
 13 election of county commissioners unless the plan is filed with
 14 the county auditor not less than 30 days before the first date
 15 candidates may file for the office of county commissioner. One
 16 commissioner shall be elected in each district who, at the time
 17 of the election, is a resident of the district. A person
 18 elected may hold the office only while he-remains remaining a *
 19 resident of the commissioner district. The county board or the
 20 redistricting commission shall determine the number of members
 21 of the county board who shall be elected for two-year terms and
 22 for four-year terms to provide staggered terms on the county
 23 board. Thereafter, all commissioners shall be elected for four
 24 years. When a county is redistricted, there shall be a new
 25 election of commissioners in all the districts at the next
 26 general election except that if the change made in the
 27 boundaries of a district is less than ten percent of the average
 28 of all districts of the county, the commissioner in office at
 29 the time of the redistricting shall serve for the full period
 30 for which he-was elected. *

375*#03S

31 375.03 TERM OF COMMISSIONERS.
 32 In each new county, and in each county that has an increase
 33 of the number of commissioners, a commissioner shall be elected
 34 from each odd-numbered district for a term of two years, and
 35 from each even-numbered district for a term of four years.
 36 Thereafter all commissioners shall be elected for a term of four
 37 years, except that elections to fill vacancies shall be for the
 38 unexpired term only. In counties having a population of more
 39 than 150,000, every commissioner, before he-begins-his beginning *
 40 duties, shall give bond to the state in the sum of \$10,000, with
 41 a legally authorized surety company as surety, conditioned for
 42 the faithful performance of his official duties. The bond shall *
 43 be approved by a judge of the district court, and together with
 44 the oath of office and certificate of election, be filed with
 45 the county recorder. The premium on the bond shall not exceed
 46 that prescribed by law for county treasurers, and shall be paid
 47 by the county.

375*#04S

48 375.04 TIE DETERMINED BY LOT.
 49 If two or more persons have an equal and the highest number
 50 of votes for the office of county commissioner in a district,
 51 the auditor shall give written notice to them to attend at his *
 52 the auditor's office at a time specified. He The auditor shall *
 53 then and there, in their presence, publicly decide by lot which
 54 shall be declared elected. The person selected shall be the
 55 commissioner from the district.

375*#055S

56 375.055 COUNTY COMMISSIONERS' COMPENSATION.
 57 No change for subd 1 to 4
 58 Subd. 5. OTHER BENEFITS. Except as provided herein
 59 nothing in this section shall limit the right of a county
 60 commissioner to collect and retain any fees, per diem payment
 61 made pursuant to subdivision 1, or any mileage or expense
 62 allowance, or reimbursement of expenses in attending meetings or
 63 in the conduct of the business of a board, commission or
 64 committee of county government on which he the commissioner *
 65 serves, which he the commissioner is now authorized by any other *
 66 law to collect and retain in addition to the stated amount-of *
 67 his annual salary; or to participate in any group insurance *
 68 program instituted by the county board for county officers and
 69 employees. Members of the county board shall not receive a per
 70 diem for service on the board of auditors, the board of
 71 equalization, or the canvassing board.
 72 No change for subd 6 to 8

375*#06S

1 375.06 COMPENSATION FOR COMMITTEE WORK; TRAVEL EXPENSES.

2 Subdivision 1. The members of the county boards in
3 counties other than Hennepin, Ramsey, and St. Louis, may be paid
4 a per diem pursuant to section 375.055, subdivision 1, for each
5 day necessarily occupied in the discharge of their official
6 duties while acting on any committee under the direction of the
7 board, and may be paid their actual and necessary traveling
8 expenses in accordance with section 471.665 for travel incurred
9 in the discharge of the committee work. Any committee may be
10 comprised of all of the members of the county board.

11 The members of the county boards in addition to any
12 compensation authorized for their duties may be allowed and paid
13 their actual and necessary traveling expenses in accordance with
14 section 471.665 for travel incurred in attending meetings of the
15 board. The chairman chair of the county board may receive *
16 mileage reimbursement in accordance with section 471.665 for
17 going to the county seat to sign warrants during recess of the
18 county board.

19 Subd. 2. If a county commissioner is authorized to be
20 reimbursed for traveling expenses while performing official
21 duties as a county commissioner or while serving on a board,
22 commission or committee, the reimbursement shall be limited to
23 expenses actually paid or incurred ~~by him~~. If authorized to be *
24 paid mileage or receive reimbursement for expenses in performing *
25 a duty and the commissioner uses his a private automobile, he *
26 the commissioner may be reimbursed for its use at not more than *
27 the rate specified for reimbursement in section 471.665 for each
28 mile actually traveled. This subdivision does not supersede any
29 law specifying a maximum mileage or expense allowance for a
30 commissioner or for all commissioners on a county board.

375*#08S

31 375.08 BOARD TO FILL VACANCIES IN COUNTY OFFICES.

32 When a vacancy occurs in the office of county auditor,
33 county treasurer, county recorder, sheriff, county attorney,
34 county surveyor, or coroner, the county board shall fill it by
35 appointment. For that purpose it shall meet at the usual place
36 of meeting, upon one day's notice from the chairman chair or *
37 clerk, which shall be served personally upon each member in the
38 same manner as a district court summons. The person appointed
39 shall give the bond and take the oath required by law, and serve
40 the remainder of the term, and until a successor qualifies.
41 When a vacancy occurs in an office that has a chief deputy or
42 first assistant, the chief deputy or first assistant may perform
43 all the duties and functions of the office until it is filled by
44 appointment by the county board.

375*#09S

45 375.09 MAY NOT HOLD OTHER OFFICE; NO INTEREST IN
46 CONTRACT; VIOLATION; MALFEASANCE.

47 No county commissioner shall be appointed or elected by the
48 county board of which he is a member to any office or position *
49 of trust or emolument nor be employed by the county in which he *
50 is a commissioner. No commissioner shall receive any money or *
51 other valuable thing as a condition of voting or inducement to
52 vote for any contract or other thing under consideration by the
53 board, or become a party to, or directly or indirectly
54 interested in, any contract made by the board. Every
55 appointment or election made and every contract or payment voted
56 for or made contrary to this section is void. Any violation of
57 this section is a malfeasance in office.

375*#13S

58 375.13 CHAIRMAN CHAIR.

59 The county board, at its first session in each year, shall *
60 elect from its members a chairman chair and a vice-chairman *
61 vice-chair. The chairman chair shall preside at its meetings *
62 and sign all documents requiring signature on its behalf. His *
63 The chair's signature as chairman, attested by the clerk of the *
64 county board, shall be binding as the signature of the board.
65 In case of the absence or incapacity of the chairman chair, *
66 the vice-chairman vice-chair shall perform his the chair's *
67 duties. If the chairman chair or vice-chairman vice-chair are *
68 absent from any meeting, all documents requiring the signature
69 of the board shall be signed by a majority of it and attested by
70 the clerk.

375*#14S

71 375.14 OFFICES AND SUPPLIES FURNISHED FOR COUNTY

1 OFFICERS.

2 The county board shall provide offices at the county-seat
3 for the auditor, treasurer, county recorder, sheriff, judge of
4 probate, clerk of the district court, and an office for the
5 county engineer at a site determined by the county board, with
6 suitable furniture and safes and vaults for the security and
7 preservation of the books and papers of the offices, and provide
8 heating, lighting, and maintenance of the offices. The board
9 shall furnish all county officers with all books, stationery,
10 letter-heads, envelopes, postage, telephone service, office
11 equipment, and supplies necessary to the discharge of their
12 respective duties and make like provision for the judges of the
13 district court as necessary to the discharge of their duties
14 within the county or concerning matters arising in it. The
15 board is not required to furnish any county officer with
16 professional or technical books or instruments except when the
17 board deems them directly necessary to the discharge of his *
18 official duties as part of the permanent equipment of the office.

375*#16S

19 375.16 APPROPRIATION FOR INCIDENTAL EXPENSES.

20 At its regular meetings the county board may appropriate
21 from the county revenue fund a sum to pay incidental expenses of
22 county officers incurred for postage, and for necessary express,
23 freight, telephone, telegraph, water, light, other utility
24 charges, and the mileage and per diem of town officers making
25 election returns, to be paid on the warrant of the county
26 auditor upon the presentation of a properly itemized and
27 verified bill. ~~When the county auditor considers~~ On considering *
28 the sum charged excessive, ~~he~~ the county auditor shall file the *
29 bill, if requested by the person presenting it, for action by
30 the board at its next meeting.

375*#161S

31 375.161 INCIDENTAL COSTS AND EXPENSES; CONTINGENT FUND;
32 ADDITIONAL APPROPRIATIONS.

33 No change for subd 1

34 Subd. 2. Nothing in subdivision 1 shall operate to lessen
35 the amount of a contingent fund available to the county board or
36 the chairman chair of a county board under the authority of a *
37 special act for a single county enacted before August 1, 1973.

375*#162S

38 375.162 IMPREST CASH FUNDS.

39 No change for subd 1

40 Subd. 2. The county board may authorize an imprest fund
41 for the purpose of advancing money to officers or employees to
42 pay their actual and necessary expenses in attending meetings
43 outside the county. The county board shall appoint a custodian
44 of the fund who shall be responsible for its safekeeping and
45 disbursement according to law. Attendance at meetings outside
46 the county shall be authorized in advance by the county board.
47 At a meeting of the county board in the month after a meeting
48 outside the county, the officer or employee shall submit an
49 itemized claim for the actual and necessary expenses incurred
50 and paid ~~by him~~ in attending the meeting. The county board *
51 shall act upon it as in the case of other claims and a warrant
52 shall be issued to the officer or employee for the amount
53 allowed. The officer or employee shall use the proceeds of the
54 warrant to repay the amount advanced from the fund. If the
55 amount approved by the county board is insufficient to repay the
56 advance, the officer or employee shall be personally responsible
57 for the difference.

375*#192S

58 375.192 REDUCTIONS IN ASSESSED VALUATION OF REAL
59 PROPERTY.

60 Subdivision 1. Notwithstanding section 270.07, upon
61 written application by the owner of the property, the county
62 board may grant a reduction, for the current year, of the
63 assessed valuation of any real property in that county which
64 erroneously has been classified, for tax purposes, as
65 non-homestead property, as is necessary to give it the assessed
66 valuation which it would have received if it had been classified
67 correctly. The application shall be made on a form prescribed
68 by the commissioner of revenue. It shall include the social
69 security number of the applicant and a statement of facts of
70 ownership and occupancy. It shall be sworn to by the owner of
71 the property before an officer authorized to take
72 acknowledgments. Before it is acted upon by the county board,

1 the application shall be referred to the county assessor, or if
 2 the property is located in a city of the first class having a
 3 city assessor, to the city assessor, who shall investigate the
 4 facts and attach ~~his~~ a report of the investigation to the
 5 application. *

6 With respect to abatements relating to the current year's
 7 tax processed through June 30, the county auditor shall notify
 8 the commissioner of revenue on or before July 31 of that same
 9 year of all applications granted pursuant to this subdivision.
 10 With respect to abatements relating to the current year's tax
 11 processed after June 30 through the balance of the year, the
 12 county auditor shall notify the commissioner of revenue on or
 13 before the following January 31 of all applications granted
 14 pursuant to this subdivision. The form submitted by the county
 15 auditor shall be prescribed by the commissioner of revenue and
 16 shall contain the information which the commissioner deems
 17 necessary.

18 No change for subd 2 to 3

375*#195S

19 375.195 SALE OF BUILDINGS ON PUBLIC PROPERTY.

20 No change for subd 1 to 2

21 Subd. 3. FINDING BY COUNTY BOARD. The buildings or
 22 improvements shall not be offered for sale or sold until the
 23 county board has, by resolution, found that they constitute a
 24 fire hazard, an inducement to trespass, or a public nuisance.
 25 At least two weeks before the sale, the county auditor shall
 26 publish in a legal newspaper in the county and post on the
 27 bulletin board in ~~his~~ the auditor's office and at least one
 28 other prominent place in the court house, a notice of the sale,
 29 which shall include the date of the sale, a description of the
 30 buildings and improvements and the lands upon which they are
 31 situated and their appraised value. *

32 No change for subd 4 to 5

375*#20S

33 375.20 QUESTIONS SUBMITTED TO VOTE; BALLOT.

34 If the county board may do an act, incur a debt,
 35 appropriate money for a purpose, or exercise any other power or
 36 authority, only if authorized by a vote of the people, the
 37 question may be submitted at a special or general election, by a
 38 resolution specifying the matter or question to be voted upon.
 39 If the question is to authorize the appropriation of money,
 40 creation of a debt, or levy of a tax, it shall state the
 41 amount. Notice of the election shall be given as in the case of
 42 special elections. If the question submitted is adopted, the
 43 board shall pass an appropriate resolution to carry it into
 44 effect. In the election the form of the ballot shall be: "In
 45 favor of (here state the substance of the resolution to be
 46 submitted), Yes No.....," with a square opposite each
 47 of the words "yes" and "no," in one of which the voter shall
 48 mark an "X" to indicate ~~his~~ a choice. The county board may call
 49 a special county election upon a question to be held within 60
 50 days after a resolution to that effect is adopted by the county
 51 board. Upon the adoption of the resolution the county auditor
 52 shall post and publish notices of the election, as required by
 53 section 204D.22, subdivisions 2 and 3. The election shall be
 54 conducted and the returns canvassed in the manner prescribed by
 55 sections 204D.20 to 204D.27, so far as practicable. *

375*#31S

56 375.31 MOTOR VEHICLES, DAMAGE FROM OPERATION.

57 A county board may indemnify any county officer or employee
 58 for loss or expense arising or resulting from any claim made
 59 against ~~him~~ the officer or employee because of bodily injury,
 60 death or property damage sustained by reason of ~~his~~ the
 61 officer's or employee's operation of a motor vehicle while
 62 performing official duties. The county board may defend any
 63 suit brought against an officer or employee to enforce such a
 64 claim. The county board may settle the claim or suit and pay
 65 the amount of the settlement or the amount of any final judgment
 66 rendered against an officer or employee on the claim without
 67 first requiring ~~him~~ the officer or employee to pay it. *

375*#47S

68 375.47 EXPENSE ALLOWANCES FOR MEMBERS OF BOARDS AND
 69 AGENCIES.

70 No change for subd 1

71 Subd. 2. No member of a board, agency, advisory board, or
 72 committee shall receive an allowance for expenses, or a per diem

1 allowance in lieu of expenses, or a mileage allowance pursuant
 2 to subdivision 1, if in another capacity ~~he~~ the member receives *
 3 from the county under authority of any other statute or
 4 resolution either:

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

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

375*#51S

10 375.51 ORDINANCES; ENACTMENT, PUBLICATION.

11 Subdivision 1. ENACTMENT. In any instance in which a
 12 county board is authorized by law to enact ordinances, the
 13 ordinances shall be adopted in the manner prescribed in this
 14 section except as otherwise provided by law. A public hearing
 15 shall be held before the enactment of any ordinance adopting or
 16 amending a comprehensive plan or official control as defined in
 17 section 394.22. Every county ordinance shall be enacted by a
 18 majority vote of all the members of the county board unless a
 19 larger number is required by law. It shall be signed by the
 20 chairman chair of the board and attested by the clerk of the *
 21 board. The ordinance shall be published as provided in this
 22 section. Proof of the publication shall be attached to and
 23 filed with the ordinance in the office of the county auditor.
 24 Every ordinance shall be recorded in an ordinance book in the
 25 office of the county auditor within 20 days after its
 26 publication. All ordinances shall be suitably entitled and
 27 shall be substantially in the style: "The county board of
 28 county ordains:".

29 No change for subd 2 to 3

375*#60S

30 375.60 DUTIES AND POWERS OF THE DIRECTOR.

31 No change for subd 1

32 Subd. 2. ADMINISTRATION OF THE DEPARTMENT. The
 33 director shall administer the personnel department. In addition
 34 to the duties imposed elsewhere in sections 375.56 to 375.71, ~~he~~ *
 35 the director shall: *

36 (a) Appoint, supervise and direct the work of the employees
 37 of the personnel department.

38 (b) Schedule and conduct hearings as required by rules
 39 adopted pursuant to sections 375.56 to 375.71 or at the
 40 direction of the county board.

41 (c) Provide for, formulate and hold competitive
 42 examinations as required by rule to determine the qualifications
 43 of persons seeking employment in positions within the
 44 jurisdiction of the department.

45 (d) Make investigations concerning the administration and
 46 effect of rules made pursuant to sections 375.56 to 375.71 and
 47 report the findings and recommendations to the county board.

48 (e) Establish programs for training and continuing
 49 education of employees as deemed appropriate by the county board
 50 to improve the quality of service of employees holding positions
 51 within the jurisdiction of the department.

52 (f) Prepare a compensation plan and recommend a schedule of
 53 salary or wage rates for positions within the jurisdiction of
 54 the personnel department for adoption by the county board.

375*#65S

55 375.65 PERSONNEL BOARD OF APPEALS.

56 Subdivision 1. The county board shall appoint three
 57 persons to serve staggered terms as members of a personnel board
 58 of appeals. After the first appointments, successors shall
 59 serve for terms of three years each. Expiration dates for
 60 expiring terms shall be fixed by the county board and vacancies
 61 shall be filled by a majority vote of the county board for the
 62 unexpired term. Persons appointed to the personnel board of
 63 appeals shall not serve while holding any county office or while
 64 standing as a candidate for any county office, or while employed
 65 by the county. Each member shall be a resident of the county
 66 and shall forfeit office ~~if-he-becomes~~ on becoming a nonresident. *

67 No change for subd 2

68 Subd. 3. The personnel board of appeals shall organize by
 69 electing a chairman chair and vice-chairman vice-chair and shall *
 70 develop rules of procedure for matters brought before it under
 71 sections 375.56 to 375.71 and rules promulgated pursuant to
 72 sections 375.56 to 375.71.

375*#66S

1 375.66 DUTIES OF BOARD OF APPEALS.

2 Subdivision 1. JURISDICTION. The personnel board of
3 appeals shall meet upon call of its ~~chairman~~ chair or the *
4 personnel director to make findings and report to the county
5 board within 30 days of the filing of an appeal by an applicant,
6 employee, or appointing authority in the following circumstances:

7 (a) Alleged arbitrary or capricious action on the part of
8 the county board with respect to final establishment of rules
9 under sections 375.56 to 375.71.

10 (b) Alleged discrimination by the personnel director or ~~his~~ *
11 the director's employees in examination procedures or *
12 preparation of lists of eligible candidates, or discriminatory
13 use of them by the appointing authority under sections 375.56 to
14 375.71 or rules promulgated under them.

15 (c) Alleged misinterpretation or evasion by the personnel
16 director or the county board of provisions of sections 375.56 to
17 375.71 or the rules promulgated under them in a manner seriously
18 detrimental to the party bringing the appeal.

19 (d) Other matters of grievance as provided for in rules
20 promulgated under sections 375.56 to 375.71.

21 No change for subd 2 to 3

375A#01S

22 375A.01 AUTHORIZATION AND ENUMERATION.

23 No change for subd 1

24 Subd. 2. OPTIONS. An optional form of county
25 government may include any of the following:

26 (a) An elected county executive to be known as the elected
27 executive plan;

28 (b) A county manager, to be known as the county manager
29 plan;

30 (c) The ~~chairman~~ chair of the county board elected at large *
31 by all the voters of the county, to be known as the at-large *
32 chairman chair plan;

33 (d) A county administrator, to be known as the county
34 administrator plan;

35 (e) A county auditor to have the additional powers and
36 duties of county administrator, to be known as the county
37 auditor-administrator plan.

38 The elected executive, county manager, and at-large
39 chairman chair plans are mutually exclusive, and a county may *
40 adopt only one of these plans. A county may not adopt the *
41 county administrator or the auditor-administrator plan while it
42 is operating under either the elected executive or the county
43 manager plan; and a county may not adopt the
44 auditor-administrator plan while it is operating under the
45 at-large chairman chair plan. A county may adopt the at-large *
46 chairman chair plan and the county administrator plan either *
47 concurrently or while the other is in force.

375A#02S

48 375A.02 ELECTED EXECUTIVE PLAN.

49 Subdivision 1. COUNTY EXECUTIVE. In a county
50 adopting the elected executive plan, the chief executive officer
51 shall be known as county executive. The first county executive
52 shall be elected at the county general election following the
53 adoption of the elected executive plan and every four years
54 thereafter. ~~He~~ The county executive shall hold office for a *
55 term of four years commencing on the first Monday of January *
56 following ~~his~~ election. Only a voter of a county shall be *
57 eligible for election as county executive. ~~He~~ The county *
58 executive shall be nominated and elected by all the voters of *
59 the county in the manner provided by law for the election of
60 county officers. In case the office of county executive is or
61 becomes vacant by reason of death, resignation or removal, it
62 shall be filled by the board of county commissioners for the
63 unexpired term.

64 Subd. 2. SALARY. The salary of the county executive
65 for the first year of ~~his~~ the term shall be set by the county *
66 board not less than 30 days before the first day candidates may
67 file for the office; thereafter, the salary of the county
68 executive shall be set annually by the county board at the
69 January meeting of the board; provided that the salary of the
70 county executive shall not be less than 150 percent of the
71 salary of the highest paid member of the board of county
72 commissioners. A minimum salary for such subsequent term of the
73 county executive shall be fixed by the county board not less
74 than 30 days before the first day candidates may file for the

1 office in an amount not less than the minimum provided in this
2 section.

3 Subd. 3. POWERS AND DUTIES OF THE COUNTY EXECUTIVE.

4 The county executive shall be the administrative head of the
5 county and shall have all the powers and shall perform all the
6 duties of an administrative or executive nature vested in or
7 imposed upon the board of county commissioners by law or by
8 agreement with any municipality or other subdivision of
9 government and such additional powers as are granted or imposed
10 by the board. The county executive shall be responsible for the
11 proper administration of the affairs of the county placed in his
12 the county executive's charge. By resolution of the county
13 board he the county executive may serve as the head of any
14 county department created by law or established by the board
15 provided he the county executive has the qualifications required
16 by law. His Responsibilities of the county executive shall
17 include, but are not limited to, the following duties:

18 (a) Appoint an administrative assistant who shall be
19 qualified by education and training in governmental or business
20 administration and who will be responsible to the executive for
21 the orderly and efficient operation and coordination of the
22 various departments of county government;

23 (b) Appoint and hire qualified staff to assist the
24 executive;

25 (c) Provide for the execution of all ordinances and
26 resolutions of the board and all laws of the state subject to
27 enforcement by him the county executive or by officers who are
28 under his the county executive's direction and supervision;

29 (d) Exercise all authority of the board of county
30 commissioners to appoint, suspend, and remove all county
31 personnel whose appointment, suspension, or removal was a
32 function of the county board under general law, make such
33 nominations and appointments to additional offices as the county
34 board may determine and make appointments to such advisory
35 boards and committees as the executive may create;

36 (e) Provide for all county purchases including purchases of
37 services pursuant to purchasing regulations established by the
38 county board, but county purchasing services may be made
39 available for use by other counties and governmental
40 subdivisions;

41 (f) Prepare and submit, if directed by the board to do so,
42 an administrative code incorporating the details of
43 administrative procedure for the operation of the county and
44 from time to time suggest amendments to such code;

45 (g) Attend any meetings of the board of county
46 commissioners with the right to take part in any discussion, but
47 not to vote; and may recommend to the board such action as he
48 the county executive deems advisable; and

49 (h) Prepare and submit to the county board an annual budget
50 and a long-range capital expenditure program covering a period
51 not less than the five ensuing years each of which shall include
52 detailed estimates of revenue and expenditures and enforce the
53 provisions of the budget when adopted by the county board.

54 No change for subd 4

55 Subd. 5. CHAIRMAN CHAIR ELECTED BY THE BOARD. The
56 county board shall elect from its numbers a chairman chair of
57 the board who shall preside at all meetings of the board.

375A#03S

58 375A.03 COUNTY MANAGER PLAN.

59 Subdivision 1. COUNTY MANAGER. In a county adopting
60 the county manager plan, the chief executive officer shall be
61 known as the county manager. The manager shall be chosen by the
62 county board solely on the basis of his training, experience and
63 administrative qualifications and need not be a resident of the
64 county at the time of his appointment. The manager shall be
65 appointed for an indefinite period and he may be removed by the
66 county board at any time, but after he the manager has served as
67 manager for one year he the manager may demand written charges
68 and a public hearing on the charges before the county board
69 prior to the date when his the final removal takes effect.
70 Pending such hearing and removal, the county board may
71 suspend him the manager from office. The county board may
72 designate some properly qualified person to perform the duties
73 of the manager during his absence or disability. The county
74 board shall set the salary of the manager and may provide for a
75 termination allowance.

1 The county manager shall be appointed by the county board
2 as soon as practicable after the adoption of the county manager
3 plan.

4 No change for subd 2

5 Subd. 3. POWERS AND DUTIES. The county manager
6 shall be responsible for the proper administration of the
7 affairs of the county placed in ~~his~~ the manager's charge. By
8 resolution of the county board ~~he~~ the manager may serve as the
9 head of any county department created by law or established by
10 the board provided ~~he~~ the manager has the qualifications
11 required by law. ~~His~~ The manager's responsibilities shall
12 include, but are not limited to, the following duties:

13 (a) Appoint and hire qualified staff to assist ~~him~~ in the
14 performance of ~~his~~ duties;

15 (b) Provide for the execution of all ordinances and
16 resolutions of the board and all laws of the state subject to
17 enforcement by ~~him~~ the manager or by officers who are under ~~his~~
18 the manager's direction and supervision;

19 (c) Exercise all authority of the board of county
20 commissioners to appoint, suspend, and remove all county
21 personnel whose appointment, suspension, or removal was a
22 function of the county board under general law, make such
23 nominations and appointments to additional offices as the county
24 board may determine and make appointments to such advisory
25 boards and committees as the manager may create;

26 (d) Provide for all county purchases including purchases of
27 services pursuant to purchasing regulations established by the
28 county board, but county purchasing services may be made
29 available for use by other counties and governmental
30 subdivisions;

31 (e) Prepare and submit, if directed by the board to do so,
32 an administrative code incorporating the details of
33 administrative procedure for the operation of the county and
34 from time to time suggest amendments to such code;

35 (f) Prepare and submit to the county board an annual budget
36 and a long-range capital expenditure program covering a period
37 not less than the five ensuing years, each of which shall
38 include detailed estimates of revenue and expenditures and
39 enforce the provisions of the budget when adopted by the county
40 board;

41 (g) Attend all meetings of the county board with the right
42 to take part in the discussions but not to vote and recommend
43 measures for adoption as ~~he~~ the manager deems advisable or
44 expedient; and

45 (h) Keep the county board fully advised as to the financial
46 condition and needs of the county and make such other reports
47 from time to time as required by the board or the manager deems
48 advisable.

49 Subd. 4. LIMITATION ON POWERS OF COUNTY BOARD.

50 Neither the county board nor any of its members shall dictate
51 the appointment of any person to office or employment by the
52 county manager, interfere in any manner with the county manager
53 or prevent ~~him~~ the county manager from exercising ~~his-own~~
54 personal judgment in the appointment of officers and employees
55 in the administrative service; but this shall not be construed
56 to prohibit the county board from establishing a personnel
57 administration system governing county employment. Except for
58 the purpose of inquiry, the county board and its members shall
59 deal with and control the administrative service of the county
60 solely through the county manager and neither the county board
61 nor any of its members shall give orders to any subordinate of
62 the county manager, either publicly or privately.

375A#04S

63 375A.04 CONDITIONS RELATING TO ELECTED EXECUTIVE OR
64 COUNTY MANAGER PLAN.

65 No change for subd 1

66 Subd. 2. OFFICES MADE APPOINTIVE. Notwithstanding
67 other provisions of law to the contrary, when a county has
68 adopted either the elected executive or county manager plan, the
69 offices of county auditor, county treasurer, and county recorder
70 are abolished and the offices of county coroner and county
71 surveyor shall be made appointive, unless the changes here
72 enumerated have previously been accomplished or the office in
73 question has been abolished or terminated. Each of the officers
74 whose office has been made appointive shall serve until ~~his~~ the
75 officer's term of office expires, or upon the expiration of ~~his~~

1 the officer's present term until the successor is appointed and *
 2 qualifies. Each of the officers whose office has been abolished
 3 shall serve as the head of any department created to perform the
 4 functions formerly performed by this office until the end of his *
 5 the officer's term or the first Monday in January following the *
 6 next general election after the adoption of the elected
 7 executive or county manager plan, whichever occurs first.

375A#05S

8 375A.05 AT-LARGE CHAIRMAN CHAIR PLAN. *

9 Subdivision 1. GENERAL. Subject to the exclusions
 10 cited in section 375A.01, subdivision 2, any county may provide
 11 for the chairmanship office of chair of the board with *
 12 candidates for the office nominated and elected by all the
 13 voters of the county separate and apart from other members of
 14 the board, except that the chairman chair of the board selected *
 15 by this method shall be a member of the county board in all
 16 other respects. This option shall be known as the
 17 at-large chairman chair plan. Upon the adoption of the at-large *
 18 chairman chair plan, the county shall be redistricted to reflect *
 19 the change in number of commissioners on the board. Unless a
 20 county had adopted either the at-large chairman chair or the *
 21 elected executive plan, each board shall elect a chairman chair *
 22 from among its membership pursuant to the provisions of section
 23 375.13.

24 Subd. 2. COUNTY BOARD OF FIVE OR SEVEN REQUIRED. *

25 The at-large chairman chair plan may be adopted only in those *
 26 counties which have county boards of five or seven members. The
 27 change to a county board of five or seven members may be
 28 instituted concurrently with the change to the at-large chairman *
 29 chair plan in which case the county board resolution, the study *
 30 commission recommendation or the petition by the voters
 31 initiating the plan shall indicate the number of members to be
 32 on the board including the at-large chairman chair. If the *
 33 resolution, the recommendation or the petition does not specify
 34 the number to be on the board, the board shall consist of the
 35 same number, including the at-large chairman chair as before the *
 36 adoption of an option, unless the number of the board is greater
 37 than seven. If the board is less than five, it shall be
 38 increased to five; and if greater than seven, it shall be
 39 reduced to seven.

40 Subd. 3. TERM, QUALIFICATIONS. The first at-large *

41 chairman chair shall be elected at the county general election *
 42 following the adoption of the at-large chairman chair plan and *
 43 every four years thereafter. ~~He~~ The chair shall hold office for *
 44 a term of four years commencing on the first Monday of January
 45 following his election. The chairman chair shall be a resident *
 46 of the county and shall be nominated and elected by all the
 47 voters of the county in the manner provided by law for the
 48 election of county officers.

49 Subd. 4. SALARY. The salary of the at-large *

50 chairman chair for the first year of his ~~the~~ term shall be set *
 51 by the county board not less than 30 days before the first day
 52 candidates may file for the office; thereafter, the salary of
 53 the at-large chairman chair shall be set annually by the county *
 54 board at the January meeting of the board; provided that the
 55 salary of the at-large chairman chair shall not be less than 120 *
 56 percent of the salary of the highest paid member of the board of
 57 county commissioners. A minimum salary for each subsequent term
 58 of the at-large chairman chair shall be fixed by the county *
 59 board not less than 30 days before the first day candidates may
 60 file for the office in an amount not less than the minimum
 61 provided in this section.

375A#06S

62 375A.06 COUNTY ADMINISTRATOR. *

63 Subdivision 1. APPOINTMENT AND QUALIFICATION. In
 64 any county which is not operating under either the elected
 65 county executive plan, the county manager plan, or the
 66 auditor-administrator plan, the office of county administrator
 67 may be established. The county board may appoint and employ the
 68 administrator upon such terms and conditions as it deems
 69 advisable and is authorized to appropriate funds and provide
 70 suitable office space for the office. ~~He~~ The administrator *
 71 shall be chosen solely on the basis of his training, experience, *
 72 and administrative qualifications and need not be a resident of
 73 the county at the time of his appointment. The administrator *
 74 shall be appointed for an indefinite period and ~~he~~ may be *

1 removed by the county board at any time, but after ~~he~~ the *
 2 administrator has served as administrator for one year ~~he~~ the *
 3 administrator may demand written charges and a public hearing on *
 4 the charges before the county board prior to the date when ~~his~~ *
 5 final removal takes effect. Pending such hearing and removal, *
 6 the county board may suspend ~~him~~ the administrator from office. *
 7 The county board may designate some properly qualified person to *
 8 perform the duties of the administrator during ~~his~~ absence or *
 9 disability. The county board shall set ~~his~~ a salary and may *
 10 provide for a termination allowance. *

11 Subd. 2. OTHER OFFICERS MAY BE APPOINTED. The
 12 county board may appoint as county administrator any county
 13 officer or employee deemed to be qualified by reason of ~~his~~ *
 14 training, experience and administrative qualifications. If a *
 15 county officer or employee is appointed county administrator,
 16 the officer or employee shall resign ~~his~~ office and terminate *
 17 ~~his~~ its responsibilities before assuming the office of county *
 18 administrator. *

19 No change for subd 3

20 Subd. 4. ADMINISTRATOR, POWERS AND DUTIES. The
 21 county administrator shall be the administrative head of the
 22 county and shall be responsible for the proper administration of
 23 the affairs of the county placed in ~~his~~ the administrator's *
 24 charge. ~~He~~ The administrator shall exercise general supervision *
 25 over all county institutions and agencies and, with the approval
 26 of the county board, coordinate the various activities of the
 27 county and unify the management of its affairs. If required by
 28 the county board, ~~he~~ the administrator may act as the head of *
 29 any department, the appointment of which is made by the county
 30 board, provided ~~he~~ the administrator has the qualifications *
 31 required by law. ~~His~~ Responsibilities shall include, but are *
 32 not limited to, the following duties: *

33 (a) Hire qualified staff to assist ~~him~~ the administrator in *
 34 the performance of ~~his~~ duties as approved by the board; *

35 (b) Provide for the execution of all ordinances,
 36 resolutions and orders of the board and all laws of the state
 37 required to be enforced through the county board, by ~~him~~ the *
 38 administrator or by officers who are under ~~his~~ the *
 39 administrator's direction and supervision; *

40 (c) Appoint, suspend, and remove with the approval of the
 41 county board all county personnel whose appointment, suspension
 42 or removal is a function of the county board under general law
 43 and make such appointments with the approval of the county board
 44 to additional offices, boards, committees and commissions both
 45 advisory and otherwise as the county board may direct;

46 (d) Provide for county purchases including purchases of
 47 service as directed by the county board and pursuant to
 48 purchasing regulations established by the board;

49 (e) Prepare and submit to the county board a proposed
 50 annual budget and long-range capital expenditure program for
 51 such period as the county board may direct, each of which shall
 52 include detailed estimates of revenue and expenditures and
 53 enforce the provisions of the budget when adopted by the county
 54 board;

55 (f) Attend all meetings of the county board and recommend
 56 measures for adoption as ~~he~~ the administrator deems advisable or *
 57 expedient; *

58 (g) Examine the books and papers of officers and
 59 departments of the county as directed by the county board and
 60 report ~~his~~ the findings to the county board, keep the county *
 61 board fully advised as to the financial condition and needs of
 62 the county and make such other reports from time to time as
 63 required by the board or the administrator deems advisable. *

64 No change for subd 5

375A#09S

65 375A.09 MODIFICATION OF THE NUMBER AND METHOD OF
 66 ELECTION OF THE COUNTY BOARD.

67 No change for subd 1 to 2

68 Subd. 3. QUALIFICATIONS. Every county commissioner
 69 shall be a resident of the county and shall be a resident of the
 70 district from which ~~he-is~~ nominated and elected. *

71 No change for subd 4

375A#10S

72 375A.10 OPTIONS RELATING TO CERTAIN COUNTY OFFICES.

73 No change for subd 1 to 2

74 Subd. 3. APPOINTMENT. In any county exercising the

1 option provided in subdivision 2, clause (a), relating to the
 2 offices of county auditor, county treasurer, sheriff, or county
 3 recorder, the offices shall be filled by appointment by the
 4 board of county commissioners unless the office is hereafter
 5 abolished or terminated as provided by law or pursuant to a
 6 reorganization or consolidation. The duties, functions and
 7 responsibilities which have been heretofore and which shall be
 8 hereafter required by statute to be performed by the elected
 9 officials whose offices are to be made appointive shall be
 10 vested in and performed by the board of county commissioners of
 11 that county through department heads appointed by the board for
 12 that purpose. In effecting this option, the board of county
 13 commissioners shall have the authority to initiate and direct
 14 any reorganization, consolidation, reallocation or delegation of
 15 such duties, functions or responsibilities for the purpose of
 16 promoting efficiency in county government and make such other
 17 administrative changes including abolishing or terminating the
 18 offices or the transfer of personnel, as are deemed necessary
 19 for this purpose without diminishing, prohibiting, or avoiding
 20 those specific duties required by statute to be performed by
 21 those officials. The officer elected to the respective office
 22 at the time of the adoption of this option shall serve as the
 23 head of any department created by the board of county
 24 commissioners to perform the functions formerly performed by ~~his~~ *
 25 the office and ~~he~~ shall serve until ~~his~~ the term of office *
 26 expires.

27 Subd. 4. COUNTY COUNSEL; COUNTY PROSECUTION. In any
 28 county exercising the option provided in subdivision 2, clause
 29 (b), the county board is authorized to establish the office of
 30 county civil counsel and may by resolution appoint an attorney
 31 at law to the office; provided that if a county adopts either
 32 the elected executive or the county manager plan, the county
 33 civil counsel shall be appointed and removed by the elected
 34 executive or county manager, subject to the approval of the
 35 county board. The county board shall determine the compensation
 36 for the county counsel. If a county counsel is appointed, the
 37 county attorney shall continue to exercise all duties relating
 38 to the prosecution of crimes as provided by law. The county
 39 counsel shall be the legal advisor to the county board and
 40 county officials involving any official act of a civil nature.
 41 ~~He~~ The county counsel shall prosecute and defend all civil *
 42 actions and proceedings in which the county or any officer ~~in~~ *
 43 ~~his-official-capacity~~ is concerned in official capacity or is a *
 44 party. County counsel shall perform such additional and related
 45 duties as may be prescribed by law and directed by the county
 46 board. The county counsel and the county attorney may apply for
 47 and shall receive opinions from the attorney general on matters
 48 of public importance as provided in section 8.07.

49 No change for subd 5 to 6

375A#11S

50 375A.11 CONSOLIDATION OF THE DUTIES OF COUNTY OFFICES.

51 No change for subd 1 to 2

52 Subd. 3. VACANCIES IN CERTAIN ELECTIVE OFFICES. (a)

53 If any of the offices of county auditor, treasurer or county
 54 recorder shall become vacant before the expiration of the term
 55 for the office, a county board may appoint either of the holders
 56 of the other two offices to fill the vacancy for the unexpired
 57 term. The board may provide additional compensation for the
 58 added duties imposed on the appointee by virtue of ~~his~~ holding *
 59 two offices for that period.

60 (b) The authority granted by clause (a) of this subdivision
 61 shall be in addition to the authorities granted by existing law
 62 or statute and by the provisions of sections 375A.01 to 375A.13
 63 relating to consolidation and appointment of county offices; the
 64 authority granted by this subdivision may be exercised
 65 notwithstanding any prohibitions against the holding of two
 66 offices that may exist in the laws or statutes of this state.

375A#12S

67 375A.12 METHOD OF ADOPTING OPTIONS.

68 No change for subd 1 to 5

69 Subd. 6. OPTIONAL FORMS; ABANDONMENT. Any optional

70 plan or other option provided for in sections 375A.01 to 375A.13
 71 may be abandoned by the same procedures required for the
 72 adoption of the optional plan or the option. Except as
 73 otherwise provided in sections 375A.01 to 375A.13 any plan or
 74 option shall remain in effect until abandoned or another plan or

1 option is adopted, but a plan or option shall remain in effect
 2 not less than three years after its adoption before proceedings
 3 to abandon may be commenced, except that options consistent with
 4 the at-large chairman chair plan and the administrator plan may
 5 be adopted at any time after either the at-large chairman chair
 6 plan or the administrator plan has been adopted.

*
*

375A#13S

7 375A.13 COUNTY GOVERNMENT STUDY COMMISSION.
 8 Subdivision 1. APPOINTMENT BY COUNTY JUDGE. A
 9 county government study commission hereinafter called "the
 10 commission" may be established in any county as provided in this
 11 section to study the form and structure of county government in
 12 the county and other counties both within and outside this state
 13 and, if deemed advisable by the commission, recommend to the
 14 voters of the county the adoption of any of the optional forms
 15 of county government contained in sections 375A.01 to 375A.13.
 16 The commission shall be established upon presentation of a
 17 petition requesting such action signed by voters equal in number
 18 to five percent of the electors voting at the last previous
 19 election for the office of governor or a resolution of the board
 20 of county commissioners of the county requesting such action.
 21 Appointments to the commission shall be made by order filed with
 22 the clerk of the district court of the county and shall be made
 23 by the senior county judge having chambers in the county. If
 24 there be no judge having chambers in the county, appointments
 25 shall be made by the chief judge of the judicial district. The
 26 number on the study commission shall be set by the appointing
 27 judge but not to exceed 15. A non-commissioner from each
 28 commissioner district shall be appointed to a study commission.
 29 In addition three members shall be county commissioners and two
 30 shall be elected county officials. An appointee who neglects to
 31 file with the clerk within 15 days a written acceptance shall be
 32 deemed to have declined the appointment and his the place shall
 33 be filled as though he the appointee had resigned. Vacancies in
 34 the commission shall be filled as in the case of original
 35 appointments. The county board, the commission, or the
 36 petitioners requesting the appointment of the commission may
 37 submit to the appointing judge the names of eligible nominees
 38 which the appointing judge may consider in making appointments
 39 to the commission.

*
*

40 No change for subd 2

41 Subd. 3. DURATION. The commission's activity shall
 42 be limited to one year from the date of the order of the
 43 appointing judge but the appointing judge may extend the
 44 duration of the committee's activities for such period as he the
 45 judge shall determine but not to exceed one year.

*
*

46 No change for subd 4 to 5

376*#58S

47 376.58 SUPERVISION.

48 No change for subd 1

49 Subd. 2. NURSING HOME ADMINISTRATIVE BOARD; CREATION;
 50 COMPENSATION. Whenever two or more counties, through their
 51 county boards, have agreed to maintain a county nursing home and
 52 facility for supportive services under section 376.55, the
 53 county commissioners of each county shall designate a board from
 54 each of the cooperating counties as the county nursing home
 55 administrative board. Immediately after their designation as
 56 the county nursing home administrative board, the boards of the
 57 cooperating counties shall hold a joint meeting and elect a
 58 chairman chair, vice-chairman vice-chair and secretary who shall
 59 be the executive committee. Each county shall have at least one
 60 representative on the executive committee, and where more than
 61 three counties participate in establishing a nursing home, the
 62 executive committee shall be expanded by one member for each
 63 additional county above three so that no county will have less
 64 than one member on the executive committee. The first joint
 65 meeting of the county boards that have been designated as the
 66 county nursing home administrative board shall be called by the
 67 chairman chair of the county board of the county in which the
 68 county commissioners have agreed to locate the proposed home and
 69 facility. The board shall meet annually, and at other times
 70 considered necessary. Members of the county nursing home
 71 administrative board, and its executive committee, other than
 72 members of the county board, shall be paid for each day spent in
 73 transacting the business of the board or the committee. Each
 74 member, including members of the county board, may be reimbursed

*

*

1 for necessary expenses incurred by them in connection with their
 2 official duties. Compensation and reimbursement for expenses
 3 shall be paid from the county nursing home fund in a manner and
 4 amounts agreed upon by the county boards. This subdivision does
 5 not prohibit the payment of a per diem to county commissioners
 6 under section 375.055, subdivision 1.

7 No change for subd 3

8 Subd. 4. EXPENDITURES, APPROVAL. The county nursing
 9 home administrative board, or its executive committee, if
 10 delegated to do so, shall approve by a majority vote all
 11 expenditure vouchers, and the ~~chairman~~ chair of the board or
 12 committee shall then transmit them to the county auditor of the
 13 county in which the home and facility are located for payment.

14 No change for subd 5 to 7

378*#03S

15 378.03 NOTICES OF HEARINGS.

16 Notice of the time and place of hearing on any such
 17 petition shall also be served on the commissioner of natural
 18 resources and personally on the ~~chairman~~ chair of the town board
 19 of any town, on the president of any statutory city board of
 20 trustees, and on the mayor of any city within or adjoining
 21 limits of which political subdivision any such lake, river,
 22 stream, or other body of water involved in the hearing may be
 23 located and it shall be the duty of such official on whom the
 24 notice of hearing shall be served, to present such notice to the
 25 board or council who shall take such action thereon as they
 26 shall deem to be for the public interest.

378*#05S

27 378.05 NAMES NOT TO BE DUPLICATED.

28 In choosing and fixing the name of any river, lake, stream,
 29 or other body of water, the county board or boards shall, as far
 30 as possible, not duplicate names of existing lakes, rivers,
 31 streams, or other bodies of water, and shall select and approve
 32 such names therefor, as shall in their judgment be for the
 33 permanent good and best interests of the county or counties
 34 affected. To that end, the auditor of the county wherein a
 35 petition shall be filed shall cause a copy thereof, together
 36 with a copy of the notice of hearing thereon, to be forwarded by
 37 mail to the director of waters, soils and minerals, who shall
 38 compare the names suggested in the petition with the names of
 39 other lakes, rivers, streams, or bodies of water within the
 40 state and report findings and recommendations back to the
 41 auditor before the date of the hearing, ~~his findings and~~
 42 recommendations.

378*#31S

43 378.31 WATER AND RELATED LAND RESOURCES MANAGEMENT.

44 Subdivision 1. In order to preserve and protect the lakes
 45 of the state of Minnesota and to increase and enhance the use
 46 and enjoyment of these lakes it is in the public interest that
 47 there is established a statewide lake improvement program to:
 48 preserve the natural character of lakes and their shoreland
 49 environment as feasible and practical; improve the quality of
 50 water in lakes; provide for reasonable assurance of water
 51 quantity in lakes, where feasible and practicable; and to assure
 52 protection of the lakes from the detrimental effects of ~~man's~~
 53 human activities and certain natural processes which are
 54 detrimental to protection of the lakes.

55 No change for subd 2 to 11

378*#32S

56 378.32 WATER SURFACE USE REGULATION.

57 Subdivision 1. The county board of every county may by
 58 ordinance regulate the surface use of any bodies of water
 59 situated wholly or partly within the boundaries of the county
 60 and not situated entirely within the boundaries of a single city
 61 or lake conservation district established by law, except that
 62 where a body of water lies in more than one county no such
 63 ordinance shall be effective until adopted by the county boards
 64 of all the counties in which the body of water lies pursuant to
 65 section 471.59 or placed into effect by order of the
 66 commissioner of natural resources pursuant to section 361.26.
 67 With the authorization of the affected city or lake conservation
 68 district, a county board may assume and exercise the powers set
 69 forth in this section with respect to bodies of water lying
 70 wholly within that city or lake conservation district. The
 71 regulation by the county of the surface use of any portion of a
 72 body of water situated within the boundaries of a city shall be

1 consistent with any regulation existing on May 25, 1973 of the
 2 surface use of that portion of the body of water, by the city.
 3 After January 1, 1975, any such ordinance shall be consistent
 4 with the provisions of chapter 361 and rules and regulations of
 5 the commissioner promulgated pursuant to section 361.25. Any
 6 surface use zoning ordinances adopted pursuant to this section
 7 by a local governmental unit subsequent to May 25, 1973 is
 8 invalid unless it is approved by the commissioner. Proposed
 9 surface use zoning ordinances shall be submitted to the
 10 commissioner for ~~his~~ review and approval prior to adoption. The *
 11 commissioner shall approve or disapprove the proposed ordinance
 12 within 120 days after receiving it. If the commissioner
 13 disapproves the proposed ordinance, ~~he~~ the commissioner shall *
 14 return it to the local governmental unit with a written
 15 statement of ~~his~~ the reasons for disapproval. The county board *
 16 shall have power:

17 No change for subd 2 to 10

378*#42S

18 .378.42 CREATION BY COUNTY BOARD.

19 No change for subd 1
 20 Subd. 2. Before the adoption of such a resolution, the
 21 county board shall hold a public hearing on the question of
 22 whether or not a lake improvement district shall be
 23 established. Before the date set for the hearing, any
 24 interested person may file ~~his~~ objections to the formation of *
 25 such district with the county auditor. At the hearing, any
 26 interested person may offer objections, criticisms or
 27 suggestions as to the necessity of the proposed district as
 28 outlined and to the question of whether ~~his~~ that person's *
 29 property will be benefited by the establishment of the district.

30 No change for subd 3

378*#45S

31 378.45 CREATION BY COMMISSIONER OF NATURAL RESOURCES.

32 No change for subd 1 to 2
 33 Subd. 3. Within 30 days following the receipt of
 34 verification by the county if no hearing is to be held or within
 35 30 days following the holding of a public hearing the
 36 commissioner by order shall approve or disapprove the
 37 establishment of the requested lake improvement district. If
 38 the commissioner determines that the establishment of the lake
 39 improvement district as requested in the petition would be for
 40 the public welfare and public interest, and that the purposes of
 41 section 378.41 would be served by the establishment of a lake
 42 improvement district, the commissioner shall by order approve
 43 the creation of the lake improvement district; otherwise, ~~he~~ the *
 44 commissioner shall by order disapprove the creation. An order *
 45 approving creation may contain modifications of the area's
 46 boundaries, functions, financing, or organization from what was
 47 set forth in the petition.

379*#07S

48 379.07 TOWNS WITH SAME NAME.

49 If the commissioner of revenue, on comparing the abstracts
 50 of the reports from the several counties, finds that two or more
 51 towns have the same name, ~~he~~ the commissioner shall transmit to *
 52 the auditor of the proper county the name to be altered, and the
 53 county board shall, at its next meeting thereafter, adopt for
 54 such town a different name. When such name is adopted the
 55 county auditor shall inform the commissioner of revenue, as
 56 before directed.

381*#04S

57 381.04 DUTIES OF SURVEYOR.

58 Such surveyor shall keep complete and accurate field notes
 59 of all the work, giving dates, names of assistants, lengths and
 60 relative directions of all lines, a full description of the
 61 evidence by which corners are located, and full data by which
 62 the entire survey can be relocated. Distances shall be given in
 63 feet and decimals thereof. Substantial iron or stone monuments
 64 shall be planted at or near all government corners
 65 reestablished, and the names of at least three resident
 66 witnesses must be given in such notes for each monument. ~~He~~ The *
 67 surveyor shall make a plat upon a strong linen paper, showing *
 68 all the above mentioned facts, so far as practicable, and also
 69 all tracts of land affected, with the name of the owner and
 70 acreage of each tract. Such plat shall have endorsed thereon
 71 the affidavit of the surveyor to the effect that such survey and
 72 plat are correct and accurate.

381*#05S

1 381.05 PLAT AS EVIDENCE.
 2 If the board approve the plat, its certificate of approval,
 3 signed by the ~~chairman~~ chair, shall be endorsed thereon, and *
 4 thereupon the plat and field notes shall be filed in the office
 5 of the county recorder, and shall be prima facie evidence that
 6 the survey is correct. The surveyor shall pay to the recorder
 7 \$1 for filing and recording the plat and field notes.

381*#12S

8 381.12 SECTION CORNERS RELOCATED.
 9 Subdivision 1. SURVEYOR, EMPLOYMENT. When it shall
 10 be made to appear to the satisfaction of the county board that
 11 the monuments established by the United States in its surveys of
 12 the public lands to mark section, quarter section, and meander
 13 corners have been destroyed or are becoming obscure, it may
 14 employ a competent surveyor to relocate and reestablish the
 15 same. Such surveyor shall mark each corner reestablished by a
 16 sufficient iron or stone landmark, and make full and accurate
 17 notes and data from which ~~his~~ the surveyor's entire survey can *
 18 be relocated, and shall file a certified copy of the same, and a
 19 map of the survey, in the office of the county recorder. Such
 20 landmarks shall be prima facie evidence that the points where
 21 they are located are the section, quarter section, or meander
 22 corners, as the case may be, established by the original United
 23 States survey.
 24 No change for subd 2

382*#03S

25 382.03 TRANSPORTATION FURNISHED.
 26 In any county of this state now or hereafter having a
 27 population of 400,000 or over, the county board may provide and
 28 maintain, at the expense of the county, transportation
 29 facilities for the use of the county surveyor and ~~his~~ *
 30 the sheriff and ~~his~~ *
 31 deputies, and the members of the county
 32 board in and about the performance of the duties of their
 33 respective offices; provided, that the total amount which may be
 34 expended in any one year for transportation of the members of
 35 the county board shall not exceed \$3,000; provided, further,
 36 that the providing of transportation facilities to members of
 37 county boards within the provisions of this section shall
 38 include and permit reasonable allowances on a monthly basis to
 39 members for the use of their own automobiles in the performance
 40 of their official duties notwithstanding the provisions of any
 41 law fixing allowances for use of their own automobiles by public
 42 officers in the performance of their duties on a mileage basis.

382*#04S

42 382.04 OFFICES AT THE COUNTY-SEAT.
 43 Every county auditor, treasurer, county recorder, clerk of
 44 district court, sheriff, judge of probate, and court
 45 commissioner shall keep ~~his~~ office at the county-seat. In any *
 46 county where general terms of the district court are established
 47 and held at a place other than the county-seat, the court
 48 commissioner may ~~have-his~~ keep office at such other place. In *
 49 any county the judge of the district court may make an order
 50 which will permit such court ~~commissioner-to-have-his~~ *
 51 office commissioner's office to be at some other place than the *
 52 county-seat of such county.

382*#13S

53 382.13 NEW BOND; NOTICE.
 54 When the county board of any county shall deem the official
 55 bond of any county officer insufficient, or when any surety upon
 56 any such bond shall file with the board a written request that
 57 such officer be required to give a new bond, stating therein ~~his~~ *
 58 reasons, such board shall give such officer written notice to
 59 furnish a new official bond, to be approved by them, before the
 60 first day of their next regular, special, or adjourned meeting
 61 to be held more than 20 days from the date of such notice, under
 62 penalty of forfeiting ~~his~~ the office. Such notice shall be *
 63 personally served and returned in the same manner as a summons
 64 in a civil action.

382*#14S

65 382.14 FAILURE TO GIVE; OFFICE VACANT.
 66 If any county officer served with notice to furnish a new
 67 bond, as provided in section 382.13, fails or neglects to do so,
 68 ~~his~~ the office shall be deemed vacant. If it shall be made to *
 69 appear to the board that such officer has been unable to furnish
 70 such bond by reason of physical disability, it may give ~~him~~ the *

1 officer such further reasonable time to furnish the same as it *
 2 deems proper, not later than the next meeting of the board. If
 3 such bond is not furnished within the further time so granted,
 4 such office shall be deemed vacant as before provided.

382*#18S

5 382.18 OFFICIALS NOT TO BE INTERESTED IN CONTRACTS.

6 No county official, or deputy or clerk or employee of such
 7 official; and no commissioner for tax-forfeited lands or his *
 8 commissioner's assistants, shall be directly or indirectly *
 9 interested in any contract, work, labor, or business to which
 10 the county is a party or in which it is or may be interested or
 11 in the furnishing of any article to, or the purchase or sale of
 12 any property, real or personal, by, the county, or of which the
 13 consideration, price, or expense is payable from the county
 14 treasury. Any violation of the provisions of this section shall
 15 be a gross misdemeanor.

382*#20S

16 382.20 SALARIES NOT AFFECTED BY ASSESSED VALUATION
 17 REDUCTION.

18 When the salary or clerk hire of any county officer shall
 19 be decreased during the term for which ~~he is or was~~ *
 20 because of a reduction in the assessed valuation of the county
 21 the board of county commissioners are hereby authorized to fix
 22 such salary and clerk hire in an amount equal to that received
 23 prior to the reduction in the assessed valuation of the county.

382*#265S

24 382.265 CLERK HIRE IN CERTAIN COUNTIES.

25 In all counties of this state where the amount of clerk
 26 hire now or hereafter provided by law for any county office,
 27 including the office of probate judge, shall be insufficient to
 28 meet the requirements of said office, the county officer in need
 29 of additional clerk hire shall prepare a petition and statement
 30 setting forth therein the amount of additional clerk hire needed
 31 and file the same with the county auditor, who shall present the
 32 same to the board of county commissioners at the next meeting of
 33 said board. If the board of county commissioners shall grant
 34 said petition by majority vote of all members elected to the
 35 board, then the amount of additional clerk hire requested in
 36 said petition shall thereupon become effective for said office.
 37 Said board shall act on any such petition within 60 days from
 38 the time it has been filed with the county auditor. If the
 39 board of county commissioners shall determine that the amount of
 40 additional clerk hire requested in said petition is excessive
 41 and more than is necessary for said office, it shall fix the
 42 amount of such additional clerk hire to be allowed, if any, and
 43 notify such officer thereof. If said county officer or any
 44 taxpayer of the county shall be dissatisfied with the decision
 45 of the board of county commissioners, he the officer may, at his *
 46 the officer's own expense, within ten days after the decision of *
 47 said board, appeal to the district court. The district court,
 48 either in term or vacation and upon ten days notice to
 49 the chairman chair of the board of county commissioners, shall *
 50 hear such appeal and summarily determine the amount of
 51 additional clerk hire needed by an order, a copy of which shall
 52 be filed with the county auditor.

382*#27S

53 382.27 REIMBURSEMENT OF PEACE OFFICERS.

54 When any sheriff, deputy sheriff, constable, or other peace
 55 officer of this state shall hereafter receive physical injury
 56 while in the discharge of his an official duty as such peace *
 57 officer the county board of the county wherein such officer
 58 resides may audit and allow bills for physicians' services,
 59 nurse, and hospital expenses rendered necessary because of such
 60 injury and may appropriate money out of the revenue fund of the
 61 county for payment thereof.

382*#32S

62 382.32 ACCEPTANCE OF NEGOTIABLE PAPER.

63 Subdivision 1. Except as provided in subdivision 2, the
 64 county board of any county may by resolution authorize give any *
 65 county officer ~~in-his~~ discretion to accept negotiable paper in *
 66 payment of any moneys required by law to be paid to the officer
 67 on behalf of the county, the state of Minnesota or any political
 68 subdivision.

69 Subd. 2. The county treasurer of any county may ~~in-his~~ *
 70 ~~discretion~~ accept negotiable paper in payment of any tax, *
 71 assessment, license, penalty or interest or costs or claim due

1 the county, the state of Minnesota, or any political subdivision
2 the payment of which is made to the county treasurer.

382*#34S

3 382.34 PRESENTATION FOR PAYMENT; NON-PAYMENT EFFECT;
4 PURCHASER.

5 Subdivision 1. ~~When~~ After accepting negotiable paper ~~is~~ *
6 ~~accepted-by~~ the treasurer ~~he~~ shall present it promptly for *
7 payment. If any negotiable paper is not paid on due
8 presentation for any reason, any record of payment made on any
9 official record because of the acceptance of the negotiable
10 paper shall be cancelled and the tax, assessment, license,
11 penalty or interest remains a lien as though no payment had been
12 accepted, and such lien shall be enforceable against a bona fide
13 purchaser or encumbrancer who erroneously relied upon any
14 conditional record of payment.

15 No change for subd 2 to 3

382*#35S

16 382.35 LIABILITY OF OFFICER; RETURN WITHOUT PAYMENT.

17 Subdivision 1. A county officer accepting negotiable
18 instruments shall not be personally liable for the nonpayment of
19 any negotiable paper accepted ~~by him~~ pursuant to section 382.32. *

20 Subd. 2. Any county officer accepting negotiable paper
21 shall make any memoranda necessary to enable ~~him~~ the officer to *
22 make proper cancellation of any record on the return of the
23 negotiable paper without payment.

382*#36S

24 382.36 PRESENTMENT FOR PAYMENT.

25 When negotiable paper is accepted by any county officer the
26 county treasurer shall promptly present it for payment. If the
27 negotiable paper is not paid on due presentation for any reason,
28 the treasurer shall return it to the county officer who accepted
29 it. If a statutory procedure is prescribed for the collection
30 of the amount represented by the negotiable paper, such paper
31 shall be returned to the person submitting it and the amount
32 collected pursuant to such procedure. If no special statutory
33 procedure is prescribed for the collection of the amount
34 represented by the negotiable paper, the county attorney shall
35 use all legal means ~~at his disposal~~ available to compel payment *
36 of the amount represented by the negotiable paper.

383*#03S

37 383.03 WARRANT TO SHOW PURPOSE AND FUND.

38 In each warrant drawn by the county auditor on the county
39 treasurer, ~~he~~ the county auditor shall state the purpose for *
40 which it was issued and the fund from which it is to be paid,
41 which, in all cases, shall be the fund upon which such warrant
42 may be legally drawn. When a contract is awarded, the board
43 shall, by resolution, make an appropriation for its payment out
44 of the proper fund. The auditor shall thereupon draw a warrant
45 on such fund, and charge the same thereto, and deliver it to the
46 treasurer, who shall forthwith pay it by check, which shall be
47 immediately endorsed by the auditor and returned to the
48 treasurer. The treasurer shall receipt for such warrant,
49 specifying the appropriation under a suitable name, and
50 designating the purpose for which it has been made. The auditor
51 shall open a special account with each appropriation by
52 crediting the amount to such special account under the general
53 head of "Appropriation."

383*#04S

54 383.04 BALANCES, HOW DISPOSED OF.

55 When any part of the amount payable on a contract for which
56 such appropriation was made becomes due, and is allowed by the
57 county board, a warrant shall issue therefor, and be charged by
58 the county auditor to its specific appropriation. Any balance
59 in an appropriation account for work completed and paid for
60 within the fiscal year shall be transferred by the auditor, by
61 elimination, back to the fund from which it was appropriated.
62 For any such balance left after the expiration of the fiscal
63 year, the auditor shall draw ~~his~~ a warrant on the treasurer, who *
64 shall receipt for the same, and credit the amount to the county
65 revenue fund.

383A#09S

66 383A.09 DETENTION FACILITIES.

67 No change for subd 1 to 4

68 Subd. 5. REFERENDUM. The provisions contained in
69 subdivision 1 or 2 and a decision by the board to sell bonds for
70 either the adult detention center or the juvenile center shall

1 not become operative if, within 30 days after the county board
 2 by resolution indicates its intention to sell the first series
 3 of bonds, under subdivision 1 or 2, there shall be filed with
 4 the auditor of Ramsey county a petition or petitions, signed by
 5 not less than 20 percent of the qualified voters of the county
 6 requesting that a referendum be held to determine the question
 7 of the issuance of bonds by the county. ~~Each of the signers on~~
 8 ~~a petition shall affix his~~ The signer's signature and his
 9 permanent address shall be affixed to the petition by each
 10 signer, and ~~the signer~~ each shall swear that ~~he~~ the signer is
 11 a resident of Ramsey county and qualified to vote at a general
 12 election therein. Any petition or petitions demanding a
 13 referendum under this act shall refer to this act by its chapter
 14 number, title, the date of passage and its subject matter. If a
 15 petition or petitions containing not less than the minimum
 16 number of signatures as designated above, are filed and the
 17 signatures are genuine and the petition or petitions answer
 18 completely the requirements as set out in this subdivision, the
 19 board shall fix a time for the holding of a referendum, which
 20 shall be not less than 30 days and not more than 180 days after
 21 the petition or petitions are filed and the signatures thereon
 22 are found to be genuine and sufficient by the board. The
 23 election shall be held at a time and at places within Ramsey
 24 county as the board shall designate.

*
*
*
*

25 In submitting the question to the voters in said
 26 referendum, there shall be used a ballot in the following form:

27 COUNTY BALLOT

28 For the issuance of not to exceed \$..... of bonds of
 29 Ramsey county and the expenditure of such sum in order to
 30 acquire land for, erect, equip and furnish a (adult detention
 31 center or juvenile center, as appropriate), according to the
 32 provisions of Laws 1975, Chapter (Chapter number of this
 33 act to be here inserted).

34 Yes.....

35 No.....

36 If a majority of the voters voting on the question
 37 submitted to the voters of Ramsey county shall vote in the
 38 affirmative, all sections of this act immediately preceding this
 39 section shall take effect and be in force immediately. A
 40 negative vote by the voters in a referendum on bonds for the
 41 adult detention center or juvenile center pursuant to this
 42 subdivision shall apply to the entirety of the bonds able to be
 43 sold for the adult detention center or juvenile center, as
 44 appropriate.

383A#12S

45 383A.12 HEALTH DEPARTMENT.

46 No change for subd 1 to 4

47 Subd. 5. HEALTH OFFICER. The county shall appoint a
 48 health officer who shall be designated the director of public
 49 health and who shall be responsible for the operation of the
 50 department. The county shall fix ~~his~~ the officer's salary.

*

51 The health officer must be a licensed physician experienced
 52 or trained in public health administration, or instead a person,
 53 other than a physician with training or experience in public
 54 health administration. If the appointee is not a physician, the
 55 county board shall provide, in addition, the services of a
 56 licensed physician that are necessary on either a part time or
 57 full time basis and provide reasonable compensation therefor.
 58 The director of the department shall select subordinate
 59 personnel subject to the approval of the county board.

60 Subd. 6. EMPLOYEES. Each person transferred to the
 61 health department by this subdivision and each employee under a
 62 merit system governing public employees is considered to have
 63 qualified for a permanent position of similar class and grade in
 64 the classified civil service of Ramsey county, without reduction
 65 in pay or seniority, and without examination. Each other person
 66 so transferred who is a full time officer or employee shall
 67 take, within six months after the organization of the health
 68 department, and subject to civil service rules of Ramsey county,
 69 a noncompetitive, practical, qualifying examination. The
 70 qualifying examination may involve only the duties of the
 71 position occupied immediately prior to the organization of the
 72 health department or the position occupied on the date the
 73 examination is given, whichever examination the officer or
 74 employee elects to take. ~~If~~ A person taking the qualifying
 75 examination who possesses the ability and capacity ~~that enables~~

*
*

1 him to perform the duties of the position ~~for-which-he-is~~ *
 2 ~~examined~~, in a reasonably efficient manner, he shall be given a *
 3 permanent civil service status in the Ramsey county civil
 4 service. A person who willfully refuses to take the examination
 5 when offered without reasonable excuse shall be removed from ~~his~~ *
 6 the position held immediately. A person taking the examination *
 7 who fails to pass shall be removed from ~~his~~ the position held at *
 8 the end of 60 days after receipt of notice of failure to pass.
 9 A person required to take a qualifying examination shall not be
 10 laid off, suspended, discharged, or reduced in pay or position
 11 except in accordance with the provisions of laws applicable to
 12 members of the classified Ramsey county civil service having
 13 civil service status ~~until-he-has~~ without having completed the *
 14 qualifying examination and ~~has-been~~ being notified of the result *
 15 thereof.

16 A part time officer or employee of a department, board,
 17 agency, governmental subdivision or bureau whose powers and
 18 duties are placed in the health department may be transferred
 19 upon the organization of the health department and may become
 20 officers or employees thereof.

21 No change for subd 7 to 8

383A#20S

22 383A.20 GOVERNMENT ADMINISTRATION.

23 No change for subd 1

24 Subd. 2. AUDITOR, TREASURER, COURT COMMISSIONER AND
 25 COUNTY RECORDER. (a) In the county of Ramsey, the offices of
 26 county auditor, county treasurer, court commissioner, and county
 27 recorder are not elective but filled by appointment by the
 28 Ramsey county board of commissioners as provided in subdivisions
 29 1 and 2, unless the office is abolished pursuant to a
 30 reorganization or consolidation under clause (b).

31 (b) The duties, functions and responsibilities which are
 32 required by statute to be performed by the various elected
 33 officials whose offices are by subdivisions 1 and 2 made
 34 appointive are vested in and performed by Ramsey county. Ramsey
 35 county may initiate and direct a reorganization, consolidation,
 36 reallocation or delegation of these duties, functions, or
 37 responsibilities to promote efficiency in county government, and
 38 may make the other administrative changes, including the
 39 abolishing of the offices of auditor, treasurer and county
 40 recorder or the transfer of personnel that the county considers
 41 necessary for this purpose. The reorganization, reallocation,
 42 or delegation or other administrative change or transfer does
 43 not diminish, prohibit or avoid those specific duties required
 44 by statute to be performed by those officials whose office is
 45 now made appointive.

46 (c) The elected county auditor, county treasurer, court
 47 commissioner, and county recorder shall serve as the head heads *
 48 of a-department departments created by Ramsey county to perform *
 49 the functions performed by ~~his-office~~ their offices and shall *
 50 serve until ~~his-term~~ their terms of office ~~expires~~ expire; or *
 51 upon the expiration of ~~his-term~~ their terms until ~~his-successor~~ *
 52 is successors are appointed and duly ~~qualifies~~ qualify; and *
 53 shall not prior to age 70 be disqualified from reappointment by *
 54 reason of age.

55 No change for subd 3 to 5

56 Subd. 6. FIDELITY BONDS; BLANKET BOND. In Ramsey
 57 county, the county, or an agency supported in whole or in part
 58 by county funds, may secure, and pay for a corporate surety bond
 59 covering all county employees or employees of the agency, who
 60 are not required by law to furnish an individual bond to qualify
 61 for office, for an aggregate sum to be determined by the county
 62 or the body governing the agency in lieu of individual or other
 63 bonds.

64 This bond shall be conditioned that each employee shall in
 65 all things during ~~his~~ continuance in office, faithfully and *
 66 impartially perform the duties thereof without fraud, deceit or
 67 oppression, and pay over without delay to the officer entitled
 68 by law thereto, all money which comes into ~~his~~ the employee's *
 69 hands by virtue thereof.

70 The attorney general shall prescribe the form of the bond;
 71 it shall be approved by the county or the governing body of the
 72 agency, recorded with the county recorder and filed with the
 73 secretary of state.

74 No change for subd 7

75 Subd. 8. COUNTY COMMISSIONERS' BOND. In Ramsey

1 county, each county commissioner, before ~~he enters~~ entering upon *
 2 ~~his~~ duties, shall give bond to the state in the sum of \$10,000 *
 3 with a legally-authorized surety company as surety conditioned *
 4 upon the faithful performance of ~~his~~ official duties. A judge *
 5 of the district court shall approve the bond. The bond and the
 6 commissioner's oath of office and certificate of election shall
 7 be filed with the secretary of state. The county shall pay the
 8 bond premium which may not exceed that prescribed by law for
 9 county treasurers.

10 Subd. 9. TREASURER'S BOND. (a) AMOUNT AND *
 11 CONDITIONS. In Ramsey county, before ~~the county treasurer~~ *
 12 ~~enters entering~~ upon the duties of ~~his~~ office, ~~he~~ the county *
 13 treasurer, every deputy county treasurer and every employee of *
 14 the office of the county treasurer, shall give bond, to be *
 15 approved by the county board, and in the sum that the board
 16 directs. The bond of the county treasurer shall not be less
 17 than \$500,000, unless the surety is a corporation duly
 18 authorized by law to be surety, in which case it shall be not
 19 less than \$250,000. The bond shall be payable to the state,
 20 conditioned that ~~he~~ the bonded person shall faithfully execute *
 21 the duties of ~~his~~ office, and for the safekeeping and paying *
 22 over according to law of all moneys which come into ~~his~~ the *
 23 bonded person's hands for state, county, town, school, road, *
 24 bridge, poor and all other purposes.

25 (b) BLANKET BOND. In lieu of the individual bonds
 26 required for deputies and employees in the office of the county
 27 treasurer, a schedule or position bond or undertaking may be
 28 given in the respective amounts so required, conditioned as
 29 above and upon a form to be prescribed by the commissioner of
 30 taxation.

31 (c) PREMIUMS. The county board shall pay the premiums
 32 upon these bonds or undertakings out of the treasury of the
 33 county in cases where the surety is a corporation duly
 34 authorized by law to be surety.

35 Subd. 10. AUTOMOBILE MILEAGE. (a) GENERALLY.
 36 Ramsey county may provide for the payment of an automobile
 37 allowance to a county officer or employee who officially uses
 38 ~~his-own~~ a personal automobile in the performance of ~~his~~ public *
 39 duties. The authorization shall include any limitations as to *
 40 amount and persons qualified for the automobile allowance, the
 41 formula to be used for the allowance, and other limitations or
 42 safeguards that the county considers to be expedient in the
 43 public interest.

44 (b) DEFINITION. Automobile allowance is defined as
 45 the payment of compensation or reimbursement made by the county,
 46 through the use of a formula decided upon by the county, to an
 47 officer or employee for the use of ~~his-own~~ a personal automobile *
 48 in the performance of ~~his~~ public duty. *

49 (c) LIMITATIONS. Ramsey county shall have full
 50 authority and control, free from other limitations except as
 51 provided in this subdivision, to provide the method of payment,
 52 the formula for payment and the amount of the automobile
 53 allowance to be paid. This subdivision, insofar as the county
 54 of Ramsey is concerned, is paramount to any other statute of the
 55 state of Minnesota now existing.

56 Subd. 11. OFFICE SPACE. (a) ABSTRACT CLERK.
 57 Ramsey county shall provide the necessary office and vault space
 58 for the county abstract clerk in the court house of the county,
 59 with suitable furniture therefor, and shall provide heating,
 60 lighting and maintenance of these offices. The county shall
 61 furnish the abstract clerk with the books, stationery,
 62 letterheads, envelopes, telephone service, office equipment and
 63 supplies necessary for the discharge of ~~his~~ duties. *

64 (b) COURT COMMISSIONER. Ramsey county shall supply
 65 the court commissioner with a suitable office and the clerical
 66 help that the county considers necessary.

67 (c) LEGISLATIVE RESEARCH COMMITTEE. Ramsey county
 68 shall provide suitable quarters in Ramsey county for the use of
 69 the Ramsey county legislative research committee.

70 No change for subd 12

383A#21S

71 383A.21 FEES OF THE CLERK OF DISTRICT COURT, CORONER AND
 72 COUNTY RECORDER.

73 The board of county commissioners shall set the fees to be
 74 charged and collected for the services of the clerk of district
 75 court, coroner and county recorder. ~~Each-of~~ These officers *

1 shall file ~~a-schedule~~ schedules of the fees in ~~his-office~~ their
2 offices. *

383A#26S

3 383A.26 ORGANIZATION.

4 In addition to the election of a ~~vice-chairman~~ vice-chair *
5 as prescribed by the general laws of this state, the county board *
6 shall elect a second ~~vice-chairman~~ vice-chair, who shall perform *
7 the duties of the ~~chairman~~ chair and ~~vice-chairman~~ vice-chair in *
8 their absence. *

383A#285S

9 383A.285 CLASSIFIED SERVICE.

10 No change for subd 1 to 5

11 Subd. 6. INCUMBENTS. The incumbent of a position
12 which has been reclassified shall continue in the position if
13 the employee is eligible for the position in the new class in
14 accordance with sections 383A.281 to 383A.301, and rules adopted
15 under sections 383A.281 to 383A.301. ~~if-the~~ An incumbent who is *
16 ineligible to continue in the reclassified position, ~~he-or-she~~ *
17 shall be transferred, promoted, or demoted. ~~His-or-her~~ The *
18 incumbent's salary shall not be less than it was in the former *
19 classified position but it may be frozen at the level of the *
20 former classified position until it is commensurate with the
21 class and grade of the position to which the incumbent was
22 transferred or demoted.

23 No change for subd 7 to 9

24 Subd. 10. UNCLASSIFYING POSITIONS. An employee in
25 the classified service with permanent tenure, who is an
26 incumbent of a position which becomes unclassified and is not
27 appointed to or is removed from the unclassified position, shall
28 be transferred by the personnel director to a classified
29 position within the same department comparable to the
30 unclassified position. If a comparable position is unavailable,
31 the person shall be transferred by the director to a classified
32 position comparable to that ~~which-he-or-she~~ held immediately *
33 prior to being appointed to the position which was
34 unclassified. If the employee held an unclassified position
35 with the same agency before being appointed to the classified
36 position that is unclassified, the person shall be transferred
37 by the director to a classified position comparable to the
38 classified position next in rank below the position that is
39 unclassified. The employee's salary shall not be less than it
40 was in the position which was unclassified, but it may be frozen
41 until it is commensurate with the class and grade of the
42 position to which the employee was transferred.

383A#287S

43 383A.287 PERSONNEL REVIEW BOARD.

44 No change for subd 1 to 4

45 Subd. 5. RESPONSIBILITIES. (a) NONDISCIPLINARY
46 APPEALS. The personnel review board shall hear all
47 nondisciplinary personnel appeals as defined in the rules
48 adopted by the county board pursuant to section 383A.284,
49 subdivision 1.

50 (b) GRIEVANCES AND DISCIPLINARY APPEALS. All appeals
51 or grievances relating to discharge, suspension, demotion for
52 cause, salary decrease, or other disciplinary action shall be
53 heard by an administrative law judge appointed pursuant to
54 section 14.55. The administrative law judge shall hear the
55 grievance or appeal and report ~~his-or-her~~ a recommendation to *
56 the personnel review board in a timely manner consistent with
57 section 383A.294 and the rules and regulations promulgated by
58 the county board.

59 (c) REVIEW OF PERSONNEL DEPARTMENT PERFORMANCE.

60 Periodically, as requested by the county board, the personnel
61 review board shall review, report, and make recommendations to
62 the county board regarding personnel department services,
63 procedures, and practices.

383A#291S

64 383A.291 CERTIFICATION OF ELIGIBLES.

65 No change for subd 1

66 Subd. 2. EXPANDED CERTIFICATION. The personnel
67 director shall expand the certification beyond the first five
68 eligibles to contain a member of not more than three
69 underrepresented protected groups, in highest ranking order, ~~if~~ *
70 ~~he-or-she-determines~~ on determining that all of the following *
71 conditions are met:

72 (a) the vacancy to be filled occurs in a job classification

1 which is underrepresented by one or more protected groups, based
2 on affirmative action goals;

3 (b) the first five eligibles do not contain the name of a
4 member of a protected group which is underrepresented for the
5 job classification; and

6 (c) the protected group eligibles to be certified have
7 achieved a minimum passing score on the competitive examination,
8 if one has been given.

9 Subd. 3. REFUSAL TO CERTIFY. The personnel director
10 may refuse to certify an eligible who:

11 (a) is found to lack any of the requirements established
12 for the examination for which the eligible has applied;

13 (b) has been dismissed from the public service for
14 delinquency or misconduct;

15 (c) has been dismissed from the same or a similar
16 classification within the civil service for unsatisfactory job
17 performance;

18 (d) has, directly or indirectly, given or promised to give
19 anything of value to any person in connection with the
20 eligible's examination, appointment, or proposed appointment; or

21 (e) has made a false statement of any material fact or
22 practiced or attempted to practice any deception or fraud in the
23 application or examination or in securing eligibility or
24 appointment.

25 ~~When the personnel director refuses~~ On refusing to certify *
26 an eligible, ~~he or she the director~~ shall, upon request of the *
27 eligible refused, furnish the eligible a statement of the
28 reasons for the refusal. Upon receipt of relevant information
29 from the eligible refused, the personnel director shall
30 reconsider the refusal and may certify the eligible. An
31 eligible shall have no further right to appeal the personnel
32 director's decision to refuse to certify the eligible.

383A#293S

33 383A.293 PROBATIONARY PERIOD.

34 No change for subd 1

35 Subd. 2. TERMINATION DURING PROBATIONARY PERIOD.

36 There is no presumption of continued employment during a
37 probationary period. Terminations or demotions may be made at
38 any time during the probationary period with or without cause
39 and employees terminated during a probationary period shall have
40 no further right to appeal. If during the probationary period
41 an employee with permanent status is dismissed, the employee
42 shall be restored to a position in ~~his or her~~ the employee's
43 former class and department. *

383A#301S

44 383A.301 STATUS OF PRESENT EMPLOYEES.

45 Each person holding a position with the county of Ramsey
46 who has acquired permanent tenure or who was serving a
47 probationary period on the effective date of sections 383A.281
48 to 383A.301 retains ~~his or her~~ the position, seniority date, and *
49 accrued benefits.

383A#33S

50 383A.33 ASSESSOR.

51 Subdivision 1. APPOINTMENT. The board of Ramsey
52 county commissioners shall select and appoint the county
53 ~~assessor. He shall be selected and appointed~~ under Minnesota *
54 Statutes, Section 273.061, Subdivision 1. *

55 Subd. 2. TERM. The first county assessor so
56 appointed starts ~~his~~ the term of office on March 10, 1973, and *
57 he shall hold office for a term of four years, and until ~~his~~ a *
58 successor is appointed and qualifies. The next term begins on
59 March 10, 1977, and ends on December 31, 1980. Each succeeding
60 term is four years.

61 Subd. 3. VACANCY. The board of Ramsey county
62 commissioners may fill each vacancy in the office of county
63 assessor occasioned by death, or otherwise and remove the
64 assessor from office at any time, on proven charges of
65 inefficiency, or neglect of ~~his~~ duty by the commissioner of *
66 taxation, affirmed by the board of Ramsey county commissioners
67 after hearing.

68 Subd. 4. POWERS AND DUTIES. The assessor ~~by~~ *
69 ~~himself, personally~~ or with the aid of ~~his~~ assistant assessors, *
70 shall assess all property subject to taxation under the general
71 laws of this state, inside Ramsey county, including the city of
72 Saint Paul, and has, inside Ramsey county, including the city of
73 Saint Paul, all the powers, rights and privileges allowed, and

1 all the duties of assessors required by the general laws of this
 2 state, relative to taxes or otherwise, whether for state,
 3 county, city, town or other taxes, assessable under the general
 4 laws of this state, and shall proceed in the manner prescribed
 5 by the general laws of this state, relative to assessments.

383A#34S

6 383A.34 AUDITOR.

7 No change for subd 1

8 Subd. 2. At the end of 20 years from the date of judgment,
 9 the county auditor shall cancel from the personal property tax
 10 duplicate book each tax for which judgment is entered which has
 11 not been paid or otherwise satisfied; at the same time ~~he~~ the *
 12 auditor shall cancel in the tax duplicate book for the same year *
 13 each delinquent tax contained therein for which no judgment was
 14 entered.

15 No change for subd 3

383A#37S

16 383A.37 SHERIFF; FEES.

17 No change for subd 1

18 Subd. 2. ADDITIONAL FEE; SUMMONS AND COMPLAINT. In
 19 Ramsey county, the sheriff shall charge an additional fee to be
 20 set by the county board for receiving, indexing and putting in
 21 line for service each summons and complaint left with ~~him~~ the *
 22 sheriff for service. This fee is in addition to other fees now *
 23 provided by law, and is to be absorbed by the plaintiff in the
 24 action. It is not to be charged to ~~the defendant nor~~ or *
 25 as costs against ~~him~~ the defendant in the action or any *
 26 proceedings ancillary thereto.

383A#38S

27 383A.38 ABSTRACT CLERK.

28 Subdivision 1. TERM. In Ramsey county an abstract
 29 clerk shall be elected at the general election for county
 30 officers and ~~his~~ the abstract clerk's term of office is for four *
 31 years and until ~~his~~ a successor is elected and qualified. *

32 Subd. 2. DUTIES. The abstract clerk of Ramsey county
 33 ~~has the sole and exclusive power, and it is his official duty to~~ *
 34 shall make out all official abstracts of title affecting real *
 35 property inside the county, as an official thereof, and the
 36 register of deeds shall have no power or authority in the
 37 premises whatsoever.

38 The duties of the Ramsey county abstract clerk do not
 39 impair the power of any private person, company or corporation
 40 to make out abstracts of title as provided by the general laws
 41 of this state.

42 No change for subd 3

43 Subd. 4. Each record, index, abstract, copy, plat,
 44 bookkeeping record, or paper of any type whatsoever, prepared in
 45 the office, is the property of the county for the use of the
 46 county abstract clerk and ~~his~~ successors in office, and, at the *
 47 end of the term of an abstract clerk, shall be turned over to
 48 ~~his~~ the successor in office. *

49 Subd. 5. The county abstract clerk shall permit, without
 50 fee and within reasonable business hours as not to interfere
 51 with the conduct of the work of the office, and under
 52 supervision to assure the safety of the records, inspection of
 53 the tract index as hereinafter defined, by a party interested in
 54 the ownership of a particular parcel of land, or ~~his~~ the party's *
 55 agent or attorney. There is no right on the part of anyone to
 56 make general or indiscriminate searches of the records or to
 57 copy a part thereof to make abstracts of title or abstract books
 58 or in any manner to deprive the abstract clerk of the fees
 59 provided by law for ~~his~~ official duties. *

60 No change for subd 6

61 Subd. 7. The county abstract clerk shall maintain, current
 62 as of 8 o'clock a.m. each business day, abstract indices to the
 63 land of the county, including a tract and miscellaneous system
 64 of indices, correctly indexing each instrument filed of record
 65 in the office of the register of deeds in the county which in
 66 any manner affects the title to real property inside the
 67 county. ~~He~~ The abstract clerk shall maintain currently correct *
 68 as of each day, indices to all judgments in any court which are
 69 a lien on real property inside the county and all federal tax
 70 liens; ~~He~~ and shall maintain the other and further abstract *
 71 records and indices that the board of county commissioners of
 72 the county directs.

73 Subd. 8. The county abstract clerk shall furnish, within

1 ten days, upon demand of anyone and proffer of ~~his~~ the abstract *
2 clerk's fees, a complete, true and perfect abstract of title to *
3 a parcel of land in the county.

4 Subd. 9. The county abstract clerk shall, without fee and
5 within reasonable hours as not to interfere with the conduct of
6 ~~his~~ office and under reasonable supervision to assure the safety *
7 of the public records, permit the use of records in the office
8 by duly authorized representatives of other state, county,
9 municipal or federal governmental agencies for public purposes.

10 Subd. 10. The county abstract clerk shall furnish to
11 anyone, within 48 hours of demand, and without fee, an oral
12 report of the apparent ownership and apparent unsatisfied
13 encumbrance as to a parcel of land inside the county, but ~~he~~ *
14 shall not be responsible under the bond herein required, for the
15 correctness of a report furnished without fee.

16 No change for subd 11

17 Subd. 12. The county abstract clerk and ~~his~~ deputies and *
18 employees shall not be permitted to practice law, or demand or
19 receive a fee for an opinion as to the condition of the title to
20 a parcel of real estate, save as to reports of the apparent
21 record ownership, nor to prepare or execute papers incident to
22 the transfer of title to real property or in any manner act as
23 advisor or counsellor at law or as agent for the sale of real
24 property or in any manner assume the function of lawyer, real
25 estate broker or advisor.

26 Subd. 13. The county abstract clerk may appoint a deputy
27 county abstract clerk to act ~~in-his stead and behalf~~ for the *
28 abstract clerk, and for whose acts the county abstract clerk is *
29 responsible.

30 Subd. 14. The board of county commissioners in Ramsey
31 county shall appoint each year a committee to inspect the
32 records and the conduct of the office of the county abstract
33 clerk, the committee to consist of an accountant representing
34 the office of the county auditor, a representative of the county
35 attorney's office and one member of the board, each of whom will
36 serve without further compensation than provided by law for
37 their respective positions. The committee shall inspect the
38 records of the office of county abstract clerk at least once
39 each year and report to the board of county commissioners on the
40 fees collected, the public service rendered, the condition of
41 the public records therein contained and the general conduct of
42 the office. The committee shall before January 1, 1982 complete
43 a comprehensive audit of the records of the office of the
44 abstract clerk for calendar years 1980 and 1981. The county
45 abstract clerk shall permit the committee to inspect each record
46 of whatsoever nature having to do with ~~his~~ conduct of the office *
47 upon demand at any time.

48 Subd. 15. The county abstract clerk shall charge, collect *
49 and retain for the use of the county, fees for ~~his~~ abstract *
50 clerk's services which shall be set by the county board. The *
51 county board shall also set the compensation of the abstract
52 clerk, the deputy and employees and appropriately incorporate
53 them into the Ramsey county civil service system.

54 Subd. 16. Before ~~the county abstract clerk enters~~ entering *
55 upon ~~his~~ duties, ~~he~~ the abstract clerk shall give bond to the *
56 county, at county expense, in the penal sum of \$5,000, to be
57 approved by the county board, conditioned that ~~he~~ the abstract *
58 clerk will faithfully discharge the duties of ~~his~~ office, and *
59 shall give bond to the public, in the penal sum of \$10,000,
60 at ~~his~~ the abstract clerk's own expense, to be approved by the *
61 county board, conditioned that ~~he~~ the abstract clerk shall pay *
62 all damages suffered by anyone through any error deficiency in
63 any abstract of title or registered property report issued
64 by ~~his~~ the office. *

65 Subd. 17. The board of county commissioners of Ramsey
66 county shall fill each vacancy in the office of county abstract
67 clerk, for whatever cause, by appointment. The person so
68 appointed shall give the bond and take the oath required by law,
69 and shall hold for the remainder of the unexpired term, and
70 until ~~his~~ a successor qualifies. *

71 No change for subd 18

383A#404S

72 383A.404 COMMUNITY CORRECTIONS DEPARTMENT.

73 Subdivision 1. ESTABLISHMENT. There is established,
74 in Ramsey county, a community corrections department in
75 connection with the courts of the second judicial district. The

1 department is in the charge of a director who shall be appointed
 2 by and serve at the pleasure of a corrections management
 3 committee comprised of three judges of the second judicial
 4 district appointed by the chief judge of the district and three
 5 members of the board of county commissioners appointed by the
 6 ~~chairman~~ chair of the board. The director shall have full *
 7 authority and responsibility for the administration, operation,
 8 and supervision of all functions and services of the department,
 9 and shall carry out that authority and responsibility within the
 10 organizational structure and reporting relationship that is in
 11 accord with county board and judicial district administrative
 12 policies. Salary of the director shall be set by the county
 13 board of commissioners upon recommendation of the corrections
 14 management committee.

15 No change for subd 2 to 3

16 Subd. 4. OFFICIAL ATTENDANCE AT COURT. The director
 17 or a department person designated by ~~him~~ the director shall be *
 18 present in the municipal courts in each subdivision of Ramsey
 19 county and in the juvenile court of the county at each regular
 20 session, and shall be present in the district court, the probate
 21 court of the county and any other court now or hereafter
 22 established in the county when so requested by a judge of that
 23 court.

24 No change for subd 5 to 7

383A#41S

25 383A.41 SAINT PAUL-RAMSEY MEDICAL CENTER.

26 No change for subd 1 to 2

27 Subd. 3. TERM. The four members appointed from the
 28 membership of the Ramsey county board of commissioners each
 29 serve for a term coinciding with ~~his~~ the member's term as a *
 30 county commissioner. Each of the other 11 members hold office *
 31 for three years and until ~~his~~ a successor is appointed, except
 32 that members serving from senate districts 53, 64, and 67 shall
 33 hold office until August 1, 1984, members serving from senate
 34 districts 54, 56, and 66, shall hold office until August 1,
 35 1985, and members serving from senate districts 51 and 52
 36 combined, 63, 65, and the two members appointed pursuant to
 37 subdivision 2, clause (3) shall hold office until August 1,
 38 1986. Vacancies on the board are filled by appointment in
 39 accordance with subdivision 2 for the unexpired term of the
 40 position which is being filled. A member of the commission
 41 whose term expires, may be reappointed to the board if otherwise
 42 qualified. Citizen members may be compensated at the rate of
 43 \$50 per day for services actually and necessarily rendered not
 44 to exceed \$1,300 per year and all members shall be compensated
 45 for expenses incurred in the performance of their duties.

46 Subd. 4. PROCEDURE AND ORGANIZATION. The commission
 47 may adopt bylaws. All meetings of the commission are meetings
 48 of a public body and open to the public; the minutes thereof are
 49 a matter of public record. The commission shall elect from its
 50 membership, for one year terms, a ~~chairman~~ chair, *
 51 a ~~vice-chairman~~ vice-chair and a secretary, and other officers *
 52 as they deem necessary, who have the usual and customary duties,
 53 obligations and responsibilities of these offices, and who are
 54 required to be bonded at the discretion of the commission as the
 55 occasion requires. Eight members of the commission constitute a
 56 quorum.

57 No change for subd 5 to 10

58 Subd. 11. COUNTY ATTORNEY. The commission may sue
 59 and be sued. The Ramsey county attorney is the attorney and
 60 legal advisor of the commission. The commission shall reimburse
 61 Ramsey county for ~~his~~ the county attorney's services and the *
 62 reimbursement is to be credited to the budget of the Ramsey
 63 county attorney.

64 No change for subd 12 to 16

383A#42S

65 383A.42 COUNTY SURVEYOR; APPROVAL OF PLAT.

66 No change for subd 1

67 Subd. 2. DUTIES. In addition to ~~the-county~~ *
 68 ~~surveyor's~~ duties provided by general law, ~~he~~ the county *
 69 surveyor shall approve each tentative plat, subdivision plat and *
 70 registered land survey before recording.

71 No change for subd 3

383A#43S

72 383A.43 LEGISLATIVE RESEARCH COMMITTEE.

73 No change for subd 1 to 3

1 Subd. 4. MEETINGS. The committee or a subcommittee
 2 that it appoints may sit at the time and place as it considers
 3 advisable but the committee shall meet at least once in each
 4 quarter and shall meet at any time upon the call of the chairman *
 5 chair. At a meeting of the committee eight members constitute a *
 6 quorum and a majority of the quorum may act in a matter falling
 7 within the jurisdiction of the committee.

8 Subd. 5. ORGANIZATION. The committee shall select a
 9 chairman chair and a vice-chairman vice-chair from its own *
 10 members and may prescribe its own rules of procedure. It may
 11 appoint a secretary who need not be a member. The committee may
 12 employ the other persons and obtain the assistance of research
 13 agencies that it considers necessary.

14 No change for subd 6 to 8

15 Subd. 9. APPROPRIATIONS. The county shall
 16 appropriate \$5,000 each year from the county general revenue
 17 fund for the use of the committee. For the payment of the
 18 expenses of the committee, it shall draw its warrants upon the
 19 county treasurer. These warrants shall be signed by the
 20 chairman chair and one other member of the committee and *
 21 approved by the county auditor. The county treasurer shall pay
 22 them as and when presented but not exceeding in the aggregate
 23 the amount herein provided in any one year.

383A#44S

24 383A.44 LOCAL GOVERNMENT STUDY COMMISSION.

25 No change for subd 1 to 2

26 Subd. 3. MEMBERS. The commission shall be composed
 27 of 38 members appointed by the Ramsey county delegation of the
 28 Minnesota legislature.

29 A senator, whose district is situated such that a portion
 30 of Ramsey county comprises 50 percent or more of that district,
 31 shall appoint from among the residents of ~~his~~ the district two *
 32 members.

33 A senator, whose district is situated such that a portion
 34 of Ramsey county comprises less than 50 percent of that
 35 district, shall appoint from among the residents of ~~his~~ the *
 36 district one member.

37 A representative, whose district is situated such that a
 38 portion of Ramsey county comprises 50 percent or more of that
 39 district, shall appoint from among the residents of ~~his~~ the *
 40 district one member.

41 A representative, whose district is situated such that a
 42 portion of Ramsey county comprises less than 50 percent of that
 43 district, shall appoint from among the residents of ~~his~~ the *
 44 district one member.

45 Commission members shall be residents of Ramsey county.

46 Commission members shall not be elected officials.

47 When a vacancy shall occur on the commission, a person
 48 shall be appointed by the senator or representative who
 49 appointed that person's predecessor to fill the vacancy until
 50 such time as the duty of the commission shall terminate.

51 A temporary chairman chair shall be appointed by the *
 52 chairman chair of the Ramsey county delegation of the Minnesota *
 53 legislature.

54 Subd. 4. DIRECTIVES TO COMMISSION. The commission as
 55 constituted shall meet and organize within 30 days of the
 56 effective date of this act. The commission shall elect from
 57 among its members a permanent chairman chair and shall adopt *
 58 rules.

59 The commission shall file an interim report on its
 60 activities on January 15, 1974, and its final report on November
 61 15, 1974. Such reports and the plan or plans resulting from the
 62 commission's research and study shall, when signed by a majority
 63 of the commission, be filed with the members of the Ramsey
 64 county delegation of the Minnesota legislature. This
 65 authorization of the commission shall expire on January 31, 1975.

66 No change for subd 5 to 6

383C#01S

67 383C.01 BUDGET PREPARATION.

68 In all counties in this state having a population in excess
 69 of 150,000 and an area in excess of 5,000 square miles, the
 70 county board shall make an itemized statement for each fund
 71 under its control which shall govern such fund for the next
 72 ensuing fiscal year. In the preparation of such a statement, it
 73 shall require that detailed budget requests be submitted to it
 74 for each department or activity supported in whole or in part

1 from the fund, which shall show the actual amounts expended
 2 during the previous two calendar years, the amount expended
 3 during the first six months of the current calendar year, the
 4 amount allowed for the current year, and the amount requested
 5 for the ensuing year. The statement prepared by the county
 6 board for each fund shall itemize the expenditures deemed
 7 necessary during the ensuing year in such manner as the county
 8 board shall determine to be most conducive to efficiency and
 9 economy and without regard to the boundaries of any commissioner
 10 election district, and in such detail as the board may deem
 11 advisable provided that within the general revenue fund the
 12 amount for each department, office or activity shall constitute
 13 a separate item, and within the road and bridge fund the amount
 14 for salary and expenses of the highway engineer and his
 15 assistants, the amount for workers compensation, the amount for
 16 maintenance of highways within each maintenance division, and
 17 the amount for each proposed construction project shall each
 18 constitute a separate item, provided that an item may be set up
 19 for minor or miscellaneous construction projects, or to
 20 supplement any specified project, but the total amount of this
 21 item shall not exceed 20 percent of the total amount for
 22 construction purposes.

383C#014S

23 383C.014 RECORDS; RULES AND REGULATIONS.

24 A record of every appropriation shall be kept by the county
 25 auditor, or by such officer, agent or employee as may be
 26 designated in regulations established as hereinafter provided,
 27 which will at all times show the amount of any appropriation
 28 which has already been expended, contracted or obligated, and
 29 the remaining unencumbered amount which is available for
 30 expenditure, to the extent necessary to enable every officer,
 31 agent or employee, who has any authority to incur any
 32 obligation, to know when the incurring of any additional
 33 obligation will exceed any such appropriation. Within 90 days
 34 after the taking effect of sections 383C.01, 383C.011, and
 35 383C.012, the county auditor and the county board shall
 36 establish and may from time to time amend such rules and
 37 regulations governing in detail the manner in which any boards,
 38 commissions, administrative officers and employees of the county
 39 shall incur, record and report obligations, as may be reasonably
 40 necessary to enforce and regulate the keeping of the records
 41 herein required and to enable the county auditor to determine
 42 and certify whether any such obligation is within and pursuant
 43 to an appropriation made as required by sections 383C.01 to
 44 383C.019. Such rules and regulations and amendments thereto
 45 shall be binding upon all boards, commissions, officers, agents
 46 and employees of the county, and no contract or obligation shall
 47 be valid for any purpose unless and until it shall have been
 48 incurred, recorded, reported and certified in accordance
 49 therewith. No claims or payrolls shall be presented to the
 50 county board or other board, commission or agency for allowance,
 51 or allowed unless they shall have been audited by the county
 52 auditor and certified by ~~him~~ the auditor to have been incurred
 53 within and pursuant to an appropriation as required by sections
 54 383C.01 to 383C.019. The county auditor shall not certify any
 55 claims or payrolls ~~unless-and-until-he-has-ascertained~~ without
 56 ascertaining that they have been so incurred and no such claim
 57 shall be allowed or paid until so certified. Before certifying
 58 any such claims or payrolls, the county auditor shall also
 59 ascertain that the goods or services have actually been received
 60 by the county as shown by a receiving report or time record
 61 which shall be signed only by an officer, agent or employee who
 62 shall have personal knowledge that the goods or services were
 63 received or furnished to the county. Any person who shall
 64 falsely or fraudulently sign a receiving report or time record
 65 shall be personally liable to the county for any loss sustained.

383C#018S

66 383C.018 ACTS CONTRARY VOID.

67 Any act of any county board, commission, officer, agent or
 68 employee which is contrary to the provisions of sections 383C.01
 69 to 383C.019 or the regulations authorized hereunder shall be
 70 wholly void. The county shall not be liable upon any obligation
 71 incurred or attempted to be incurred except pursuant to sections
 72 383C.01 to 383C.019 and any regulations adopted hereunder, and
 73 within the limits of an appropriation made as herein provided,
 74 nor shall the county be liable or subject to suit on account of

1 benefits received in connection with any contract or obligation
 2 unless the same was incurred within the limits of such an
 3 appropriation and recorded and reported in accordance with
 4 sections 383C.01 to 383C.019 and any such regulations, but any
 5 officer, agent or employee who willfully incurs or attempts to
 6 incur any such obligation in violation of any of the provisions
 7 hereof or without compliance with such regulations, shall be
 8 personally liable on such obligation, shall be guilty of a gross
 9 misdemeanor, shall forfeit ~~his~~ the office or position held, and
 10 for a period of two years shall be ineligible to any appointive
 11 position or employment in the business of the county.

*

383C#031S

12 383C.031 CIVIL SERVICE COMMISSIONERS; APPOINTMENT;
 13 QUALIFICATIONS; COMPENSATION.

14 Within 30 days after a majority of the voters of the county
 15 voting upon said question elect to come within the provisions of
 16 sections 383C.03 to 383C.059, the board of county commissioners
 17 shall by majority vote, appoint three persons as county civil
 18 service commissioners to serve for designated terms of one for
 19 two years, one for four years, and one for six years. Each
 20 alternate year thereafter the board of county commissioners
 21 shall appoint one person as successor for the county civil
 22 service commissioner whose term shall expire, to serve six
 23 years. Any vacancies shall be filled by the board of county
 24 commissioners for the unexpired term. No person shall be
 25 appointed or shall act as a member of the county civil service
 26 commission at any time while holding any public office or while
 27 standing as a candidate for any public office, notary public
 28 excepted, or any public employment or position in a political
 29 party within the two years immediately preceding ~~his~~
 30 appointment. Each member of said commission shall be a resident
 31 in the county and ~~in-the-event-he-becomes~~ on becoming a
 32 nonresident, ~~he~~ thereby forfeits ~~his~~ the office. Within 15 days
 33 after ~~his~~ appointment, each commissioner shall qualify by
 34 subscribing to an oath for the faithful discharge of ~~his~~ duties
 35 and file said oath with said clerk of the district court and
 36 such oath shall include a statement of belief in and desire to
 37 support the principles of the merit system. If an appointee
 38 fails to so qualify, another shall be named ~~in-his stead~~. Each
 39 commissioner shall hold office until ~~his~~ a successor has been
 40 appointed and qualified, except in case a commissioner shall
 41 stand as a candidate for elective public office, whereupon the
 42 filing his of candidacy ~~he~~ thereby automatically ~~forfeits-his~~
 43 results in forfeiture of the office. Each member of the county
 44 civil service commission shall be paid \$20 per day for each day
 45 actually devoted to duties as a member of the commission, but in
 46 no case shall any member be paid more than \$600 in any one year;
 47 provided that in addition thereto each member of the commission
 48 shall be paid ~~his~~ actual and necessary expenses on itemized and
 49 verified bills, and provided further that during the first two
 50 years after any county has availed itself of sections 383C.03 to
 51 383C.059, each member of the commission may be paid not to
 52 exceed \$600 in each of said two years. The county civil service
 53 commission shall organize by electing one of its members as
 54 presiding officer and the civil service director hereinafter
 55 provided shall serve as secretary.

*

*

*

*

*

*

*

*

*

*

*

383C#034S

56 383C.034 DUTIES OF DIRECTOR.

57 The civil service director as executive head of the county
 58 civil service commission shall direct and supervise all of its
 59 administrative and technical activities in addition to the
 60 duties imposed ~~upon him~~, elsewhere in sections 383C.03 to
 61 383C.059, and ~~it shall be his duty to~~:

*

*

62 (a) Attend the regular and special meetings of the county
 63 civil service commission, to act as its secretary and to record
 64 its official actions.

65 (b) Appoint, supervise and direct such employees of the
 66 civil service department as may be necessary to carry out the
 67 provisions of sections 383C.03 to 383C.059. Such employees
 68 shall be chosen in accordance with and shall be subject to the
 69 provisions of sections 383C.03 to 383C.059.

70 (c) Prepare and recommend rules and regulations for the
 71 administration of sections 383C.03 to 383C.059, which shall
 72 become effective after approval by the commission and the board
 73 of county commissioners, as provided in sections 383C.03 to
 74 383C.059, to administer such rules and regulations and to

1 propose amendments thereto.

2 (d) Establish and maintain in card or other suitable form a
3 roster of all officers and employees in the service of the
4 county, which shall show the employment history of each such
5 employee. The director shall have access to all records and
6 papers, the examination of which will aid in the discharge of
7 his duties in connection with such roster. *

8 (e) Ascertain and record the duties and responsibilities
9 pertaining to all positions in the classified service and
10 classify such positions in the manner hereinafter provided.

11 (f) As soon as practicable after the adoption of the
12 classification plan, prepare a schedule of salary or wage rates
13 and ranges for each class, grade or group of positions in the
14 classification. Such salary and wage schedules when approved by
15 the civil service commission after public hearing shall be
16 submitted to the board of county commissioners who may approve
17 or reject such schedules. When approved by the board of county
18 commissioners, they shall be used in connection with all
19 payrolls and accounting records and with all budget estimates
20 for all departments or agencies of the county government.
21 Nothing in this section shall prevent the board of county
22 commissioners from increasing or reducing the salary or wage
23 rates of positions to conform to the terms of a negotiated labor
24 agreement.

25 (g) Provide for, formulate and hold competitive tests to
26 determine the relative qualifications of persons who seek
27 employment in any class of positions and as a result thereof,
28 establish employment lists for the various classes of positions.

29 (h) When a vacant position is to be filled, to certify to
30 the appointing authority the names of the three persons highest
31 on the re-employment, promotional, or employment list for the
32 class, provided, however, that if there are less than three
33 names remaining on the re-employment or the promotional lists,
34 the director shall certify such lesser numbers remaining on said
35 lists, thereby using all names of persons willing to accept
36 appointment before drawing any names from an employment list.
37 If there are no such lists, he the director may authorize *
38 provisional appointments pending the establishment of such
39 employment list for such class. Such provisional appointment
40 shall not continue for a period longer than four months, nor
41 shall any person receive more than one provisional appointment
42 or serve more than four months as a provisional appointee in any
43 one fiscal year, nor shall there be more than one provisional
44 appointment to any given position in any 12 months period;
45 except that, after November 3, 1942, and prior to the time that
46 lists of eligibles are available, appointments to offices and
47 employments in the classified service may be made in accordance
48 with existing laws and without regard to the provisions of
49 sections 383C.03 to 383C.059. Persons so appointed shall not be
50 entitled to any of the privileges set forth in sections 383C.03
51 to 383C.059 except in the case of appointments made through
52 merit examinations under authority of Laws 1941, chapter 476,
53 section 1, but they shall be permitted to apply for and take any
54 competitive examination for which they may be eligible. Such
55 employees may continue in such employment, notwithstanding any
56 contrary provisions of sections 383C.03 to 383C.059, until 60
57 days after the director shall have certified that lists of
58 eligibles are available for such office or employment, whereupon
59 the employment of such persons shall automatically terminate and
60 such office or employment shall be filled from such lists of
61 eligibles as provided in sections 383C.03 to 383C.059. In case
62 of an emergency, an appointment may be made of not to exceed ten
63 days duration without regard to the provisions of sections
64 383C.03 to 383C.059, which appointment shall be immediately
65 reported to the civil service director. Successive emergency
66 appointments shall not be made.

67 (i) Establish the length of the probation or working test
68 period which shall not be less than six months and not more than
69 12 months, during which time discharges may be effected without
70 specifying cause or granting a hearing, to enable the appointing
71 authority to determine whether new officers and employees are
72 able and willing to perform their duties satisfactorily; and for
73 the method of removal or transfer of such officers and employees
74 whose work or conduct during such period is unsatisfactory.

75 (j) Establish record of performance and a system of service
76 ratings to be used in determining increases and decreases in

1 salaries and in promotions.

2 (k) Keep such record as may be necessary for the proper
3 administration of sections 383C.03 to 383C.059.

4 (l) Provide a system of checking payrolls, estimates and
5 accounts for payment of salaries or wages to employees in the
6 classified service, as to enable the director upon satisfactory
7 evidence thereof, to certify or cause to be certified that the
8 persons whose names appear thereon have been regularly employed
9 in the performance of the duties indicated at the compensation
10 rates and for the periods for which compensation is claimed or
11 are on authorized leave before payment may be lawfully made to
12 such employees.

13 (m) Make investigations concerning the administration and
14 effect of sections 383C.03 to 383C.059 and the rules made
15 thereunder, and report his the findings and recommendations to *
16 the commission.

17 (n) Make an annual report to the county civil service
18 commission.

383C#036S

19 383C.036 CLASSIFICATIONS; EXAMINATIONS.

20 Subdivision 1. CLASSIFIED SERVICE. All regular
21 employees holding positions which are placed in the classified
22 service under the provisions of sections 383C.03 to 383C.059
23 shall be permanent members of the classified service without
24 examination or working test period if they have been in the
25 employ of the county for five consecutive years or more,
26 immediately previous to December 31, 1943, or when a regular
27 employee has been transferred from the unclassified service to
28 the classified service and has been in the employ of the county
29 for five consecutive years or more, immediately previous to said
30 transfer from the unclassified service to the classified
31 service, and all employees who have been appointed through merit
32 examinations administered under authority of Laws 1941, chapter
33 476, section 5, and who have not since been separated from the
34 service shall also be permanent members of the classified
35 service without further examination or working test period,
36 except that any employee who has not completed his a working *
37 test period as provided under the rules of the merit plan, shall *
38 be on probation for that period of time ~~as he would have had to~~ *
39 serve of service otherwise necessary to complete his the working *
40 test period under the merit plan. All other employees shall not
41 be members of such classified service until such time as they
42 shall have been appointed to such position in accordance with
43 the provisions of sections 383C.03 to 383C.059. The civil
44 service director subject to rules and regulations of the county
45 civil service commission shall within two years of the date the
46 board of county commissioners of such county elects to avail
47 itself of the provisions of sections 383C.03 to 383C.059,
48 prepare and offer once to all persons who, on the date the board
49 of county commissioners of such county elects to avail itself of
50 the provisions of sections 383C.03 to 383C.059, are incumbents
51 of positions in the classified service with less than five years
52 of service, a qualifying examination that is designed to
53 test his fitness to perform the work of the class to which his *
54 the position has been allocated. No person holding an office *
55 for employment in the classified service previous to December
56 31, 1943, who is required by sections 383C.03 to 383C.059 to
57 take a qualifying examination shall be laid off, suspended,
58 discharged or reduced in pay or position, except in accordance
59 with the provisions of sections 383C.03 to 383C.059 applicable
60 to members of the classified service having permanent status
61 until they have completed such qualifying examination and shall
62 have been notified of the results thereof. If such incumbents
63 pass such qualifying examination, they shall become permanent
64 members of the classified service. If, however, any of the
65 aforementioned incumbents who are required by sections 383C.03
66 to 383C.059 to take a qualifying examination shall fail to pass
67 the same, they shall be removed from their positions at or
68 before the expiration of three months following receipt of
69 notice of failure to pass such examination. All persons who
70 shall wilfully fail or refuse to take the examination when
71 offered without reasonable excuse, shall be removed from their
72 positions immediately.

73 No change for subd 2

383C#038S

74 383C.038 ALLOCATION OF POSITIONS.

1 The civil service director shall, as soon as practicable
2 after the adoption of the classification plan, and after
3 consultation with appointing authorities, allocate each position
4 to its proper class. Any employee whose position or title is
5 affected by such allocation shall be notified thereof and may
6 appeal ~~his~~ the allocation to the county civil service commission *
7 within 30 days of such notice, and after hearing such employee
8 the civil service commission shall approve or modify such
9 allocation.

383C#04S

10 383C.04 LAY-OFFS.

11 Whenever any employee in the classified service, who has
12 been performing ~~his~~ all duties in a satisfactory manner, as *
13 shown by the records of the employing department or other agency *
14 ~~in-which-he-has-been-employed~~, is laid off because of lack of *
15 work or lack of funds, or has been on authorized leave of
16 absence for more than one year and is ready to report for duty
17 when a position is open, or has resigned in good standing and
18 with the consent of the county civil service commission and the
19 employing department ~~under-whose-jurisdiction-he-was-employed~~, *
20 and has withdrawn ~~his~~ the resignation without being restored to *
21 ~~his~~ the position, the civil service director shall cause the *
22 name of such employee to be placed on the re-employment list for
23 the appropriate class. No re-employment list shall be valid for
24 more than two years. The order in which names shall be placed
25 on the re-employment list for any class shall be established by
26 rule. No person shall be reinstated or ~~have-his-name~~ be *
27 restored to a re-employment list unless such resignation is
28 withdrawn within one year after it has been presented and
29 accepted.

383C#041S

30 383C.041 CIVIL SERVICE DIRECTOR; TESTS.

31 The civil service director shall, from time to time, as
32 conditions warrant, hold tests for the purpose of establishing
33 employment lists for the various positions in the classified
34 service. Such tests shall be public, competitive and open to
35 all persons who may be lawfully appointed to any position within
36 the class for which such examinations are held with limitations
37 specified in the rules of the commission as to residence, age,
38 health, habits, moral character and prerequisite qualifications
39 to perform the duties of such positions. Promotion tests shall
40 be competitive to such persons examined or appointed under the
41 provisions of sections 383C.03 to 383C.059 and who have
42 completed the probationary period in a class or rank previously
43 declared by the commission to involve the performance of duties
44 which tend to fit the incumbent to the performance of duty in
45 the class or rank for which the promotion test is held. In
46 promotion tests, efficiency in service shall form part of such
47 tests. The civil service director shall hold promotion tests
48 for each superior class of service whenever there is an inferior
49 rank in the same class, the duties of which directly tend to fit
50 the incumbents thereof for the performance of the duties of the
51 superior grade. If fewer than two persons submit themselves for
52 a promotion test, or if after such test is held all applicants
53 fail to attain a general average of not less than the minimum
54 standard fixed by the rules of the county civil service
55 commission, ~~he~~ the director shall forthwith hold an original *
56 entrance test and certify from the employment list resulting
57 therefrom.

58 All tests shall be practical, and shall consist only of
59 subjects which will fairly determine the capacity of the persons
60 examined to perform the duties of the class of work for which
61 the examination is being conducted, and may include tests of
62 physical fitness or of manual skill. No credit shall be allowed
63 for service rendered under provisional appointment. No question
64 in any test shall relate to religious or political opinions or
65 affiliations. As many tests shall be held as may be necessary
66 to provide eligibles for each class of position, and to meet all
67 requisitions and to fill all positions held by provisional
68 appointees. From the return and report of the examiners or from
69 the tests provided by the civil service director, ~~he~~ the *
70 director shall prepare a list of eligible persons who shall *
71 attain such minimum mark as may be fixed for the various parts
72 of such test, and whose general average standing upon the test
73 for such position is not less than the minimum fixed by the
74 rules of the commission, and who may lawfully be appointed.

1 Such persons shall take rank upon the list in the order of their
 2 relative excellence as determined by the tests. The markings of
 3 all tests shall be completed and the resulting employment list
 4 posted as soon as possible thereafter. The life of any
 5 eligibility list shall not exceed one year but may be extended
 6 an additional year by motion of the civil service commission.

7 The markings and test papers of each candidate shall be
 8 open to ~~his-own~~ the candidate's inspection. The markings and *
 9 test papers of all persons upon any list of eligibles may be
 10 opened to public inspection in the discretion of the county
 11 civil service commission. An error in the markings of any test
 12 other than an error in judgment, if called to the attention of
 13 the commission within one month after the establishment of an
 14 employment list resulting from such test, shall be corrected by
 15 it; provided, however, that such correction shall not invalidate
 16 any certification or appointment previously made. Public notice
 17 of each examination shall be given.

383C#042S

383C.042 POWERS OF DIRECTOR.

18 The civil service director may reject an application of any
 19 person for admission to a test or refuse to test any applicant,
 20 or to certify the name of an eligible for employment who is
 21 found to lack any of the established qualification requirements
 22 for the position ~~for-which-he-applies~~ applied for or ~~for-which~~ *
 23 ~~he-has-been~~ tested on, or who is physically unfit to effectively *
 24 perform the duties of the position, or who is addicted to the
 25 use of drugs or the habitual use of intoxicating liquors to
 26 excess, or who has been guilty of any crime or infamous or
 27 notoriously disgraceful conduct, or who has been dismissed from
 28 the public service for delinquency, or who has made a false
 29 statement of any material fact or practiced or attempted to
 30 practice deception or fraud in ~~his~~ the application or in ~~his~~ the *
 31 test, or in securing eligibility or appointment. Any such
 32 person may appeal to the county civil service commission from
 33 the action of the civil service director in accordance with the
 34 rules established hereunder.

383C#043S

383C.043 VACANCIES.

36 Whenever a position in the classified service becomes
 37 vacant the appointing authority, if it desires to fill the
 38 vacancy, shall make requisition upon the civil service director
 39 whereupon the civil service director shall certify the names of
 40 the three persons highest on the re-employment list, or where
 41 there is no re-employment list the director shall certify the
 42 names of the three highest on the promotional list. In case
 43 there are less than three names on the re-employment or
 44 promotional lists, the director shall certify the number of
 45 names remaining on said lists willing to accept appointment
 46 provided that no name shall be certified from an employment list
 47 as long as there is a re-employment list or a promotional list
 48 for the class. The appointing authority shall at its discretion
 49 appoint one of the persons so certified for the working test
 50 period. At the end of the working test period the appointing
 51 officer shall notify the civil service director in writing
 52 whether the probationer is a satisfactory employee and should
 53 receive the status of a permanent appointee. Upon such notice
 54 the employee, if ~~his~~ service during the working test period did *
 55 not fall below such minimum standards as have been prescribed by
 56 the civil service director, shall be deemed to have a permanent
 57 classified civil service status; otherwise the employee is
 58 automatically separated from the service.

383C#045S

383C.045 LAY-OFF OF EMPLOYEES.

60 In accordance with the rules, an appointing authority may
 61 lay off an employee in the classified service whenever ~~he~~ the *
 62 authority deems it necessary by reason of shortage of work or *
 63 funds, or the abolition of a position or other material change
 64 in duties or organization. The seniority of employees shall be
 65 the factor in determining the order of lay-offs. The appointing
 66 authority shall give written notice to the civil service
 67 director of every proposed lay-off a reasonable time before the
 68 effective date thereof, and the civil service director shall
 69 make such orders relating thereto as ~~he~~ the director considers *
 70 necessary to secure compliance with the rules. The name of
 71 every regular employee so laid off shall be placed on the
 72 appropriate re-employment list.
 73

383C#046S

1 383C.046 CERTIFICATION OF PAYROLLS.

2 The county auditor, county treasurer, and the board of
 3 county commissioners, or any other officer or employee of the
 4 county, shall not approve the payment of, or be in any manner
 5 concerned in paying, auditing, or approving any salary, wage or
 6 other compensation for services to any person holding a position
 7 in the classified service unless there shall first have been
 8 filed with the county auditor a payroll, estimate, or account
 9 for such salary, wage or other compensation containing the names
 10 of the persons to be paid, and a statement of the amount to be
 11 paid each such person and the services on account of which the
 12 same is paid, and a statement that such services have been
 13 performed, and bearing the certificate of the civil service
 14 director that the persons named in such payroll, estimate, or
 15 account have been appointed or employed in pursuance of law and
 16 of the rules made by the county civil service commission under
 17 the provisions of sections 383C.03 to 383C.059 and have complied
 18 with the terms of sections 383C.03 to 383C.059 and of the rules
 19 of the commission when required so to do. Before making any
 20 such certificate the civil service director shall investigate
 21 the nature of each item of such payroll, estimate or account and
 22 ~~if he shall ascertain~~ on ascertaining that the provisions of the *
 23 law in respect to any such item have not been strictly complied *
 24 with, ~~he~~ the director shall refuse to certify such item. The *
 25 civil service director shall refuse to certify the pay of any *
 26 such public officer who shall wilfully or through culpable
 27 negligence violate or fail to comply with the provisions of
 28 sections 383C.03 to 383C.059 and the rules of the county civil
 29 service commission.

383C#047S

30 383C.047 CIVIL ACTIONS.

31 It shall be the duty of the county civil service commission
 32 to begin and conduct all civil suits for the proper enforcement
 33 of sections 383C.03 to 383C.059 and of the rules of the
 34 commission and to defend all civil suits which shall be brought
 35 against the commission. The commission shall be represented in
 36 such suits by the county attorney or by special counsel provided
 37 by the board of county commissioners. Any taxpayer of the
 38 county may maintain an action in the district court to recover
 39 for the treasury any sums paid contrary to the provisions of
 40 sections 383C.03 to 383C.059 or the rules of the county civil
 41 service commission from the person or persons authorizing such
 42 payment or to enjoin the person or persons from making such
 43 payment or to enjoin the civil service director from attaching
 44 ~~his~~ a certificate to a payroll in violation of the provisions of *
 45 sections 383C.03 to 383C.059.

383C#049S

46 383C.049 PROHIBITING OBSTRUCTING PERSONS FROM TAKING
47 TESTS.

48 No person shall deceive or obstruct any person in respect *
 49 to ~~his or her~~ the right of test under the provisions of sections *
 50 383C.03 to 383C.059 or falsely mark, grade, estimate or report
 51 upon the test or standing of any person tested hereunder, or aid
 52 in so doing, or furnish to any person, except in answer to
 53 inquiries of the civil service commission, any special
 54 information for the purpose of either improving or injuring the
 55 rating of any such person for appointment or employment. No
 56 applicant shall deceive the county civil service commission for
 57 the purpose of improving ~~his~~ the applicant's chances or *
 58 prospects for appointment. No person shall solicit, orally or *
 59 by letter, and no public officer or employee shall receive or be
 60 in any manner concerned in the receiving or soliciting of any
 61 money or valuable thing from any officer or employee holding a
 62 position in the classified service for any political party or
 63 purpose whatsoever. No person shall use or promise to use ~~his~~ *
 64 personal influence or official authority to secure any *
 65 appointment or prospect of appointment to any position
 66 classified under sections 383C.03 to 383C.059 as a regard or
 67 return for personal or partisan political service. No public
 68 officer or employee shall by means of threats or coercion induce
 69 or attempt to induce any person holding position in the
 70 classified service to resign ~~his~~ the position or to take a leave *
 71 of absence from duty or to waive any ~~of his rights~~ right *
 72 sections 383C.03 to 383C.059. A resignation executed previous
 73 to appointment shall be of no effect.

383C#05S

1 383C.05 POLITICAL ACTIVITY.

2 No officer or employee in the classified service is under
 3 any obligation to contribute to any political fund or to render
 4 any political service to any person or body whatsoever and no
 5 person shall be removed, reduced in grade, or salary, or
 6 otherwise prejudiced for refusal so to do. No public officer
 7 whether elected or appointed shall discharge, promote, demote,
 8 or in any manner change the official rank of the employee or the
 9 compensation of any person in the classified service or promise
 10 or threaten to do so, for the giving or withholding or
 11 neglecting to make any contribution of money or services or any
 12 other valuable thing for any political purpose.

13 Except as herein provided, any officer or employee holding
 14 office or place in the classified service may become a candidate
 15 for nomination or election to any public office or may seek and
 16 accept election, nomination or appointment as an officer of a
 17 political group, or organization, or take part in a political
 18 campaign or serve as a member of a committee of any such club or
 19 organization, or circulate or seek signatures to any petition
 20 provided for by any primary or election law or act as a worker
 21 at the polls, or distribute badges, colors, or indicia favoring
 22 or opposing the candidate for election or nomination to a public
 23 office whether federal, state, county or municipal, if the
 24 officer or employee does not engage in such activities during
 25 working hours or to such an extent off duty that his the *
 26 officer's or employee's efficiency during working hours is *
 27 impaired or causes-him-to-be-tardy that tardiness or absent *
 28 absence from his work without notice or permitted leave results. *

29 Any officer or employee in the classified service who
 30 becomes a candidate for nomination or election to any St. Louis
 31 County office in which ~~he-is~~ then employed, shall by the act of *
 32 filing his-candidacy as a candidate, be removed from the *
 33 classified service.

34 Nothing in this section shall be construed to prohibit or
 35 prevent any such officer or employee from becoming or continuing
 36 to be a member of a political club or organization or from
 37 attendance at political meetings or from enjoying entire freedom
 38 from all interference in casting his a vote or from seeking or *
 39 accepting election or appointment to public office.

383C#051S

40 383C.051 NO PERSON SHALL BE DISCHARGED OR DEMOTED
 41 WITHOUT CAUSE.

42 No person in the classified service who shall have been
 43 permanently appointed or inducted into the classified service
 44 under provisions of sections 383C.03 to 383C.059 shall be
 45 removed, suspended, demoted or discharged except for cause which
 46 will promote the efficiency of the service and not for political
 47 or religious reasons and only upon the written accusation of the
 48 appointing power or any citizen or taxpayer. A written
 49 statement of such accusation shall be served upon the accused,
 50 and a duplicate filed with the county civil service commission.
 51 Any person so removed, suspended, demoted or discharged, may *
 52 within ten days from the time of his the removal, suspension,
 53 demotion or discharge, file with the commission a written demand
 54 for an investigation, whereupon the commission shall conduct
 55 such investigation. The investigation shall be confined to the
 56 determination of the question of whether such removal,
 57 suspension, demotion or discharge was or was not made for
 58 political or religious reasons or was or was not made for just
 59 cause. After such investigation the commission may, if in its
 60 estimation the evidence is sufficient, affirm the removal, or if
 61 it shall find that the removal, suspension, or demotion was made
 62 for political or religious reasons, or was not made for just
 63 cause, shall order the immediate reinstatement or re-employment
 64 of such person in the office, place, position or employment from
 65 which such person was removed, suspended, demoted or discharged,
 66 which reinstatement shall, if the commission so provides in its
 67 discretion, be retroactive, and entitle such person to pay or
 68 compensation from time of such removal, suspension, demotion or
 69 discharge. The commission upon such investigation, in lieu of
 70 affirming the removal, suspension, demotion or discharge may
 71 place such employee on the re-employment list for service in the
 72 same or lower classification in a different branch of the
 73 service when a vacancy may occur.

74 All investigations made by the commission pursuant to the

1 provisions of this section shall be by public hearing, after
 2 reasonable notice to the accused of the time and place of such
 3 hearing, at which hearing the accused shall be afforded an
 4 opportunity of appearing in person, and presenting ~~his~~ a defense. *
 5 If such judgment or order be concurred in by the commission or a
 6 majority thereof, the accused may appeal therefrom to the
 7 district court where the issue shall be heard de novo and
 8 determined in the same manner as a court case. The district
 9 court shall thereupon proceed to hear and determine such appeal
 10 in a summary manner, provided, however, that such hearing shall
 11 be confined to the determination of whether the judgment or
 12 order of removal, discharge, demotion or suspension made by the
 13 commission, was or was not made in good faith for cause, and no
 14 appeal to such court shall be taken except upon such grounds or
 15 ground.

383C#073S

16 383C.073 CERTAIN BOARD MEMBERS; COMPENSATION.
 17 Notwithstanding the provisions of any law contrary thereto
 18 in St. Louis County, the members, except the members who are
 19 also members of the board of county commissioners, of all boards
 20 and commissions created by law shall receive for attending
 21 meetings of said board or commission \$20 per day but not to
 22 exceed \$600 in any one year, and each shall be repaid ~~his~~ *
 23 necessary expenses for such attendance, a certified statement of
 24 which shall be filed with and approved by said board or
 25 commission.

383C#075S

26 383C.075 BUILDING COMMISSION.
 27 Notwithstanding any law to the contrary, the St. Louis
 28 County courthouse building commission shall be comprised of the
 29 chairman chair of the board of county commissioners, who shall *
 30 be president of the building commission, the county auditor, who
 31 shall be both secretary and treasurer of the building *
 32 commission, and the vice-chairman vice-chair of the board of
 33 county commissioners.

383C#091S

34 383C.091 ~~CHAIRMAN'S~~ CHAIR'S CONTINGENT FUND. *
 35 In addition to the amount authorized by Minnesota Statutes,
 36 section 375.16, the county board of St. Louis County may
 37 annually appropriate from the county revenue fund a sum not
 38 exceeding \$1,000 as a contingent fund for use by the chairman *
 39 chair of the county board, or any member of the county board *
 40 acting in the capacity of the chairman chair, at ~~his~~ the chair's *
 41 discretion to pay for incidental costs and expenses incurred in
 42 expediting the business of the County of St. Louis. The fund
 43 shall be under the exclusive control of the chairman chair of *
 44 the county board or any member of the county board acting in the *
 45 capacity of the chairman chair, subject to postaudit by the *
 46 county board.

383C#13S

47 383C.13 COUNTY AUDITOR; SALARY.
 48 In each county in this state now or hereafter having a
 49 population of more than 150,000 and an area of over 5,000 square
 50 miles the county auditor shall receive an annual salary of
 51 \$7,000 as full compensation for all services. ~~He~~ The auditor *
 52 shall, on the first day of each month, file ~~in his office~~ a *
 53 complete statement of all the fees and commissions received by *
 54 ~~him~~ of every name and nature whatsoever, including ~~his~~ any *
 55 commission as agent of the commissioner of game and fish
 56 pursuant to Minnesota Statutes 1949, section 98.50, and turn the
 57 same into the county treasury.

383C#132S

58 383C.132 ALCOHOLIC REFERENCE COUNSELOR.
 59 No change for subd 1 to 2
 60 Subd. 3. COMPENSATION. The compensation of the
 61 alcoholic reference counselor shall be set by the board of
 62 county commissioners ~~and he~~. The counselor shall be allowed ~~his~~ *
 63 necessary expenses and mileage incurred in connection with ~~his~~ *
 64 employment. The county welfare board is authorized to pay from
 65 welfare funds ~~his~~ the compensation, expenses, and mileage. *
 66 No change for subd 4

383C#133S

67 383C.133 ENGINEERING DEPARTMENT.
 68 Subdivision 1. CERTIFICATION OF EMPLOYEES. In any
 69 county in this state now or hereafter having a population of
 70 more than 150,000 inhabitants, and having an area of not less

1 than 5,000 square miles, in which said county board of said
 2 county maintains a county highway engineering organization,
 3 composed of a chief highway engineer, assistant engineers,
 4 office clerks, draughtsmen drafters, chainmen surveyor's *
 5 assistants, and other employees, all under the direction of the *
 6 county board of said county, the said county board shall by
 7 resolution duly adopted at its first meeting after the taking
 8 effect of section 383C.133 and at its annual meeting in January
 9 in each year, and as additions and changes shall occur in the
 10 personnel of said engineers and employees in said county road
 11 engineering department, certify to the county auditor of said
 12 county the name, position, compensation and the date from which
 13 said compensation shall be paid, of each of such engineers,
 14 clerks, chainmen surveyor's assistants and other employees *
 15 engaged in said engineering department. On the receipt of any
 16 such resolution of said county board certifying the name,
 17 position, compensation and date of appointment of said engineers
 18 and employees, it shall be the duty of the county auditor of
 19 such county to enter the name of every such road engineer and
 20 employee in said engineering department on the records of said
 21 county auditor, kept for the recording of the names of county
 22 officers and their employees and said county road engineers and
 23 all their assistants and employees in said road engineering
 24 department shall be paid their compensation or salary
 25 semimonthly in the same manner as county officials are now paid;
 26 and the same shall be in full compensation for all services
 27 rendered to such county by said county road engineers, their
 28 clerks, assistants and employees.

29 No change for subd 2

30 383C#135S

31 383C.135 SURETY BONDS.

32 That in any county in this state, now or hereafter having
 33 an area of over 5,000 square miles and a population of over
 34 200,000 inhabitants, the county board of any such county shall
 35 allow and pay a reasonable amount paid by any county elective or
 36 appointive officer of such county as an annual or term premium *
 37 on ~~his~~ the officer's official corporate surety bond in the
 38 amount required by law or fixed by such county board, said
 39 premiums to be paid out of the revenue of such county for terms
 40 of office beginning on or after January 1, 1935, as legal claims
 41 against such county, and after the repayment of such reasonable
 42 premiums to any such officer for the current year or years in
 43 said term of office, said county board shall pay the reasonable
 44 premium on any such bond after the termination of existing terms
 45 of office.

383C#16S

45 383C.16 COUNTY FAIR; MAINTAINING.

46 Subdivision 1. APPROPRIATION. That in all counties
 47 in this state now or hereafter having a population of 150,000
 48 and having not less than 40 percent of their area consisting of
 49 vacant and uncultivated lands, the county board may annually
 50 appropriate not to exceed \$2,000 to assist in the maintaining of
 51 a county fair, which fair shall be under the management and
 52 control of a county agricultural society. Such appropriation
 53 shall be made either to the treasurer of such society or to some
 54 other suitable person, but before such money is paid to such
 55 treasurer or other person, ~~he~~ the payee shall file with the *
 56 county auditor a satisfactory bond in double the sum of said
 57 appropriation, conditioned upon a faithful disbursing and
 58 accounting for all of said funds so appropriated. Said funds so
 59 appropriated shall be used solely for the purpose of obtaining,
 60 preparing, and arranging exhibits and paying premiums to
 61 exhibitors. The treasurer or other person to whom said
 62 appropriation is paid shall within four months after the holding
 63 of any such aided annual fair, file with the county auditor ~~his~~ *
 64 a verified and detailed report showing the name and address of *
 65 every person to whom any of said money was paid, together with
 66 the date of payment and a full description of the purposes for *
 67 which the money was so paid and ~~he~~ shall attach thereto receipts *
 68 and subvouchers for each payment so made and shall return to the
 69 county treasurer all of the unexpended portion thereof. After
 70 said report and receipts and subvouchers have been audited by
 71 the county board and found to be correct, they may by resolution
 72 release said treasurer or other person and ~~his~~ sureties from all *
 73 further liabilities under such bond.

74 No change for subd 2

383C#161S

1 383C.161 COMMUNITY FAIR ASSOCIATIONS; APPROPRIATION.
 2 In counties having a population of more than 200,000 and an
 3 area of 5,000 square miles or more, the board of county
 4 commissioners, in addition to the power it now possesses to
 5 appropriate money to county agricultural societies, is hereby
 6 authorized to appropriate, to not more than ten duly organized
 7 community fair associations of its county, not to exceed \$500
 8 each. In no event shall more than twice the sum paid out in
 9 premiums by any community fair association be appropriated to it
 10 by the county board. Where there is more than one community
 11 fair association in a county, the county board in determining
 12 which association shall receive county funds shall consider the
 13 geographical location of the fair maintained by each and shall
 14 so make its appropriations to such associations that each
 15 different community and part of the county will share therein
 16 and be equally benefited thereby.

17 That before the county auditor of any such county shall
 18 deliver ~~his~~ a warrant to any community fair association for any *
 19 funds allowed under this section, the treasurer of such
 20 community fair association shall file a bond in the amount of
 21 \$500 running to the said county, to be approved by the county
 22 board as to form and sufficiency of sureties thereon,
 23 conditioned that said treasurer will disburse said funds
 24 according to law.

383C#173S

25 383C.173 CONCILIATION COURT; PERSONAL RECEIVERSHIPS.
 26 A conciliation court which has been established in St.
 27 Louis County may upon the petition of a debtor within its
 28 jurisdiction appoint the clerk to act as personal receiver to
 29 receive the personal income of the debtor and distribute it to
 30 the debtor and ~~his~~ the debtor's creditors in the proportions *
 31 determined by the court. The debtor must be employed for wages
 32 or commissions, have debts ~~he-is-unable~~ without an ability to *
 33 pay them, have no income except that from ~~his~~ the employment, *
 34 and own only property exempt from execution. There must be a
 35 reasonable probability that all indebtedness can be discharged
 36 in 24 months. The supreme court shall provide by rule for the
 37 conduct of the receiverships.

383C#174S

38 383C.174 COURT COMMISSIONER.
 39 No change for subd 1
 40 Subd. 2. FEES. Notwithstanding the provisions of
 41 Minnesota Statutes, section 357.28, subdivision 2, ~~he~~ the court *
 42 commissioner shall receive the fees provided for in Minnesota *
 43 Statutes, section 357.28, subdivision 1, until such office is
 44 abolished.

383C#231S

45 383C.231 ST. LOUIS AND ITASCA COUNTIES; REMOVAL OF SNOW.
 46 No change for subd 1
 47 Subd. 2. APPLICATION. Any person desiring to have
 48 snow removed from ~~his~~ the person's roadway during the ensuing *
 49 winter shall on or before August 31st of each year, file a
 50 petition in form approved by the county board with said board,
 51 providing among other things for the payment of the expense
 52 thereof by such person, requesting it to render such service.
 53 The county board shall forthwith submit such petition to the
 54 county engineer who shall inspect such roadway for the purpose
 55 of determining whether or not it would be advisable to permit
 56 snow removal equipment to work on said roadway. The
 57 determination of the county engineer as to such advisability
 58 shall be final and shall not be subject to review. The engineer
 59 shall file ~~his~~ a report with the county board approving or *
 60 rejecting the petition, on or before October 31st each year.

61 No change for subd 3 to 5

62 Subd. 6. EXPENSES. The amount of such expenses
 63 shall constitute and be a lien in favor of the county against
 64 the land involved, and, unless paid by July 1st following, shall
 65 be certified by the county engineer to the county auditor,
 66 and ~~he~~ the auditor shall enter same upon ~~his~~ the tax books, as *
 67 an assessment, upon such land and shall be collected in the same
 68 manner that other real estate taxes are collected. The amount
 69 of such expenses, when collected, shall be used to reimburse the
 70 county for its expenditure in this regard.

383C#292S

71 383C.292 COMBINATION LIQUOR LICENSES.

1 Subject to the provisions of Minnesota Statutes, section
 2 340.11, subdivision 10, and other applicable provisions of the
 3 intoxicating liquor law, the county boards of each of the
 4 counties of St. Louis, Koochiching, and Itasca may issue
 5 combination licenses for the on-sale and off-sale of
 6 intoxicating liquor in unorganized or unincorporated areas. No
 7 combination license shall be issued to an establishment which is
 8 located less than three miles by the most direct route from a
 9 municipality which contains an establishment possessing an
 10 off-sale liquor license. The fee charged for such licenses
 11 shall be competitive with similar license fees in comparable
 12 areas for combination on-sale and off-sale licenses. Any
 13 license issued pursuant to this section shall be included within
 14 the maximum number of licenses authorized by section 340.11,
 15 subdivision 10. No holder of a combination license issued
 16 pursuant to this section shall continue to operate an off-sale
 17 business after discontinuance of the on-sale portion of ~~his~~ the
 18 business. *

383C#33S

19 383C.33 OFFICE OF PURCHASING AGENT ESTABLISHED.

20 The county board of St. Louis County shall establish the
 21 office of purchasing agent and, in accordance with any civil
 22 service regulations which may be in effect in such county, shall
 23 appoint a qualified person to fill such office. Prior to ~~his~~ *
 24 appointment the purchasing agent shall have had at least two
 25 years' experience in an executive capacity in the purchasing
 26 office of a private or public corporation of representative *
 27 size. ~~He~~ The purchasing agent shall give bond in such amount as *
 28 shall be prescribed by the county board, which shall also *
 29 fix ~~his~~ the salary, pursuant to the rules and regulations of *
 30 said county's civil service law. ~~He~~ The purchasing agent shall *
 31 hold office until ~~his~~ a successor is appointed or until his *
 32 ~~resignation-or-his-removal~~ the agent resigns or is removed in *
 33 the manner provided by civil service regulations which may be in
 34 effect in such county. The county purchasing agent shall have
 35 power, in accordance with such civil service regulations as may
 36 be in effect in such county, to appoint and to remove ~~his~~ *
 37 assistants, to prescribe their duties, and to fix their salaries
 38 within the limits of the appropriation and schedule therefor.

383C#331S

39 383C.331 DUTIES OF PURCHASING AGENT.

40 The county purchasing agent of any such county shall ~~have~~ *
 41 ~~authority,-and-it-shall-be-his-duty:~~ *

42 (a) ~~to~~ purchase or contract for all supplies, materials, *
 43 equipment and contractual services required by any department,
 44 board, commission, or agency of the county government, subject
 45 to the provisions set forth in sections 383C.33 to 383C.34;

46 (b) ~~to~~ enforce standard specifications established in *
 47 accordance with section 383C.339 and which shall apply to all
 48 supplies, materials and equipment purchased for the use of the
 49 county government;

50 (c) ~~to~~ negotiate leases for all grounds, buildings, office *
 51 or other space required by all county departments, boards,
 52 commissions, or agencies;

53 (d) ~~to~~ have charge of all central storerooms now operated *
 54 by, or hereafter established by the county government or any
 55 department, board, commission, or agency thereof;

56 (e) ~~to~~ transfer to or between county departments, boards, *
 57 commissions, and agencies, or ~~to~~ sell supplies, materials, and
 58 equipment which are surplus, obsolete, or unused; and *

59 (f) ~~to~~ establish and operate a central duplicating and *
 60 mailing room for the county departments, boards, commissions,
 61 and agencies at the county seat.

383C#334S

62 383C.334 PURCHASES; CONTRACTS; LIMITATIONS.

63 All purchases of, and contracts for, supplies, materials
 64 equipment or contractual services, and all sales of personal
 65 property which has become obsolete and unusable, shall be based
 66 wherever possible on competitive bids. If the amount of the
 67 expenditure or sale is estimated to exceed \$1,000, sealed bids
 68 shall be solicited by public notice inserted at least once in a
 69 newspaper of general circulation and at least five calendar days
 70 before the final date of submitting bids. Such notice shall
 71 include a general description of the commodities or contractual
 72 services to be purchased, or personal property to be sold, and
 73 shall state where bid blanks and specifications may be obtained

1 and the time and place for the opening of bids. The county
 2 purchasing agent shall also solicit sealed bids by sending
 3 requests by mail to prospective suppliers and by posting notice
 4 on a public bulletin board in ~~his~~ the purchasing agent's office. *

5 All purchases or sales of less than \$1,000 in amount shall
 6 be made in the open market without newspaper notice, but shall
 7 wherever possible be based on at least three competitive bids.

8 Sales shall be made to the highest responsible bidder.

9 Bids on purchases shall in all cases be based on such
 10 standard specifications as may be adopted by the board of
 11 standardization in accordance with the provisions of section
 12 383C.339. The purchasing agent shall accept the lowest bid and
 13 award the contract to such lowest bidder unless the agent on
 14 account of the quality or character of the goods, materials, or
 15 supplies proposed to be furnished by the lowest bidder or
 16 because of the financial responsibility and reputation of said
 17 bidder, deems it not to the best advantage of the county to
 18 accept such bid, and, in the case of capital expenditures, the
 19 agent shall present to the county board, or to the interested
 20 board or commission, as the case may be, a written statement of
 21 the reasons why such lowest bid should not be accepted and shall
 22 advise the appropriate body which bid in ~~his~~ the purchasing *
 23 agent's judgment is to the best advantage of the county, and the *
 24 county board or such interested board or commission, may
 25 thereupon concur with the agent to accept the recommended bid or
 26 reject all bids. All bids may be rejected and new bids
 27 solicited if the public interest shall be served thereby. If
 28 all bids received on a pending contract are for the same unit
 29 price or total amount, the county purchasing agent shall have
 30 authority to award the contract to one of the tie bidders by
 31 drawing lots in public, or to reject all bids and to purchase
 32 the required supplies, materials, equipment or contractual
 33 services in the open market, provided the price paid in the open
 34 market shall not exceed the lowest responsible bid. It shall be
 35 the duty of the purchasing agent to discourage uniform bidding
 36 and to endeavor to obtain as full and open competition as
 37 possible on all purchases and sales. Each bid, with the name of
 38 the bidder, shall be entered on a record, and each record with
 39 the successful bid indicated thereon, shall, after the award of
 40 the order or contract, be open to public inspection.

41 All contracts shall be approved as to form by the county
 42 attorney and a copy of each contract shall be filed with the
 43 county auditor of any such county.

383C#338S

44 383C.338 CONFLICT OF INTEREST.

45 Neither the county purchasing agent, nor any member of ~~his~~ *
 46 the agent's office staff, nor any member of the board of *
 47 standardization created by sections 383C.33 to 383C.34, shall be
 48 financially interested, or have any personal beneficial
 49 interest, either directly or indirectly, in any contract or
 50 purchase order for any supplies, materials, equipment or
 51 contractual services furnished to or used by any department,
 52 board, commission or agency of the county government. Nor shall
 53 such purchasing agent, member of ~~his~~ the staff, or member of the *
 54 board of standardization accept or receive, directly or
 55 indirectly, from any person, firm, or corporation to which any
 56 contract or purchase order may be awarded, by rebate, gifts, or
 57 otherwise, any money or anything of value whatsoever, or any
 58 promise, obligation, or contract for future reward or
 59 compensation. Any violation of this section shall be deemed a
 60 felony and shall be punishable by fine or imprisonment, or both.

383C#339S

61 383C.339 BOARD OF STANDARDIZATION.

62 There shall be in each such county a board of
 63 standardization which shall be composed of the ~~chairman~~ chair of *
 64 the board of county commissioners, the county highway engineer,
 65 the chief administrative officer of each county activity which
 66 is placed by law under the control of any board or commission
 67 other than the county board, and the county purchasing agent who
 68 shall be ~~chairman~~ chair of such board. The members of this *
 69 board shall serve without additional compensation.

70 It shall be the duty of the board of standardization to
 71 classify the requirements of the county government for supplies,
 72 materials, and equipment; to adopt as standards the smallest
 73 number of qualities, sizes, and varieties of such supplies,
 74 materials, and equipment consistent with the efficient operation

1 of the county government; and to prepare, adopt and promulgate
2 written specifications describing such standards.

3 In the preparation and revision of any such standard
4 specification, the board of standardization shall seek the
5 advice, assistance and cooperation of the county departments,
6 boards, commissions and agencies concerned, to ascertain their
7 requirements. The board of standardization shall have power to
8 make use of the laboratory and engineering facilities of the
9 county government and the technical staffs thereof in connection
10 with its function of preparing and adopting standards and
11 written specifications. Each specification adopted for any
12 commodity shall, insofar as possible, satisfy the requirements
13 of the majority of the county departments, boards, commissions
14 and agencies which use the same. All specifications must be
15 definite and certain and permit of competition. After its
16 adoption, each standard specification shall, until revised or
17 rescinded, apply alike in terms and effect to every future
18 purchase and contract for the commodity described in such
19 specification.

383C#34S

20 383C.34 ANNUAL REPORT.

21 The county purchasing agent shall submit to, and at the
22 time prescribed by the county board, an annual report on the
23 work of ~~his~~ the agent's office, and may, from time to time,
24 suggest changes in sections 383C.33 to 383C.34 which ~~he~~ the
25 purchasing agent deems necessary.

*
*
*

383C#361S

26 383C.361 COUNTY BOARD; APPOINTMENT OF CLERKS.

27 Subdivision 1. AUTHORITY. That in any county in
28 this state, now or hereafter having an area of more than 5,000
29 square miles and an assessed valuation, exclusive of money and
30 credits, of more than \$300,000,000, the county board of such
31 county shall have authority to appoint and employ one or more
32 persons, electors of such county, to act as clerk or accountant
33 for the county commissioner to whom ~~he shall be~~ assigned by the
34 county board, the duties of which clerk or accountant shall be
35 keeping of a complete and accurate record of all road and bridge
36 funds apportioned to ~~the~~ that commissioner's district ~~to which~~
37 ~~he shall be assigned~~; of all tools, machinery, equipment,
38 supplies and other property of the county used in road and
39 bridge building in such district; of all appropriations made to
40 the various roads and bridges in such district; the keeping of
41 the time of the various employees working under road ~~foremen~~
42 supervisors and the preparation of time checks for issuance to
43 the ~~workmen~~ worker's and for teams employed under said ~~foremen~~
44 supervisors; and the performance of such other services in
45 connection with county road and bridge work as said county board
46 shall from time to time by resolution direct.

*
*
*
*
*
*
*

47 Subd. 2. APPOINTMENT; COMPENSATION. That the
48 appointment and employment of any such clerk or accountant
49 herein authorized, shall be made only by resolution of the
50 county board duly adopted and entered in its proceedings and
51 such resolution shall fix the compensation of such clerk or
52 accountant, specify the commissioner's district for which ~~he~~ the
53 clerk shall act ~~as clerk~~, and provide for the payment of ~~his~~
54 compensation out of the county road and bridge fund of said
55 county allotted to such county commissioner's district, at the
56 same time and in the same manner as other county officers and
57 employees are paid in any such county.

*
*

58 No change for subd 3

383C#391S

59 383C.391 APPROPRIATION TO ASSIST RURAL SCHOOLS TO
60 PROVIDE LUNCHES.

61 No change for subd 1

62 Subd. 2. DISTRIBUTION OF FUNDS. The distribution of
63 the funds thus provided by the county welfare board for this
64 nutrition program shall be administered by a committee of three
65 consisting of the county superintendent of schools, the
66 ~~vice-chairman~~ vice-chair of the county board of commissioners
67 and the executive secretary of the county welfare board, acting
68 on the advice of the county health officer and the supervisor of
69 home economics in the employ of the county superintendent of
70 schools. The county superintendent of schools shall act as
71 administrative officer of this nutrition committee.

*

72 No change for subd 3

383C#421S

1 383C.421 SPECIAL INVESTIGATOR.

2 Subdivision 1. AUTHORITY. The county attorney of St.
 3 Louis County shall have authority to appoint, with the approval
 4 of the county board, a special investigator--~~His~~ whose *
 5 compensation shall be set by the county board and he who shall *
 6 be allowed ~~his~~ necessary expenses and mileage incurred in *
 7 connection with ~~his~~ the employment as investigator. *

8 Subd. 2. SALARY. The county welfare board is
 9 authorized to pay from welfare funds, the proportionate share of
 10 ~~his~~ the salary and expenses incurred on county welfare board *
 11 matters as determined by the county attorney.

12 Subd. 3. VALIDATION. The appointment heretofore
 13 made of an investigator on the staff of the St. Louis County
 14 attorney, and the payment of ~~his~~ compensation and expenses as *
 15 approved by the county board is hereby validated and declared to
 16 be legal.

383C#423S

17 383C.423 TRANSPORTATION FOR SHERIFF AND DEPUTIES.

18 Subdivision 1. AUTHORITY. That in any county of
 19 this state now or hereafter having a population of over 150,000
 20 inhabitants and an area of over 5,000 square miles, the county
 21 board is hereby authorized to provide and maintain at the
 22 expense of the county by purchase or hire of automobiles or
 23 other means of transportation, transportation facilities for the
 24 use of the members of the county board and of the sheriff and
 25 ~~his~~ sheriff's deputies while engaged in the performance of the *
 26 duties of their respective offices, and are hereby authorized to
 27 maintain such transportation facilities as such board shall deem
 28 to be for the best interest of said county. The providing of
 29 such transportation and the means thereof by the county board of
 30 such county shall be in addition to the allowance now provided
 31 by law for any such county officer for ~~his~~ annual expenses. *

32 No change for subd 2

383C#451S

33 383C.451 RESURVEYS.

34 Whenever it shall be made to appear to the satisfaction of
 35 the county board that any section post or quarter-section post
 36 or other monuments originally fixed and established by the
 37 United States in its surveys of the public lands to mark
 38 section, quarter-sections and meandered corners have been
 39 destroyed or are becoming obscure, the county board may employ a
 40 competent surveyor or may direct the county surveyor to relocate
 41 and re-establish the same. Such surveyor shall mark each corner
 42 re-established by a sufficient iron or stone landmark and make
 43 full and accurate notes and data from which ~~his~~ the entire *
 44 survey can be located, and shall file a certified copy of the
 45 same and a map of the same in the office of the county
 46 recorder. Such landmarks shall be prima facie evidence that the
 47 points where they are located are the section, quarter-section
 48 or meandered corners, as the case may be, established by the
 49 original United States survey. Before said county board shall
 50 employ a surveyor, or direct the county surveyor to relocate and
 51 re-establish any such section, quarter-section or meandered
 52 corner, the party applying to said board to have the said work
 53 done under the direction of said board shall execute and file
 54 with the county auditor of said county a good and sufficient
 55 bond or undertaking, with sufficient sureties to be approved by
 56 the county board, conditioned to pay to said county forthwith on
 57 the completion of said survey and the making of full and
 58 accurate notes and data from which ~~his~~ the entire survey can be *
 59 relocated, and the filing of a certified copy thereof and the
 60 map of said survey in the office of the county recorder, the
 61 cost of making the said survey and plat thereof as fixed by said
 62 board, and no county board shall order any such survey to be
 63 made until such bond or undertaking shall be so filed.

383C#455S

64 383C.455 SURVEYOR TO KEEP FIELD NOTES.

65 Such surveyor shall keep complete and accurate field notes
 66 of all the work, giving dates, names of assistants, lengths and
 67 relative directions of all lines, a full description of the
 68 evidence by which corners are located, and full data by which
 69 the entire survey can be relocated. Distances shall be given in
 70 feet and decimals thereof. Substantial iron or stone monuments
 71 shall be planted at or near all government corners
 72 re-established, and the names of at least three resident
 73 witnesses must be given in such notes for each monument. He The *

1 surveyor shall make a plat upon a strong linen paper, showing *
 2 all the above-mentioned facts, so far as practicable, and also
 3 all tracts of land affected, with the name of the owner and
 4 acreage of each tract. Such plat shall have endorsed thereon
 5 the affidavit of the surveyor to the effect that such survey and
 6 plat are correct and accurate.

383C#456S

7 383C.456 PLAT AND FIELD NOTES TO BE FILED.

8 If the board approves the plat, its certificate of
 9 approval, signed by the chairman chair, shall be endorsed *
 10 thereon, and thereupon the plat and field notes shall be filed
 11 in the office of the county recorder, and shall be prima facie
 12 evidence that the survey is correct. The surveyor shall pay to
 13 the recorder \$1 for filing and recording said plat and field
 14 notes.

383C#463S

15 383C.463 COUNTY BOARD MAY CONTRACT.

16 That the county board, if it shall grant the petition for
 17 any survey or subdivision of any township or section as herein
 18 provided, may appoint the county surveyor of said county in lieu
 19 of any other competent surveyor to make the survey petitioned
 20 for, and if such county surveyor shall be appointed as the
 21 surveyor, it shall not be necessary to make a written contract
 22 ~~with him~~ for the performance of said work. That all the *
 23 expenses of such survey as made under the direction of said
 24 county surveyor, including the value of ~~his~~ services as fixed by *
 25 the county board and a reasonable attorney's fee if one be
 26 employed to attend to the legal work in connection with such
 27 survey, by either the county surveyor or other surveyor, also to
 28 be fixed by said county board, shall be equitably apportioned
 29 and assessed by the county board to the several tracts of land
 30 affected, in the same manner as though incurred by a surveyor
 31 other than the county surveyor.

383C#482S

32 383C.482 TAX SEARCH CERTIFICATES.

33 Subdivision 1. AUDITOR TO SEARCH RECORDS;

34 CERTIFICATES. In any county having an area in excess of
 35 5,000 square miles and a population in excess of 150,000, the
 36 county auditor, upon written application of any person, shall
 37 make search of the records of ~~his~~ the auditor's office and the *
 38 county treasurer's office, and ascertain the amount of current
 39 tax against any lot or parcel of land described in the
 40 application and the existence of all tax liens and tax sales as
 41 to such lot or parcel of land, and certify the result of such
 42 search under ~~his-hand-and~~ the seal of ~~his~~ office, giving the *
 43 description of the lot or parcel of land, the amount of the
 44 current tax, if any, and all tax liens and tax sales shown by
 45 such records, and the amount thereof, the year of tax covered by
 46 such lien, the date of tax sale, and the name of the purchaser
 47 at such tax sale. For the purpose of ascertaining the current
 48 tax against such lot or parcel of land, the county auditor has
 49 the right of access to the records of current taxes in the
 50 office of the county treasurer.

51 Subd. 2. FEES. For such certificate the county
 52 shall receive a compensation of \$2 for each lot or parcel of
 53 land described in the certificate, which shall be collected by
 54 the county auditor. Any number of contiguous tracts of land not
 55 exceeding one section, assessed as broad acres, or adjoining
 56 lots in the same block, in the city or village, shall be
 57 considered as one parcel of land or lot within the meaning of
 58 this section. All moneys received by the county auditor under
 59 this section shall immediately be paid ~~by him~~ to the county *
 60 treasurer as hereinafter provided.

61 No change for subd 3 to 4

62 Subd. 5. CLAIMS FOR DAMAGES. When Any person who *
 63 without negligence ~~on-his-part~~ sustains any loss or damage by *
 64 reason of any omission or mistake of the county auditor or a
 65 deputy thereof in a certificate made under authority of this
 66 section, ~~he~~ may make a claim in writing to the county board *
 67 setting forth in detail all the facts from which the claim
 68 arises, and the amount of loss or damage claimed. The county
 69 board shall investigate the claim and may order payment to the
 70 claimant, by reason of ~~his~~ the claim, of such sum of money from *
 71 the tax certificate assurance fund as it may deem proper.
 72 Acceptance of such payment by the claimant is payment in full of
 73 all claims for loss or damage against the county, the county

1 auditor and ~~his~~ the auditor's deputies arising out of the tax *
2 certificate upon which the claim is predicated.

383C#521S

3 383C.521 TAX-FORFEITED LANDS; LEASE.

4 No change for subd 1

5 Subd. 2. No lease of any tax-forfeited land under
6 authority of this section shall be made until the county board
7 has first held the public hearing hereinafter provided for and
8 has by resolution duly adopted made a finding that the proposed
9 lease is in the public interest in the development and use of
10 the timber resources of the county of St. Louis. When directed
11 by the county board, the county auditor shall cause notice of
12 such hearing to be published once in a legal newspaper in the
13 county at least ten days before the day set for the hearing and
14 shall post a copy of such notice in ~~his~~ the auditor's office in *
15 the court house in Duluth at least 20 days before the day set
16 for the hearing. Proof of the publication and posting of the
17 notice shall be filed in the office of the county auditor on or
18 before the day of the hearing.

19 No change for subd 3 to 4

383C#58S

20 383C.58 TRAVEL EXPENSE OF COMMISSIONERS.

21 Each of the county commissioners shall be allowed and paid
22 in addition to said salary, ~~his~~ actual and necessary traveling *
23 expenses incurred and personally paid ~~by him~~ in the discharge of *
24 ~~his~~ official duties. Such traveling expenses shall be allowed *
25 by the county board upon duly verified and itemized bills in the
26 same manner as other claims against the county.

383C#642S

27 383C.642 COMMISSION TO BE APPOINTED.

28 That upon the decision of any such city and county by
29 resolution duly adopted by the council and the county board of
30 such city and county to acquire the land for and establish and
31 maintain such work or correction farm the chairman chair of the *
32 county board of said county and the council of any such city
33 shall appoint a commission consisting of five members, three of
34 whom shall be appointed by the chairman chair of said county *
35 board and two by the council of any such city.

36 That upon the decision of any such county by resolution
37 duly adopted by its county board to acquire the land for and
38 establish and maintain such work farm, without the cooperation
39 of any such city, the chairman chair of the county board of said *
40 county shall appoint a commission consisting of three members.

41 The members of any commission appointed under the terms of
42 sections 383C.641 to 383C.651 shall be chosen with reference to
43 their special fitness for such office, and their appointment
44 before becoming effective shall be approved by the majority of
45 the judges of the district court of the judicial district in
46 which said county is located, if there be three or more judges
47 of said court, otherwise by one of said judges.

48 This commission shall be known as the board of work farm
49 commissioners, when said farm shall be established and
50 maintained by such county alone; and shall be known as the joint
51 board of county and city work farm commissioners, when said farm
52 shall be established and maintained by such county and city
53 jointly.

54 The members of said commission shall serve without
55 compensation or financial benefit, but they shall be entitled to
56 reimbursement for all actual expenses in connection with their
57 official duties, an itemized and verified statement of which
58 expenses shall be filed with and approved by said board.

59 Said board shall be provided with a suitable office in the
60 courthouse at the county seat.

61 The terms of each of the members of the first board of work
62 farm commissioners shall expire on the first Monday in January
63 in the first, second and third years, respectively, after their
64 appointment. Upon the expiration of such terms, their
65 successors shall be appointed in like manner for terms of three
66 years each.

67 The terms of the members of the first joint board of county
68 and city work farm commissioners shall expire as follows: two
69 on the first Monday in January of the first year, one of whom
70 shall be appointed by the council of said city; two on the first
71 Monday in January of the second year, one of whom shall be
72 appointed by the council of said city; and one on the first
73 Monday in January of the third year after their appointment.

1 Upon expiration of such terms, their successors shall be
2 appointed in like manner for terms of three years each.

3 All vacancies on said commission shall be filled by like
4 appointment for the unexpired terms.

5 Upon the appointment of the first board, and annually
6 thereafter, on the first Monday in January, the board shall
7 elect from its number a president and a vice president, to serve
8 for one year, and until their successors qualify. The members
9 of said commission shall qualify by subscribing to and taking
10 the usual oath of office and shall hold office as indicated
11 above, or until their successors are appointed and have
12 qualified.

383C#643S

13 383C.643 COMMISSION; SUPERVISION OF FARM.

14 Said board of work farm commissioners or joint board of
15 county and city work farm commissioners shall have full charge
16 and control of said work farm, and the erection of all buildings
17 and the making of all improvements thereon. It shall appoint
18 and employ a superintendent and other necessary help, and shall
19 prescribe their duties and fix their compensation. The
20 superintendent of said work farm shall be the secretary of said
21 commission, and before ~~his~~ the appointment shall become
22 effective, it shall be approved by a majority of the judges of
23 said district court. *

383C#645S

24 383C.645 RULES AND REGULATIONS.

25 Said commissioners shall adopt such rules and regulations
26 and enforce such discipline for the management and operation of
27 said work farm as may be deemed necessary. Said commissioners
28 shall have power to establish and adopt rules and regulations
29 under which, and specify the conditions on which, any prisoner
30 committed to such work farm may be allowed to go upon parole
31 outside the limits of said work farm, but to remain while on
32 parole in the legal custody and under the control of such
33 commissioners, and subject, at all times to have said parole
34 terminated, and to be taken back under the same conditions as
35 when originally committed. The written order of said
36 commission, signed by its president or vice president and
37 attested by its secretary, shall be sufficient authority and
38 warrant for any sheriff, police officer or constable of this
39 state to execute such order, and arrest and return to the
40 custody of said commission or the superintendent of said work
41 farm, any prisoner that may have been released under parole by
42 said commission, and it is hereby made the duty of any such
43 sheriff, constable or police officer to execute any such order
44 of said commission in the same manner as any other criminal
45 process of this state is executed. Said commissioners may place
46 any such prisoner who may be released on parole, under the care
47 and supervision of any state, county or city officer having
48 probation or parole duties and powers under the law, and such
49 parole officer ~~is hereby given full power and authority, and it~~ *
50 ~~is hereby made his duty, to~~ shall execute the orders of said *
51 commissioners with reference to carrying into effect such parole
52 regulations the same as any sheriff or other peace officer might
53 do.

54 The rules and regulations and the general plan for paroling
55 prisoners adopted by said commissioners shall not become
56 effective until the same shall have been approved by a majority
57 of the judges of the district court of the judicial district in
58 which said county may be situated.

383C#646S

59 383C.646 AID TO FAMILY OF INMATE.

60 That the said commissioners in charge of any such work
61 farm, may establish and adopt proper rules and regulations for
62 furnishing and may furnish aid weekly, or less often if they so
63 decide, to the ~~wife~~ spouse or to the family of any prisoner *
64 confined in such work farm or to the guardian or other person or
65 association in control of and responsible for the care and
66 support of any dependent child or children of said prisoner,
67 which aid shall be furnished by written order for house rent,
68 fuel, groceries and other necessaries, but such aid to any
69 such ~~wife~~ spouse or family shall not exceed the sum of fifty *
70 cents for each day's labor performed by said prisoner on said
71 farm or elsewhere in said county for which no order has been
72 previously issued. Provided, however, that any person receiving
73 such aid shall be a resident of the county in which such work is

1 situated, at the time of commitment and the receipt of such aid.
 2 That upon the certificate of the person designated in said
 3 order to whom said necessities shall be delivered, that said
 4 necessities were received by said person, and on the filing of a
 5 duly itemized and verified claim against said commission for the
 6 reasonable price and value of said necessities, said claim shall
 7 be a charge against any fund available for the maintenance of
 8 said work farm and shall be paid by said commissioners.

383C#671S

9 383C.671 DIRECTORS OF HOME.

10 That the board of county commissioners of any such county,
 11 whenever they shall determine to establish and maintain such
 12 home school, or shall have heretofore established such home
 13 school under the provisions of said law, shall appoint a board
 14 consisting of five members, electors of said county, which board
 15 shall include the members of any existing board under said law.
 16 The members of any board appointed under the terms of sections
 17 383C.67 to 383C.677 shall be chosen with reference to their
 18 special fitness for such office. All appointments to this board
 19 shall be ratified by the order of a majority of the judges of
 20 the district court of the judicial district in which the home
 21 school is located, before the same shall be in force and effect
 22 as an appointment. The board shall be known as the board of
 23 industrial home directors.

24 The members of said board shall serve without compensation
 25 or financial benefit, but they shall be entitled to
 26 reimbursements for all actual and reasonable expenses in
 27 connection with their official duties, an itemized and verified
 28 statement of which expenses shall be filed with and audited and
 29 allowed by said county board.

30 The terms of the members of the first board of industrial
 31 home directors hereunder shall expire as follows: one on the
 32 first Monday of January of the first year hereafter; two on the
 33 first Monday in January of the second year hereafter; and two on
 34 the first Monday in January of the third year after their
 35 appointment hereafter. Upon expiration of such terms their
 36 successors shall be appointed in like manner for three years
 37 each.

38 All vacancies on said board shall be filled by like
 39 appointment for the unexpired terms.

40 Upon the appointment of the first board of industrial home
 41 directors hereunder, and annually thereafter on the first Monday
 42 in January, the board shall elect from its number a chairman
 43 chair, a vice-chairman vice-chair and a secretary, to serve for *
 44 one year and until their successors qualify. The members of *
 45 said board shall qualify by subscribing to and taking the usual
 46 oath of office.

383C#80S

47 383C.80 APPROPRIATIONS FOR CLEARING LAND.

48 No change for subd 1

49 Subd. 2. APPLICATION. Any person coming under the
 50 provisions of this section, desiring their lands to be cleared
 51 of stumps and boulders with equipment using "Angledozer" or
 52 "bulldozers" shall first make application, on a form approved by
 53 the county board, with the county agricultural agent, which
 54 application shall provide among other things for the payment of
 55 the expense thereof by such person requesting such service. The
 56 county agricultural agent, and county auditor guided by
 57 available land classification information, shall determine
 58 whether the land is suitable for agricultural purposes and worth
 59 the cost of clearing; also whether the land is tax delinquent
 60 and make ~~his~~ recommendations on said application to the county
 61 board. The county board may then by resolution approve or *
 62 reject the application, giving notice to applicant of same.

63 No change for subd 3

64 Subd. 4. NOT TO BE USED ON TAX DELINQUENT LAND. No
 65 county equipment shall be used on land which is tax delinquent
 66 unless cash is paid at time of clearing at a rental rate to be
 67 determined by the county highway engineer, which rate shall be
 68 sufficient to cover labor, transportation, equipment, and other
 69 items incidental to clearing said land of applicant. Where tax
 70 on land of applicant is paid, upon approval of application by
 71 county board said land may be cleared by said equipment at the
 72 rates determined, as hereinafter stated, by payment by the owner
 73 of the total cost at completion of clearing or upon the payment
 74 of 20 percent of the estimated cost by the owner to the county

1 treasurer before land clearing equipment goes on land, and
 2 balance shall be certified by highway engineer to the county
 3 auditor ~~and he~~ who shall enter same upon ~~his~~ the tax books as an *
 4 assessment upon such land and shall be collected in the same
 5 manner that other real estate taxes are collected, except that
 6 said auditor shall spread said balance so as to be collected
 7 over a period of four years. Upon the collection of such rental
 8 price for such land clearing equipment, the same shall be
 9 credited to said revolving fund for use in continuing such land
 10 clearing.

384*#02S

11 384.02 BOND.

12 Each county auditor, before entering upon the duties of ~~his~~ *
 13 office, shall give a bond to the state to be approved by the
 14 county board in such penal sum not less than \$5,000 nor more
 15 than \$20,000 as such board requires, conditioned for the
 16 faithful discharge of the duties of ~~his~~ office, upon which shall *
 17 be endorsed ~~his~~ an oath of office. The bond so endorsed shall *
 18 be filed and recorded in the office of the county recorder.

384*#03S

19 384.03 MALFEASANCE; SUSPENSION.

20 If any county auditor shall fail to make settlement or pay
 21 over all moneys with which ~~he~~ the auditor stands charged, at the *
 22 time and in the manner prescribed by law, or misapplies any
 23 money ~~which comes into his possession~~ handled in the discharge *
 24 of ~~his~~ official duties, the county board shall commence an *
 25 action against ~~him~~ the auditor and ~~his~~ the auditor's sureties, *
 26 and cause a copy of the complaint in such action to be forthwith
 27 furnished to the governor; and, if it alleges any of the acts
 28 hereinbefore recited, ~~he~~ the governor shall suspend such auditor *
 29 temporarily, and cite ~~him~~ the auditor to appear and show cause *
 30 why the suspension should not continue during the pendency of
 31 the action. At the hearing either party may produce competent
 32 evidence by affidavits or otherwise and if there appear to be
 33 reasonable grounds to support the complaint, the suspension
 34 shall be continued during the pendency of the action; otherwise
 35 such auditor shall be restored to office. If restored, ~~he~~ the *
 36 auditor shall not be deprived of ~~his~~ salary during the period of *
 37 suspension and ~~his~~ the auditor's reasonable expenses in *
 38 defending ~~himself~~ against the charges on the hearing before the *
 39 governor shall be paid by the county. If, upon the trial of
 40 such action, the auditor is adjudged guilty of any neglect of
 41 duty or offense charged in the complaint, the office shall be
 42 deemed vacant.

384*#04S

43 384.04 ACTION ON BOND.

44 An action may be brought against any county auditor and the
 45 sureties on ~~his~~ the auditor's official bond in the name and for *
 46 the use of the state or for the use of any county or person
 47 injured by ~~his~~ the auditor's official misconduct or omission. *

384*#05S

48 384.05 FAILURE TO QUALIFY.

49 If any person elected to the office of county auditor shall
 50 not give the bond and take the oath required by law on or before
 51 the first Monday in January next after ~~his~~ the election, it *
 52 shall be deemed a refusal to serve.

384*#06S

53 384.06 MEETINGS CALLED BY COMMISSIONER OF REVENUE,
54 ATTENDANCE.

55 The county board of each county shall audit and, if found
 56 correct, allow duly itemized and verified claims of the county
 57 auditor and county treasurer for actual and necessary expenses
 58 incurred and paid by ~~him~~ either in attending any meeting called *
 59 by the commissioner of revenue to confer in regard to
 60 assessments and taxation.

61 No such claim shall be audited or allowed unless the
 62 written request of the commissioner of revenue for such
 63 conference is attached to and made a part thereof.

384*#09S

64 384.09 CLERK OF COUNTY BOARD.

65 The county auditor by virtue of ~~his~~ office shall be clerk *
 66 of the county board, keep an accurate record of its official
 67 proceedings, carefully preserve all documents, books, records,
 68 maps, and other papers required to be deposited in ~~his~~ the *
 69 auditor's office, and annually prepare a financial statement of *
 70 the county, unless otherwise ordered by the board. He The *

1 county auditor shall present at each regular meeting of the *
2 board a statement in writing showing the amounts levied for the
3 various county purposes for the current year, together with the
4 actual cash balance, if any, remaining to the credit of each
5 fund at the date of such meeting, and the amounts, if any, still
6 unpaid on account of contracts already entered into by the
7 board. Each statement shall be embodied in, and form a part of,
8 the minutes of the official proceedings of the board.

384*#10S

9 384.10 CERTAIN RECORDS TRANSCRIBED.

10 When it shall be made to appear to the satisfaction of the
11 county board of any county that any book of record in the office
12 of the county auditor or county abstract clerk of such county,
13 through age, injury, use, or other cause, has become unfit for
14 record purposes and because of such condition are liable to
15 destruction, it shall be the duty of the auditor or county
16 abstract clerk of the county to make a transcript of such
17 records in suitable books to be provided by the county for that
18 purpose.

19 When such transcripts have been completed the same shall be
20 compared with the original record and the auditor or county
21 abstract clerk shall duly certify under his hand and seal at the *
22 end of each book that the records therein contained to date of
23 signature are true and correct transcripts of the original
24 records. Such transcripts shall then have the same force and
25 effect as the original records.

26 For the transcribing of such records the county auditor or
27 county abstract clerk shall be allowed such amounts for extra
28 help as to the board may seem just, proper, and necessary, such
29 extra help to be hired by him the officer at his the officer's *
30 direction as to their appointment and the rates of their
31 compensation, respectively, and paid by his the officer's *
32 warrants on the county treasury.

384*#11S

33 384.11 DELIVERY TO SUCCESSOR.

34 On going out of office, any county auditor shall deliver to
35 his a successor all moneys, books, records, maps, documents, *
36 papers, vouchers, and other property in-his-hands on hand *
37 belonging to the county; and, in case of his death, his the *
38 auditor's personal representatives shall in like manner deliver *
39 to his a successor all such property. *

384*#12S

40 384.12 ACCOUNT WITH TREASURER.

41 The county auditor shall keep an accurate account current *
42 with the treasurer of his the county, and, when any person shall *
43 deposit with him the auditor any receipt given by the treasurer *
44 for money paid into the treasury, he the auditor shall file the *
45 same in-his-office and charge the treasurer with the amount *
46 thereof.

384*#13S

47 384.13 CLAIMS; DISBURSEMENTS.

48 No claims against the county shall be paid otherwise than
49 upon allowance of the county board, upon the warrant of the *
50 chairman chair thereof, attested by the county auditor, except *
51 in those cases in which the precise amount is fixed by law, or
52 is authorized to be fixed by some other person, officer, or
53 tribunal, in which cases the same shall be paid upon the warrant
54 of the auditor, upon the proper certificate of the person,
55 officer, or tribunal allowing the same. No money shall be
56 disbursed by the county board, or any member thereof, but only
57 by the county treasurer upon the warrant of the chairman chair *
58 of the county board, attested by the auditor, specifying the
59 name of the party entitled to the same, on what account and for
60 what purpose issued, upon whose allowance, if not fixed by law,
61 and the fund from which it is payable. In all counties except
62 any county having a population of more than 150,000, each
63 warrant shall be so drawn that when signed by the treasurer in
64 an appropriate place, it becomes a check on the county
65 depository. If in payment for services, the specific time for
66 which the same were rendered shall be therein stated, and all
67 orders and warrants shall be progressively numbered, and the
68 number, date, and amount of each, the name of the person to whom
69 payable, and the specific time for which any service was
70 rendered, shall, at the time of issuing the same, be entered in
71 a book to be kept by the auditor for that purpose.

384*#141S

1 384.141 DESTRUCTION OF CERTAIN RECORDS.

2 The county auditor may destroy local assessment books for
3 sprinkling, oiling, grass and trees and water for years prior to
4 the year 1936 and thereafter when such records are more than ten
5 years old, on file in ~~his~~ the auditor's office, and may also *
6 destroy real and personal property assessment books and real and
7 personal property tax duplicate books for years prior to 1926
8 and thereafter when such records are more than twenty years old.

384*#151S

9 384.151 COUNTY AUDITORS SALARIES, FEES AND CLERK HIRE,
10 COUNTIES UNDER 75,000 INHABITANTS; APPEALS.

11 Subdivision 1. SALARY SCHEDULE. The county auditors
12 in all counties of the state with less than 75,000 inhabitants
13 according to the 1960 federal census, shall receive as full
14 compensation for services rendered by them for their respective
15 counties, annual salaries, not less than the following amounts
16 based on the population according to the then last preceding
17 federal census:

18 (a) In counties with less than 10,000 inhabitants \$6,000;

19 (b) In counties with 10,000 but less than 20,000
20 inhabitants \$6,500;

21 (c) In counties with 20,000 but less than 30,000
22 inhabitants \$7,000;

23 (d) In counties with 30,000 but less than 40,000
24 inhabitants \$7,500;

25 (e) In counties with 40,000 or more inhabitants \$8,000;

26 (f) The county board of each of the counties specified in
27 this subdivision annually shall set by resolution the salary of
28 the county auditor which shall be paid to the county auditor at
29 such intervals as the board shall determine but not less often
30 than once each month. At the January meeting prior to the first
31 date on which applicants may file for the office of county
32 auditor the board shall set by resolution the minimum salary to
33 be paid the county auditor for the term next following. In the
34 event a vacancy occurs in the office of county auditor the board
35 may set the annual salary for the remainder of the calendar year
36 at an amount less than was set for that year. The board, in any
37 case specified in this subdivision, may not set the annual
38 salary at an amount less than the minimums provided in this
39 subdivision but it may set the salary in excess of such
40 minimums. The salary of the county auditor shall not be reduced
41 during the term for which ~~he~~ the auditor was elected or *
42 appointed.

43 In the event that duties are assigned to the auditor which
44 are in addition to ~~his~~ duties as auditor, additional *
45 compensation may be provided for the additional duties. The
46 county board by resolution shall determine the additional
47 compensation which shall be paid and specify the duties for
48 which the additional compensation is to be paid.

49 Subd. 2. Repealed, 1975 c 301 s 16

50 No change for subd 3

51 Subd. 5. COLLECTION OF FEES. The county auditor
52 shall charge and collect all fees as prescribed by law and all
53 such fees collected by ~~him~~ shall be paid to the county in the *
54 manner and at the times prescribed by the county board, but not
55 less often than once each month. The county auditor shall not
56 retain any additional compensation, per diem or other emolument
57 for ~~his~~ services as county auditor, but may receive and retain *
58 mileage and expense allowances as prescribed by law.

59 No change for subd 6

60 Subd. 7. APPEAL FROM RESOLUTION OF THE BOARD. The
61 county auditor if dissatisfied with the action of the county
62 board in setting the amount of ~~his-or-her~~ the auditor's salary *
63 or the amount of the budget for the office of county auditor,
64 may appeal to the district court on the grounds that the
65 determination of the county board in setting such salary or
66 budget was arbitrary, capricious, oppressive or in unreasonable
67 disregard for the responsibilities and duties of said office,
68 and ~~his-or-her~~ the auditor's experience, qualifications, and *
69 performance. The appeal shall be taken within 15 days after the
70 date of the resolution setting such salary or budget by serving
71 a notice of appeal on the county auditor and filing same with
72 the clerk of the district court. The court either in term or
73 vacation and upon ten days notice to the chairman chair of the *
74 board shall hear such appeal. On the hearing of the appeal the
75 court shall review the decision or resolution of the board in

1 like manner as though reviewed by certiorari, except new or
 2 additional evidence may be taken. The court may order the
 3 officer appealing and the board to submit briefs or other
 4 memoranda and may dispose of the appeal on such writings. If
 5 the court shall find that the board acted in an arbitrary,
 6 capricious, oppressive or unreasonable manner it shall remand
 7 the matter to the county board for further action consistent
 8 with the court's finding.

9 No change for subd 8

384*#17S

10 384.17 VERIFIED STATEMENT IN CERTAIN COUNTIES.

11 In counties having a population of more than 75,000, the
 12 county auditor shall file in ~~his~~ the auditor's office, on the
 13 first Monday of each month, a verified statement, giving the
 14 name of every employee in ~~his~~ the office, the general nature of
 15 the service rendered by ~~him~~ that employee, and the amount paid
 16 therefor; also showing all business done in ~~his~~ the office
 17 during the preceding month for which fees have been charged, the
 18 amount of fees received, and the amount of such fees remaining
 19 unpaid. All such fees shall, on the first Monday in each month,
 20 be turned into the county treasury.

385*#02S

21 385.02 DEPUTIES; BONDS.

22 No change for subd 1

23 Subd. 2. BONDS. Before ~~he-enters~~ entering upon the
 24 duties of ~~his~~ office the county treasurer, every deputy county
 25 treasurer and every employee in the office of the county
 26 treasurer shall give bond, to be approved by the county board,
 27 and in such sum as the board directs. In counties of over
 28 150,000 inhabitants, the bond of the county treasurer shall not
 29 be less than \$500,000, unless the surety is a corporation duly
 30 authorized by law to be surety, in which case it shall be not
 31 less than \$250,000. Such bond shall be payable to the state,
 32 conditioned that ~~he~~ the treasurer shall faithfully execute the
 33 duties of ~~his~~ office, and for the safe-keeping and paying over
 34 according to law of all moneys which come into ~~his~~ the
 35 treasurer's hands for state, county, town, school, road, bridge,
 36 poor, and all other purposes.

37 In lieu of the individual bonds required for deputies and
 38 employees in the office of the county treasurer a schedule or
 39 position bond or undertaking may be given in the respective
 40 amounts so required conditioned as above and upon a form to be
 41 prescribed by the commissioner of administration.

42 The county board shall pay the premiums upon such bonds or
 43 undertakings out of the treasury of the county in cases where
 44 the surety is a corporation duly authorized by law to be surety.

385*#03S

45 385.03 FAILURE TO QUALIFY.

46 If any person elected to the office of county treasurer
 47 shall not take the oath and give the bond required by law on or
 48 before the first Monday of January next succeeding ~~his~~ election,
 49 it shall be deemed a refusal to serve.

385*#04S

50 385.04 ACCURATE ACCOUNT KEPT.

51 The county treasurer shall keep a full and accurate account
 52 of all moneys ~~by-him~~ received, showing the amount thereof, the
 53 time when, by whom, and on what account paid;--~~He~~ and shall keep
 54 ~~his~~ books so as to show the amount received and paid on account
 55 of separate and distinct funds or appropriations, which ~~he~~ shall
 56 exhibit be exhibited in separate accounts, and every warrant
 57 shall be paid only from the cash on hand in the fund from which
 58 it may be properly payable. In case of payments of money under
 59 any special contract entered into by the county board, such
 60 payments shall be kept separate under the name of the particular
 61 contract on account of which it was made, and under the general
 62 title of the fund from which such warrant is payable. No money
 63 received for taxes charged in the duplicate of the current year
 64 shall be entered by the treasurer on ~~his~~ the treasurer's account
 65 with the county until ~~he~~ the treasurer makes ~~his~~ the annual
 66 settlement with the county auditor and county board in each
 67 year. The treasurer's books shall be provided at the expense of
 68 the county.

385*#05S

69 385.05 RECEIPT AND PAYMENT OF MONEY.

70 The county treasurer shall receive all moneys directed by
 71 law to be paid to ~~him-as-such-treasurer~~ the treasurer and pay

1 them out only on the order of the proper authority. All moneys
 2 belonging to the county shall be paid out upon the order of the
 3 county board, signed by the ~~chairman~~ chair thereof, and attested *
 4 by the county auditor, or upon the warrant of the county auditor
 5 upon the presentation to ~~him~~ the auditor of the proper *
 6 certificate of the person or tribunal allowing the same, and not
 7 otherwise. All moneys due the state, arising from the
 8 collection of taxes or from other sources, shall be paid upon
 9 the draft of the commissioner of finance, drawn in favor of the
 10 state treasurer, and a duplicate copy of the receipt for payment
 11 of such draft shall be forwarded by the state treasurer to the
 12 county auditor, who shall preserve the same, and credit the
 13 county treasurer with the amount thereof. The county auditor
 14 shall issue ~~his~~ a warrant in favor of the state for the amount *
 15 of such draft and the county treasurer shall pay the warrant
 16 forthwith without endorsement thereof by the state treasurer or
 17 other state official, and without expense to the state for
 18 collection charges.

385*#06S

19 385.06 ACCOUNTS AUDITED.
 20 Subdivision 1. AUDIT. The county board in each
 21 county may carefully examine and audit such accounts, books, and
 22 vouchers of the county treasurer as will enable it to ascertain
 23 the kind, description, and amount of funds in the treasury of
 24 such county, or belonging thereto, without previous notice to
 25 the treasurer. The county board shall also witness and attest
 26 the transfer and delivery of accounts, books, vouchers and funds
 27 by each outgoing treasurer to ~~his~~ the successor in office. *
 28 No change for subd 2

385*#12S

29 385.12 DEPOSIT IN OFFICIAL CAPACITY; FAILURE.
 30 No county treasurer shall deposit any public funds in ~~his~~ *
 31 the treasurer's individual name, or in any other capacity than *
 32 as treasurer, under the penalty of \$500 for each deposit so made.

385*#18S

33 385.18 EXEMPTION FROM LIABILITY.
 34 When any portion of the funds of a county shall be
 35 deposited by any county treasurer hereunder, such treasurer and
 36 the sureties on ~~his~~ the treasurer's bond shall be exempt from *
 37 liability for the loss of any such deposited funds from the
 38 failure, bankruptcy, or other acts of the depository, to the
 39 extent and amount of such funds so lost then in the hands of
 40 such depository.

385*#19S

41 385.19 ACCOUNTS EXHIBITED.
 42 On the last days of February and October in each year, the
 43 treasurer shall exhibit ~~his~~ the accounts since the last *
 44 settlement, balanced to that day, to the county board and county
 45 auditor, or, if the board is not in session, to the county
 46 auditor alone, showing all the moneys received and disbursed by *
 47 ~~him~~ since ~~his~~ the last settlement, and the balance remaining in *
 48 his-hands on hand. The books, accounts, and vouchers of the *
 49 treasurer and all moneys remaining in the treasury shall at all
 50 times be subject to the inspection and examination of the county
 51 board or any committee thereof.

385*#20S

52 385.20 FAILURE TO SETTLE.
 53 ~~If~~ Any county treasurer who fails to make settlement with *
 54 the state treasurer within 15 days of the time prescribed by
 55 law, ~~he~~ shall forfeit and pay the sum of \$100, in addition to *
 56 the penalties provided in section 385.21, to be recovered in a
 57 civil action, which forfeiture shall be paid into the state
 58 treasury to the credit of the common school fund. The
 59 commissioner of finance, for good cause shown, may remit the
 60 penalty at any time before an action is commenced.

385*#21S

61 385.21 ACTION AGAINST.
 62 If any county treasurer fails to make return or settlement,
 63 or to pay over all money with which ~~he~~ the treasurer stands *
 64 charged, at the time and in the manner prescribed by law, the
 65 county auditor, on receiving instructions for that purpose from
 66 the state auditor or from the county board ~~of-his-county~~, shall *
 67 cause an action to be commenced against such treasurer and ~~his~~ *
 68 the treasurer's sureties in the district court of ~~his~~ the *
 69 county; and judgment may be rendered therein against them for
 70 the amount due from such treasurer, with interest and a penalty

1 of ten percent thereon.

385*#23S

2 385.23 MONEY COLLECTED.

3 The sheriff or other officer who collects any money from a
4 delinquent county treasurer or ~~his~~ the treasurer's sureties *
5 shall within ten days thereafter pay the same into the treasury
6 of the county to which it is due.

385*#24S

7 385.24 REFUSAL TO EXECUTE PROCESS.

8 If any sheriff or other officer to whom an execution
9 against a delinquent treasurer and ~~his~~ the treasurer's sureties *
10 is delivered neglects or refuses to execute the same, or
11 neglects or refuses to pay over any money collected thereon, as
12 required in section 385.23, ~~he-and-his~~ the sheriff and the *
13 sheriff's sureties shall be liable to the same penalties and *
14 proceeded against the same manner as provided by law in the case
15 of delinquent treasurers.

385*#25S

16 385.25 PROCEEDINGS AGAINST DEPUTY.

17 If the deputy treasurer fails to pay over to ~~his~~ the *
18 deputy's principal on demand any taxes or other money ~~by-him~~ *
19 collected as such deputy, the same proceedings may be had
20 against ~~him-and-his~~ the deputy and the deputy's sureties at the *
21 instance of the treasurer as are authorized against treasurers
22 for failing to make payment according to law.

385*#27S

23 385.27 FAILURE TO GIVE BOND.

24 If any county treasurer fails or refuses to give such
25 additional bond for ten days after the day on which the same is
26 required by the county board, ~~his~~ the treasurer's office shall *
27 become vacant, and be filled as provided by law.

385*#28S

28 385.28 NOT TO SPECULATE IN ORDERS OR WARRANTS.

29 No county treasurer or deputy shall either directly or
30 indirectly contract for or purchase any orders or warrants
31 issued by the treasurer's county ~~of-which-he-is-treasurer~~, or *
32 any state warrants, or the orders or warrants of any city, town,
33 or other body politic for which ~~he~~ the treasurer is the *
34 collector of taxes, at any discount; and ~~if~~ any treasurer or *
35 deputy who shall directly or indirectly contract for, purchase, *
36 or procure any such orders or warrants at any discount
37 whatever, ~~he~~ shall not be allowed, on settlement, the amount of *
38 these orders or warrants, or any part thereof, and shall forfeit
39 the whole amount due thereon and \$100 for every breach of the
40 provisions of this section, to be recovered in a civil action at
41 the suit of the state for the use of the county. The person to
42 whom the county treasurer is required to return the state,
43 county, city, town, school, or road tax is prohibited from
44 receiving from any county treasurer any orders, warrants, or
45 bonds in payment of taxes collected ~~by-him-or-his-deputies~~, *
46 unless, with the orders, warrants, or bonds, such treasurer
47 shall file ~~his~~ an affidavit with the person entitled to receive *
48 the tax, stating therein that all such orders, warrants, and
49 bonds were received at their par value.

385*#29S

50 385.29 NOT TO LEND FUNDS.

51 ~~If~~ Any county treasurer who lends any money belonging to *
52 ~~his~~ the county with or without interest or uses the same for ~~his~~ *
53 ~~own-individual~~ personal purposes, ~~he~~ shall forfeit and pay for *
54 every such offense not more than \$1,000 nor less than \$500 to be
55 recovered in a civil action at the suit of the state for the use
56 of the county, city, town, or body politic injured.

385*#31S

57 385.31 PAYMENT OF COUNTY ORDERS OR WARRANTS.

58 When any order or warrant drawn on ~~him-as~~ the treasurer is *
59 presented for payment, if there is money in the treasury for
60 that purpose, the county treasurer shall redeem the same, and
61 write across the entire face thereof the word "redeemed," the
62 date of the redemption, and ~~his~~ the treasurer's official *
63 signature. If there is not sufficient funds in the proper
64 accounts to pay such orders they shall be numbered and
65 registered in their order of presentation, and proper
66 endorsement thereof shall be made on such orders and they shall
67 be entitled to payment in like order. Such orders shall bear
68 interest at not to exceed the rate of six percent per annum from
69 such date of presentment. The treasurer, as soon as there is

1 sufficient money in the treasury, shall appropriate and set
 2 apart a sum sufficient for the payment of the orders so
 3 presented and registered, and, if entitled to interest, issue to
 4 the original holder a notice that interest will cease in 30 days
 5 from the date of such notice; and, if orders thus entitled to
 6 priority of payment are not then presented, the next in order of
 7 registry may be paid until such orders are presented. No
 8 interest shall be paid on any order, except upon a warrant drawn
 9 by the county auditor for that purpose, giving the number and
 10 the date of the order on account of which the interest warrant
 11 is drawn. In any county in this state now or hereafter having
 12 an assessed valuation of all taxable property, exclusive of
 13 money and credits, of not less than \$250,000,000, the county
 14 treasurer, in order to save payment of interest on county
 15 warrants drawn upon a fund in which there shall be temporarily
 16 insufficient money in the treasury to redeem the same, may
 17 borrow temporarily from any other fund in the county treasury in
 18 which there is a sufficient balance to care for the needs of
 19 such fund and allow a temporary loan or transfer to any other
 20 fund, and may pay such warrants out of such funds. Any such
 21 money so transferred and used in redeeming such county warrants
 22 shall be returned to the fund from which drawn as soon as money
 23 shall come in to the credit of such fund on which any such
 24 warrant was drawn and paid as aforesaid. Any county operating
 25 on a cash basis may use a combined form of warrant or order and
 26 check, which, when signed by the chairman chair of the county
 27 board and by the auditor, is an order or warrant for the payment
 28 of the claim, and, when countersigned by the county treasurer,
 29 is a check for the payment of the amount thereof.

385*#34S

30 385.34 TO DEPOSIT ORDERS; AUDITOR'S DUTY.

31 The treasurer shall deposit with the auditor on the day of
 32 redemption all orders and warrants ~~by him~~ redeemed, and take the
 33 auditor's receipt therefor. ~~He~~ The treasurer shall enter the
 34 same, with date of payment, in ~~his~~ the register of orders paid,
 35 and credit ~~himself~~ the office daily upon ~~his~~ the treasurer's
 36 journal and ledger with the amount thereof. The auditor shall
 37 cancel the same immediately upon ~~his~~ the auditor's register of
 38 orders issued, and at the close of the day credit the treasurer
 39 with the same upon ~~his~~ the auditor's journal and ledger.

385*#35S

40 385.35 ALLOWANCES.

41 Every county treasurer shall be allowed express charges for
 42 forwarding state moneys and ten cents for each mile necessarily
 43 traveled in going to and returning from the nearest express
 44 office for that purpose; and for all sums necessarily paid for
 45 blank books and stationery and for printing such advertisements
 46 as ~~he~~ the treasurer is required to make.

385*#373S

47 385.373 COUNTY TREASURERS' SALARIES, COUNTIES UNDER
48 75,000 INHABITANTS; APPEALS.

49 Subdivision 1. SALARY SCHEDULE. The county
 50 treasurers in all counties of the state, with less than 75,000
 51 inhabitants according to the 1960 federal census, shall receive
 52 as full compensation for services rendered by them for their
 53 respective counties, annual salaries, not less than the
 54 following amounts based on the population according to the then
 55 last preceding federal census:

56 (a) In counties with less than 10,000 inhabitants \$6,000;

57 (b) In counties with 10,000 but less than 20,000
58 inhabitants \$6,500;59 (c) In counties with 20,000 but less than 30,000
60 inhabitants \$7,000;61 (d) In counties with 30,000 but less than 40,000
62 inhabitants \$7,500;

63 (e) In counties with 40,000 or more inhabitants \$8,000;

64 (f) The county board of each of the counties specified in
 65 this subdivision annually shall set by resolution the salary of
 66 the county treasurer which shall be paid to the county treasurer
 67 at such intervals as the board shall determine but not less
 68 often than once each month. At the January meeting prior to the
 69 first date on which applicants may file for the office of county
 70 treasurer the board shall set by resolution the minimum salary
 71 to be paid the county treasurer for the term next following. In
 72 the event a vacancy occurs in the office of county treasurer the
 73 board may set the annual salary for the remainder of the

1 calendar year at an amount less than was set for that year. The
 2 board in no case may set the annual salary at an amount less
 3 than the minimums provided in this subdivision but it may set
 4 the salary in excess of the minimums. The salary of the county
 5 treasurer shall not be reduced during the term for which he the
 6 treasurer was elected or appointed. *

7 In the event that duties are assigned to the treasurer
 8 which are in addition to ~~his~~ duties as treasurer, additional
 9 compensation may be provided for the additional duties. The
 10 county board by resolution shall determine the additional
 11 compensation which shall be paid and specify the duties for
 12 which the additional compensation is to be paid. *

13 Subd. 2. Repealed, 1975 c 301 s 16

14 No change for subd 3

15 Subd. 5. COLLECTION OF FEES. The county treasurer
 16 shall charge and collect all fees as prescribed by law and all
 17 such fees collected ~~by him~~ shall be paid to the county in the
 18 manner and at the times prescribed by the county board, but not
 19 less often than once each month. The county treasurer shall not
 20 retain any additional compensation, per diem or other emolument
 21 for ~~his~~ services as county treasurer, but may receive and retain
 22 mileage and expense allowances as prescribed by law. *

23 No change for subd 6

24 Subd. 7. APPEAL FROM RESOLUTION OF THE BOARD. The
 25 county treasurer if dissatisfied with the action of the county
 26 board in setting the amount of ~~his-er-her~~ the treasurer's salary
 27 or the amount of the budget for the office of county treasurer,
 28 may appeal to the district court on the grounds that the
 29 determination of the county board in setting such salary or
 30 budget was arbitrary, capricious, oppressive or in unreasonable
 31 disregard for the responsibilities and duties of said office,
 32 and ~~his-er-her~~ the treasurer's experience, qualifications, and
 33 performance. The appeal shall be taken within 15 days after the
 34 date of the resolution setting such salary or budget by serving
 35 a notice of appeal on the county auditor and filing same with
 36 the clerk of the district court. The court either in term or
 37 vacation and upon ten days notice to the ~~chairman~~ chair of the
 38 board shall hear such appeal. On the hearing of the appeal the
 39 court shall review the decision or resolution of the board in
 40 like manner as though reviewed by certiorari, except new or
 41 additional evidence may be taken. The court may order the
 42 officer appealing and the board to submit briefs or other
 43 memoranda and may dispose of the appeal on such writings. If
 44 the court shall find that the board acted in an arbitrary,
 45 capricious, oppressive or unreasonable manner it shall remand
 46 the matter to the county board for further action consistent
 47 with the court's finding. *

48 No change for subd 8

385*#38S

49 385.38 EMPLOYEES, PAY IN CERTAIN COUNTIES; FEES.

50 In counties having a population of more than 75,000, the
 51 county treasurer shall file with the county auditor on the first
 52 Monday of each month a verified statement giving the name of
 53 every employee in ~~his~~ the office, the general nature of the
 54 service rendered ~~by him~~, and the amount paid therefor; also
 55 showing all business done in ~~his~~ the office during the preceding
 56 month for which fees have been charged, the amount of fees
 57 received, and the amount of such fees remaining unpaid. All
 58 such fees shall on the first Monday in each month be turned into
 59 the county treasury. *

385*#39S

60 385.39 MONEYS AND BOOKS DELIVERED TO SUCCESSOR.

61 Each county treasurer, on going out of office, shall
 62 deliver to ~~his~~ the successor in office all the public money,
 63 books, accounts, papers, and documents in ~~his~~ possession; and in
 64 case of ~~his~~ the treasurer's death ~~his~~ the legal representatives
 65 shall in like manner deliver up all such moneys, books,
 66 accounts, papers, and documents as come into their possession. *

386*#01S

67 386.01 BOND.

68 Every county recorder, before ~~he-enters~~ entering upon the
 69 duties of ~~his~~ office, shall give bond to the state in the penal
 70 sum of \$5,000, to be approved by the county board, conditioned
 71 that ~~he~~ the recorder will faithfully and impartially fulfill the
 72 duties of ~~his~~ office. The bond and ~~his~~ an oath of office shall
 73 be filed for record with the clerk of the district court. *

386*#015S

1 386.015 SALARIES, FEES, AND BUDGET; COUNTIES UNDER
2 75,000 INHABITANTS; APPEALS.

3 No change for subd 1

4 Subd. 2. The county board of each of the counties
5 specified in subdivision 1 annually shall set by resolution the
6 salary of the county recorder which shall be paid to the county
7 recorder at such intervals as the board shall determine but not
8 less often than once each month. At the January meeting prior
9 to the first date on which applicants may file for the office of
10 county recorder the board shall set by resolution the minimum
11 salary to be paid county recorder for the term next following.
12 In the event a vacancy occurs in the office of the county
13 recorder the board may set the annual salary for the remainder
14 of the calendar year at an amount less than was set for that
15 year. The board in any case specified in this subdivision may
16 not set the annual salary at an amount less than the minimum
17 provided in subdivision 1 but it may set the salary in excess of
18 such minimums. The salary of the county recorder shall not be
19 reduced during the term for which he the recorder is elected or
20 appointed. *

21 In the event that duties are assigned to the county
22 recorder which are in addition to his duties as county recorder, *
23 additional compensation may be provided for the additional
24 duties. The county board by resolution shall determine the
25 additional compensation which shall be paid and specify the
26 duties for which the additional compensation is to be paid.

27 Subd. 3. Repealed, 1975 c 301 s 16

28 No change for subd 4

29 Subd. 5. The county recorder shall charge and collect all
30 fees as prescribed by law and all such fees collected ~~by him~~ as *
31 county recorder shall be paid to the county in the manner and at
32 the time prescribed by the county board, but not less often than
33 once each month. This subdivision shall apply to the fees
34 collected by the county recorder in performing the duties of the
35 registrar of titles and all such fees shall be paid to the
36 county as herein provided except that money paid to the
37 registrar of titles for the assurance fund as provided in
38 Minnesota Statutes 1961, Section 508.74, shall be paid to the
39 county as provided in Minnesota Statutes 1961, Section 508.75.
40 A county recorder may retain as personal compensation any fees
41 he the recorder is permitted to charge by law for services he *
42 renders rendered in his a private capacity as a registered *
43 abstractor as defined in Minnesota Statutes 1961, Section
44 386.61, Subdivision 2, Clause (2).

45 No change for subd 6

46 Subd. 7. The county recorder if dissatisfied with the
47 action of the county board in setting the amount of ~~his-or-her~~ *
48 the recorder's salary or the amount of the budget for the office *
49 of county recorder, may appeal to the district court on the
50 grounds that the determination of the county board in setting
51 such salary or budget was arbitrary, capricious, oppressive or
52 in unreasonable disregard for the responsibilities and duties of
53 said office, and ~~his-or-her~~ the recorder's experience, *
54 qualifications, and performance. The appeal shall be taken
55 within 15 days after the date of the resolution setting such
56 salary or budget by serving a notice of appeal on the county
57 auditor and filing same with the clerk of the district court.
58 The court either in term or vacation and upon ten days notice to *
59 the chairman chair of the board shall hear such appeal. On the *
60 hearing of the appeal the court shall review the decision or
61 resolution of the board in like manner as though reviewed by
62 certiorari, except new or additional evidence may be taken. The
63 court may order the officer appealing and the board to submit
64 briefs or other memoranda and may dispose of the appeal on such
65 writings. If the court shall find that the board acted in an
66 arbitrary, capricious, oppressive or unreasonable manner it
67 shall remand the matter to the county board for further action
68 consistent with the court's finding.

69 No change for subd 8

386*#02S

70 386.02 DELIVERY TO SUCCESSOR.

71 At the expiration of his a term of office, every recorder *
72 shall deliver promptly to his the successor all books, records, *
73 papers, and other property pertaining to his office and if, on *
74 application of his the duly qualified successor, he the recorder *

1 refuses to do so, he the recorder shall forfeit and pay to the *
 2 use of the county \$50 for each and every day he-so-refuses of *
 3 refusal, which may be recovered in an action brought upon his *
 4 the recorder's official bond. *

386*#03S

5 386.03 RECEPTION BOOKS.

6 Every county recorder shall keep two books, to be
 7 denominated, respectively, the grantor's and grantee's reception
 8 book, each page of which shall be divided into seven columns, in
 9 the following forms:

10						
11	Date of		To Whom		Book	
12	Reception,	Where	Delivered	Fees	and	
13	Year, Grantor	Grantee Situated	after	Received	Page	
14	Day,		Record		Record-	
15	Hour				ed and	
16	and Minute				Kind of	
17					Instru-	
18					ment	
19	Date of		To Whom		Book	
20	Reception,	Where	Delivered	Fees	and	
21	Year, Grantee	Grantor Situated	after	Received	Page	
22	Day,		Record		Record-	
23	Hour				ed and	
24	and Minute				Kind of	
25					Instru-	
26					ment	

27 The recorder shall enter in each book, in the order and
 28 manner aforesaid, as soon as the same are received, all deeds
 29 and other instruments left, and all copies left, as cautions or
 30 notices of liens, authorized by law to be recorded. The pages
 31 of each of the reception books shall be lettered in alphabetical
 32 order, a convenient number of consecutive pages being allotted
 33 to each letter of the alphabet, and every entry made therein
 34 shall be made in the grantor's reception book under the initial
 35 letter of the grantor's surname, and in the grantee's reception
 36 book under the grantee's surname, and all such entries shall
 37 appear therein consecutively and in the order as to time in
 38 which the instruments were received. He The recorder shall make *
 39 an entry in the record immediately after the copy of each
 40 instrument recorded specifying the time of the day, month, and
 41 year when the same was recorded.

386*#08S

42 386.08 PREPARATION.

43 The county recorder of any such county may assign the duty
 44 of compiling such index to one or more of-his deputies, who *
 45 shall be paid for extra time so employed additional salary and
 46 compensation at the same rate and in the same manner as is paid
 47 them for regular service. The total sum for such extra service
 48 shall not exceed \$1,600.

386*#09S

49 386.09 PAYMENT FOR FROM REVENUE FUND.

50 The county auditor of any such county shall, upon request
 51 of the county recorder, issue his warrants in payment for such *
 52 additional service, in amounts designated by the county
 53 recorder, and the same shall be drawn on the county revenue fund.

386*#13S

54 386.13 TRANSCRIBING RECORDS OF STATE LANDS.

55 The county commissioners of any county in this state are
 56 hereby authorized to direct the county recorder of any county
 57 containing any lands heretofore granted to the state from the
 58 United States government (except sections 16 and 36), and
 59 including all lands so granted in lieu of lands in sections 16
 60 or 36, to transcribe from the records of the commissioner of
 61 finance lists of all such lands including reference to the laws
 62 granting the same and by all patents issued thereunder to the
 63 state, which transcripts after due examination thereof shall be
 64 certified to without charge by the commissioner of finance as
 65 being true and correct transcripts, and thereupon such
 66 transcripts, shall be recorded by the county recorder in whose
 67 county such land is situate, which recording shall be done in
 68 books to be provided therefor by the county. Such county
 69 recorder shall receive the same fees allowed by law for
 70 recording original instruments in his the office, which fees *
 71 shall be paid by the county auditor upon the approval of the
 72 county commissioners of said county.

386*#17S

1 386.17 TO EXHIBIT RECORDS.
 2 The county recorder shall exhibit free of charge, during
 3 the hours that ~~his~~ the office is or is required by law to be *
 4 open, any of the records or papers in ~~his~~ the recorder's *
 5 official custody to the inspection of any person demanding the
 6 same, either for examination, or for the purpose of making or
 7 completing an abstract or transcript therefrom; but no such
 8 person shall have the right to have or use such records for the
 9 purpose of making or completing abstracts or transcripts
 10 therefrom, so as to hinder or interfere with the recorder in the
 11 performance of ~~his~~ official duties. *

386*#18S

12 386.18 ABSTRACTER; BOND.
 13 The county board may, by resolution, authorize any person
 14 to use a portion of the county building for the purpose of
 15 making abstracts of title, upon the execution by such person of
 16 a bond to the state in a sum not less than \$500, conditioned for
 17 the faithful performance of ~~his~~ duties as such abstracter and *
 18 that ~~he~~ the abstracter will handle all public records with care *
 19 and charge no greater fee for abstracts of title than is or may
 20 be allowed by law to county recorders for like services.

386*#19S

21 386.19 RECORD BOOKS, INDEXES.
 22 The county recorder shall keep suitable word for word
 23 records of all instruments left with ~~him~~ the recorder for record *
 24 keeping. ~~He~~ The recorder shall keep an alphabetical index ~~where~~ *
 25 ~~he shall~~ to record, under the proper letter of the alphabet, the *
 26 name of each grantor and grantee of any instrument left for
 27 record.

386*#20S

28 386.20 CERTIFICATES OF DISCHARGE FROM U.S. SERVICE.
 29 Subdivision 1. RECORDATION. Certificates of
 30 discharge from the United States army, the United States navy,
 31 and the United States marine corps and releases or transfers
 32 from active duty therein may be recorded in the office of the
 33 county recorder of any county in this state by the person to
 34 whom such discharge, release or transfer was issued without the
 35 payment of any fee to the county recorder for recording the
 36 same. Upon the request of the person having such instrument
 37 recorded, the county recorder shall not stamp, mark, or make any
 38 endorsement upon any such certificate of discharge, release or
 39 transfer, but after the recording thereof has been completed ~~he~~ *
 40 the recorder shall return the certificate of discharge, release, *
 41 or transfer in the ~~same condition in which he~~ received it ~~to the~~ *
 42 ~~person who left it with him for record.~~ *

43 In any county where the compensation of the county recorder
 44 consists of fees only, the county recorder shall be entitled to
 45 a fee of 60 cents for recording such instrument, which shall be
 46 paid by the county upon presentation of a verified claim by the
 47 county recorder.

48 No change for subd 2 to 3

386*#23S

49 386.23 CERTAIN SHERIFF'S CERTIFICATES, TRANSCRIBING.
 50 Subdivision 1. The county recorder in any county is hereby
 51 authorized and directed to transcribe, in appropriate records to
 52 be provided for such purpose, all certificates now on file in
 53 ~~his~~ the recorder's office, which were filed prior to May 10, *
 54 1862, made by sheriffs upon sales of real estate on mortgage
 55 foreclosures, judgments, and executions.

56 No change for subd 2 to 3

386*#26S

57 386.26 TRANSCRIBING CERTAIN INSTRUMENTS.
 58 Subdivision 1. The county recorder in each county having a
 59 population of over 100,000 is hereby authorized and directed to
 60 transcribe in appropriate records to be provided by the county
 61 for such purpose and to appropriately index all instruments
 62 affecting: lists of lands selected by railroad companies under
 63 grants from the United States or the state of Minnesota; and all
 64 instruments affecting: condemnation proceedings; awards of
 65 damages in condemnation proceedings; building line easements;
 66 easements for slopes; easements for electric light and telephone
 67 poles; now on file in ~~his~~ the recorder's office and which have *
 68 not heretofore been recorded.

69 No change for subd 2

70 Subd. 3. It is hereby made the duty of the county recorder

1 in any such county to record at length in suitable books to be
 2 provided by the county for such purpose all instruments
 3 hereafter received ~~by-him~~ either for filing or recording ~~and-he~~. *
 4 The recorder shall receive the same fees therefor as are allowed *
 5 for the recording of other like instruments.

386*#30S

6 386.30 DEEDS RECORDED WITHIN 30 DAYS.
 7 Each county recorder shall, within 30 days after any
 8 instrument entitled to record is left ~~with-him~~ for that purpose, *
 9 actually record the same in the manner provided by law and
 10 return the same in person or by mail to the person who left such
 11 instrument ~~with-him~~ for record, if ~~his~~ the person's residence is *
 12 known, or to such other person and at such address as ~~he~~ the *
 13 recorder may be directed to deliver the same. Persistent *
 14 failure to so record and return instruments entitled to record,
 15 upon demand therefor and payment of recording fees, shall
 16 constitute non-feasance in office and be sufficient ground for
 17 removal therefrom.

386*#31S

18 386.31 CONSECUTIVE NUMBERING.
 19 Each county recorder shall endorse plainly upon each
 20 instrument received ~~by-him~~ for record or filing as soon as *
 21 received a number consecutive to the number affixed to the
 22 instrument next previously received and enter such number as a
 23 part of the entry relating to such instrument in all the indexes
 24 kept in ~~his~~ the office and on the margin of the record of the *
 25 instrument, and such number shall be prima facie evidence of
 26 priority of registration. If more than one instrument shall be
 27 received at the same time, by mail or other like enclosure, the
 28 recorder shall affix such number in the order directed by the
 29 sender; if no direction be given, then in the order in which the
 30 instruments actually come to ~~his~~ the recorder's hand in opening *
 31 the enclosures.

386*#32S

32 386.32 CONSECUTIVE INDEX.
 33 Each county recorder shall keep an index of all records or
 34 files kept in ~~his~~ the office showing the number of the *
 35 instrument consecutively, the kind, the time of its reception,
 36 and where the same is recorded or filed, thus:

37	38	39	40	41
Number of	Kind of	Time of	Where Recorded	
Instrument	Instrument	Reception	or Filed	
			Book Page	File No.

41 Such entries shall be made as soon as the instrument is
 42 received ~~by-him~~, excepting only the place of record, which shall *
 43 be filled in as soon as such instrument is recorded.

386*#33S

44 386.33 DEPUTIES.
 45 Any county recorder may appoint one or more deputies in
 46 writing whose oath of office shall be endorsed on the
 47 appointment and recorded therewith in ~~his~~ the office. County *
 48 recorders shall be responsible for the acts of their deputies
 49 and may revoke their appointment at pleasure.

386*#36S

50 386.36 FARM NAMES RECORDED.
 51 The owner of farm lands in the state may designate a
 52 specific name of ~~his~~ the farm lands and this name, together with *
 53 a description of the farm lands according to the government
 54 survey thereof, may be filed with the county recorder of the
 55 county wherein the lands, or a part thereof, are situated, and
 56 this name, together with the description of the lands, shall be
 57 recorded by the county recorder in a book to be provided for
 58 such purpose, upon payment of a fee as prescribed in section
 59 357.18, but no two names so designated and recorded shall be
 60 alike in the same county.

386*#37S

61 386.37 ABSTRACTS OF TITLE.
 62 The county recorder, upon being paid ~~his~~ lawful fees *
 63 therefor, shall make out, under ~~his~~ the recorder's certificate *
 64 and seal, as the same appears of record or on file in ~~his~~ the *
 65 office, and deliver to any person requesting the same:

66 (1) A full and perfect abstract of title to any real estate
 67 together with all encumbrances, liens and instruments in any
 68 manner affecting such title;

69 (2) A continuation of any abstract of title, to any real
 70 estate that has been certified to by an official abstractor of

1 ~~his~~ the county within ten days after such request; *

2 (3) An abstract of title to any real estate, together with
3 all encumbrances, liens, and instruments in any manner affecting
4 such title, from a certain date to a given date, within ten days
5 after such request; or

6 (4) An abstract of title to any real estate covering
7 encumbrances and liens, only, affecting such title between any
8 two given dates, within ten days after such request.

386*#40S

9 386.40 SEAL.

10 Every county recorder shall have an official seal and affix
11 the same to all documents requiring ~~his~~ official signature, *

12 except the endorsement mentioned in section 386.41.

386*#41S

13 386.41 CERTIFICATE OF RECORD.

14 Every county recorder shall endorse upon each instrument
15 recorded ~~by-him~~, over ~~his~~ the recorder's official signature, the
16 time when it was received and the book and page in which it was
17 recorded; and every instrument shall be considered as recorded
18 at the time so noted. *

386*#46S

19 386.46 DISPOSAL OF OBSOLETE RECORDS.

20 Documents, filed or recorded by the county recorder,
21 including sheriffs certificates, land title patents,
22 incorporations, official bonds, mechanics liens, affidavits,
23 probate court orders, district court orders, satisfactions,
24 warranty deeds, quitclaim deeds, lis pendens, assignments and
25 miscellaneous documents, but still in ~~his~~ possession because
26 uncalled for by their owner for ten years after the filing or
27 recording, may be destroyed by the county recorder. State and
28 federal liens, except federal estate and gift tax liens, may be
29 destroyed ten years after their filing or last extension and
30 stricken from the indexes. *

386*#63S

31 386.63 BOARD OF ABSTRACTERS.

32 No change for subd 1

33 Subd. 2. The board shall choose annually one of its
34 members as chairman chair who shall have power to administer
35 oaths. The board shall adopt an official seal. A majority of
36 the board shall constitute a quorum. *

37 No change for subd 3 to 4

386*#65S

38 386.65 EXAMINATION OF APPLICANTS FOR LICENSE.

39 Subdivision 1. Applications for a license shall be made to
40 the board and shall be upon a form to be prepared by the board
41 and contain such information as may be required by it. Upon
42 receiving such application, the board shall fix a time and place
43 for the examination of such applicant. Notice of such
44 examination shall be given to the applicant by certified mail,
45 who shall thereon ~~present-himself-for~~ take the examination
46 pursuant to such notice. The examination shall be conducted by
47 the board under such rules as the board may prescribe, and such
48 rules shall prescribe that the applicant must show ~~he-is~~
49 qualified qualification by experience, education or training to
50 qualify as being capable of performing the duties of an
51 abstractor whose work will be for the use and protection of the
52 public. If application is made by a firm or corporation, one of
53 the members or managing officials thereof shall take such
54 examination. If the applicant successfully passes the
55 examination and complies with all the provisions of sections
56 386.61 to 386.76, the board shall cause its executive secretary
57 to issue a license to the applicant. *

58 Subd. 2. Repealed, 1976 c 222 s 209

59 Subd. 3. Any applicant who can show by affidavits of five
60 real property owners of this state that such applicant has been
61 openly, notoriously and continuously engaged in the business of
62 making abstracts for a period of at least five years prior to
63 ~~his~~ the application and who can otherwise comply with the
64 requirements of sections 386.61 to 386.76, shall be exempted
65 from the requirements of this section as to an examination. *

386*#66S

66 386.66 BOND OR ABTRACTER'S LIABILITY INSURANCE POLICY.

67 Before a license shall be issued, the applicant shall file
68 with the board a bond or abstractor's liability insurance policy
69 to be approved by the chairman chair or executive secretary, *

70 running to the state of Minnesota in the penal sum of at least

1 \$20,000 conditioned for the payment by such abstractor of any
 2 damages that may be sustained by or accrue to any person by
 3 reason of or on account of any error, deficiency or mistake
 4 arising wrongfully or negligently in any abstract, or
 5 continuation thereof, or in any certificate showing ownership
 6 of, or interest in, or liens upon any lands in the state of
 7 Minnesota, whether registered or not, made by and issued by such
 8 abstractor, provided however, that the aggregate liability of
 9 the surety to all persons under such bond shall in no event
 10 exceed the amount of such bond. In any county having more than
 11 200,000 inhabitants the bond or insurance policy required herein
 12 shall be in the penal sum of at least \$50,000. Applicants having
 13 cash or securities or deposit with the state of Minnesota in an
 14 amount equal to the said bond or insurance policy shall be
 15 exempt from furnishing the bond or an insurance policy herein
 16 required but shall be liable to the same extent as if a bond or
 17 insurance policy has been given and filed. The bond or
 18 insurance policy required hereunder shall be written by some
 19 surety or other company authorized to do business in this state
 20 issuing bonds or abstractor's liability insurance policies and
 21 shall be issued for a period of one or more years, and renewed
 22 for one or more years at the date of expiration as principal
 23 continues in business. The aggregate liability of such surety
 24 on such bond or insurance policy for all damages shall, in no
 25 event, exceed the sum of said bond or insurance policy.

386*#70S

26 386.70 DENIAL, SUSPENSION AND REVOCATION OF LICENSES;
 27 INVALIDATING BONDS.

28 Subdivision 1. The board may by order deny, suspend or
 29 revoke any license, may censure an abstractor holding a license
 30 or may hold and declare a bond or insurance policy insufficient
 31 and invalid if it finds (1) that the order is in the public
 32 interest, and (2) that the applicant or abstractor holding the
 33 license or, if the holder of the certificate is a firm or
 34 corporation, any officer, director, partner, employee or agent
 35 thereof:

36 (a) Has filed an application for a license which is
 37 incomplete in any material respect or contains any statement
 38 which, in light of the circumstances under which it is made, is
 39 false or misleading with respect to any material fact;

40 (b) Has engaged in a fraudulent, deceptive or dishonest
 41 practice;

42 (c) Is permanently or temporarily enjoined by any court of
 43 competent jurisdiction from engaging in or continuing any
 44 conduct or practice involving any aspect of the real estate
 45 business;

46 (d) Has failed to reasonably supervise his employees or
 47 agents so as to cause injury or harm to the public; *

48 (e) Has been convicted of a felony;

49 (f) Has been habitually careless or inattentive to business;

50 (g) Has failed to employ competent abstractors; or

51 (h) Has violated or failed to comply with any provision of
 52 sections 386.61 to 386.76 or any rule or order hereunder.

53 No change for subd 2

386*#71S

54 386.71 LICENSED ABSTRACTERS, ACCESS TO PUBLIC RECORDS.

55 Except as provided in Laws 1974, Chapter 435, Section 3.11
 56 (c), licensed abstractors shall have access during ordinary
 57 office hours to the public records in the office of the county
 58 recorder in the county in which such abstractor is authorized to
 59 function, to make such memoranda, microfilm, photostats,
 60 photographs, or notations from the records thereof as may be
 61 necessary for the purpose of making or compiling abstracts,
 62 continuations thereof, or issuing certificates showing ownership
 63 of, or interest in, or liens upon any lands in the state,
 64 whether registered or not, and the compiling, posting, copying
 65 and keeping up their abstract books, indices, or other records
 66 necessary to carry on or perform the duties and functions of a
 67 licensed abstractor, provided that such access during ordinary
 68 office hours shall in no manner hinder or interfere with the
 69 public officer in the performance of his official duties. *

386*#75S

70 386.75 PRACTICE OF ATTORNEYS NOT ABRIDGED.

71 Nothing herein shall limit or abridge the rights of a duly
 72 licensed attorney at law in his the attorney's practice in the
 73 state of Minnesota. *

387*#01S

1 387.01 QUALIFICATIONS; BOND; OATH.
2 Every person elected or appointed to the office of sheriff
3 after August 1, 1973, and not holding a certificate of
4 satisfactory completion of the basic course in training issued
5 by the executive director of the Minnesota peace officers
6 training board, shall, within one year after assuming office
7 obtain such certificate, except that sheriffs in office on
8 August 1, 1973, shall be considered to be qualified and eligible
9 to continue in office as sheriff and to be reelected to that
10 office. A sheriff who without good cause does not obtain a
11 certificate of satisfactory completion as required by this
12 section shall thereafter forfeit all privileges and
13 compensation, the office of sheriff shall be deemed vacant, and
14 the county board may fill said office at a special election
15 called for that purpose, but shall fill said office no later
16 than at the next general election. Before entering upon ~~his~~ *
17 duties every sheriff shall give bond to the state in a sum not
18 less than \$25,000 in counties whose population exceeds 150,000,
19 and not less than \$5,000 in all other counties, to be approved *
20 by the county board, conditioned that ~~he~~ the sheriff will well *
21 and faithfully in all things perform and execute the duties *
22 of ~~his~~ office, without fraud, deceit, or oppression, which bond, *
23 with ~~his~~ an oath of office, shall be filed for record with the *
24 county recorder.

387*#02S

25 387.02 FAILURE TO QUALIFY.
26 If any person elected to the office of sheriff fails to
27 give the bond and take the oath prescribed by law on or before
28 January tenth next succeeding ~~his~~ election, it shall be deemed a *
29 refusal to serve.

387*#03S

30 387.03 POWERS, DUTIES.
31 The sheriff shall keep and preserve the peace of ~~his~~ the *
32 county, for which purpose ~~he~~ the sheriff may ~~call-to-his~~ require *
33 the aid of such persons or power of ~~his~~ the county as ~~he~~ the *
34 sheriff deems necessary. ~~He~~ The sheriff shall also pursue and *
35 apprehend all felons, execute all processes, writs, precepts,
36 and orders issued or made by lawful authority and to ~~him~~ the *
37 sheriff delivered, attend upon the terms of the district court, *
38 and perform all of the duties pertaining to ~~his~~ the office, *
39 including searching and dragging for drowned bodies and
40 searching and looking for lost persons and when authorized by
41 the board of county commissioners of ~~his~~ the county ~~he~~ the *
42 sheriff may purchase boats and other equipment including the *
43 hiring of airplanes for such purposes.

387*#04S

44 387.04 DUTIES.
45 In each county of the state having or which may hereafter
46 have a population of 300,000, the sheriff shall perform all the
47 duties and services now or which may hereafter be required by
48 law to be performed ~~by-him~~ and in addition shall serve all *
49 papers, post all notices named by law to be served or posted in
50 behalf of the state or of the county for which ~~he-is~~ elected, *
51 including all papers to be served or notices to be posted by the
52 board of county commissioners, the county auditor, or by any
53 other county officer.

387*#05S

54 387.05 SHALL GIVE CERTIFICATE, WHEN.
55 Every sheriff, if required, shall give without charge to
56 any person delivering process or papers to ~~him~~ the sheriff for *
57 service or execution a signed certificate ~~under-his-hand~~ *
58 specifying therein the names of the parties, the nature of the
59 process or paper, and the day of such delivery.

387*#06S

60 387.06 FAILURE TO PAY OVER MONEY.
61 If any sheriff or deputy shall fail to settle with and pay
62 over to the county board, according to law, any money collected
63 or received ~~by-him~~ for the use of, or belonging to, the county *
64 or shall fail to settle with and pay over to the person entitled
65 thereto any money ~~he~~ the sheriff may have collected or received *
66 by virtue of any execution, process, judgment, order, or decree,
67 or in any other way by virtue of ~~his~~ office, such board or *
68 person may proceed against such sheriff or deputy in a summary
69 manner before the district court, by an order to show cause
70 why ~~he~~ the sheriff should not pay over such money; and, upon the *

1 hearing thereof, the court may order such sheriff or deputy to
 2 pay to such board or person the amount found due, with 20
 3 percent thereon as damages for such failure, together with the
 4 costs of the proceedings; and, upon failure to comply with such
 5 order, such sheriff or deputy may be committed to jail as for a
 6 contempt.

387*#07S

7 387.07 NEGLECT OF DUTY.

8 If Any sheriff who shall neglect to make due return of any *
 9 writ or other process or paper delivered to him the sheriff to *
 10 be executed or be guilty of any misconduct in relation to the *
 11 execution thereof, ~~he~~ may be proceeded against by the party *
 12 interested in the manner provided in section 387.06, and, in
 13 addition to requiring the performance of the duty neglected, or
 14 the correction of the injury done, the court may impose upon
 15 such sheriff a fine, for the use of the county, not exceeding
 16 \$200; but nothing herein shall prevent the person injured from
 17 maintaining an action for damages against the sheriff or
 18 upon ~~his~~ the sheriff's official bond. *

387*#08S

19 387.08 CRIMINAL PROCESS, WHEN FILED.

20 On or before the last day of the term for which the same
 21 was issued, every sheriff or other officer or person who serves
 22 a subpoena or other process issued by the court in a criminal
 23 action shall file the same, with a statement of ~~his~~ fees *
 24 endorsed thereon, with the clerk of such court. *

387*#09S

25 387.09 MAY NOT BUY AT SHERIFF'S SALE.

26 No sheriff shall become the purchaser either directly or
 27 indirectly of any property, real or personal, by him the sheriff *
 28 exposed to sale by virtue of any mortgage, judgment, execution,
 29 or other process; and all such purchases made by any sheriff, or
 30 any other person for him the sheriff, shall be void. *

387*#10S

31 387.10 POWERS AFTER EXPIRATION OF TERM.

32 Every sheriff going out of office by expiration of ~~his~~ a *
 33 term may execute and return all writs, processes, and orders *
 34 which shall then be ~~in-his-hands~~ on hand, and which ~~he~~ the *
 35 sheriff shall have begun to execute by service, levy, or *
 36 collection of money thereon. If such sheriff dies, or from any *
 37 cause is unable to act, the sheriff in office, upon ~~the-delivery~~ *
 38 to-him receipt of any such writ, process, or order, together *
 39 with the return or memorandum of the action, if any, of such
 40 late sheriff under the same, shall complete the execution
 41 thereof in the same manner and with like effect as if the same
 42 had been originally delivered to him the successor and the *
 43 return of such succeeding sheriff upon any such process or order *
 44 or ~~his~~ sheriff's deed given in pursuance of the execution *
 45 thereof shall be prima facie evidence of the disability of the
 46 late sheriff to complete the execution of such process or give
 47 such deed. *

387*#12S

48 387.12 MAY CONVEY PRISONERS.

49 The sheriff or other officer who legally arrests a person
 50 in any county may pass through any other county by him the *
 51 sheriff deemed necessary to convey such person to the place *
 52 commanded by the process under which the arrest was made.

387*#14S

53 387.14 DEPUTIES.

54 The county board shall determine the number of permanent
 55 full time deputies and other employees and fix the compensation
 56 for each position. The county board shall also budget for
 57 special deputies, jailers, matrons, bailiffs and other temporary
 58 employees and shall fix their rates of compensation. The
 59 sheriff shall appoint in writing the deputies and other
 60 employees, for whose acts ~~he~~ the sheriff shall be responsible *
 61 and whom ~~he~~ the sheriff may remove at pleasure. Before entering *
 62 upon ~~his~~ official duties, the oath and appointment of each shall *
 63 be filed with the county recorder. *

387*#20S

64 387.20 SALARIES; APPEALS.

65 Subdivision 1. The sheriffs of all counties of the state
 66 with less than 75,000 inhabitants according to the 1960 federal
 67 census shall receive yearly salaries for all services rendered
 68 by them for their respective counties, not less than the
 69 following amounts according to the then last preceding federal

- 1 census:
- 2 (a) In counties with less than 10,000 inhabitants, \$6,000;
- 3 (b) In counties with 10,000 but less than 20,000
- 4 inhabitants, \$6,500;
- 5 (c) In counties with 20,000 but less than 30,000
- 6 inhabitants, \$7,000;
- 7 (d) In counties with 30,000 but less than 40,000
- 8 inhabitants, \$7,500;
- 9 (e) In counties with 40,000 or more inhabitants, \$8,000.

10 In addition to such salary each sheriff shall be reimbursed
 11 for all expenses incurred ~~by him~~ in the performance of ~~his~~ *
 12 official duties for ~~his~~ the sheriff's county and ~~his~~ the claim *
 13 for such expenses shall be prepared, allowed, and paid in the
 14 same manner as other claims against counties are prepared,
 15 allowed, and paid except that the expenses incurred by such
 16 sheriffs in the performance of service required of them in
 17 connection with insane persons either by a probate court or by
 18 law and a per diem for deputies and assistants necessarily
 19 required under such performance of such services shall be
 20 allowed and paid as provided by the law regulating the
 21 apprehension, examination, and commitment of insane persons;
 22 provided that any sheriff or deputy receiving an annual salary
 23 shall pay over any per diem received ~~by him~~ to the county in the *
 24 manner and at the time prescribed by the county board, but not
 25 less often than once each month.

26 All claims for livery hire shall state the purpose for
 27 which such livery was used and have attached thereto a receipt
 28 for the amount paid for such livery signed by the person of whom
 29 it was hired.

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

36 Subd. 2. The county board of each of the counties
 37 specified in this section annually shall set by resolution the
 38 salary of the county sheriff which shall be paid to the county
 39 sheriff at such intervals as the board shall determine, but not
 40 less often than once each month. At the January meeting prior
 41 to the first date on which applicants may file for the office of
 42 county sheriff the board shall set by resolution the minimum
 43 salary to be paid the county sheriff for the term next
 44 following. In the event a vacancy occurs in the office of
 45 county sheriff, the board may set the annual salary for the
 46 remainder of the calendar year at an amount less than was set
 47 for that year. The board in any case specified in this
 48 subdivision may not set the annual salary at an amount less than
 49 the minimum provided in this subdivision, but it may set the
 50 salary in excess of such minimums. The salary of the county
 51 sheriff shall not be reduced during the term for which ~~he~~ the *
 52 sheriff was elected or appointed. *

53 Subd. 3. Repealed, 1975 c 301 s 16
 54 No change for subd 4

55 Subd. 5. The county sheriff shall charge and collect all
 56 fees and per diems prescribed by law and may require such fees
 57 and per diems to be paid before performing the services for
 58 which they are charged. The sheriff shall pay all such fees and
 59 per diems to the county in the manner and at the times
 60 prescribed by the county board, but not less often than once
 61 each month. The sheriff shall not retain any additional
 62 compensation or other emolument for ~~his~~ services in any activity *
 63 of county government. For purposes of this subdivision, (1) the
 64 expenses of the sheriff incurred ~~by him~~ in the performance of *
 65 ~~his~~ official duties for ~~his~~ the county, (2) uniform allowances, *
 66 (3) mileage and travel allowances, except as the board shall
 67 have furnished motor vehicles pursuant to Minnesota Statutes
 68 1961, Section 387.29, (4) living quarters provided by the
 69 county, and (5) payments for boarding prisoners, shall not be
 70 deemed an emolument of the office.

71 Subd. 6. The county board by resolution shall provide the
 72 budget for (1) the salaries of deputies, jailers, matrons,
 73 bailiffs, clerks and other employees in the office of the
 74 sheriff; (2) other expenses necessary in the performance of the
 75 duties of said office, including the reimbursement of the
 76 sheriff or ~~his~~ a designee for necessary and reasonable expenses *

1 incurred in furnishing board, laundry and other services to
 2 prisoners in the county jail, provided that the county board may
 3 at its option provide for the furnishing of these services to
 4 the prisoners, (3) the payment of premiums of any bonds or
 5 license fees required of the sheriff or any deputy or other
 6 employee in said office and (4) mileage allowances prescribed by
 7 the board and the board is authorized to appropriate funds
 8 therefor and for the salary of the sheriff.

9 Subd. 7. The sheriff, if dissatisfied with the action of
 10 the county board in setting the amount of ~~his-or-her~~ the *
 11 sheriff's salary or the amount of the budget for the office of *
 12 sheriff, may appeal to the district court on the grounds that
 13 the determination of the county board in setting such salary or
 14 budget was arbitrary, capricious, oppressive or without
 15 sufficiently taking into account the extent of the
 16 responsibilities and duties of said office, and ~~his-or-her~~ the *
 17 sheriff's experience, qualifications, and performance. The *
 18 appeal shall be taken within 15 days after the date of the
 19 resolution setting such salary or budget by serving a notice of
 20 appeal on the county auditor and filing same with the clerk of
 21 the district court. The court either in term or vacation and
 22 upon ten days notice to the ~~chairman~~ chair of the board shall *
 23 hear such appeal. On the hearing of the appeal the court shall
 24 review the decision or resolution of the board in a hearing de
 25 novo and may hear new or additional evidence, or the court may
 26 order the officer appealing and the board to submit briefs or
 27 other memoranda and may dispose of the appeal on such writings.
 28 If the court shall find that the board acted in an arbitrary,
 29 capricious, oppressive or unreasonable manner or without
 30 sufficiently taking into account the extent of the
 31 responsibilities and duties of the office of the sheriff, ~~his-or~~ *
 32 her the sheriff's experience, qualifications, and performance, *
 33 it shall make such order to take the place of the order appealed
 34 from as is justified by the record and shall remand the matter
 35 to the county board for further action consistent with the
 36 court's findings. After determination of the appeal the county
 37 board shall proceed in conformity therewith.

38 No change for subd 8

387*#212S

39 387.212 CONTINGENT FUND.

40 The board of county commissioners in any county may create
 41 a sheriff's contingent fund and may credit thereto not more than
 42 \$3,000. The money in such fund may be used for the advancement
 43 and reimbursement of expenses of the sheriff and ~~his~~ the *
 44 sheriff's office. Such moneys shall be disbursed by the county *
 45 treasurer in accordance with rules and regulations prescribed by
 46 the board. Any balance remaining at the end of the year shall be
 47 transferred to the revenue fund.

387*#22S

48 387.22 RIOTS; SPECIAL DEPUTIES; COMPENSATION FIXED BY
 49 DISTRICT COURT.

50 When there is any riot or impending violation of law and
 51 the sheriff shall be of opinion that other than the regular
 52 deputies are required ~~he~~ the sheriff shall apply to the judge of *
 53 the district court to determine upon and fix the compensation of
 54 such special deputies as the sheriff may name and appoint and
 55 such special deputies so named and appointed and the
 56 compensation of whom is fixed by the judge shall have all the
 57 powers assigned ~~to-him~~ by the sheriff in such appointment. The *
 58 appointment by the sheriffs and the fixing of their compensation
 59 shall be immediately certified by the sheriff to the clerk of
 60 the district court of ~~his~~ the county and such certificate filed *
 61 by such clerk and such special deputies shall be paid in the
 62 same manner as deputies in attendance upon terms of court.

387*#25S

63 387.25 SETTLEMENTS WITH COUNTY BOARD.

64 The sheriff shall settle with and pay over to the county
 65 board at its regular sessions and as often as required all money
 66 collected or received ~~by-him~~ for the use of or belonging to the *
 67 county.

387*#29S

68 387.29 MOTOR VEHICLE.

69 Subd. 2. MOTOR VEHICLES FURNISHED. The board of
 70 county commissioners, by resolution, may furnish to the sheriff
 71 of the county such necessary motor vehicles and supplies
 72 therefor as are needed to carry out the duties of ~~his~~ office. *

1 Subd. 3. Repealed, 1973 c 661 s 4

387*#33S

2 387.33 SHERIFF'S CIVIL SERVICE COMMISSION.

3 No change for subd 1

4 Subd. 2. The commission shall consist of three members who
5 shall be citizens of the state and residents of the county, and
6 shall be appointed by the ~~chairman~~ chair of the county board, *
7 and the appointment of each commissioner, to be confirmed by
8 majority vote of the county board. When first created one
9 commissioner shall be appointed for one year, who shall be
10 president of the commission, one for the term of two years, and
11 one for the term of three years, and all commissioners shall
12 hold their office until their successors are appointed and
13 qualified. No commissioner shall at the time of ~~his~~ appointment *
14 or while serving, hold any other office or employment under said
15 county, any city, the United States, the state of Minnesota, or
16 any public corporation or political division thereof, other than
17 the office of notary public. Each commissioner, before entering *
18 upon ~~his~~ duties, shall subscribe and file with the county
19 recorder of said county an oath for the faithful discharge of *
20 ~~his~~ duties. There shall be appointed each year thereafter, in *
21 the manner of the original appointments, one member of the
22 commission whose term of office shall be for three years, and
23 each member of the commission shall be president of the
24 commission during the last year of the term for which ~~he is~~ *
25 appointed.

26 Subd. 3. The commission shall meet as soon as possible
27 after its appointment and thereafter on the first Monday in
28 February each year at which meetings it shall select from its
29 members a secretary who shall serve until ~~his~~ a successor is *
30 elected.

31 The commission shall fix the times of its other meetings,
32 and adopt, amend, and alter rules for its procedure.

387*#34S

33 387.34 COMPENSATION OF COMMISSIONERS.

34 Each commissioner shall serve without pay, but the county
35 board shall allow the secretary such compensation, not exceeding
36 \$200 per year, as it shall deem necessary and commensurate with
37 the additional services rendered ~~by him~~. The commission shall *
38 annually submit a budget to the board of county commissioners
39 for approval, modification or rejection. The county shall pay
40 all necessary expenses incurred by the commission within the
41 budget and in the same manner as other county obligations are
42 disbursed, from the general revenue.

387*#36S

43 387.36 RULES, PROMULGATION.

44 The commission shall, immediately after its appointment and
45 from time to time thereafter, make, alter, amend and change
46 rules to promote efficiency in the sheriff's department and to
47 carry out the purposes of sections 387.31 to 387.45. The rules
48 shall provide among other things for:

49 (1) The classification of all positions and employees in
50 the sheriff's department;

51 (2) Public competitive examinations to test the relative
52 fitness of applicants;

53 (3) Public advertisements of all examinations at least ten
54 days in advance in a newspaper of general circulation in the
55 county and posting the advertisement for ten days in the county
56 courthouse;

57 (4) The creation and maintenance of lists of eligible
58 candidates after successful examination in order of their
59 standing in the examination and without reference to the time of
60 examination, which shall be embraced in an eligible register;

61 (5) The commission may by rule provide for striking any
62 name from the eligible register after it has been two years
63 thereon;

64 (6) The rejection of candidates or eligibles who, after the
65 entry of their names, shall fail to comply with the reasonable
66 rules and requirements of the commission in respect to age,
67 residence, physical condition, or otherwise, or who have been
68 guilty of criminal, infamous, or disgraceful conduct, or of any
69 wilful misrepresentation, deception, or fraud in connection with
70 their application for employment;

71 (7) The certification of the three names standing highest
72 on the appropriate list to fill any vacancy, or any position
73 within the sheriff's department, to which the sheriff may

1 ~~appoint-his-choice~~ choose one of the three in procedure *
2 according to law;

3 (8) Temporary employment without examination, with the
4 consent in each case of the commission, in cases of emergency
5 but no such temporary employment shall continue more than 30
6 days nor shall successive temporary employments be permitted for
7 the same position; provided, that whenever there are no names
8 upon the eligible register, for particular positions, temporary
9 appointment may be made for employment to continue until the
10 position is filled by a candidate from the eligible register
11 under provisions of the rules, provided that persons on the
12 eligible list at the time of induction or enlistment during
13 state of war or emergency into the armed forces of the United
14 States shall retain their position on the eligible register;

15 (9) Promotion based on competitive examination and upon
16 records of efficiency, character, conduct and seniority, with
17 appropriate credit given to members of the sheriff's department
18 who are candidates in promotional examinations or examinations
19 for a higher position;

20 (10) Suspension for cause with or without pay for not
21 longer than 60 days and for leave of absence, with or without
22 pay; and

23 (11) Such other rules not inconsistent with the provisions
24 of this chapter as may, from time to time, be found necessary to
25 secure the purposes of sections 387.31 to 387.45.

26 Copies of such rules shall be kept posted in a conspicuous
27 place in the sheriff's main office.

387*#37S

28 387.37 REMOVAL ONLY UPON CHARGES.

29 No deputy sheriff or employee after continuous employment
30 of one year shall be removed or discharged except for cause upon
31 written charges and after an opportunity to be heard in his-own *
32 defense of the charges as in sections 387.31 to 387.45 *
33 hereinafter provided. Such charges shall be investigated by or
34 before such civil service commission. The finding and decision
35 of such commission shall be forthwith certified to the sheriff,
36 to be forthwith enforced ~~by-him~~. *

37 Nothing in sections 387.31 to 387.45 shall limit the power
38 of the sheriff, or the superior officer in the sheriff's
39 absence, to suspend a subordinate for a reasonable period not
40 exceeding 30 days for the purpose of discipline, or pending
41 investigation of charges when it appears such suspension is
42 advisable.

387*#40S

43 387.40 CHARGES, HEARING.

44 Charges of inefficiency or misconduct may be filed with the
45 secretary of the commission by a superior officer or by any
46 member of the commission of ~~his~~ the member's own motion, and *
47 thereupon the commission shall try the charges after no less
48 than ten days written notice to the accused. Such notice shall
49 set forth the charges as filed. In the event that the charges
50 are filed by a member of the commission the complaining
51 commissioner shall not sit. The trial of these charges shall be
52 open to the public and each commissioner shall have the power to
53 issue subpoenas and to administer oaths and to compel the
54 attendance and testimony of witnesses and the production of
55 books and papers relevant to the investigation. The commission
56 shall require by subpoena the attendance of any witness
57 requested by the accused who can be found in the county. The
58 commission may make complaint to the district court of
59 disobedience of its subpoenas or orders under this section, and
60 the court shall prescribe notice to the person accused and
61 require ~~him~~ the person to obey the commission's subpoena and *
62 order, if found within the lawful powers of the commission, and
63 punish disobedience as a contempt of court. Witnesses shall be
64 entitled to the same fees and mileage as for attendance upon the
65 district court, except that any officer, agent or employee of
66 the county who receives compensation for ~~his~~ services, shall not *
67 be entitled to fees.

387*#41S

68 387.41 REMOVAL AFTER HEARING.

69 If, after investigation and trial by civil service
70 commission, an employee who is found guilty of inefficiency, *
71 breach of duty, or misconduct, ~~he~~ may be removed, reduced, or *
72 suspended and ~~his~~ the employee's name may be stricken from the *
73 service register. If the board determines that the charges are

1 not sustained, the accused, if ~~he has been~~ suspended pending *
 2 investigation, shall be immediately reinstated and shall be paid
 3 all back pay due for the period of suspension.

4 Findings, determinations, and orders of of the commission
 5 for suspension, reduction, or removal, shall be in writing and
 6 shall be filed within three days after the completion of the
 7 hearing with the secretary of the commission. The secretary
 8 shall notify the employee of the decision in writing. Any
 9 person suspended, reduced, or removed by the commission after
 10 investigation may appeal in accordance with chapter 14.

11 The question to be determined by the court shall be:

12 "Upon the evidence, was the order of the commission
 13 reasonable?"

14 Whenever the sheriff or county attorney deems the civil
 15 service commissioners, or any one of them, to be failing their
 16 duties as outlined in sections 387.31 to 387.45, the sheriff or
 17 county attorney, shall request the county board to hold a
 18 hearing regarding the matter. The county board shall then
 19 determine this question: "Is the sheriff's civil service
 20 commission or any member thereof failing in the duties
 21 prescribed by sections 387.31 to 387.45?" Upon an affirmative
 22 finding by resolution, the commission or member shall be deemed
 23 removed. The county board shall fill the vacancy by appointment
 24 for the balance of the term.

25 An applicant for examination, appointment or promotion in
 26 the sheriff's department of the county who shall, either
 27 directly or indirectly, give, render or pay or promise to give,
 28 render or pay any money, service or other thing to any person,
 29 for or on account of or in connection with ~~his~~ the examination, *
 30 appointment or proposed appointment or promotion shall be guilty
 31 of a misdemeanor and shall also be subject to suspension or
 32 removal.

33 Any officer or employee of the sheriff's department, when
 34 operating under civil service in accordance with the provisions
 35 of this chapter, who participates in any manner in activities in
 36 support of any candidate or party, directly or indirectly
 37 solicits, receives, or pays, or participates in any manner in
 38 soliciting, receiving, or paying any assessment, subscription or
 39 contribution for any candidate, party or political purpose, is
 40 guilty of a misdemeanor and shall be subject to suspension or
 41 removal.

387*#43S

42 387.43 DISCONTINUANCE OF CIVIL SERVICE COMMISSION.

43 No change for subd 1

44 Subd. 2. When a proper resolution or petition according to
 45 the preceding subdivision has been filed in the office of the
 46 county auditor, ~~he~~ the auditor shall submit the question to the *
 47 voters of the county at the next following special or general
 48 county election occurring at least 30 days from such filing of
 49 such petition. The question on the ballot shall be stated
 50 substantially as follows:

51 "Shall the sheriff's civil service commission be abolished?"

388*#01S

52 388.01 ELECTION; QUALIFICATIONS; TERM; BOND.

53 There shall be elected in each county a county attorney who
 54 shall be learned in the law, and whose term of office shall be
 55 four years and until ~~his~~ a successor qualifies. Before entering *
 56 upon ~~his~~ duties ~~he~~ the county attorney shall give bond to the *
 57 state in the penal sum of \$1,000, to be approved by the county *
 58 board, conditioned that ~~he~~ the county attorney will faithfully *
 59 and impartially discharge the duties of ~~his~~ office and pay over *
 60 without delay to the county treasurer all moneys ~~which come into~~ *
 61 ~~his hands~~ received by virtue thereof, which bond and ~~his~~ an oath *
 62 shall be filed for record with the county recorder.

388*#051S

63 388.051 DUTIES.

64 Subdivision 1. GENERAL PROVISIONS. The county
 65 attorney shall:

66 (a) Appear in all cases in which the county is a party;

67 (b) Give opinions and advice, upon the request of the
 68 county board or any county officer, upon all matters in which
 69 the county is or may be interested, or in relation to the
 70 official duties of the board or officer;

71 (c) Prosecute felonies, including the drawing of
 72 indictments found by the grand jury, and, to the extent
 73 prescribed by law, gross misdemeanors, misdemeanors, petty

1 misdemeanors, and violations of municipal ordinances, charter
 2 provisions and rules or regulations;
 3 (d) Attend before the grand jury, give them legal advice
 4 and examine witnesses in their presence;
 5 (e) Request the clerk of court to issue subpoenas to bring
 6 witnesses before the grand jury or any judge or judicial officer
 7 before whom ~~he~~ the county attorney is conducting a criminal *
 8 hearing;
 9 (f) Attend any inquest at the request of the coroner; and
 10 (g) Appear, when requested by the attorney general, for the *
 11 state in any case instituted by the attorney general in ~~his~~ the *
 12 county attorney's county or before the United States land office *
 13 in case of application to preempt or locate any public lands
 14 claimed by the state and assist in the preparation and trial.
 15 No change for subd 2

388*#08S

16 388.08 PROHIBITIONS.

17 No county attorney or assistant county attorney shall
 18 receive or accept any fee or reward from, or which is paid or
 19 given on behalf of, any one for services rendered or to be
 20 rendered in the prosecution or conduct of any official duty or
 21 business. No person as an attorney who directly or indirectly
 22 advises in relation to, or aids or promotes the defense of, any
 23 action or proceeding in any court or prosecution which is
 24 carried on by a person as county attorney, with whom such
 25 attorney is directly or indirectly connected, or who, having
 26 ~~himself~~ prosecuted any action or proceeding as county attorney, *
 27 shall afterwards advise in relation to or take any part in the
 28 defense thereof; nor shall any attorney be allowed to prosecute
 29 or assist such county attorney or assistant in any criminal
 30 prosecution or other official action where such attorney is
 31 interested in any other action or matter pending or to be
 32 commenced in which a recovery depends upon the matter involved
 33 in such prosecution or other official action. Any person
 34 offending against any provision of this section shall be guilty
 35 of a misdemeanor.

388*#09S

36 388.09 OTHER ATTORNEY EMPLOYED.

37 Subdivision 1. GENERAL PROVISIONS. When there is no
 38 county attorney, the county board may employ any competent
 39 attorney to perform legal services for the county. The board
 40 may employ an attorney ~~other than~~ to assist the county attorney *
 41 ~~to assist him~~, to appear for the county or any county officer in *
 42 any action in which the county or officer in ~~his~~ an official *
 43 capacity is a party, to advise the board or its members in
 44 relation to the action, or in relation to any other matter
 45 affecting the interests of the county. The county may pay the
 46 attorney out of the funds of the county.

47 No change for subd 2

388*#10S

48 388.10 ASSISTANTS.

49 The county attorney of any county in this state who has no
 50 assistant is hereby authorized to appoint, with the consent of
 51 the county board of the county, one or more attorneys ~~to assist~~ *
 52 him for assistance in the performance of ~~his~~ duties. Each *
 53 assistant shall have the same duties and be subject to the same
 54 liabilities as the county attorney and hold office during the
 55 pleasure of the county attorney. Each assistant shall be
 56 appointed in writing and ~~his~~ the assistant's oath and *
 57 appointment shall be filed for record with the county recorder.
 58 The county board of such county shall fix the salary of each
 59 assistant county attorney appointed pursuant to the provisions
 60 of this section, and the salary when so fixed by such county
 61 board shall thereafter be paid by the county in equal monthly
 62 installments upon the warrant of the county auditor during the
 63 period for which such salary is so fixed or during such portion
 64 thereof as an assistant county attorney continues in office.

388*#11S

65 388.11 LAW PARTNER NOT TO DEFEND.

66 No law partner of the county attorney, or attorney having
 67 ~~his~~ an office with ~~him~~ the county attorney, shall appear for the *
 68 defendant in any criminal action which it is the duty of the
 69 county attorney to prosecute.

388*#12S

70 388.12 ATTORNEY TO ASSIST.

71 The judge of any district court may by order entered in the

1 minutes at any term of court appoint an attorney of such court
 2 to act as, or in the place of, or to assist, the county attorney
 3 at such term, either before the court or grand jury. The person
 4 so appointed shall take the oath required by law of county
 5 attorneys and thereupon may perform all ~~his~~ duties at such term *
 6 of court, but shall receive no compensation where the county *
 7 attorney is present at such term, except by ~~his~~ the county *
 8 attorney's consent, and to be paid from ~~his~~ the county *
 9 attorney's salary. *

388*#13S

388.13 RENDER ACCOUNT; PAY OVER MONEYS.

10 On or before January first, in each year, the county
 11 attorney shall file in the office of the county auditor a
 12 verified account of all moneys received ~~by-him~~ during the *
 13 preceding year by virtue of ~~his~~ office specifying therein the *
 14 name of the person from whom received, the amount paid by each
 15 and on what account; and, unless previously paid, shall at the
 16 same time pay over such moneys to the county treasurer, and take
 17 duplicate receipts therefor, one of which ~~he~~ shall ~~file~~ be filed *
 18 with the county auditor. If ~~he~~ the county attorney shall refuse *
 19 or neglect to account for and pay over any moneys so received,
 20 the auditor shall cause an action to be instituted upon ~~his~~ the *
 21 county attorney's bond to recover the same, and damages for *
 22 failure to account. *

388*#15S

388.15 FUNDS FOR INVESTIGATION.

24 Subdivision 1. APPROPRIATION. The county board of
 25 any county in this state, upon the request of the county
 26 attorney of such county, may appropriate, for the use of the
 27 county attorney, such funds, not otherwise appropriated, as ~~he~~ *
 28 the county attorney deems necessary for the investigation and *
 29 the procuring of evidence when ~~he~~ the county attorney has reason *
 30 to believe that any closed bank, savings bank, trust company, or
 31 building and loan association incorporated under the laws of the
 32 state of Minnesota, has violated any provision of law. Such
 33 amount shall be in addition to the contingent fund of such
 34 county now allowed by law and shall be disbursed only on order
 35 of a district judge of the district in which any such county is
 36 located, approving such expenditure.

38 No change for subd 2

388*#18S

388.18 COMPENSATION SCHEDULE, SALARIES.

40 No change for subd 1

41 Subd. 2. SET BY BOARD. The county board of each of
 42 the counties specified in subdivision 1 annually shall set by
 43 resolution the salary of the county attorney which shall be paid
 44 to the county attorney at such intervals as the board shall
 45 determine but not less often than once each month. At the
 46 January meeting prior to the first date on which applicants may
 47 file for the office of county attorney the board shall set by
 48 resolution the minimum salary to be paid the county attorney for
 49 the term next following. In the event a vacancy occurs in the
 50 office of county attorney the board may set the annual salary
 51 for the remainder of the calendar year at an amount less than
 52 was set for that year. The board in any case specified in this
 53 section may not set the annual salary at an amount less than the
 54 minimums provided in subdivision 1 but it may set the salary in
 55 excess of such minimums. The salary of the county attorney
 56 shall not be reduced during the term for which ~~he~~ the county *
 57 attorney is elected or appointed. *

58 Subd. 3. MS 1949 Repealed, 1951 c 327 s 6

59 Subd. 3. MS 1974 Repealed, 1975 c 301 s 16

60 No change for subd 4 to 5

61 Subd. 6. APPEAL FROM RESOLUTION OF THE BOARD. The
 62 county attorney, if dissatisfied with the action of the county
 63 board in setting the amount of ~~his-or-her~~ the county attorney's *
 64 salary or the amount of the budget for the office of county
 65 attorney, may appeal to the district court on the grounds that
 66 the determination of the county board in setting such salary or
 67 budget was arbitrary, capricious, oppressive or in unreasonable
 68 disregard for the responsibilities and duties of said office,
 69 and ~~his-or-her~~ the county attorney's experience, qualifications, *
 70 and performance. The appeal shall be taken within 15 days after
 71 the date of the resolution setting such salary or budget by
 72 serving a notice of appeal on the county auditor and filing same
 73 with the clerk of the district court. The county board may

1 retain special counsel pursuant to section 388.09 to represent
 2 it in the appeal proceedings. The court either in term or
 3 vacation and upon ten days notice to the ~~chairman~~ chair of the *
 4 board shall hear such appeal. On the hearing of the appeal the
 5 court shall review the decision or resolution of the board in
 6 like manner as though reviewed by certiorari, except new or
 7 additional evidence may be taken. The court may order the
 8 officer appealing and the board to submit briefs or other
 9 memoranda and may dispose of the appeal on such writings. If
 10 the court shall find that the board acted in an arbitrary,
 11 capricious, oppressive or unreasonable manner it shall remand
 12 the matter to the county board for further action consistent
 13 with the court's finding.

388*#19S

14 388.19 COUNTY ATTORNEYS COUNCIL.

15 Subdivision 1. CREATION. There is hereby created a
 16 county attorneys council hereinafter designated as the "council"
 17 to be composed of the county attorney from each of the 87
 18 counties and the attorney general of the state of Minnesota.
 19 The members shall meet annually in November of each year and,
 20 commencing at the annual meeting in November 1973, shall elect a
 21 president, a president-elect, a secretary, and a treasurer, and
 22 such other officers and directors as the county attorneys
 23 council shall determine. Each of these officers shall hold
 24 office for a term of one year and until their successors are
 25 elected and qualified. The county attorneys council may adopt
 26 such rules as are necessary for the carrying out of its duties.
 27 A county attorney may designate in writing an assistant who may
 28 act in ~~his~~ the county attorney's stead in carrying out any *
 29 function of the county attorneys council except serving as an
 30 officer. The county attorneys council may acquire and hold
 31 property, accept gifts, grants, and contributions and may charge
 32 fees for services, for seminars, workshops and publications it
 33 conducts and produces. All receipts from these sources shall be
 34 deposited in one or more special accounts in the state treasury
 35 and are appropriated to the county attorneys council for
 36 carrying out the duties described in subdivision 4.

37 No change for subd 2 to 4

388*#20S

38 388.20 EXECUTIVE DIRECTOR.

39 No change for subd 1

40 Subd. 2. TERM, VACANCY. The term of office of the
 41 director shall be six years and until ~~his~~ a successor is *
 42 appointed and qualified. The director shall be learned in the
 43 law. The director shall be in the unclassified service of the
 44 state. The term of office for the first director shall commence
 45 on July 1, 1973. Vacancies in the office of director shall be
 46 filled for the unexpired term by the appointing authority. The
 47 director shall devote full time to ~~his~~ duties and shall not *
 48 engage in the private practice of law.

49 Subd. 3. EMPLOYEES, OFFICE SPACE. The director may
 50 hire such employees as are necessary to carry out ~~his~~ duties. *
 51 Such employees shall be in the unclassified service of the state.

52 The commissioner of administration shall provide the
 53 director with suitable office space.

54 Subd. 4. DUTIES. The director shall carry out the
 55 duties assigned to the county attorneys council by Laws 1973,
 56 Chapter 564 and shall perform such other functions as may be
 57 assigned ~~to him~~ from time to time by the county attorneys *
 58 council.

388*#22S

59 388.22 SALARY; APPEAL.

60 No change for subd 1 to 2

61 Subd. 3. The county attorney, if dissatisfied with the
 62 action of the county board in setting the amount of ~~his~~ the *
 63 county attorney's salary, may appeal on the same grounds and in *
 64 the same manner as provided in section 388.18, subdivision 6.

389*#011S

65 389.011 QUALIFICATIONS; APPOINTMENT; ELECTION;
 66 TERMINATION OF OFFICE; PERFORMANCE OF DUTIES; BONDS.

67 Subdivision 1. QUALIFICATIONS. Any county surveyor
 68 elected or appointed after July 1, 1961, or any surveyor
 69 designated to perform the professional duties of a county
 70 surveyor after July 1, 1961, shall be registered in Minnesota as
 71 a land surveyor as provided in chapter 326. Such professional
 72 duties shall include any of the duties involved in the practice

1 of land surveying as provided in chapter 326. Any county
 2 surveyor or other surveyor designated to perform the duties of a
 3 county surveyor at all times while holding such office or while
 4 such designation is in effect shall be duly registered in
 5 Minnesota as a land surveyor. Failure on the part of any such
 6 land surveyor to keep ~~his~~ the registration current shall be *
 7 deemed adequate grounds for the board of county commissioners to
 8 declare said office vacant and to appoint a properly qualified
 9 person to such office. As used in this section the term land
 10 surveyor shall mean a surveyor duly registered in Minnesota as a
 11 land surveyor.

12 Any county surveyor or other surveyor designated to perform
 13 the duties of a county surveyor after July 1, 1961, before
 14 entering upon ~~his~~ duties, in addition to such bond and oath of *
 15 office as may be required to be filed, shall file a certified *
 16 copy of ~~his~~ registration as a land surveyor for record with the *
 17 county recorder and each year thereafter while holding such *
 18 office or designation shall file a certified copy of ~~his~~ the *
 19 certificate of registration for the then current year with the
 20 county recorder on or before January 10 of each year.

21 Any county surveyor holding that office on July 1, 1961,
 22 who was elected or appointed for a term beginning prior to July
 23 1, 1959, shall be deemed eligible for reelection or appointment *
 24 to the office of county surveyor in the county in which ~~he was~~ *
 25 last elected or appointed; and if ~~he is~~ subsequently elected or *
 26 appointed to that office, ~~and is~~ while not a registered land *
 27 surveyor in lieu of a certificate of registration as a land
 28 surveyor, ~~he~~ the county surveyor shall file with the county *
 29 recorder a certified copy of ~~his~~ the certificate of election or *
 30 the resolution of appointment for the term beginning prior to
 31 July 1, 1959.

32 Subd. 2. ELECTION, TERM, APPOINTMENT, TERMINATION OF
 33 OFFICE. (1) In any county having less than 200,000
 34 inhabitants and in which the office is vacant by reason of no
 35 person having been elected and qualified for the position, the
 36 board of county commissioners may by resolution duly adopted at
 37 least six months before the end of the term of office of the
 38 county surveyor, declare the office terminated. If such
 39 resolution is adopted no person shall be elected or appointed to
 40 the office of county surveyor so long as such resolution remains
 41 in effect. The county board by resolution adopted at least six
 42 months before the date of any general election may rescind its
 43 action terminating the office. Such resolution rescinding its
 44 action terminating the office shall state whether the office
 45 shall be filled henceforth by election or by appointment.

46 If the resolution does not state that the office shall be
 47 filled by appointment the county surveyor shall be elected at
 48 the next general election according to law. If the office of
 49 county surveyor is to be filled by appointment the board of
 50 county commissioners shall within 30 days of said resolution
 51 appoint a land surveyor to such office.

52 In the resolution terminating the office the board of
 53 county commissioners may designate a land surveyor who shall
 54 perform all professional duties of a county surveyor as provided
 55 by law. As to any duties of a county surveyor which are not of
 56 a professional nature said duties shall be performed by the
 57 county engineer.

58 (2) In any county in which the office of county surveyor
 59 has not been abolished by law the board of county commissioners
 60 may by resolution duly adopted at least six months before the
 61 end of the term of the office of county surveyor declare its
 62 intention to fill the office by appointment. Having adopted
 63 such a resolution the board of county commissioners shall fill
 64 the office of county surveyor by appointment of a land surveyor
 65 to the office not less than 30 days before the end of the term
 66 of office of the incumbent. When so appointed the county
 67 surveyor shall serve for such term as determined by the board
 68 commencing upon the expiration of the term of the incumbent but
 69 not to exceed four years.

70 (3) In any county wherein the office of county surveyor has
 71 not been terminated or made appointive under the provisions of
 72 this section or abolished under other provisions of law, there
 73 shall be elected a county surveyor in the manner provided by
 74 law. The term of office of the county surveyor shall be four
 75 years and until ~~his~~ a successor is elected and qualified, and *
 76 begin on the first day of January next succeeding ~~his~~ the *

1 election.

2 (4) If the office of county surveyor is vacant by reason of
3 no qualified person having been elected to the office or the
4 board of county commissioners having failed to appoint a person
5 to the office or is otherwise vacant or if the office has been
6 terminated and no land surveyor has been designated to perform
7 the professional duties of the office and there are duties which
8 prior to January 1, 1961, had been the responsibility of the
9 county surveyor the officer requiring such duties to be
10 performed may retain a land surveyor to perform such duties at
11 the compensation set by the county board.

12 Subd. 3. BOND, OATH. Any county surveyor appointed
13 or elected after July 1, 1961, before entering upon ~~his~~ duties *
14 shall give bond to the state, approved by the county board, in *
15 the sum of \$2,000 conditioned for the faithful discharge of ~~his~~ *
16 the duties, which bond, with ~~his~~ the surveyor's oath, together *
17 with a certified copy of ~~his~~ a registration as a land surveyor *
18 or ~~his~~ the certificate of election shall be filed for record *
19 with the county recorder.

20 Subd. 4. RESIDENCE OF SURVEYOR. Notwithstanding any
21 other provision of law any land surveyor appointed by a board of
22 county commissioners as a county surveyor or any land surveyor
23 designated by the board to perform the duties of county surveyor
24 need not be a resident of the county in which ~~he-is~~ appointed as *
25 county surveyor or designated to perform the duties of county
26 surveyor. Any county engineer may be elected or appointed
27 county surveyor ~~provided-he-is~~ if registered in Minnesota as a *
28 land surveyor.

389*#02S

29 389.02 DEPUTIES; SURVEYS, RECORDS.

30 The county surveyor may appoint such deputies as ~~he~~ the *
31 county surveyor thinks proper, for the faithful and correct *
32 performance of whose duties ~~he~~ the county surveyor shall be *
33 responsible. ~~He~~ The county surveyor shall (1) make all surveys *
34 within ~~his~~ the county ordered by any court, public board, or *
35 officer, or required by any person:--~~He shall~~, (2) keep a fair *
36 and correct record of each survey made by ~~himself-or-deputy~~ the *
37 office, in a book to be provided by the county board, which ~~he~~ *
38 ~~shall-turn~~ to be turned over to ~~his~~ a successor in office:--~~He~~ *
39 ~~shall~~, and (3) number such surveys progressively and preserve a *
40 copy of the field notes, which shall be complete and accurate, *
41 and calculations of each such survey, with the number thereof *
42 properly endorsed thereon, a copy of which, with a fair and *
43 accurate plat, together with a certificate of survey, shall be *
44 furnished by such surveyor to any person requesting the same.

390*#05S

45 390.05 DEPUTIES.

46 A coroner shall appoint one or more deputies. When the
47 coroner is absent or unable to act, deputies have the same
48 powers and are subject to the same liabilities as coroners. A
49 deputy shall be appointed in writing. The coroner may require
50 the deputy to post bond before taking office. The bond, oath,
51 and appointment shall be filed for record with the county
52 recorder. The deputy shall act ~~in-his-or-her-own~~ by name as *
53 deputy coroner and hold office at the same time as the coroner.

390*#11S

54 390.11 INVESTIGATIONS AND INQUESTS.

55 No change for subd 1 to 8

56 Subd. 9. CRIMINAL ACT REPORT. ~~When-the-coroner-or~~ *
57 ~~deputy-believes~~ On coming to believe that the death may have *
58 resulted from a criminal act, ~~he-or-she~~ the coroner or deputy *
59 shall deliver a signed copy of the report of investigation or *
60 inquest to the county attorney.

61 No change for subd 10 to 12

390*#221S

62 390.221 BODIES; EFFECTS; CUSTODY.

63 A person may not remove, interfere with, or handle the body
64 or the effects of any person subject to an investigation by the
65 county coroner or medical examiner except upon order of the
66 coroner or medical examiner or deputy. The coroner or medical
67 examiner shall take charge of the effects found on the body of a
68 deceased person and dispose of them as the probate court directs
69 by written order. If a crime in connection with the death of a
70 deceased person is suspected, the coroner or medical examiner
71 may prevent any person from entering the premises, rooms, or
72 buildings, and shall have the custody of objects that ~~he-or-she~~ *

1 the coroner or examiner deems material evidence in the case. A *
2 willful violation of this section is a misdemeanor.

393*#01S

3 393.01 ESTABLISHMENT.

4 No change for subd 1

5 Subd. 2. SELECTION OF MEMBERS, TERMS, VACANCIES.

6 Except in counties which contain a city of the first class and
7 counties having a poor and hospital commission, the county
8 welfare board shall consist of seven members, including the
9 board of county commissioners, to be selected as herein
10 provided; two members, one of whom shall be a woman, shall be
11 appointed by the commissioner of human services, one each year
12 for a full term of two years, from a list of residents,
13 submitted by the board of county commissioners. As each term
14 expires or a vacancy occurs by reason of death or resignation a
15 successor shall be appointed by the commissioner of human
16 services for the full term of two years or the balance of any
17 unexpired term from a list of one or more, not to exceed three
18 residents submitted by the board of county commissioners. The
19 board of county commissioners may, by resolution adopted by a
20 majority of the board, determine that only three of their
21 members shall be members of the county welfare board, in which
22 event the county welfare board shall consist of five members
23 instead of seven. When a vacancy occurs on the county welfare
24 board by reason of the death, resignation, or expiration of the
25 term of office of a member of the board of county commissioners,
26 the unexpired term of such member shall be filled by appointment
27 by the county commissioners. Except to fill a vacancy the term
28 of office of each member of the county welfare board shall
29 commence on the first Thursday after the first Monday in July,
30 and continue until the expiration of the term for which such
31 member was appointed or until a successor is appointed and
32 qualifies. If the board of county commissioners shall refuse,
33 fail, omit, or neglect to submit one or more nominees to the
34 commissioner of human services for appointment to the county
35 welfare board by the commissioner of human services, as herein
36 provided, or to appoint the three members to the county welfare
37 board, as herein provided, by the time when the terms of such
38 members commence, or, in the event of vacancies, for a period of
39 30 days thereafter, the commissioner of human services is hereby
40 empowered to and shall forthwith appoint residents of the county
41 to the county welfare board. ~~In-the-event-that~~ The commissioner *
42 of human services ~~shall-refuse, on refusing~~ to appoint a nominee *
43 from the list of nominees submitted by the board of county *
44 commissioners, ~~he~~ shall notify the county board of such *
45 refusal. The county board shall thereupon nominate additional
46 nominees. Before the commissioner of human services shall fill
47 any vacancy hereunder resulting from the failure or refusal of
48 the board of county commissioners of any county to act, as
49 required herein, the commissioner of human services shall mail
50 15 days written notice to the board of county commissioners of
51 its intention to fill such vacancy or vacancies unless the board
52 of county commissioners shall act before the expiration of the
53 15-day period.

54 No change for subd 3 to 7

393*#03S

55 393.03 PER DIEM.

56 Except as provided in section 393.01, subdivisions 3 and 5,
57 each member of the county welfare board, except county
58 commissioners, may receive from the state, county, or a
59 municipality, not to exceed \$15 for each day spent in
60 transacting the business of the board, but for not exceeding 50
61 days in any year, or an amount equivalent to any per diem paid
62 to county commissioners for such services pursuant to section
63 375.055, subdivision 1, whichever is greater; provided that
64 where such welfare board also serves as the county hospital
65 board or as the county nursing home board, members, other than
66 county commissioners, may be paid not to exceed \$15 for each day
67 spent in transacting the business of the board, but for not
68 exceeding 75 days in any year, or an amount equivalent to any
69 per diem paid to county commissioners for such services pursuant
70 to section 375.055, subdivision 1, whichever is greater. This
71 compensation is in addition to any salary ~~he~~ the member may *
72 receive from any other source. The county may reimburse each
73 member, including county commissioners, for expenses incurred in
74 the performance of official duties. Nothing in this section

1 shall be construed to prohibit the payment of a per diem to
 2 county commissioners pursuant to section 375.055, subdivision 1.
 393*#04S

3 393.04 ORGANIZATION.

4 The county welfare board shall, by resolution, establish a
 5 date in July for an annual meeting at which it shall organize by
 6 electing a chairman chair, a vice-chairman vice-chair, and a *
 7 secretary, except as provided in section 393.01, subdivision 3,
 8 each of whom shall perform the customary duties of his office. *
 9 The board shall appoint a director and such assistants and
 10 clerical help as it may deem necessary to perform the work of
 11 the board. The appointment of the director shall be made in
 12 accordance with rules to be adopted by the commissioner of human
 13 services and the director shall be chosen upon the basis of his *
 14 experience, training, and general qualifications for the work.
 15 The director's salary shall be fixed by the county welfare
 16 board, and the county welfare board shall fix the salary of such
 17 other employees as it may hire.

18 The welfare board shall require its director and such other
 19 of its employees as it may determine, to execute and file with
 20 it a bond conditioned as are other official bonds, to the state,
 21 with corporate sureties to be approved by it, in such amount as
 22 it may fix, not less than \$1,000, and the premium thereon shall
 23 be paid by the board.

393*#07S

24 393.07 POWERS AND DUTIES.

25 Subdivision 1. PUBLIC CHILD WELFARE PROGRAM. (a) To
 26 assist in carrying out the child protection, delinquency
 27 prevention and family assistance responsibilities of the state,
 28 the county welfare board shall administer a program of social
 29 services and financial assistance to be known as the public
 30 child welfare program. The public child welfare program shall
 31 be supervised by the commissioner of human services and
 32 administered by the county welfare board in accordance with law
 33 and with rules of the commissioner.

34 (b) The purpose of the public child welfare program is to
 35 assure protection for and financial assistance to children who
 36 are confronted with social, physical, or emotional problems
 37 requiring protection and assistance. These problems include,
 38 but are not limited to the following:

39 (1) Mental, emotional, or physical handicap;

40 (2) Birth of a child to a mother who was not married to the
 41 child's father when the child was conceived nor when the child
 42 was born, including but not limited to costs of prenatal care,
 43 confinement and other care necessary for the protection of a
 44 child born to a mother who was not married to the child's father
 45 at the time of the child's conception nor at the birth;

46 (3) Dependency, neglect;

47 (4) Delinquency;

48 (5) Abuse or rejection of a child by its parents;

49 (6) Absence of a parent or guardian able and willing to
 50 provide needed care and supervision;

51 (7) Need of parents for assistance with child rearing
 52 problems, or in placing the child in foster care.

53 (c) A county welfare board shall make the services of its
 54 public child welfare program available as required by law, by
 55 the commissioner, or by the courts and shall cooperate with
 56 other agencies, public or private, dealing with the problems of
 57 children and their parents as provided in this subdivision.

58 The public child welfare program shall be available in
 59 divorce cases for investigations of children and home conditions
 60 and for supervision of children when directed by the court
 61 hearing the divorce.

62 (d) A county welfare board may rent, lease, or purchase
 63 property, or in any other way approved by the commissioner,
 64 contract with individuals or agencies to provide needed
 65 facilities for foster care of children. It may purchase
 66 services or child care from duly authorized individuals,
 67 agencies or institutions when in its judgment the needs of a
 68 child or his the child's family can best be met in this way. *

69 Subd. 1a. Repealed, 1979 c 256 s 3

70 Subd. 2. ADMINISTRATION OF PUBLIC WELFARE. The
 71 county welfare board, subject to the supervision of the
 72 commissioner of human services, shall administer all forms of
 73 public welfare, both for children and adults, responsibility for
 74 which now or hereafter may be imposed on the commissioner of

1 human services by law, including general assistance, aid to
2 dependent children, county supplementation, if any, or state aid
3 to recipients of supplemental security income for aged, blind
4 and disabled, child welfare services, mental health services,
5 and other public assistance or public welfare services, provided
6 that the county welfare board shall not employ public health
7 nursing or home health service personnel other than
8 homemaker-home help aides, but shall contract for or purchase
9 the necessary services from existing community agencies. The
10 duties of the county welfare board shall be performed in
11 accordance with the standards, rules and regulations which may
12 be promulgated by the commissioner of human services to achieve
13 the purposes intended by law and in order to comply with the
14 requirements of the federal Social Security Act in respect to
15 public assistance and child welfare services, so that the state
16 may qualify for grants-in-aid available under that act. The
17 county welfare board shall supervise wards of the commissioner
18 and, when so designated, act as agent of the commissioner of
19 human services in the placement of ~~his~~ the commissioner's wards *
20 in adoptive homes or in other foster care facilities. The
21 county welfare board may contract with a bank or other financial
22 institution to provide services associated with the processing
23 of public assistance checks and pay a service fee for these
24 services, provided the fee charged does not exceed the fee
25 charged to other customers of the institution for similar
26 services.

27 Subd. 3. FEDERAL SOCIAL SECURITY. The county
28 welfare board shall be charged with the duties of administration
29 of all forms of public assistance and public child welfare or
30 other programs within the purview of the federal social security
31 act, other than public health nursing and home health services,
32 and which now are, or hereafter may be, imposed on the
33 commissioner of human services by law, of both children and
34 adults. The duties of such county welfare board shall be
35 performed in accordance with the standards, rules and
36 regulations which may be promulgated by the commissioner of
37 human services in order to achieve the purposes of the law and
38 to comply with the requirements of the federal social security
39 act needed to qualify the state to obtain grants-in-aid
40 available under that act. Notwithstanding the provisions of any
41 other law to the contrary, the welfare board may delegate to the
42 director the authority to determine eligibility and disburse
43 funds without first securing board action, provided that the
44 director shall present to the board, at the next scheduled
45 meeting, any such action taken ~~by-him~~ for ratification by the *
46 board.

47 No change for subd 4

48 Subd. 5. COMPLIANCE WITH FEDERAL SOCIAL SECURITY ACT;
49 MERIT SYSTEM. The commissioner of human services shall have
50 authority to require such methods of administration as are
51 necessary for compliance with requirements of the federal social
52 security act, as amended, and for the proper and efficient
53 operation of all welfare programs. This authority to require
54 methods of administration includes methods relating to the
55 establishment and maintenance of personnel standards on a merit
56 basis as concerns all employees of county welfare boards except
57 those employed in an institution, sanatorium, or hospital. The
58 commissioner of human services shall exercise no authority with
59 respect to the selection, tenure of office, and compensation of
60 any individual employed in accordance with such methods. The
61 adoption of methods relating to the establishment and
62 maintenance of personnel standards on a merit basis of all such
63 employees of the county welfare boards and the examination
64 thereof, and the administration thereof shall be directed and
65 controlled exclusively by the commissioner of human services.

66 Notwithstanding the provisions of any other law to the
67 contrary, every employee of every county welfare board who
68 occupies a position which requires as prerequisite to
69 eligibility therefor graduation from an accredited four year
70 college or a certificate of registration as a registered nurse
71 under section 148.231, must be employed in such position under
72 the merit system established under authority of this
73 subdivision. Every such employee now employed by a county
74 welfare board and who is not under said merit system is
75 transferred, as of January 1, 1962, to a position of comparable
76 classification in the merit system with the same status therein

1 as he the employee had in the county of his employment prior *
 2 thereto and every such employee shall be subject to and have the
 3 benefit of the merit system, including seniority within the
 4 welfare board, as though he the employee had served thereunder *
 5 from the date of his entry into the service of the welfare board. *

6 No change for subd 6 to 9

7 Subd. 10. FEDERAL FOOD STAMP PROGRAM. The county
 8 welfare board shall establish and administer the food stamp
 9 program pursuant to rules of the commissioner of human services
 10 and federal regulations. The county welfare board shall
 11 participate in a food stamp quality control system subject to
 12 the supervision of the commissioner of human services and
 13 pursuant to federal regulations.

14 Any person who commits any of the following acts is guilty
 15 of theft and shall be sentenced pursuant to section 609.52,
 16 subdivision 3, clauses (1), (2), and (5):

17 (a) Obtains or attempts to obtain, or aids or abets any
 18 person to obtain by means of a wilfully false statement or
 19 representation, or intentional concealment of a material fact,
 20 food stamps to which he the person is not entitled or in an *
 21 amount greater than that to which he-is entitled; or *

22 (b) Presents or causes to be presented, coupons for payment
 23 or redemption knowing them to have been received, transferred or
 24 used in a manner contrary to existing state or federal law; or

25 (c) Willfully uses or transfers food stamp coupons or
 26 authorization to purchase cards in any manner contrary to
 27 existing state or federal law.

28 The amount of food stamps incorrectly issued shall be the
 29 difference between the amount of food stamps actually received
 30 and the amount to which the recipient would have been entitled
 31 under state and federal law had the welfare agency been informed
 32 of all material facts. The amount of any food stamps determined
 33 to have been incorrectly issued, used, transferred or presented
 34 shall, unless otherwise determined by the county welfare board
 35 in order to prevent undue hardship, be recoverable from the
 36 recipient, or user, or his the recipient's or user's estate by *
 37 the county as a debt due the county.

38 No change for subd 11

393*#09S

39 393.09 MONTHLY MEETINGS.

40 The county welfare board shall meet and advise with the
 41 director at least once each month and the director shall report
 42 and be responsible to the county welfare board and shall be
 43 directed ~~in his activities~~ by the board. The director shall be *
 44 charged with the administration of the duties of the county
 45 welfare board and shall perform such additional duties as the
 46 county welfare board may designate.

394*#01S

47 394.01 HOW CONSTITUTED; OFFICERS.

48 In all counties in this state now having or which may
 49 hereafter have a population of over 100,000 and in which the
 50 building used for courthouse purposes is not owned jointly or in
 51 common with any city for city hall purposes, there shall be and
 52 hereby is created a commission to be known and designated as the
 53 county building commission, which shall be constituted as
 54 follows: The chairman chair of the board of county *
 55 commissioners, the auditor of the county, and the treasurer of
 56 the county. The chairman chair of the board of county *
 57 commissioners shall be president of the commission, the county
 58 auditor shall be secretary of the commission, and the county
 59 treasurer shall be the treasurer of the commission. The
 60 secretary shall keep all of the records and accounts of the
 61 commission, and the treasurer shall keep a correct account of
 62 its receipts and expenditures.

394*#27S

63 394.27 CREATION AND DUTIES OF A BOARD OF ADJUSTMENT.

64 No change for subd 1

65 Subd. 2. The board of adjustment shall consist of at least
 66 three but not more than seven members, including at least one
 67 member from the unincorporated area of the county, whose
 68 appointment, term of office, or removal from the board shall be
 69 as provided in the ordinance creating the board of adjustment;
 70 provided that no elected officer of the county nor any employee
 71 of the board of commissioners shall serve as a member of the
 72 board of adjustment and that one member of such board of
 73 adjustment shall also be a member of any planning commission

1 appointed under the provisions of sections 394.21 to 394.37. In
 2 an ordinance creating a three member board of adjustment,
 3 provision may be made for one alternate member. The alternate
 4 board member shall, when directed by the chairman chair, attend *
 5 all meetings of the board and participate fully in its
 6 activities but shall not vote on any issue unless authorized to
 7 do so by the chairman chair. The chairman chair shall authorize *
 8 the alternate board member to vote on an issue when a regular
 9 member is absent, physically incapacitated, abstains because of
 10 a possible conflict of interest, or is prohibited by law from
 11 voting on that issue. Any question of whether a particular issue
 12 involves a conflict of interest sufficient to disqualify a
 13 regular board member from voting thereon shall be decided by
 14 majority vote of all regular board members except the member who
 15 is being challenged. In the ordinance establishing the board of
 16 adjustment provision may be made for removal of any member for
 17 nonperformance of duty or misconduct in office and for the
 18 filling of vacancies for any unexpired term. The regular and
 19 alternate members of such board of adjustment may be paid
 20 compensation in an amount determined by the county board and may
 21 be paid their necessary expenses in attending meetings of the
 22 board and in the conduct of the business of the board.

23 Subd. 3. The board of adjustment shall elect a chairman *
 24 chair and vice-chairman vice-chair from among its members and *
 25 shall appoint a secretary who need not be a member of a board.
 26 It shall adopt rules for the transaction of its business and
 27 shall keep a public record of its transaction, findings, and
 28 determinations.

29 Subd. 4. The meetings of the board of adjustment shall be
 30 held at the call of the chairman chair and at such other times *
 31 as the board in its rules of procedure may specify.

32 No change for subd 5 to 6

33 Subd. 7. The board of adjustment shall have the exclusive
 34 power to order the issuance of variances from the terms of any
 35 official control including restrictions placed on
 36 nonconformities. Variances shall only be permitted when they
 37 are in harmony with the general purposes and intent of the
 38 official control in cases when there are practical difficulties
 39 or particular hardship in the way of carrying out the strict
 40 letter of any official control, and when the terms of the
 41 variance are consistent with the comprehensive plan. "Hardship"
 42 as used in connection with the granting of a variance means the
 43 property in question cannot be put to a reasonable use if used
 44 under the conditions allowed by the official controls; the
 45 plight of the landowner is due to circumstances unique to his *
 46 the property not created by the landowner; and the variance, if *
 47 granted, will not alter the essential character of the
 48 locality. Economic considerations alone shall not constitute a
 49 hardship if a reasonable use for the property exists under the
 50 terms of the ordinance. Variances shall be granted for earth
 51 sheltered construction as defined in section 116J.06,
 52 subdivision 2, when in harmony with the official controls. No
 53 variance may be granted that would allow any use that is
 54 prohibited in the zoning district in which the subject property
 55 is located. The board of adjustment may impose conditions in
 56 the granting of variances to insure compliance and to protect
 57 adjacent properties and the public interest. The board of
 58 adjustment may consider the inability to use solar energy
 59 systems a "hardship" in the granting of variances.

60 No change for subd 8 to 9

394*#29S

61 394.29 MAY EMPLOY DIRECTOR AND STAFF.

62 To carry out the purposes of sections 394.21 to 394.37 the
 63 board may employ a planning director and such staff as it deems
 64 necessary to assist the planning director in carrying out his *
 65 assigned responsibilities, including but not limited to a zoning
 66 administrator, sanitary inspector and a building official. If
 67 no planning director is appointed, the board shall designate a
 68 chief administrative officer who shall administer the official
 69 controls. The board may employ or contract with a planning
 70 authority or commission, any agency of the state or federal
 71 government, a regional development commission or with planning
 72 consultants, or with other specialists for such services as it
 73 requires.

394*#30S

74 394.30 PLANNING COMMISSION.

1 Subdivision 1. Any board of county commissioners may by
 2 ordinance appoint a planning commission composed of not less
 3 than five nor more than eleven members appointed by the ~~chairman~~ *
 4 chair of the board. At least two members shall be residents of *
 5 the portion of the county outside the corporate limits of
 6 municipalities. The manner of appointment and terms of office
 7 of the members shall be as provided in the ordinance. No more
 8 than one voting member of the commission shall be an officer or
 9 employee of the county. No voting member of the commission
 10 shall have received, during the two years prior to appointment,
 11 any substantial portion of ~~his~~ income from business operations *
 12 involving the development of land within the county for urban
 13 and urban related purposes. In the ordinance establishing the
 14 planning commission the board may designate any county officer
 15 or employee as an ex officio member of such commission. The
 16 term of office and removal of any member for nonperformance of
 17 duty or misconduct in office as well as filling vacancies on the
 18 board shall be as provided in the ordinance creating the
 19 commission.

20 Subd. 2. Repealed, 1974 c 571 s 51

21 No change for subd 3

22 Subd. 4. The planning commission shall elect a ~~chairman~~ *
 23 chair and secretary from among its members and cooperate with *
 24 the planning director and other employees of the county in
 25 preparing and recommending to the board for adoption a
 26 comprehensive plan and recommendations for plan execution in the
 27 form of official controls and other measures, and amendments
 28 thereto. In all instances in which the planning commission is
 29 not the final authority, as authorized in subdivision 5, the
 30 commission shall review all applications for conditional use
 31 permits and plans for subdivisions of land and report thereon to
 32 the board.

33 No change for subd 5

394*#361S

34 394.361 OFFICIAL MAP.

35 No change for subd 1 to 3

36 Subd. 4. If a permit for a building in such location is
 37 denied, the board of adjustment shall have the power, upon
 38 appeal by the owner of the land to authorize the issuance of a
 39 permit for building in such location in any case in which the
 40 board finds, upon the evidence and the arguments presented to
 41 it, (a) that the entire property of the appellant of which such
 42 area identified for public purposes forms a part cannot be put
 43 to a reasonable use by the owner unless such a permit is
 44 granted, and (b) that balancing the interest of the county in
 45 preserving the integrity of the official map and the
 46 comprehensive plan and interest of the owner of the property in
 47 the use of ~~his~~ the property and in the benefits of ownership, *
 48 the issuance of such permit is required by considerations of
 49 justice and equity. Prior to reaching a decision upon the
 50 appeal, public hearings shall be held in accordance with section
 51 394.26. If the board of adjustment authorizes the issuance of a
 52 permit the board shall have six months from the date of the
 53 decision of the board of adjustment to institute proceedings to
 54 acquire such land or interest therein, and if no such
 55 proceedings are started within that time, the officer
 56 responsible shall issue a permit in accordance with the
 57 conditions stated in the authorization specifying the exact
 58 location, ground area, height and other details as to the extent
 59 and character of the building for which the permit is granted.

395*#15S

60 395.15 APPLICATIONS TO COUNTY AUDITOR.

61 Any resident freeholder of such county may apply for seed
 62 and feed or either of them, for ~~himself~~ personal use as follows: *
 63 ~~He~~ The freeholder shall file with the county auditor, on or *
 64 before the second Monday in March, a verified written *
 65 application therefor ~~verified-by-him~~ showing the following facts: *
 66 (1) ~~His~~ The freeholder's name, residence, and the places *
 67 where ~~he~~ the freeholder has resided during the past five years; *
 68 (2) All lands owned or occupied by ~~him~~ the freeholder and *
 69 ~~his~~ the freeholder's interest therein and the encumbrances, if *
 70 any, thereon;
 71 (3) All personal property owned by ~~him~~ the freeholder and *
 72 the encumbrances, if any, thereon;
 73 (4) The number of acres ~~he~~ the freeholder seeded and *
 74 harvested last year and the number of bushels of grain

1 threshed ~~by him~~ therefrom; *

2 (5) The description of land ~~he desires~~ desired to ~~prepare~~ *

3 be prepared for crop and seed, its condition and number of acres *

4 plowed and unplowed;

5 (6) The number of horses and oxen owned by ~~him~~ the *

6 freeholder and the encumbrances, if any, thereon; *

7 (7) The number of bushels and kind of seed desired and the

8 number of bushels of feed required; and

9 (8) That ~~he~~ the freeholder is poor and unable to procure *

10 seed or feed from any other source. *

395*#16S

11 395.16 COUNTY BOARD; WHEN TO RECEIVE APPLICATIONS.

12 The county auditor shall file and number the applications

13 in the order received ~~by him~~ and call the county board to meet *

14 on the second Tuesday in March next following; and the board

15 shall meet and consider these applications separately and in the

16 order of their filing, and may grant such applications, in whole

17 or in part, as appears to it just and proper. Not more than 200

18 bushels of wheat, or its equivalent in other seed, shall be

19 furnished to any one person.

20 The county board is hereby granted authority, in its

21 discretion, to direct the filing by the auditor of the petition

22 provided for in section 395.14 after March 1st, and to receive

23 applications for grain after the second Monday in March and to

24 act upon such petition and application the same as if received

25 prior to the respective dates provided in section 395.15.

26 The county board shall make an order specifying the names

27 of persons and amounts allowed with the kind and quantities of

28 seed and feed granted, and the county auditor shall issue and

29 deliver to the applicant a warrant showing such allowance. Such

30 warrant shall be for the purchase of such seed and feed and for

31 no other purpose whatever, and shall be paid by the county

32 treasurer only when there is endorsed on the back thereof a

33 receipt signed by the applicant, acknowledging receipt by ~~him~~ *

34 the applicant from some reputable person, of the seed and feed *

35 therein specified.

395*#18S

36 395.18 CONDITION OF THE CONTRACT.

37 The warrant provided for in section 395.16 shall not be

38 delivered until the applicant shall have signed a contract in

39 duplicate, attested by the county auditor, to the effect that

40 the applicant, for and in consideration of the seed and feed

41 specified received from the county, promises to pay to the

42 county the amount allowed for the same, on or before the first

43 day of October following, with interest at the rate of six

44 percent per annum, that such amount shall be a first lien upon

45 the crop raised from the seed and, in addition thereto, shall be

46 taxable against the real property of the applicant for which

47 seed and feed was furnished. The contract shall also contain a

48 true description of the land upon which the applicant intends to

49 and will sow and plant such seed, in due season next following,

50 and shall specify that ~~his~~ the written application shall be a *

51 part of this contract. The auditor shall forthwith file one of

52 such duplicate contracts with the county recorder of the county,

53 for which the applicant shall pay the required filing fee and

54 file the other duplicate in ~~his-own~~ the auditor's office. *

395*#21S

55 395.21 MARKETING OF GRAIN.

56 Each and every person who has received seed or feed, or

57 both, under the provisions of sections 395.14 to 395.24, shall,

58 as soon as ~~his~~ crops for the year wherein payment is to be made *

59 are harvested and threshed, market a sufficient amount of grain *

60 to pay the amount then due on ~~his~~ the contract and pay the same

61 over to the auditor of the county.

395*#22S

62 395.22 PENALTY FOR VIOLATION.

63 Any person who shall, contrary to the provisions of

64 sections 395.14 to 395.24, sell, transfer, take, or carry away,

65 or in any manner dispose of, the seed or feed, or any part

66 thereof, furnished by the county under sections 395.14 to 395.24

67 or shall use or dispose of such seed or feed, or any part

68 thereof, for any other purpose than that of planting or sowing

69 with same as stated in ~~his~~ the application and contract, or *

70 shall sell, transfer, take, or carry away, or in any manner

71 dispose of, the crop or any part thereof, produced from the

72 sowing or planting of such seed, before the same is paid for,

1 shall be guilty of a misdemeanor; and upon conviction thereof
2 shall pay a fine of not less than \$50 nor more than \$100 or may
3 be imprisoned in the county jail for a term of not less than 30
4 nor more than 90 days, and shall pay all the costs of
5 prosecution, and whoever under any of the provisions of sections
6 395.14 to 395.24 shall be found guilty of false swearing shall
7 be deemed to have committed perjury and shall upon conviction
8 suffer the pains and penalties of that crime. Upon the filing
9 of the contract in the office of the county recorder, and the
10 sowing of the seed obtained therefor, the title and right of
11 possession to the growing crop and to the grain produced from
12 the seed shall be in the county which shall have furnished the
13 seed until the debt incurred for such seed or feed, shall have
14 been paid, and any seizure thereof or interference therewith
15 except by the applicant and those in ~~his~~ the applicant's employ, *
16 for the purpose of harvesting, threshing, and marketing the same
17 to pay such debt, shall be deemed a conversion thereof and
18 treble damages may be recovered against the person so converting
19 the same by the county furnishing such seed and feed.

397*#06S

397.06 DISTRICT HOSPITAL BOARDS.

20 The board or boards of county commissioners may also
21 authorize and direct the construction and equipment of a
22 district hospital in any such district, to be constructed,
23 equipped and operated under the supervision of a district
24 hospital board comprising one member from each city and town in
25 the district elected by the voters at the respective regular
26 local elections thereof for a term of three years or until ~~his~~ a *
27 successor has been elected and has qualified, commencing on the
28 first day of April next following the election. When the
29 district is first created, the governing body of each such city
30 and town shall appoint a member of the board to serve until the
31 commencement of the term of ~~his~~ a successor. Thereafter *
32 whenever a vacancy occurs, the governing body of the city or
33 town affected shall appoint a member to serve until April 1
34 following the next regular municipal or town election, when ~~his~~ *
35 a successor shall be elected for a full three-year term. *

397*#07S

397.07 ANNUAL MEETINGS OF BOARDS.

37 The annual meetings of the hospital board shall be in April
38 of each year, at which time the members shall elect from among
39 themselves a chairman chair and a clerk for a term of one year. *

397*#08S

397.08 OPERATION EXPENSE, PAYMENT.

41 The expense of operation of any such hospital shall be paid
42 from the revenues derived therefrom and, to the extent
43 necessary, from ad valorem taxes to be levied solely upon the
44 taxable property situated within the district, and, to the
45 extent determined by the board or boards of county commissioners
46 from time to time, from appropriations made in accordance with
47 section 376.08. The hospital district board may agree to repay
48 to the county any sums appropriated by the board of county
49 commissioners for this purpose, out of the net revenues to be
50 derived from operation of the hospital, and subject to such
51 terms as may be agreed upon. All revenues so received and taxes
52 so levied shall be segregated in a special fund by the county
53 treasurer of the county in which the hospital is situated and
54 disbursed only upon orders signed by the chairman chair of the *
55 hospital board and countersigned by the clerk of the hospital
56 board, pursuant to resolutions of said hospital board. All
57 contracts with reference to the construction, equipment and
58 operation of such hospital shall be executed on behalf of the
59 district by the chairman chair and clerk of the hospital board. *

397*#10S

397.10 BONDS.

61 The construction and equipment and the subsequent
62 improvement of any such hospital may be financed in whole or in
63 part by the issuance of general obligation bonds in the manner
64 provided in chapter 475. Proceedings for the issuance thereof
65 shall be instituted and completed by the board of county
66 commissioners of the county in which the hospital is located,
67 subject to the approval of the county boards of all other
68 counties containing territory within the district. Notice of
69 the election on such bonds shall be published in each legal
70 newspaper published in the district, not less than ten days
71 before the election and the qualified electors residing in the
72

1 district shall be entitled to vote at such election, each at the
 2 polling place for the voting precinct in which ~~he~~ the elector *
 3 resides, as established for state and county elections. Taxes
 4 for the payment of such bonds shall be levied by the county
 5 board or boards on all taxable property within the hospital
 6 district, and shall be segregated in a special sinking fund in
 7 the custody of the treasurer of the county where the hospital is
 8 located, and shall not be subject to any statutory limitation as
 9 to rate or amount. Such bonds shall not constitute indebtedness
 10 for any purpose of the county or any city or town, and shall be
 11 payable solely from taxes levied on properties within the
 12 hospital district, and the liability of the county or counties
 13 thereon shall be limited to the completion of all proceedings
 14 required for the levy of such taxes and the creation and
 15 maintenance of a sinking fund and the payment of the bonds and
 16 interest from such fund in accordance with existing laws;
 17 provided that the board or boards of county commissioners may
 18 from time to time appropriate moneys for the erection,
 19 construction, improvement, alteration and equipment of any
 20 hospital financed by such bonds, in the manner and to the extent
 21 authorized by section 376.08, which moneys may be directed by
 22 the county board making the appropriation to be credited to the
 23 sinking fund for such bonds or to be expended directly in
 24 payment of construction costs.

398*#03S

25 398.03 COMMISSIONERS.

26 Subdivision 1. The first board of park district
 27 commissioners for each single county district shall be appointed
 28 by the board of county commissioners of the county in which the
 29 park district is located as follows: The board of county
 30 commissioners shall by resolution divide the single county park
 31 district into four election districts which shall be similar in
 32 shape and no one of which shall contain more than 5 percent more
 33 area than any other. Following the adoption of such a
 34 resolution, the board of county commissioners shall appoint as
 35 park district commissioners one resident of each of the election
 36 districts and three residents of the park district at large,
 37 each for a term continuing until ~~his~~ a successor is elected and *
 38 qualifies. The ~~chairman~~ chair of the board of county *
 39 commissioners may call the first meeting of the first board of
 40 park district commissioners or they may meet and organize
 41 without such a call.

42 No change for subd 2

398*#06S

43 398.06 BOARD; OFFICERS, POWERS, MEETINGS.

44 At the first meeting of the board and at the first meeting
 45 each calendar year, each board shall elect from its membership a
 46 ~~chairman~~ chair and a ~~vice-chairman~~ vice-chair who shall serve in *
 47 such capacity for the calendar year, and until their successors
 48 are elected and qualified. The ~~chairman, or in his absence,~~ *
 49 ~~vice-chairman,~~ chair shall preside at all meetings; in the *
 50 absence of the chair, the vice-chair shall preside. All *
 51 meetings shall be open to the public. The boards shall preserve
 52 order at their meetings, compel the attendance of members and
 53 punish non-attendance. The boards shall have power to regulate
 54 their own procedure and shall adopt from time to time written
 55 rules of procedure.

56 At its first meeting the board shall adopt a temporary name
 57 for the park district and it shall at a meeting held within six
 58 months from its first meeting, adopt by a majority vote of all
 59 commissioners an official name for the park district.

60 Regular meetings of the park district boards shall be held
 61 at least monthly at such times and places as may be prescribed
 62 by their rules. Special meetings may be called by the ~~chairman~~ *
 63 chair, or by any two members of a board, by writing filed with *
 64 the secretary, who shall then mail a notice to all board members
 65 of the time and place of such meeting at least two days before
 66 such meeting.

67 A majority of the commissioners shall constitute a quorum
 68 for the transaction of business, although a smaller number may
 69 adjourn from time to time.

398*#09S

70 398.09 SPECIFIC POWERS.

71 Park district boards in addition to the foregoing general
 72 powers shall have these specific powers:

73 (a) The power to regulate by ordinance the use of the

1 waters of any lake lying wholly within a park established under
2 this chapter and the use of any lake shore which is within a
3 park established under this chapter and the waterfront
4 immediately abutting such lake shore for not to exceed 300 feet
5 therefrom, by all persons, including persons boating, swimming,
6 fishing, skating or otherwise, in, upon or about said lake, lake
7 shore and abutting waterfront, subject to regulation by the
8 state of Minnesota.

9 (b) The power to acquire lands either within or without the
10 park district for conversion into forest reserves and for the
11 conservation of the natural resources of the state, including
12 streams, lakes, submerged lands and swamplands, and to these
13 ends may create parks, parkways, forest reservations and other
14 reservations and afforest, develop, improve, protect and promote
15 the use of the same in such manner as is conducive to the
16 general welfare. These lands may be acquired by the board, on
17 behalf of the district, by gift or devise, by purchase or by
18 condemnation. In furtherance of the use and enjoyment of the
19 lands controlled by it, the board may accept donations of money
20 or other property, or may act as trustee of land, money or other
21 property and use and administer the same as stipulated by the
22 donor, or as provided in the trust agreement. The terms of each
23 such donation or trust shall first be approved by the district
24 court before acceptance by the board. If the park district
25 includes all or part of more than one court district, approval
26 shall be by the district court of the court district having the
27 largest area within the park district. In case of condemnation
28 the proceedings are to be instituted in the name of the district
29 and conducted in the manner provided in chapter 430 and acts now
30 in effect and hereafter adopted amendatory thereof and
31 supplemental thereto. Either the fee or any lesser interest may
32 be acquired as the board deems advisable. All awards not set
33 aside as therein provided shall be a charge upon the district
34 for which its credit shall be pledged. The duties specified to
35 be performed in said sections by the city council, the city
36 clerk and the city engineer, respectively, shall be performed by
37 the commissioners, the secretary and the superintendent of the
38 district. Appeals to the district court shall be taken to the
39 district court of the county in which the land lies. The
40 notices required to be published shall be published in every
41 case in a newspaper of general circulation published in the
42 county or counties wherein the land lies. All reports and
43 papers required by said sections to be filed with the city clerk
44 shall be filed with the secretary of the district. Unless a
45 lesser estate be designated, an absolute estate in fee simple,
46 unqualified in any way whatsoever, shall vest in the district in
47 every case of taking by the exercise of the power of eminent
48 domain, and such estate shall not be limited or qualified in any
49 way by construction. Nothing herein contained shall authorize
50 the board to:

51 1. Acquire real estate by purchase or condemnation which
52 is located within the boundaries of an incorporated statutory
53 city or city unless the governing body of such statutory city or
54 city shall have consented thereto by resolution duly adopted, or

55 2. Acquire real estate by condemnation which is located
56 outside the park district unless the board of county
57 commissioners of the county in which such property is located
58 has consented thereto by resolution duly adopted.

59 (c) The power, if the board finds that any lands which it
60 has acquired are not necessary for the purposes for which
61 acquired, to dispose of such lands upon such terms as are
62 advisable, including the power to transfer such lands to other
63 public corporations. Where lands which were acquired by
64 condemnation less than 20 years before are to be sold to private
65 parties, the former owners, or their heirs, successors or
66 assigns, shall be notified in writing of the board's intent to
67 dispose of the properties and shall be given 20 days to purchase
68 the property taken from them at such price as the board shall
69 deem fair compensation to the district for such property. The
70 board may lease any of its lands or permit their use for
71 purposes consistent with the purposes for which the lands were
72 acquired upon such terms as are advisable. No such lands shall
73 be sold without the approval of the district court of the county
74 in which the lands are situated.

75 (d) The power to fix, alter, charge and collect fees, tolls
76 and charges for the use of facilities of the park district, for

1 services rendered by, or for any commodities furnished by, or
 2 for licenses issued by, the board pursuant to ordinances
 3 authorized hereunder. All fines collected for any violation of
 4 a board's ordinance shall be paid into the treasury of such park
 5 district board.

6 (e) The power to borrow, make and issue negotiable bonds,
 7 notes and other evidences of indebtedness, subject to the
 8 provisions of sections 398.16 and 398.17, and to pledge its full
 9 faith, credit and taxing power to the payment thereof, and/or to
 10 secure the payment of such obligations or any part thereof by
 11 mortgage, lien, pledge, deed of trust otherwise, on all or any
 12 of its property, contracts, franchises or revenues and to make
 13 such agreements with the purchasers or holders of such notes,
 14 bonds or other evidences of indebtedness or with others in
 15 connection with the same, whether issued or to be issued.

16 (f) The power to cooperate with or borrow from any
 17 governmental organization, state or federal, or from any agency
 18 of the state or federal government for any purpose within the
 19 scope of the authority of this corporation.

20 (g) The power to cooperate with any public or municipal
 21 corporation, with the counties and with any private or public
 22 organization engaged in conservation, recreational activities,
 23 protection of the public health and safety, prevention of water
 24 pollution, sanitation, and/or mosquito abatement for any
 25 constructive purpose, and the power, upon request, to assume
 26 control of all or a portion of any existing parks or park lands
 27 owned by any county government or municipal corporation in the
 28 park district; such control shall be assumed only at the request
 29 of and by agreement with the public authority in control of such
 30 parks or park lands. Thereupon such parks or park lands may be
 31 developed, improved, protected and operated as a park as in case
 32 of lands otherwise acquired by the board. Such acquisition or
 33 assumption of control or operation of a municipal park system by
 34 a park district shall in no way impair the authority and power
 35 of such municipality to levy and collect taxes for park,
 36 playground and recreational purposes, all or part of such tax
 37 funds to be transferred to the park district for such uses as
 38 may be agreed upon between the district and the municipality.

39 (h) The power to designate employees as police officers
 40 within the parks under the jurisdiction and control of the
 41 board, and employees so designated may exercise all the powers
 42 of police officers within the park lands under the jurisdiction
 43 and control of the board. Before exercising these powers, each
 44 such employee shall take an oath and give a bond to the state in
 45 such sum as the board prescribes for the proper performance of
 46 his the employee's duties in such respect. The board may *
 47 contract with municipalities or with the county or counties for
 48 the policing of park properties.

49 (i) The power, upon a four-fifths vote of the board, to
 50 enter into an agreement under section 471.59 with any political
 51 subdivision, governmental unit, or agency, including an elected
 52 park and recreation board in a city of the first class, to
 53 expend public money, including bond proceeds, in its possession
 54 for any metropolitan regional park purposes, including
 55 transferring money in its possession as a grant to other
 56 political subdivisions, governmental units, or agencies,
 57 including an elected park and recreation board in a city of the
 58 first class.

398*#10S

59 398.10 PARK SUPERINTENDENT; EMPLOYEES.

60 The board shall, by secret ballot, elect a park
 61 superintendent to serve as the chief administrative officer of
 62 the park district. Such election shall be for terms of not to
 63 exceed two years and the superintendent shall serve at the
 64 pleasure of the board. No person shall be elected
 65 superintendent unless he the person has had at least ten years *
 66 experience in business or in public administration, at least
 67 five years of which shall have been in a responsible
 68 administrative capacity and at least three years in the
 69 administration of parks or recreation. The salary of the
 70 superintendent shall be set by the board. The superintendent or
 71 someone-designated-by-him a designee shall serve as secretary to *
 72 the board. The chairman chair and the secretary shall, promptly *
 73 after their selection, file with the secretary of state of
 74 Minnesota a bond in the penal sum of \$10,000, with good and
 75 sufficient sureties acceptable to the board of park district

1 commissioners.

2 The board shall have power to appoint such officers, agents
3 and employees as it deems necessary for the proper
4 administration of the district. The officers, agents and
5 employees shall perform such duties and receive such
6 compensation as the board may determine and shall be removable
7 at the pleasure of the board.

398*#11S

8 398.11 INSTRUMENTS, EXECUTION.

9 Every contract, conveyance, license or other written
10 instrument shall be executed on behalf of the board by the
11 chairman chair and secretary with the corporate seal affixed if *
12 the district has one, and only pursuant to authority from the
13 board.

398*#12S

14 398.12 ORDINANCES, RESOLUTIONS; ENACTMENT.

15 The board may, after public hearing held upon two weeks
16 published notice, enact such ordinances as it may deem necessary
17 or convenient to carry out the general and special powers herein
18 granted. It may also, without notice of hearing, adopt such
19 resolutions as may be deemed necessary or convenient to carry
20 out such powers, except where action is herein directed to be
21 taken by ordinance. An ordinance or resolution shall be signed
22 by the chairman chair, attested by the secretary and published *
23 once in one legal newspaper published within the district. Proof
24 of the publication shall be attached to and be filed with the
25 ordinance or resolution. Every ordinance shall be recorded in
26 an ordinance book within 20 days after its publication. All
27 ordinances shall be suitably entitled and shall be substantially
28 in the style: "The Board of the Park District of
29 Ordains:"

398*#18S

30 398.18 DEPOSITORIES.

31 All funds under the control of the park district board are
32 to be kept in depositories selected in the manner provided for
33 the deposit of county funds insofar as those proceedings are
34 applicable. Deposits are to be secured as provided in the case
35 of county funds. The county treasurer shall serve as the
36 treasurer of the board and in multi-county districts, the county
37 treasurer of the county containing the largest portion of the
38 district shall so serve. He The treasurer shall receive and be *
39 responsible for all moneys of the district, from whatever source
40 derived, and the same shall be considered public funds. He The *
41 treasurer shall disburse the moneys of the district only on *
42 orders made by the secretary, countersigned by the chairman, *
43 vice-chairman chair, vice-chair, or other person authorized by *
44 the district showing the name of the claimant and the nature of
45 the claim. No disbursements shall be certified by such officers
46 until the same have been approved by the commissioners at a
47 meeting thereof. The treasurer shall keep an account of all
48 moneys received and disbursed by-him, and at least once a year, *
49 at times to be designated by the commissioners, file with the
50 secretary a financial statement of the district, showing in
51 appropriate and identifiable groupings the receipts and
52 disbursements since the last approved statement, the moneys on
53 hand and the purposes for which the same are appropriated.

398*#20S

54 398.20 PARK DISTRICTS.

55 Subdivision 1. Boundaries of park districts as created by
56 this chapter shall be determined and park districts activated as
57 follows:

58 Application for the creation of a park district shall be
59 made to the county board or boards of the county or counties
60 within which the district is to be located. The application
61 shall either be signed by one percent of the electors residing
62 within each county or portion thereof to be included within the
63 proposed district as determined by the number of electors voting
64 at the last preceding general election within such territory,
65 or, in lieu thereof, shall be authorized by resolutions adopted
66 by a majority of the governing bodies of the cities within each
67 county or portion thereof to be included in the proposed
68 district. The application shall contain an accurate description
69 of the territory to be included in the proposed district and
70 when presented to the county board or boards shall be
71 accompanied by an accurate map or plat thereof. Where
72 multi-county districts are proposed applications for the various

1 portions of the district shall be presented to the respective
2 county boards in which the portions of the district lie.

3 An application may consist of more than one counterpart,
4 each setting forth the description of the proposed territory of
5 the district and containing the signatures of one or more
6 electors and having endorsed thereon or attached thereto the
7 affidavit of the person obtaining such signatures stating that
8 to the best of ~~his~~ the affiant's information or belief, they are *
9 genuine and are the signatures of duly qualified electors
10 residing within the proposed park district.

11 No change for subd 2 to 4

398*#34S

12 398.34 ORDINANCES.

13 Subdivision. 1. ENACTMENT. The county board of any
14 county may enact ordinances relating to the county park system
15 or to any county park or other unit subject to the provisions of
16 sections 398.31 to 398.36 as hereinafter provided. Before
17 acting on any such ordinance the county board shall hold a
18 public hearing upon the proposal therefor upon at least three
19 weeks notice given by the county auditor by publication in the
20 official newspaper of the county, stating briefly the subject
21 matter and the general purpose of the proposed ordinance. The
22 proposed ordinance may be amended by the county board before
23 enactment in any manner not inconsistent with the terms of the
24 notice of hearing thereon. Every such ordinance, upon
25 enactment, shall be signed by the ~~chairman~~ chair of the county *
26 board, attested by the county auditor, filed by ~~him~~ the auditor, *
27 and published in the official proceedings of the board.
28 Thereupon the ordinance shall take effect, subject to the
29 further provisions of this section in the case of an ordinance
30 affecting public waters. Every ordinance shall be recorded by
31 the county auditor in an ordinance book ~~kept-by-him~~ with ~~his~~ a *
32 notation of the date of publication. Such record or a certified
33 copy thereof shall be prima facie evidence of the contents of
34 the ordinance and of compliance with all requirements of law
35 relating to the enactment and taking effect thereof.

36 No change for subd 2 to 3

398A#03S

37 398A.03 ORGANIZATION OF AUTHORITY.

38 No change for subd 1 to 6

39 Subd. 7. OFFICERS AND EMPLOYEES. The board of
40 commissioners shall appoint a ~~chairman; vice-chairman~~ chair, *
41 vice-chair, secretary, and treasurer from its members, each to *
42 serve for a term of one year and until a successor is
43 appointed. The offices of secretary and treasurer may be
44 combined, and deputies or assistants may be appointed for either
45 office or the combined office, from members of the board or
46 otherwise. The powers and duties of each office shall be
47 determined by the board, which shall require and pay for a
48 surety bond for each officer handling funds. The board shall
49 provide for the keeping of a full and accurate record of all
50 proceedings and of resolutions, regulations, and orders issued
51 or adopted; the state auditor shall, as time and resources
52 permit, annually audit the books of said regional railroad
53 authority. The board may appoint an executive director and
54 other officers, fix their compensation, and delegate to them the
55 powers and duties, as it may determine. It may also employ, or
56 authorize the executive director to employ, all other employees,
57 consultants, and agents needed to perform its duties and
58 exercise its powers. Chapter 353 shall apply to all salaried
59 employees.

400*#05S

60 400.05 SERVICE AREAS; ESTABLISHMENT AND ENLARGEMENT.

61 Without diminishing the county's authority and
62 responsibility as provided in sections 400.01 to 400.17 and in
63 order to provide solid waste management services in those areas
64 needing such services, the county board by resolution may
65 establish and determine the boundaries of solid waste management
66 service areas in the county. Before the adoption of the
67 resolution the county board shall hold a public hearing on the
68 question. If a service area is established, the county board
69 may impose service charges for solid waste management services
70 against the users of such services within the area and may levy
71 a tax on all the property in the area, or any combination of
72 charges and taxes. The county board on its own motion may
73 enlarge any existing service area following the procedures

1 specified in this section. Upon the petition of ~~a~~ and the *
2 owner, ~~his~~ land may be added to the service area without a *
3 public hearing on the enlargement.

401*#01S

4 401.01 PURPOSE AND DEFINITION; ASSISTANCE GRANTS.

5 No change for subd 1

6 Subd. 2. DEFINITIONS. (a) For the purposes of
7 sections 401.01 to 401.16, the following terms shall have the
8 meanings given them:

9 (b) "Commissioner" means the commissioner of corrections or
10 ~~his~~ a designee; *

11 (c) "Conditional release" means parole, supervised release,
12 work release as authorized by sections 241.26 and 244.065, and
13 includes probation;

14 (d) "Joint board" means the board provided in section
15 471.59.

401*#02S

16 401.02 COUNTIES OR REGIONS; SERVICES INCLUDIBLE.

17 No change for subd 1 to 3

18 Subd. 4. DETAINING PERSON ON CONDITIONAL RELEASE.

19 Probation officers serving the district, county, municipal and
20 juvenile courts of counties participating in the subsidy program
21 established by this chapter may, without order or warrant, when
22 it appears necessary to prevent escape or enforce discipline,
23 take and detain a probationer, or any person on conditional
24 release and bring ~~him~~ that person before the court or the *
25 commissioner of corrections or ~~his~~ a designee, whichever is *
26 appropriate, for disposition. No probationer or other person on
27 conditional release shall be detained more than 72 hours,
28 exclusive of legal holidays, Saturdays and Sundays, pursuant to
29 this subdivision without being provided with the opportunity for
30 a hearing before the court or the commissioner of corrections
31 or ~~his~~ a designee. When providing supervision and other *
32 correctional services to persons conditionally released pursuant
33 to sections 241.26, 242.19, 243.05, 243.16, 244.05, and 244.065,
34 including intercounty transfer of persons on conditional
35 release, and the conduct of presentence investigations,
36 participating counties shall comply with the policies and
37 procedures relating thereto as prescribed by the commissioner of
38 corrections.

401*#06S

39 401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY;
40 COMPLIANCE.

41 No county or group of counties electing to provide
42 correctional services pursuant to sections 401.01 to 401.16
43 shall be eligible for the subsidy herein provided unless and
44 until its comprehensive plan shall have been approved by the
45 commissioner. The commissioner shall, pursuant to the
46 administrative procedures act, promulgate rules establishing
47 standards of eligibility for counties to receive funds under
48 sections 401.01 to 401.16. To remain eligible for subsidy
49 counties shall maintain substantial compliance with the minimum
50 standards established pursuant to sections 401.01 to 401.16 and
51 the policies and procedures governing the services described in
52 section 401.02, subdivision 4 as prescribed by the
53 commissioner. Counties shall also be in substantial compliance
54 with other correctional operating standards permitted by law and
55 established by the commissioner. The commissioner shall review
56 annually the comprehensive plans submitted by participating
57 counties, including the facilities and programs operated under
58 the plans. ~~He~~ The commissioner is hereby authorized to enter *
59 upon any facility operated under the plan, and inspect books and
60 records, for purposes of recommending needed changes or
61 improvements.

62 When the commissioner shall determine that there are
63 reasonable grounds to believe that a county or group of counties
64 is not in substantial compliance with minimum standards, at
65 least 30 days notice shall be given the county or counties and a
66 hearing conducted by the commissioner to ascertain whether there
67 is substantial compliance or satisfactory progress being made
68 toward compliance. The commissioner may suspend all or a
69 portion of any subsidy until the required standard of operation
70 has been met.

401*#11S

71 401.11 ITEMS INCLUDED IN PLAN PURSUANT TO REGULATION.

72 The comprehensive plan submitted to the commissioner for

1 his approval shall include those items prescribed by regulation *
2 of the commissioner, which may require the inclusion of the
3 following: (a) the manner in which presentence and postsentence
4 investigations and reports for the district courts and social
5 history reports for the juvenile courts will be made; (b) the
6 manner in which conditional release services to the courts and
7 persons under jurisdiction of the commissioner of corrections
8 will be provided; (c) a program for the detention, supervision
9 and treatment of persons under pretrial detention or under
10 commitment; (d) delivery of other correctional services defined
11 in section 401.01; (e) proposals for new programs, which
12 proposals must demonstrate a need for the program, its purpose,
13 objective, administrative structure, staffing pattern, staff
14 training, financing, evaluation process, degree of community
15 involvement, client participation and duration of program.

16 In addition to the foregoing requirements made by this
17 section, each participating county or group of counties shall
18 develop and implement a procedure for the review of grant
19 applications made to the corrections advisory board and for the
20 manner in which corrections advisory board action will be taken
21 on them. A description of this procedure must be made available
22 to members of the public upon request.

402*#02S

23 402.02 LOCAL BOARDS; COMPOSITION; POWERS; FUNDING.

24 Subdivision 1. Human services boards shall be composed as
25 follows:

26 (a) Not less than one county commissioner from each county
27 party to the agreement, the commissioner or commissioners to be
28 selected by the county board of the participating county; and

29 (b) Optional citizen members who in number shall not
30 comprise more than one-third of the membership of the human
31 services board, one of whom shall be the chairman chair of the *
32 human services advisory committee, appointed in a manner
33 determined by the county boards which are party to the agreement.

34 Board members shall serve for terms of three years, so
35 arranged that as nearly as practicable, the terms of one-third
36 of the members shall expire each year. Vacancies shall be
37 filled in the same manner as original appointments.

38 No change for subd 1a to 4

402*#03S

39 402.03 ADVISORY COMMITTEE.

40 Each human services board shall appoint an advisory
41 committee, which shall actively participate in the formulation
42 of the plan for the development, implementation and operation of
43 the programs and services by the board, and shall make a formal
44 recommendation to the board at least annually concerning the
45 annual budget of the board and the implementation of the plan
46 during the ensuing year.

47 Membership on the advisory committee shall consist of no
48 more than 25 persons serving two year terms not to exceed three
49 consecutive terms. Up to one-half of the terms of the initial
50 advisory committee may be for one year; upon their expiration
51 all terms shall be for two years. The chairman chair shall be *
52 appointed by the human services board and may not be a member of
53 a county board.

54 One-third of the members of the advisory committee shall
55 be representatives of those persons receiving services provided
56 by the human services board. Up to one-third may be providers
57 or employees of providers of services and must include
58 representatives of private providers if such providers exist in
59 the county or counties party to the agreement. At least one
60 member shall be a member of the health advisory committee
61 established pursuant to section 145.913, subdivision 3, if any.
62 At least one member shall be a member of the corrections
63 advisory board established pursuant to section 401.08, if any.
64 The remaining members shall represent the citizens of the
65 counties.

66 The advisory committee shall appoint permanent task forces
67 to assist in planning for corrections, social, mental health and
68 public health services.

69 Task force membership shall be constituted to fulfill
70 state agency requirements for receiving categorical funds.
71 Where appropriately constituted, these task forces may, at the
72 option of the human services boards, replace those advisory
73 bodies required by statute and regulation to advise county
74 welfare boards and other county and area boards. Individuals

1 not members of the advisory committee may be appointed to the
2 task forces; provided, however, that each task force shall be
3 chaired by a member of the advisory committee.

4 The human services board shall provide staff assistance to
5 the advisory committee.

402*#045S

6 402.045 FUNCTION OF COMMISSIONER OF ENERGY AND ECONOMIC
7 DEVELOPMENT.

8 The commissioner of energy and economic development shall
9 have authority for human services development. ~~He~~ The
10 commissioner may appoint professional and clerical staff as ~~he~~
11 the commissioner deems necessary. The commissioner of energy
12 and economic development shall:

13 (1) Support the development of human services boards and
14 provide technical assistance to the boards;

15 (2) Disburse and monitor grants as may be available to
16 assist human services board development;

17 (3) Receive and coordinate the review of annual human
18 services board plans;

19 (4) Cooperate with other state agencies in assisting local
20 human services integration projects; and

21 (5) Maintain a file on reports, policies and documents
22 pertaining to human services boards.

410*#05S

23 410.05 CHARTER COMMISSION.

24 Subdivision 1. APPOINTMENT. When the district court
25 of the judicial district in which a city is situated, deems it
26 for the best interest of the city so to do, the court, acting
27 through its chief judge, may appoint a charter commission to
28 frame and amend a charter. Upon presentation of a petition
29 requesting such action, signed by at least ten percent of the
30 number of voters of the city, as shown by the returns of the
31 last regular city election, or upon resolution of the governing
32 body of the city requesting such action, the court shall appoint
33 a charter commission. The commission shall be composed of not
34 less than seven nor more than 15 members, each of whom shall be
35 a qualified voter of the city. The size of the commission shall
36 be determined within the above limits by the court, except that
37 where the commission is appointed pursuant to a petition of the
38 voters or resolution of the governing body of the city, the size
39 of the commission shall be as specified in such petition or
40 resolution. Any city may by charter provision fix the size of
41 the charter commission at a figure which shall not be less than
42 seven nor more than 15 members, and such charter provision shall
43 prevail over any inconsistent provisions of this subdivision.
44 No person shall be disqualified from serving on a charter
45 commission by reason of ~~his~~ holding any other elective or
46 appointive office other than judicial.

47 Subd. 2. COMMISSION MEMBERS; TERMS, VACANCIES.

48 Charter commission members shall hold office for the term of
49 four years, and until their successors are appointed and
50 qualify, except that of members initially appointed after July
51 1, 1967, eight shall be appointed for two year terms and seven
52 for four year terms. No person may be appointed to more than
53 two successive terms as a commission member. Vacancies in the
54 commission shall be filled by appointment of the chief judge for
55 the unexpired terms. Upon the expiration of each term, the
56 chief judge shall appoint new commission members. If the chief
57 judge fails to appoint new commission members within 30 days
58 then thereafter the governing body of the city shall, appoint
59 new commission members, unless within the 30 day period the
60 chief judge indicates in writing to the governing body ~~his~~ an
61 intention to appoint new members, in which case he the chief
62 judge shall have an additional 60 days within which to make the
63 appointment. Appointments shall be made by order filed with the
64 clerk of the district court. An appointee who neglects to file
65 with the clerk within 30 days a written acceptance and oath of
66 office shall be deemed to have declined the appointment and ~~his~~
67 the place shall be filled as though ~~he~~ the appointee had
68 resigned. The charter commission, within 30 days after the
69 initial appointment of the commission, shall make rules,
70 including quorum requirements, with reference to its operations
71 and procedures. The commission shall submit to the chief judge
72 of the district court, on or before December 31 of each year, an
73 annual report outlining its activities and accomplishments for
74 the preceding calendar year. The commission shall forward a

1 copy of the report to the clerk of the city. Any member may be
 2 removed at any time from office, by written order of the
 3 district court, the reason for such removal being stated in the
 4 order. When any member has failed to perform the duties of ~~his~~ *
 5 office and has failed to attend four consecutive meetings
 6 without being excused by the commission, the secretary of the
 7 charter commission shall file a certificate with the court
 8 setting forth those facts and the district court shall thereupon
 9 make its order of removal and the chief judge shall fill the
 10 vacancy created thereby.

11 No change for subd 3 to 4

410*#10S

12 410.10 SUBMISSION OF CHARTER.

13 No change for subd 1 to 2

14 Subd. 3. The ballot shall bear the printed words, "Shall
 15 the proposed new charter be adopted? Yes.... No....," with a
 16 square after each of the last two words, in which the voter may
 17 place a cross to express ~~his~~ a choice. If any part of such *
 18 charter be submitted in the alternative, the ballot shall be so
 19 printed as to permit the voter to indicate ~~his~~ a preference in *
 20 any instance by inserting a cross in like manner.

21 No change for subd 4

410*#11S

22 410.11 ADOPTION; NOTICE, EFFECTIVE DATE.

23 If 51 percent of the votes cast on the proposition are in
 24 favor of the proposed charter, it shall be considered adopted;
 25 and, if any provisions thereof are submitted in the alternative,
 26 those ratified by a majority of the votes cast thereon shall
 27 prevail. If the charter is adopted, the city clerk shall file
 28 with the secretary of state, the county recorder of the county
 29 in which the city lies, and in ~~his-own~~ the city clerk's office a *
 30 copy of the charter accompanied by ~~his~~ a certificate attesting *
 31 to the accuracy of the copy and giving the date of the election
 32 and the vote by which the charter was adopted. The charter
 33 shall take effect 30 days after the election, or at such other
 34 time as is fixed in the charter, and shall then supersede all
 35 other charter provisions relating to such city. Thereupon the
 36 courts shall take judicial notice of the new charter and, upon
 37 the election of officers thereunder, the officials of the former
 38 corporation shall deliver to them the records, money and other
 39 public property in their control.

410*#12S

40 410.12 AMENDMENTS.

41 No change for subd 1 to 1a

42 Subd. 2. PETITIONS. The signatures to such petition
 43 need not all be appended to one paper, but to each separate
 44 petition there shall be attached an affidavit of the circulator
 45 thereof as provided by this section. ~~Each signer of any such A~~ *
 46 ~~petition paper shall sign his name~~ must contain each *
 47 petitioner's signature in ink or indelible pencil and ~~shall~~ must *
 48 indicate after his name his the signature the place of residence *
 49 by street and number, or other description sufficient to
 50 identify the place. There shall appear on each petition the
 51 names and addresses of five electors of the city, and on each
 52 paper the names and addresses of the same five electors, who, as
 53 a committee of the petitioners, shall be regarded as responsible
 54 for the circulation and filing of the petition. The affidavit
 55 attached to each petition shall be as follows:

56
 57 State of)
 58) ss.
 59 County of)
 60 being duly sworn, deposes and
 61 says that he the affiant, and he the affiant only, personally *
 62 circulated the foregoing paper, that all the signatures appended
 63 thereto were made in ~~his~~ the affiant's presence, and that he the *
 64 affiant believes them to be the genuine signatures of the *
 65 persons whose names they purport to be.

66 Signed
 67 (Signature of Circulator)
 68 Subscribed and sworn to before me
 69 this day of 19
 70 Notary Public (or other officer)
 71 authorized to administer oaths
 72 The foregoing affidavit shall be strictly construed and any
 73 affiant convicted of swearing falsely as regards any particular

1 thereof shall be punishable in accordance with existing law.
 2 Subd. 3. MAY BE ASSEMBLED AS ONE PETITION. All
 3 petition papers for a proposed amendment shall be assembled and
 4 filed with the charter commission as one instrument. Within ten
 5 days after such petition is transmitted to the city council, the
 6 city clerk shall determine whether each paper of the petition is
 7 properly attested and whether the petition is signed by a
 8 sufficient number of voters. The city clerk shall declare any
 9 petition paper entirely invalid which is not attested by the
 10 circulator thereof as required in this section. Upon completing
 11 ~~his~~ an examination of the petition, the city clerk shall certify *
 12 the result of ~~his~~ the examination to the council. If ~~he~~ the *
 13 city clerk shall certify that the petition is insufficient ~~he~~ *
 14 the city clerk shall set forth in ~~his~~ a certificate the *
 15 particulars in which it is defective and shall at once notify *
 16 the committee of the petitioners of ~~his~~ the findings. A *
 17 petition may be amended at any time within ten days after the
 18 making of a certificate of insufficiency by the city clerk, by
 19 filing a supplementary petition upon additional papers signed
 20 and filed as provided in case of an original petition. The city
 21 clerk shall within five days after such amendment is filed, make
 22 examination of the amended petition, and if ~~his~~ the certificate *
 23 shall show the petition still to be insufficient, ~~he~~ the city *
 24 clerk shall file it in ~~his~~ the city clerk's office and notify *
 25 the committee of the petitioners of ~~his~~ the findings and no *
 26 further action shall be had on such insufficient petition. The
 27 finding of the insufficiency of a petition shall not prejudice
 28 the filing of a new petition for the same purpose.

29 No change for subd 4 to 7

410*#20S

30 410.20 RECALL AND REMOVAL OF OFFICERS; ORDINANCES.
 31 Such commission may also provide for the recall of any
 32 elective municipal officer and for ~~his~~ removal of the officer by *
 33 vote of the electors of such city, and may also provide for
 34 submitting ordinances to the council by petition of the electors
 35 of such city and for the repeal of ordinances in like manner;
 36 and may also provide that no ordinance passed by the council,
 37 except an emergency ordinance, shall take effect within a
 38 certain time after its passage, and that if, during such time, a
 39 petition be made by a certain percentage of the electors of the
 40 city protesting against the passage of such ordinance until the
 41 same be voted on at an election held for such purpose, and then
 42 such ordinance to take effect or not as determined by such vote.

412*#02S

43 412.02 CITY ELECTIONS; OFFICERS, TERMS, VACANCIES.
 44 Subdivision 1. OFFICERS ELECTED. The following
 45 officers shall be elected for the terms and in the years shown
 46 and in the cities described in the table.

Officer	Number of Years in Term	Year Elected	City Elected
Mayor	Two or four	Every two years except where four years is otherwise provided pursuant to statute	Every statutory city
Clerk	Four	Every four years in year when treasurer is not elected	Every statutory standard plan city in which there is no clerk-treasurer
Treasurer	Four	Every four years in year in which clerk is not elected	Every statutory standard plan city in which there is no clerk-treasurer
Clerk-Treasurer	Four	Every four years in year in which one councilman <u>council member</u> is elected	Every statutory standard plan city where such office exists pursuant to subdivision 3
Three Councilmen	Four	Two every four years and one in alternative election	Every statutory standard plan city
Council members	Four	Two each	Every statutory

1 ~~Councilmen~~ election optional plan city *

2 Council members *

3 No change for subd 2 to 2a

4 Subd. 3. In cities operating under the standard plan of

5 government the council may by ordinance adopted at least 60 days

6 before the next regular city election combine the offices of

7 clerk and treasurer in the office of clerk-treasurer, but such

8 an ordinance shall not be effective until the expiration of the

9 term of the incumbent treasurer or when an earlier vacancy

10 occurs. After the effective date of the ordinance, the duties

11 of the treasurer and deputy treasurer as prescribed by this

12 chapter shall be performed by the clerk-treasurer or ~~his~~ a duly *

13 appointed deputy. The offices of clerk and treasurer may be

14 re-established by ordinance. If the offices of clerk and

15 treasurer are combined as provided by this section, the council

16 shall provide for an annual audit of the city's financial

17 affairs by the state auditor or a public accountant in

18 accordance with minimum auditing procedures prescribed by the

19 state auditor.

20 Subd. 4. Repealed, 1973 c 34 s 7

21 Subd. 5. Repealed, 1983 c 359 s 151

412*#021S

22 412.021 OFFICERS.

23 No change for subd 1

24 Subd. 2. OFFICERS TO BE ELECTED. There shall be

25 elected at the election a mayor for a term expiring the first

26 business day of January of the next odd-numbered year and four

27 ~~councilmen~~ council members, for terms so arranged that two *

28 expire the first business day of January of the next

29 odd-numbered year and two the first business day of January of

30 the second odd-numbered year. No candidate for ~~councilman~~ *

31 council member shall run for a particular term but the number of *

32 years in the term of each successful candidate shall be

33 determined by ~~his~~ the relative standing among the candidates for *

34 office, the longest terms going to the two candidates receiving

35 the highest number of votes. If the election occurs in the last

36 four months of the even-numbered year, no election shall be held

37 in the city on the annual city election day that year, and the

38 next following year shall be disregarded in fixing the

39 expiration of terms of officers chosen under this subdivision at

40 the initial election.

41 Subd. 3. Repealed, 1969 c 1146 s 20

42 Subd. 4. Repealed, 1969 c 1146 s 20

43 Subd. 5. INITIAL SALARIES. After the qualification

44 of its members, the council may by ordinance fix the salaries of

45 the mayor and ~~councilmen~~ council members. Notwithstanding the *

46 provisions of section 415.11, subdivision 2, the ordinance shall

47 not become effective for at least ten days after publication in

48 the official newspaper; and if, before the end of that time a

49 petition asking for an election on the ordinance signed by

50 voters equal to ten percent of the number of voters at the

51 incorporation election is filed with the clerk, the ordinance

52 shall not become effective until it is approved by a majority of

53 the votes cast on the question at a regular or special election.

412*#023S

54 412.023 TRANSITION SCHEDULE.

55 Subdivision 1. FORMER VILLAGES. In any city which

56 was a village on January 1, 1974 and which has not, by timely

57 action in 1974 or earlier, provided for biennial odd-numbered

58 year elections there shall be a municipal election on November

59 5, 1974, at which there shall be elected the officers who would

60 be elected at that election under the election schedule

61 previously in effect, but they shall be elected for the terms

62 specified in section 412.02, subdivision 1. If, at the 1974 or

63 subsequent election three ~~councilmen~~ council members are to be *

64 elected in any statutory city, and contrary ordinance

65 regulations have not been adopted under subdivision 3, the two

66 persons receiving the highest vote shall serve for terms of four

67 years and the person receiving the third highest number of votes

68 shall serve for a term of two years. In any former village

69 which has provided for biennial elections under section 412.022,

70 subdivision 1, prior to 1974, the election schedule shall not be

71 changed by the adoption of Laws 1973, Chapter 123.

72 No change for subd 2 to 3.

73 Subd. 4. OFFICERS TO BE ELECTED IN FORMER STATUTORY

74 CITIES. In any statutory city previously operating as a city

1 or borough under a general or special law providing for the
 2 election of a clerk or a treasurer, or a clerk-treasurer, the
 3 city shall be deemed to be operating under optional plan A after
 4 the expiration of the term of the incumbent clerk or at such
 5 earlier time as a vacancy occurs in that office.
 6 Notwithstanding any other provision of Laws 1973, Chapter 123 or
 7 the statutory city code, any statutory city previously operating
 8 under a law providing for five or more councilmen council
 9 members or for the election of some or all of the councilmen
 10 council members by wards may continue to have as many councilmen
 11 council members as formerly and to elect councilmen council
 12 members by wards to the extent formerly authorized, but the
 13 mayor shall serve as a member of the council and act as
 14 its chairman chair as in other statutory cities. The mayor
 15 shall serve a two year term except where a four year term is
 16 provided pursuant to statute and councilmen council members
 17 shall serve four-year terms as in statutory cities generally.
 18 The council of any such city may by ordinance adopted prior to
 19 September 1 and effective no earlier than the following January,
 20 abolish the ward system and provide for a council constituted as
 21 in statutory cities generally.

22 No change for subd 5

412*#081S

23 412.081 SEPARATION FROM TOWN.

24 Subdivision 1. ELECTION, ASSESSMENT DISTRICTS. Any
 25 statutory city hereafter organized shall be constituted an
 26 election and assessment district separate from the town in which
 27 it lies immediately upon incorporation, except that if the
 28 incorporation occurs between March 15 and July 1 the town
 29 assessor shall assess the property in the city that year and the
 30 city assessor shall not assume ~~his~~ duties until the following
 31 year. Where the town assessor makes the assessment, the city
 32 shall pay such proportion of the cost of the assessment as its
 33 assessed valuation bears to the assessed valuation of the town,
 34 including the city.

35 Subd. 2. SEPARATE DISTRICTS. Any existing city not
 36 heretofore constituted a separate election and assessment
 37 district may become such by the vote of a majority of its
 38 electors casting their ballots upon the question at a special
 39 election called for that purpose or at a general election in the
 40 notice of which the question is plainly submitted. The council
 41 may submit the question of separation to the electors on its own
 42 motion and shall do so upon presentation of a petition of
 43 electors equal in number to 25 percent of those voting at the
 44 last preceding city election. A certificate giving the result
 45 of the vote shall be presented by the judges of election to the
 46 council. The clerk shall then file a similar certificate with
 47 the county auditor of the county in which the city is situated,
 48 and, if the election is favorable to separation, ~~he~~ the clerk
 49 shall file a copy with the secretary of state. The separation
 50 shall take effect 30 days from the date of the election. The
 51 council shall then appoint an assessor to serve until the first
 52 business day of January in the next odd-numbered year.

53 Subd. 3. DISTRIBUTION OF ASSETS, TAX LEVY, JOINT
 54 PROPERTY. Upon separation of an existing city from the town
 55 or upon incorporation of a city hereafter, if there is any money
 56 in the town treasury in excess of its then floating
 57 indebtedness, such proportion of the excess as the total
 58 assessed valuation of the real and personal property within the
 59 city bears to the entire valuation of the town, including the
 60 city, shall belong to the city and shall be paid to the city
 61 treasurer by the town treasurer. All town taxes levied upon
 62 property within the city before separation and not yet collected
 63 or not yet distributed by the county treasurer shall be paid to
 64 the city when so distributed. If the town has any bonded debt,
 65 the property within the city shall continue to be taxed to
 66 retire the bonds and to pay the interest thereon until the bonds
 67 are fully paid. Any personal property belonging to the town at
 68 the time of separation, and any real estate situated within the
 69 city and belonging to the town at that time shall remain the
 70 joint property of the city and town with the interest of each
 71 being proportional to its assessed valuation at the time of
 72 separation; but either the city or the town may purchase the
 73 interest of the other in such real or personal property and
 74 become its sole owner. Meetings and elections of the town may
 75 be held in the city and any town officer may maintain ~~his~~ an

1 office in the city not standing such separation.

412*#091S

2 412.091 DISSOLUTION

3 Whenever a number of voters equal to one-third of those
4 voting at the last preceding city election petition the
5 municipal board therefor, a special election shall be called to
6 vote upon the question of dissolving the city. Before the
7 election, the executive director of the board shall designate a
8 time and place for a hearing before the board in accordance with
9 section 414.09. After the hearing the board shall issue its
10 order which shall include a date for the election, a
11 determination of what town or towns the territory of the city
12 shall belong to if the voters favor dissolution, and other
13 necessary provisions. The ballots used at such election shall
14 bear the printed words, "For Dissolution" and "Against
15 Dissolution," with a square before each phrase in which the
16 voter may express his a preference by a cross. If a majority of *
17 those voting on the question favor dissolution, the clerk shall
18 file a certificate of the result with the municipal board, the
19 secretary of state and the county auditor of the county in which
20 the city is situated. Six months after the date of such
21 election, the city shall cease to exist. Within such six
22 months, the council shall audit all claims against the city,
23 settle with the treasurer, and other city officers, and apply
24 the assets of the city to the payment of its debts. If any
25 debts remain unpaid, other than bonds, the city clerk shall file
26 a schedule of such debts with the county treasurer and the
27 council shall levy a tax sufficient for their payment, the
28 proceeds of which, when collected, shall be paid by the county
29 treasurer to the creditors in proportion to their several claims
30 until all are discharged. The principal and interest on
31 outstanding bonds shall be paid when due by the county treasurer
32 from a tax annually spread by the county auditor against
33 property formerly included within the city until the bonds are
34 fully paid. All city property and all rights of the city shall,
35 upon dissolution, inure in the town or towns designated by the
36 board as the legal successor to the city. If the city territory
37 goes to more than one town, surplus cash assets and unsold city
38 property shall be distributed as provided by the board order.

412*#093S

39 412.093 DISSOLUTION SECURED BY CLAIMANTS.

40 No change for subd 1

41 Subd. 2. SHERIFF'S CERTIFICATE. Such claimant may
42 apply to the sheriff of the county in which the city lies for a
43 certificate directed to the district court stating that he the *
44 sheriff has been unable to find more than two members of the *
45 city council residing within the city. ~~if-the-sheriff-finds~~ On *
46 finding that the facts so warrant, he the sheriff shall execute *
47 such a certificate and deliver it to the claimant.

48 No change for subd 3 to 7

412*#111S

49 412.111 DEPARTMENTS, BOARDS.

50 The council may create departments and advisory boards and
51 appoint officers, employees, and agents for the city as deemed
52 necessary for the proper management and operation of city
53 affairs. The council may prescribe the duties and fix the
54 compensation of all officers, both appointive and elective,
55 employees, and agents, when not otherwise prescribed by law.
56 The council may require any officer or employee to furnish a
57 bond conditioned for the faithful exercise of his duties and the *
58 proper application of, and payment upon demand of, all moneys *
59 officially received ~~by-him~~. Unless otherwise prescribed by law,
60 the amount of the bonds shall be fixed by the council. The
61 bonds furnished by the clerk and treasurer shall be corporate
62 surety bonds. The council may provide for the payment from city
63 funds of the premium on the official bond of any officer or
64 employee of the city. The council may, except as otherwise
65 provided, remove any appointive officer or employee when in its
66 judgment the public welfare will be promoted by the removal.
67 This provision does not modify the laws relating to veterans
68 preference or to members of a city police or fire civil service
69 commission or public utilities commission.

412*#121S

70 412.121 ACTING MAYOR.

71 At its first meeting each year the council shall choose an
72 acting mayor from the ~~councilmen~~ council members. ~~He~~ The acting *

1 mayor shall perform the duties of mayor during the disability or *
 2 absence of the mayor from the city or, in case of vacancy in the
 3 office of mayor, until a successor has been appointed and
 4 qualifies.

412*#131S

5 412.131 ASSESSOR; DUTIES, COMPENSATION.

6 ~~If there is a~~ The city assessor ~~he~~ if there is one, shall *
 7 assess and return as provided by law all property taxable within
 8 the city, if a separate assessment district, and the assessor of
 9 the town within which the city lies shall not include in ~~his~~ the *
 10 return any property taxable in the city. Any assessor may
 11 appoint a deputy assessor as provided in section 273.06. The
 12 assessor may be compensated on a full-time or part-time basis at
 13 the option of the council but ~~his~~ the compensation shall be not *
 14 less than \$100 in any one year, if fixed on an annual basis, or
 15 not more than \$20 per day, if fixed on a per diem basis. If ~~his~~ *
 16 the compensation is not fixed by the council the assessor shall *
 17 be entitled to compensation at the rate of \$20 per day for each
 18 days service necessarily rendered, and mileage at the rate paid
 19 other city officers for each mile necessarily traveled in going
 20 to and returning from the county seat of the county to attend
 21 any meeting of the assessors of the county legally called by the
 22 county auditor, and also for each mile necessarily traveled in
 23 making ~~his~~ the return of assessment to the proper county officer *
 24 and in attending sectional meetings called by the county
 25 assessor, except when mileage is paid by the county. In
 26 addition to other compensation, the council may allow the
 27 assessor mileage at the same rate per mile as paid other city
 28 officers for each mile necessarily traveled in ~~his~~ assessment *
 29 work.

412*#141S

30 412.141 TREASURER'S DUTIES.

31 The treasurer shall receive and safely keep all moneys
 32 belonging to the city, including moneys received in operations
 33 of any municipal liquor dispensary maintained by the city, and
 34 shall promptly enter in a book provided for the purpose an
 35 account of all moneys received and disbursed ~~by him~~ as *
 36 treasurer, showing the source and objects thereof with the date
 37 of each transaction. ~~He~~ The treasurer shall pay out money only *
 38 upon the written order of the mayor and clerk, or such other
 39 officers of independent boards or commissions as are authorized
 40 to issue orders in the case of board or commission operations.
 41 Such orders when paid and canceled ~~he~~ shall ~~retain~~ be retained *
 42 as ~~his~~ treasurer's vouchers. Such accounts and vouchers shall *
 43 be exhibited to the council upon its request. ~~He~~ The treasurer *
 44 shall deliver to ~~his~~ a successor all books, papers and money *
 45 belonging to the city. The treasurer shall immediately after
 46 the close of the calendar year make out and file with the clerk
 47 for public inspection a report of ~~his~~ balances, receipts and *
 48 disbursements by funds for the year. The treasurer may, with
 49 the consent of the council appoint a deputy treasurer for whose
 50 acts ~~he~~ the treasurer shall be responsible and whom ~~he~~ the *
 51 treasurer may remove at pleasure. In case of the treasurer's *
 52 absence from the city or disability, the council may appoint a
 53 deputy treasurer, if there is none, to serve during such absence
 54 or disability. The deputy may discharge any of the duties of
 55 the treasurer.

412*#151S

56 412.151 DUTIES OF CLERK.

57 Subdivision 1. The clerk shall give the required notice of
 58 each regular and special election, record the proceedings
 59 thereof, notify officials of their election or appointment to
 60 office, certify to the county auditor all appointments and the
 61 results of all city elections. ~~He~~ The clerk shall keep (1) a *
 62 minute book, noting therein all proceedings of the council; (2)
 63 an ordinance book ~~in which he shall~~ to record at length all *
 64 ordinances passed by the council; and (3) an account book ~~in~~ *
 65 ~~which he shall~~ to enter all money transactions of the city *
 66 including the dates and amounts of all receipts and the person
 67 from whom the money was received and all orders drawn upon the
 68 treasurer with their payee and object. Ordinances, resolutions,
 69 and claims considered by the council need not be given in full
 70 in the minute book if they appear in other permanent records of
 71 the clerk and can be accurately identified from the description
 72 given in the minutes. The clerk shall act as the clerk and
 73 bookkeeper of the city, shall be the custodian of its seal and

1 records, shall sign its official papers, shall post and publish
 2 such notices, ordinances and resolutions as may be required and
 3 shall perform such other appropriate duties as may be
 4 imposed upon ~~him~~ by the council. For certified copies, and for *
 5 filing and entering, when required, papers not relating to city *
 6 business, ~~he~~ the clerk shall receive the fees allowed by law to *
 7 town clerks; but the council may require the clerk to pay such *
 8 fees into the city treasury. With the consent of the council,
 9 ~~he~~ the clerk may appoint a deputy for whose acts ~~he~~ the clerk *
 10 shall be responsible and whom ~~he~~ the clerk may remove at *
 11 pleasure. In case of the clerk's absence from the city or
 12 disability, the council may appoint a deputy clerk, if there is
 13 none, to serve during such absence or disability. The deputy
 14 may discharge any of the duties of the clerk, except that ~~he~~ *
 15 deputy shall not be a member of the council. *

16 Subd. 2. The council by ordinance may delegate all or part
 17 of the clerk's bookkeeping duties to another officer or
 18 employee. The officer or employee who by ordinance is made
 19 responsible for the clerk's bookkeeping duties shall furnish a
 20 fidelity bond conditioned for the faithful exercise of ~~his~~ her *
 21 ~~her~~ duties. The council may provide for the payment from city *
 22 funds of the premium on the official bond. If the bookkeeping
 23 functions of the clerk are delegated to the city treasurer, the
 24 council shall provide for an annual audit of the city's
 25 financial affairs in accordance with the minimum procedures
 26 prescribed by the state auditor. A copy of the ordinance shall
 27 be provided to the state auditor.

412*#191S

28 412.191 MEMBERS; POWERS, DUTIES.
 29 Subdivision 1. COMPOSITION OF CITY COUNCIL. The
 30 city council in a standard plan city shall consist of the mayor,
 31 the clerk, and the three ~~councilmen~~ council members. In *
 32 optional plan cities, except those cities having a larger
 33 council under section 412.023, subdivision 4, the council shall
 34 consist of the mayor and the four ~~councilmen~~ council members. A *
 35 majority of all the members shall constitute a quorum although a
 36 smaller number may adjourn from time to time.

37 Subd. 2. MEETINGS OF THE COUNCIL. Regular meetings
 38 of the council shall be held at such times and places as may be
 39 prescribed by its rules. Special meetings may be called by the
 40 mayor or by any two members of the council by writing filed with
 41 the clerk who shall then mail a notice to all the members of the
 42 time and place of meeting at least one day before the meeting.
 43 The mayor or, in ~~his~~ the mayor's absence, the acting mayor, *
 44 shall preside. All meetings of the council shall be open to the
 45 public. The council may preserve order at its meetings, compel
 46 the attendance of members, and punish non-attendance and shall
 47 be the judge of the election and qualification of its members.
 48 The council shall have power to regulate its own procedure.

49 No change for subd 3 to 4

412*#221S

50 412.221 SPECIFIC POWERS OF THE COUNCIL.
 51 No change for subd 1 to 19
 52 Subd. 20. TAXICABS; BAGGAGE WAGONS. The council
 53 shall have power by ordinance to license and regulate baggage
 54 wagons, ~~draymen~~ dray drivers, taxicabs, and automobile rental *
 55 agencies and liveries.

56 No change for subd 21 to 34

412*#271S

57 412.271 DISBURSEMENTS.
 58 No change for subd 1
 59 Subd. 2. CLAIMS, PAYMENT. Except for wages paid on
 60 an hourly or daily basis, where a claim for money due on goods
 61 or services furnished can be itemized in the ordinary course of
 62 business the person claiming payment, or ~~his~~ the claimant's *
 63 agent, shall prepare the claim in written items and sign a
 64 declaration that the claim is just and correct and that no part
 65 of it has been paid; but the council may in its discretion allow
 66 a claim prepared by the clerk prior to such declaration by the
 67 claimant, if the declaration is made by an endorsement on the
 68 order-check by which the claim is paid as provided below.
 69 Whenever work for which wages are to be paid on an hourly or
 70 daily basis is done by employees of the city, the clerk shall
 71 keep a payroll giving the name of each employee and the number
 72 of hours or days worked by ~~him~~ each and the timekeeper, ~~foreman~~ *
 73 supervisor, or other officers or employee having knowledge of *

1 the facts shall sign a declaration that the facts recited on the
 2 payroll are correct to the best of ~~his~~ the declarant's *
 3 information and belief; and when any claim for wages listed on a
 4 payroll is paid, the employee shall sign a declaration, which
 5 may be a part of the payroll, to the effect that ~~he~~ the employee *
 6 has received the wages and done the work for which wages have
 7 been paid. The declarations relating to claims or payrolls shall
 8 be in substantially the following form: "I declare under the
 9 penalties of perjury (here insert, if claimant: that this claim
 10 is just and correct and no part of it has been paid; if
 11 timekeeper, foreman supervisor, officer or employee having *
 12 knowledge of the facts; that to the best of my information and
 13 belief the items of this payroll are correct; if employee who
 14 has been paid: that I have received the wages stated on this
 15 payroll opposite my name and have done the work for which the
 16 wages were paid.)

17
 18
 19
 20 Date Signed"

21 The effect of this declaration shall be the same as if
 22 subscribed and sworn to under oath.

23 No change for subd 3 to 4

24 Subd. 5. IMPREST FUNDS. The council may establish
 25 one or more imprest funds for the payment in cash of any proper
 26 claim against the city which it is impractical to pay in any
 27 other manner, except that no claim for salary or personal
 28 expenses of an officer or employee shall be paid from such
 29 funds. The council shall appoint a custodian of each such fund
 30 ~~and he who~~ shall be responsible for its safekeeping and *
 31 disbursement according to law. Money for the operation of such
 32 fund shall be secured by a transfer from the general fund. A
 33 claim itemizing all the various demands for which disbursements
 34 have been made from the fund shall be presented to the council
 35 at the next council meeting after the disbursements have been
 36 made. The council shall act upon it as in the case of other
 37 claims and an order shall be issued to the custodian for the
 38 amount allowed. The custodian shall use the proceeds of the
 39 order to replenish the fund; and if the council fails to approve
 40 the claim in full for any sufficient reason, ~~he~~ the custodian *
 41 shall be personally responsible for the difference.

42 No change for subd 6

412*#321S

43 412.321 MUNICIPAL UTILITIES.

44 No change for subd 1 to 3

45 Subd. 4. LEASE, SALE, OR ABANDONMENT. Any such
 46 utility may be leased, sold, or its operation discontinued
 47 wholly or in part, by ordinance or resolution of the council,
 48 approved by two-thirds of the electors voting on the ordinance
 49 or resolution at a general or special election. If the utility
 50 is under the jurisdiction of a public utilities commission, the
 51 ordinance or resolution shall be concurred in by the public
 52 utilities commission. Such action may be taken with respect to
 53 any specific part of the utility, which part shall be named in
 54 the ordinance or resolution; but it shall not be necessary to
 55 submit the ordinance or resolution to the voters in such case if
 56 the action proposed will not result in depriving any customer
 57 inside the corporate limits of any type of municipal utility
 58 service available ~~to him~~ before the sale, lease or *
 59 discontinuance of operation.

412*#341S

60 412.341 COMMISSION; MEMBERSHIP, ORGANIZATION.

61 Subdivision 1. MEMBERSHIP. The commission shall
 62 consist of three members appointed by the council. No more than
 63 one member may be chosen from the council membership. Each
 64 member shall serve for a term of three years and until ~~his~~ a *
 65 successor is appointed and qualified except that of the members
 66 initially appointed in any city, one shall serve for a term of
 67 one year, one for a term of two years, and one for a term of
 68 three years. Residence shall not be a qualification for
 69 membership on the commission unless the council so provides. A
 70 vacancy shall be filled by the council for the unexpired term.

71 No change for subd 2

412*#371S

72 412.371 PUBLIC UTILITY FUND AND DISBURSEMENTS.

73 No change for subd 1

1 Subd. 2. The commission shall, in the same manner as the
 2 council under section 412.271, subdivision 1, and to the same
 3 extent, audit claims to be paid from the public utilities fund.
 4 The secretary of the commission shall draw ~~his~~ an order upon the *
 5 treasurer for the proper amount allowed by the commission. Upon
 6 counter signature by the president of the commission and
 7 presentation orders shall be paid by the treasurer.

412*#501S

8 412.501 PARK BOARD IN CERTAIN STATUTORY CITIES;
 9 CONTINUANCE OF EXISTING BOARD; OFFICERS; COMPENSATION.

10 The council of any city of more than 1,000 population may
 11 by ordinance establish a park board and it may by ordinance
 12 adopted by unanimous vote of all members of the council abolish
 13 any board thus established. Any park board now in existence in
 14 any city shall hereafter operate as a park board under this
 15 chapter until abolished as provided in this section. The park
 16 board shall consist of three, five, seven or nine members as
 17 determined by resolution or ordinance of the council, appointed
 18 by the mayor with the consent of the council. If the board
 19 consists of three members, one member of the original board
 20 shall serve for a term of one year, one for a term of two years,
 21 and one for a term of three years. If the board consists of
 22 five members, one member of the original board shall serve a
 23 term of one year, two for a term of two years and two for a term
 24 of three years. If the board consists of seven members, two
 25 members of the original board shall serve a term of one year,
 26 two for a term of two years and three for a term of three
 27 years. If the board consists of nine members, three members of
 28 the original board shall serve a term of one year, three for a
 29 term of two years and three for a term of three years. After
 30 the terms of the original board members expire, members shall be
 31 appointed for terms of three years. The number of members may
 32 be increased or decreased within the permitted three, five,
 33 seven or nine members by subsequent resolution or ordinance.
 34 The resolution or ordinance shall include a provision for
 35 maintaining staggered terms for board members, provided that if
 36 the number of members is reduced the reduction shall be effected
 37 in such a manner that all incumbent members are permitted to
 38 serve their full terms.

39 No action to change the size of the board shall be taken
 40 except upon a two-thirds vote of all the members of the city
 41 council, and no such action shall be taken until at least three
 42 years after establishment of the board or until at least three
 43 years after the last resolution or ordinance modifying the size
 44 of the board. Vacancies shall be filled for the remainder of
 45 the original terms. Each member shall serve until ~~his~~ a *
 46 successor is appointed and qualifies. Members shall serve
 47 without compensation unless the council authorizes compensation
 48 which may not exceed \$100 per year for each member. Any member
 49 may be removed by the mayor with the consent of the council for
 50 cause after a hearing. The board shall choose one of its
 51 members as ~~chairman~~ chair and may select a secretary either from *
 52 among its own members or otherwise and fix ~~his~~ the secretary's *
 53 compensation at not to exceed \$500 per year. The board may
 54 adopt and from time to time amend rules of procedure. It shall
 55 make quarterly reports of its activities to the council. The
 56 city attorney, if there is one, shall act as attorney for the
 57 board. An annual statement of its receipts and disbursements
 58 shall be filed with the clerk immediately after the close of the
 59 calendar year and shall be included as part of the annual
 60 financial statement of the clerk in conformity with section
 61 412.281.

412*#531S

62 412.531 PARK FUNDS.

63 No change for subd 1

64 Subd. 2. AUDIT; WITHDRAWALS. The park board shall,
 65 in the same manner as the council under section 412.271,
 66 subdivision 1, and to the same extent, audit claims to be paid
 67 from the park fund. The secretary of the board shall draw ~~his~~ *
 68 an order upon the treasurer for the proper amount allowed by the *
 69 board. Upon counter signature by the president of the
 70 commission and presentation, orders shall be paid by the
 71 treasurer.

412*#541S

72 412.541 OPTIONAL PLANS.

73 Subdivision 1. OPTIONAL PLAN A. Any statutory city

1 may provide for the appointment of its clerk and treasurer, or
 2 clerk-treasurer and the election of an additional ~~councilman~~ *
 3 council member as hereinafter provided in this chapter. These *
 4 departures from the standard form of government are referred to
 5 hereafter as Optional Plan A.

6 No change for subd 2

7 Subd. 4. ADOPTION OR ABANDONMENT; STANDARD FORM.

8 Any one of such plans may be adopted or abandoned in a city by
 9 following the procedures set forth in section 412.551. Until
 10 the adoption of an optional plan, and except as provided in
 11 section 412.572, every city shall operate under the standard
 12 form of government earlier provided in this chapter under which
 13 the voters elect the treasurer, if there is one, and a council
 14 consisting of a mayor, three ~~councilmen~~ council members, and the *
 15 clerk or clerk-treasurer.

412*#551S

16 412.551 ADOPTION OF SPECIFIC PLAN.

17 No change for subd 1

18 Subd. 2. ELECTION; FORM OF BALLOT. The proposals
 19 for the adoption of optional plans shall be stated on the ballot
 20 substantially as follows:

21 "Shall Optional Plan A, modifying the standard plan of city
 22 government by providing for the appointment by the council of
 23 the clerk and treasurer be adopted for the government of the
 24 city?"

25 "Shall Optional Plan B, providing for the council-manager
 26 form of city government, be adopted for the government of the
 27 city?"

28 If the city has combined the offices of clerk and
 29 treasurer, the word "clerk-treasurer" shall be substituted for
 30 the words "clerk and treasurer" in the question on the ballot on
 31 adoption of Optional Plan A. In any of these cases, the
 32 question shall be followed by the words, "Yes" and "No" with an
 33 appropriate square before each in which a voter may record his a *
 34 choice.

35 No change for subd 3 to 5

412*#571S

36 412.571 CONTINUANCE IN OFFICE; ELECTIONS.

37 Subdivision 1. COMPOSITION OF COUNCIL. When an
 38 optional plan is first adopted in any statutory city in which
 39 the standard plan of statutory city government is then in
 40 operation, the council shall continue as then constituted until
 41 the expiration of the term of the incumbent clerk. At the city
 42 election preceding expiration of the term of the incumbent
 43 clerk, one ~~councilman~~ council member shall be elected in *
 44 addition to the ~~councilman~~ council member or ~~councilmen~~ council *
 45 members who would otherwise be chosen at the election. If one *
 46 other ~~councilman~~ council member is chosen at the election, the *
 47 term of the additional ~~councilman~~ council member chosen at the *
 48 election shall be four years, but if two other ~~councilmen~~ *
 49 council members are chosen at the election, the initial term of *
 50 the additional ~~councilman~~ council member chosen at the election *
 51 shall be two years. At each regular election thereafter,
 52 two ~~councilmen~~ council members shall be elected for four year *
 53 terms. If the optional plan is adopted at the regular city
 54 election at which the office of clerk is to be filled, the
 55 candidate elected to that office at the election shall not
 56 assume his the office of clerk in January, but shall become the *
 57 fourth ~~councilman~~ council member unless ~~he-is~~ appointed clerk *
 58 under the optional plan, in which case the unfilled office
 59 of ~~councilman~~ council member shall be considered vacant. *

60 No change for subd 2 to 3

61 Subd. 4. ABANDONMENT; INCUMBENT ~~COUNCILMEN~~ COUNCIL *
 62 MEMBERS CONTINUE. When any optional plan is abandoned and *
 63 the standard form of city government is resumed, terms of then
 64 incumbent ~~councilmen~~ council members shall not be affected by *
 65 the abandonment; but until the first business day of January
 66 following the next regular city election, the clerk shall not
 67 serve as a member of the council. At the city election
 68 preceding that date only one ~~councilman~~ council member shall be *
 69 elected.

70 No change for subd 5

412*#581S

71 412.581 OPTIONAL PLAN A; OFFICERS.

72 In any city operating under Optional Plan A except a city
 73 having a larger council under section 412.023, subdivision 4,

1 the council shall be composed of five members consisting, except
 2 during the initial period of its operation as provided in
 3 section 412.571, of the mayor and four ~~councilmen~~ council
 4 members and, except as provided in that section, the clerk and
 5 treasurer or clerk-treasurer shall be appointed by the council
 6 for indefinite terms.

412*#591S

7 412.591 OPTIONAL PLAN A; DUTIES OF CLERK.

8 Subdivision 1. The clerk shall perform all the duties
 9 imposed on the clerk in cities generally but he shall not be a
 10 member of the council, except that when Optional Plan A is first
 11 adopted in any city, the incumbent clerk shall continue to be a
 12 member of the council until the expiration of ~~his~~ the term. The
 13 duties of the treasurer if that office exists shall not be
 14 affected by adoption of Optional Plan A.

15 No change for subd 2

412*#631S

16 412.631 COMPOSITION OF COUNCIL.

17 In any city operating under Optional Plan B, the council
 18 shall, except as provided in sections 412.023, subdivision 4,
 19 and 412.571, be composed of a mayor and four ~~councilmen~~ council
 20 members.

412*#641S

21 412.641 MANAGER.

22 Subdivision 1. The city manager shall be chosen by the
 23 council solely on the basis of ~~his~~ training, experience, and
 24 administrative qualifications and need not be a resident of the
 25 city at the time of ~~his~~ appointment. The manager shall be
 26 appointed for an indefinite period and he may be removed by the
 27 council at any time, but after ~~he has served~~ having served as
 28 manager for one year he the city manager may demand written
 29 charges and a public hearing on the charges before the council
 30 prior to the date when ~~his~~ final removal takes effect. Pending
 31 such hearing and removal the council may suspend ~~him~~ the manager
 32 from office. The council may designate some properly qualified
 33 person to perform the duties of the manager during ~~his~~ absence
 34 or disability.

35 No change for subd 2

412*#651S

36 412.651 STATUTORY CITY MANAGER; POWERS AND DUTIES.

37 No change for subd 1

38 Subd. 2. ENFORCEMENT. He The city manager shall see
 39 that statutes relating to the city and the laws, ordinances and
 40 resolutions of the city are enforced.

41 Subd. 3. APPOINTMENT OF PERSONNEL UPON COUNCIL
 42 APPROVAL. He The city manager shall appoint upon the basis
 43 of merit and fitness and subject to any applicable civil service
 44 provisions and, except as herein provided, remove the clerk, all
 45 heads of departments, and all subordinate officers and
 46 employees; but the appointment and removal of the attorney shall
 47 be subject to the approval of the council.

48 Subd. 4. CONTROL. He The city manager shall
 49 exercise control over all departments and divisions of the
 50 administration created under Optional Plan B or which may be
 51 created by the council.

52 Subd. 5. ATTENDANCE AT COUNCIL MEETINGS. He The
 53 city manager shall attend all meetings of the council with the
 54 right to take part in the discussions but not to vote; but the
 55 council may in its discretion exclude ~~him~~ the city manager from
 56 any meetings at which ~~his~~ the manager's removal is considered.

57 Subd. 6. RECOMMEND ORDINANCES AND RESOLUTIONS. He
 58 The city manager shall recommend to the council for adoption
 59 such measures as he the city manager may deem necessary for the
 60 welfare of the people and the efficient administration of the
 61 affairs of the city.

62 Subd. 7. ADVISE; ANNUAL BUDGET. He The city manager
 63 shall keep the council fully advised as to the financial
 64 condition and needs of the city and he the city manager shall
 65 prepare and submit to the council the annual budget.

66 Subd. 8. CODE OF ADMINISTRATIVE PROCEDURE. He The
 67 city manager shall, when directed to do so by the council,
 68 prepare and submit to the council for adoption an administrative
 69 code incorporating the details of administrative procedure, and
 70 from time to time he the city manager shall suggest amendments
 71 to such code.

72 Subd. 9. ADDITIONAL DUTIES. He The city manager

1 shall perform such other duties as may be prescribed by the
2 statutes relating to Optional Plan B cities or required ~~of him~~ *
3 by ordinance or resolutions adopted by the council.

412*#661S

4 412.661 LIMITATION OF POWERS OF MEMBERS OF COUNCIL.
5 Neither the council nor any of its members shall dictate
6 the appointment of any person to office or employment by the
7 manager, or in any manner interfere with the manager or prevent
8 ~~him~~ the manager from exercising ~~his-own~~ judgment in the *
9 appointment of officers and employees in the administrative
10 service; but this shall not be construed to prohibit the council
11 from passing ordinances for establishing a merit system
12 governing city employment. Except for the purpose of inquiry,
13 the council and its members shall deal with and control the
14 administrative service solely through the manager, and neither
15 the council nor any of its members shall give orders to any
16 subordinate of the manager, either publicly or privately.

412*#681S

17 412.681 CLERK AND TREASURER SUBORDINATE TO MANAGER;
18 OFFICES COMBINED OR ABOLISHED.

19 There shall be a clerk, a treasurer, and such other
20 officers subordinate to the manager as the council may create by
21 ordinance. The clerk shall be subject to the direction of the
22 manager and shall have such duties in connection with the
23 keeping of the public records, the custody and disbursement of
24 the public funds, and the general administration of the city's
25 affairs as shall be ordained by the council. ~~He~~ The clerk may *
26 be designated to act as secretary of the council. The treasurer
27 shall have the powers and perform the duties imposed upon
28 treasurers under the laws relating to cities generally. The
29 council may by ordinance abolish offices which have been created
30 by ordinance and it may combine the duties of various offices as
31 it may deem fit. The council may provide for the performance by
32 the manager of the duties of any officer except the treasurer.

412*#701S

33 412.701 BUDGETING.

34 The manager shall prepare the estimates for the annual
35 budget. The budget shall be by funds and shall include all the
36 funds of the city, except the funds made up of proceeds of bond
37 issues, utility funds, and special assessment funds, and may
38 include any of such funds at the discretion of the council. The
39 estimates of expenditures for each fund budgeted shall be
40 arranged for each department or division of the city under the
41 following heads:

42 (1) ordinary expenses (for operation, maintenance, and
43 repairs); (2) payment of principal and interest on bonds and
44 other fixed charges; (3) capital outlays (for new construction,
45 new equipment, and all improvements of a lasting character).
46 Ordinary expenses shall be sub-divided into: (a) salaries and
47 wages, with a list of all salaried offices and positions,
48 including the salary allowance and the number of persons holding
49 each; (b) other expenses, with sufficient detail to be readily
50 understood. All increases and decreases shall be clearly shown.
51 In parallel columns shall be added the amounts granted and the
52 amounts expended under similar heads for the past two completed
53 fiscal years and the current fiscal year, actual to date and
54 estimated for the balance of the year. In addition to the
55 estimates of expenditures, the budget shall include for each
56 budgeted fund a statement of the revenues which have accrued for
57 the past two completed fiscal years with the amount collected
58 and the uncollected balances together with the same information,
59 based in so far as necessary on estimates, for the current
60 fiscal year, and an estimate of the revenues for the ensuing
61 fiscal year. The statement of revenues for each year shall
62 specify the following items: sums derived from (a) taxation,
63 (b) fees, (c) fines, (d) interest, (e) miscellaneous, not
64 included in the foregoing, (f) sales and rentals, (g) earnings
65 of public utilities and other public service enterprises, (h)
66 special assessments, and (i) sales of bonds and other
67 obligations. Such estimates shall be printed or typewritten and
68 there shall be sufficient copies for each member of the council,
69 for the manager, for the clerk, and three, at least, to be
70 posted in public places in the city. The estimates shall be
71 submitted to the council at its first regular monthly meeting in
72 September and shall be made public. The manager may submit with
73 the estimates such explanatory statement or statements as ~~he~~ the *

1 manager may deem necessary, and during the first three years of *
 2 operation under Optional Plan B ~~he~~ the manager shall be *
 3 authorized to interpret the requirements of this section as
 4 requiring only such comparisons of the city's finances with
 5 those of the previous government of the city as may be feasible
 6 and pertinent.

412*#721S

7 412.721 BUDGET PROVISIONS, ENFORCEMENT; BUDGET
 8 ALLOWANCE, PENALTY FOR EXCEEDING.

9 It shall be the duty of the manager to enforce strictly the
 10 provisions of the budget. ~~He~~ The manager shall not approve any *
 11 order upon the treasurer for any expenditure unless an
 12 appropriation has been made in the budget resolution, nor for
 13 any expenditure covered by the budget resolution unless there is
 14 a sufficient unexpended balance left after deducting the total
 15 past expenditures and the sum of all outstanding orders and
 16 incumbrances. No officer or employee of the city shall place
 17 any order or make any purchase except for a purpose and to the
 18 amount authorized in the budget resolution. Any obligation
 19 incurred by any person in the employ of the city for any purpose
 20 not authorized in the budget resolution or for any amount in
 21 excess of the amount therein authorized shall be a personal
 22 obligation upon the person incurring the expenditure.

412*#851S

23 412.851 VACATION OF STREETS.

24 The council may by resolution vacate any street, alley,
 25 public grounds, public way, or any part thereof, on its own
 26 motion or on petition of a majority of the owners of land
 27 abutting on the street, alley, public grounds, public way, or
 28 part thereof to be vacated. When there has been no petition,
 29 the resolution may be adopted only by a vote of four-fifths of
 30 all members of the council. No such vacation shall be made
 31 unless it appears in the interest of the public to do so after a
 32 hearing preceded by two weeks' published and posted notice.
 33 After a resolution of vacation is adopted, the clerk shall
 34 prepare a notice of completion of the proceedings which shall
 35 contain the name of the city, an identification of the vacation,
 36 a statement of the time of completion thereof and a description
 37 of the real estate and lands affected thereby. The notice shall
 38 be presented to the county auditor who shall enter the same in
 39 ~~his~~ the transfer records and note upon the instrument, over ~~his~~ *
 40 official signature, the words "entered in the transfer record."
 41 The notice shall then be filed with the county recorder. Any
 42 failure to file the notice shall not invalidate any such
 43 vacation proceedings.

412*#861S

44 412.861 PROSECUTIONS, VIOLATIONS OF ORDINANCES.

45 Subdivision 1. COMPLAINT. All prosecutions for
 46 violation of ordinances shall be brought in the name of the city
 47 upon complaint and warrant as in other criminal cases. If the
 48 accused be arrested without a warrant, a written complaint shall
 49 thereafter be made, to which ~~he~~ the accused shall be required to *
 50 plead, and a warrant shall issue thereon. The warrant and all
 51 other process in such cases shall be directed for service to any
 52 police officer, marshal, process officer, court officer, or
 53 constable of any town or city in the county, to the sheriff of
 54 the county, or all of them.

55 No change for subd 2

56 Subd. 3. APPEAL TO COURT OF APPEALS. Appeals may be
 57 taken to the court of appeals in the manner prescribed by court
 58 rule. ~~if the defendant appeals, he~~ On appealing, the defendant *
 59 shall give bond to the city, to be approved by the court,
 60 conditioned that, if the judgment be affirmed in whole or in
 61 part, ~~he~~ the defendant will pay the judgment, and all costs and *
 62 damages awarded against ~~him~~ the defendant on the appeal. In *
 63 case of affirmance, execution may issue against both defendant
 64 and ~~his~~ the defendant's sureties. Upon perfection of the *
 65 appeal, defendant shall be discharged from custody.

414*#01S

66 414.01 CREATION OF THE MINNESOTA MUNICIPAL BOARD.

67 No change for subd 1

68 Subd. 2. The board shall be composed of three members
 69 appointed by the governor, at least one of whom shall be learned
 70 in the law, and at least one of whom shall be a resident from
 71 outside of the metropolitan area as defined in section 473.02,
 72 subdivision 5. The board shall select from its members a

1 chairman chair who shall have the powers and duties prescribed *
 2 by the general law applicable to the heads of departments and
 3 agencies of the state. In proceedings before the board for the
 4 incorporation of a statutory city, consolidation of two or more
 5 municipalities, or annexation of unincorporated land to a
 6 municipality, two county commissioners of the board of the
 7 county in which all or a majority of the affected land is
 8 located shall serve on the board during such time as the board
 9 shall have under consideration said matter. The executive
 10 director of the board shall upon initiation of a proceeding for
 11 such incorporation, consolidation, or annexation notify the
 12 county auditor of the county in which the majority of the
 13 affected property is situated of the need for the appointment of
 14 the two county commissioners to the board. At the next
 15 succeeding meeting of the county board the commissioners shall
 16 designate the two appointed and shall thereupon immediately
 17 notify the Minnesota municipal board executive director of their
 18 action. The county commissioners shall represent districts
 19 which do not contain any of the affected territory. If
 20 commissioners from the unaffected districts are unavailable,
 21 commissioners from the affected district may serve.

22 No change for subd 3 to 3a

23 Subd. 4. The board shall meet once each month at a regular
 24 time to be established by the chairman chair. *

25 Subd. 5. The board shall transact business and conduct
 26 hearings by a majority of its members except as otherwise
 27 provided for by subdivision 12 but a smaller number may adjourn
 28 from time to time. The ~~chairman, in his discretion,~~ chair may *
 29 order the consolidation of separate proceedings in the interest
 30 of economy and expedience. In those proceedings in which the
 31 board is composed of five members, no order of the board shall
 32 be final unless approved by three of the five members, and in
 33 all other proceedings unless approved by two of the three
 34 members.

35 Subd. 6. Repealed, 1969 c 1139 s 87 subd 2

36 Subd. 6a. Each member of the municipal board shall receive
 37 \$50 per day when in attendance at board meetings or hearings, or
 38 when otherwise engaged in the performance of ~~his~~ duties. The *
 39 county commissioners shall be paid \$25 per day for each hearing
 40 or meeting attended. The county auditors and commissioners
 41 shall be deemed to be performing duties for the county without
 42 additional compensation when serving as ex officio members of
 43 the board. Each member of the board and the county commission
 44 members of the board shall be reimbursed for actual expenses
 45 incurred in accordance with regulations relative to travel and
 46 expenses of state officers and employees.

47 Subd. 7. Repealed, 1969 c 1139 s 88 subd 2

48 Subd. 7a. The Minnesota municipal board shall appoint an
 49 executive director, not a member of the board, who shall be
 50 learned in the law and receive a salary in an amount fixed by
 51 law. ~~He~~ The director shall devote full time to the duties of *
 52 ~~his~~ office. All correspondence and petitions shall be addressed *
 53 to the executive director who shall be charged with conducting
 54 the administrative affairs of the board.

55 No change for subd 8 to 16

414*#02S

56 414.02 MUNICIPAL INCORPORATION.

57 No change for subd 1 to 2

58 Subd. 3. BOARD'S ORDER. In arriving at its decision,
 59 the board shall consider the following factors:

60 (a) Present population, past population growth and
 61 projected population for the area;

62 (b) Quantity of land, both platted and unplatted, within
 63 the area proposed for incorporation; the natural terrain of the
 64 area including general topography, major watersheds, soil
 65 conditions and such natural features as rivers, lakes and major
 66 bluffs;

67 (c) Present pattern of physical development in the area
 68 including residential, industrial, commercial, agricultural and
 69 institutional land uses; the present transportation network and
 70 potential transportation issues, including proposed highway
 71 development;

72 (d) Land use controls and planning presently being utilized
 73 in the area, including comprehensive plans for development in
 74 the area and policies of the metropolitan council. If there is
 75 an inconsistency between the proposed development and the land

1 use planning ordinance in force, the reason for the
2 inconsistency;

3 (e) Present governmental services being provided to the
4 area, including water and sewer service, fire rating and
5 protection, police protection, street improvements and
6 maintenance, administrative services, and recreational
7 facilities;

8 (f) Existing or potential problems of environmental
9 pollution and the need for additional services to resolve these
10 problems;

11 (g) Fiscal data of the area, including the assessed
12 valuation of both platted and unplatted lands and the division
13 between homestead and nonhomestead property, and the present
14 bonded indebtedness; and the mill rates of the county, school
15 district, and township;

16 (h) Relationship and effect of the proposed incorporation
17 on communities adjacent to the area and on school districts
18 within and adjacent to the area;

19 (i) Adequacy of town government to deliver services to the
20 area; and

21 (j) Analysis of whether necessary governmental services can
22 best be provided through incorporation or annexation to an
23 adjacent municipality.

24 Based upon these factors, the board may order the
25 incorporation if it finds that (a) the property to be
26 incorporated is now, or is about to become, urban or suburban in
27 character, or (b) that the existing township form of government
28 is not adequate to protect the public health, safety, and
29 welfare, or (c) the proposed incorporation would be in the best
30 interests of the area under consideration. The board may deny
31 the incorporation if the area, or a part thereof, would be
32 better served by annexation to an adjacent municipality.

33 The board may alter the boundaries of the proposed
34 incorporation by increasing or decreasing the area to be
35 incorporated so as to include only that property which is now,
36 or is about to become, urban or suburban in character, or may
37 exclude property that may be better served by another unit of
38 government. In all cases, the board shall set forth the factors
39 which are the basis for the decision.

40 Notwithstanding any other provision of law to the contrary
41 relating to the number of wards which may be established, the
42 board may provide for election of ~~councilmen~~ council members by *
43 wards, not less than three nor more than seven in number, whose
44 limits are prescribed in the board order upon a finding that
45 area representation is required to accord proper representation
46 in the proposed incorporated area because of uneven population
47 density in different parts thereof or the existence of
48 agricultural lands therein which are in the path of suburban
49 development, but after four years from the effective date of an
50 incorporation the council of the municipality may by resolution
51 adopted by a four-fifths vote abolish the ward system and
52 provide for the election of all ~~councilmen~~ council members at *
53 large as in other municipalities.

54 The board's order for incorporation shall provide for the
55 election of municipal officers in accordance with section
56 414.09. The plan of government shall be "Optional Plan A",
57 provided that an alternate plan may be adopted pursuant to
58 section 412.551, at any time. The ordinances of the township in
59 which the new municipality is located shall continue in effect
60 until repealed by the governing body of the new municipality.

61 No change for subd 4

414*#031S

62 414.031 ANNEXATION OF UNINCORPORATED PROPERTY TO A
63 MUNICIPALITY BY BOARD ORDER.

64 No change for subd 1 to 4

65 Subd. 4a. PROCEEDINGS INITIATED BY JOINT RESOLUTION.

66 If the proceeding has been initiated under subdivision 1, clause
67 (d), any annexation order shall include a provision for the
68 election of new municipal officers in accordance with section
69 414.09. The expanded municipality shall be governed by the home
70 rule charter or statutory form which governs the annexing
71 municipality, except that any ward system for the election of
72 ~~councilmen~~ council members shall be inoperable. The ordinances *
73 of both the annexing municipality and the township shall
74 continue in effect within the former boundaries until repealed
75 by the governing body of the new municipality.

1 Notwithstanding any other provision of law to the contrary
2 the board may provide for election of ~~councilmen~~ council members *
3 by wards, not less than three nor more than seven in number,
4 whose limits are prescribed in the board order, upon a finding
5 that area representation is required to accord proper
6 representation in the municipality because of uneven population
7 density in different parts thereof or the existence of
8 agricultural lands therein which are in the path of suburban
9 development; but after four years from the effective date of an
10 annexation the council of the municipality may by resolution
11 adopted by a four-fifths vote abolish the ward system and
12 provide for the election of all ~~councilmen~~ council members at *
13 large.

14 Until the effective date of the annexation order, the town
15 board and other officers of the town shall continue to exercise
16 their powers and duties under the town laws in that portion of
17 the municipality that was formerly the town, and the council and
18 other officers of the annexing municipality shall continue to
19 exercise their powers and duties in that portion of the expanded
20 municipality that was formerly the municipality. Thereafter the
21 town board and the council of the annexing municipality shall
22 have no jurisdiction within the municipality, and the new
23 municipal council and other new officers shall act in respect to
24 any matters previously undertaken by the town board of
25 supervisors or municipal council within the limits of the
26 expanded municipality, including the making of any improvement
27 and the levying of any special assessments therefor in the same
28 manner and to the same effect as if such improvement had been
29 undertaken by the municipality.

30 The new municipal council may continue or discontinue any
31 board that may have previously existed in the town or former
32 municipality.

33 Subd. 5. ANNEXATION ELECTION. Where the proceeding
34 for annexation has been initiated by petition of a majority of
35 the property owners within the area to be annexed or when the
36 board has assumed jurisdiction under subdivision 1, clause (d)
37 and orders that the entire township named in the resolution be
38 annexed to the city named in the resolution, no referendum is
39 required. In all other instances the order of the board shall
40 fix a day, not less than twenty days nor more than ninety days,
41 after the entry of such an order, when an election shall be held
42 at a place designated by the board within the area determined by
43 the board to be primarily and substantially interested in or
44 affected by the board order. The executive director shall cause
45 a copy of the order affirming the petition, including the notice
46 of the election, to be posted not less than 20 days before the
47 election in three public places in the area, and shall cause
48 notice of the election to be published two successive weeks in a
49 newspaper qualified as medium of official and legal publication,
50 of general circulation, in the area. The board shall appoint
51 the necessary election judges from voters resident in the area
52 and shall supervise them in their duties. The board shall
53 designate the polling place or places, using so far as possible
54 the usual polling place or places. The polls shall be open at
55 least 13 hours and until at least 8 p.m. The judges shall
56 conduct the election so far as practicable in accordance with
57 the laws regulating special elections. Only voters residing
58 within the area primarily and substantially interested in or
59 affected by the board's order shall be entitled to vote. The
60 ballot shall bear the words "For Annexation" and "Against
61 Annexation" with a square before each of the phrases in one of
62 which the voter shall make a cross to express his a choice. * The
63 ballots and election supplies shall be provided and the election
64 judges shall be paid by the petitioners or annexing
65 municipality. Immediately upon completion of the counting of
66 the ballots, the judges of the election shall make a signed and
67 verified certificate declaring the time and place of holding the
68 election, that they have canvassed the ballots cast, and the
69 number cast both for and against the proposition, and they shall
70 then file the certificate with the executive director of the
71 board. If the certificate shows the majority of the votes cast
72 were "For Annexation" the board's order shall be effective in
73 accordance with subdivision 6. If a majority of votes were cast
74 against the annexation, the board shall not issue an order for
75 annexation. If the annexation is denied, or if it is defeated
76 in the referendum, no proceeding for the annexation of

1 substantially the same area may be initiated within two years
 2 from the date of the board's order, unless the new proceeding is
 3 initiated by a majority of the area's property owners and the
 4 petition is supported by any abutting townships and
 5 municipalities. The executive director shall upon receipt of
 6 the certificate notify all parties of record of the election
 7 results.

8 No change for subd 6

414*#041S

9 414.041 CONSOLIDATION OF TWO OR MORE MUNICIPALITIES.

10 No change for subd 1

11 Subd. 2. APPOINTMENT OF CONSOLIDATION COMMISSION.

12 Upon receipt of a petition or a resolution requesting
 13 consolidation or upon the board's own motion, the board shall
 14 appoint a consolidation commission from a list of ten candidates
 15 submitted by each affected city council. The commission shall
 16 be composed of not fewer than five members from each affected
 17 municipality. From a separate list of three persons submitted
 18 by each affected city council, the board shall appoint a
 19 commission ~~chairperson~~ chair who is not a resident of an *
 20 affected municipality but who resides in an affected county.

21 No person is disqualified from serving on a consolidation
 22 commission by reason of holding other elected or appointed
 23 office. Consolidation commission members shall hold office
 24 until a consolidation report has been issued by the commission.
 25 The board shall fill vacancies in the commission by
 26 appointment. The consolidation commission shall make rules with
 27 reference to its operation and procedures including quorum
 28 requirements with reference to its operations and procedures.

29 No change for subd 3 to 4a

30 Subd. 5. BOARD'S ORDER. In arriving at its decision,
 31 the board shall consider the following factors:

32 (a) Present population, past population growth and
 33 projected population of the included municipalities;

34 (b) Quantity of land within the included municipalities;
 35 and natural terrain including general topography, major
 36 watersheds, soil conditions, and such natural features as
 37 rivers, lakes and major bluffs;

38 (c) Degree of contiguity of the boundaries between the
 39 included municipalities;

40 (d) Analysis of whether present planning and physical
 41 development in the included municipalities indicates that the
 42 consolidation of these municipalities will benefit planning and
 43 land use patterns in the area; the present transportation
 44 network and potential transportation issues, including proposed
 45 highway development;

46 (e) Analysis of whether consolidation of the included
 47 municipalities is consistent with comprehensive plans for the
 48 area;

49 (f) Analysis of whether governmental services now
 50 available in the included municipalities can be more effectively
 51 or more economically provided by consolidation;

52 (g) Analysis of whether there are existing or potential
 53 environmental problems and whether municipal consolidation will
 54 help improve such conditions;

55 (h) Analysis of tax and governmental aid issues involved
 56 in the consolidation of the included municipalities; and

57 (i) Analysis of the effect of consolidation on area school
 58 districts.

59 (j) Analysis of the applicability of the state building
 60 code.

61 The board shall consider and may accept, amend, return to
 62 the commission for amendment or further study, or reject the
 63 commission's findings and recommendations based upon the board's
 64 written determination of what is in the best interests of the
 65 affected municipalities.

66 The board shall order the consolidation if it finds that
 67 consolidation will be for the best interests of the
 68 municipalities. In all cases, the board shall set forth the
 69 factors which are the basis for the decision.

70 If the board orders consolidation, it shall provide for
 71 election of new municipal officers in accordance with section
 72 414.09. If the most populous of the included municipalities is
 73 a statutory city, the new municipality shall be a statutory city
 74 and the plan of government shall be Optional Plan A, provided
 75 that an alternate plan may be adopted pursuant to section

1 412.551, at any time. If the most populous of the included
 2 municipalities is a home rule charter city or organized under a
 3 statute other than chapter 412, the new municipality shall be
 4 governed by its home rule charter or the statutory form under
 5 which it is governed except that any ward system for the
 6 election of ~~councilmen~~ council members shall be inoperable. If *
 7 the commission's findings and recommendations include a proposed
 8 home rule charter for the new municipality, the board may in its
 9 order combine the issue of the adoption of the charter and the
 10 vote on approval of the order for consolidation into one
 11 question on the ballot, and shall submit it in a special or
 12 general election as provided in section 410.10. The ordinances
 13 of all of the included municipalities shall continue in effect
 14 within their former boundaries until repealed by the governing
 15 body of the new municipality.

16 Notwithstanding any other provision of law to the contrary,
 17 the board may in its order establish a ward system in the new
 18 municipality, in which event it shall establish not less than
 19 three nor more than seven wards, each of which shall elect
 20 one ~~councilman~~ council member. When more than two years have *
 21 elapsed after consolidation, the governing body may, by a
 22 four-fifths vote, abolish the ward system.

23 The new municipality shall assume the name of the most
 24 populous municipality unless previous to the election another
 25 name is chosen by joint resolution of a majority of the included
 26 municipalities or by the consolidation commission.

27 The number of license privileges existing in the included
 28 municipalities prior to consolidation and pursuant to state law
 29 shall not be diminished as a result of the consolidation.

30 If the consolidation is denied or defeated in a
 31 referendum, no proceeding for the consolidation of the same
 32 municipalities may be initiated within two years from the date
 33 of the board's order unless authorized by the board.

34 No change for subd 6 to 8

418*#25S

35 418.25 PAYMENT BY CITY FOR OFFICIAL BONDS.

36 Subdivision 1. When an officer or employee of any
 37 statutory or home rule charter city is required to furnish a
 38 fidelity or faithful performance bond, the governing body of the
 39 city, or the board or commission to whom the officer or employee
 40 is responsible, may provide for the payment of the premium on
 41 the bond from city funds. In lieu of individual bonds, the
 42 governing body, board or commission may provide for blanket
 43 position bonds furnished by a surety company to cover any
 44 officer or employee required to furnish a bond if all of the
 45 obligations required by law, charter, or ordinance to be assumed
 46 by the principal and ~~his~~ the principal's sureties by an *
 47 individual bond are included in the blanket position bond.

48 No change for subd 2

419*#02S

49 419.02 MEMBERSHIP; JOINT POLICE AND FIRE COMMISSION.

50 Subdivision 1. This commission shall consist of three
 51 members who are citizens of the state and residents of such
 52 city, and shall be appointed by the council of the city, and
 53 when first created one commissioner shall be appointed for the
 54 term of one year, who shall be president of the commission, one
 55 for the term of two years, and one for the term of three years,
 56 and all commissioners shall hold their office until their
 57 successors are appointed and qualified. No commissioner shall,
 58 at the time of ~~his~~ appointment or while serving, hold any *
 59 elected office under the city, the United States, the state of
 60 Minnesota, or any public corporation or political division
 61 thereof, or employment under the city, or employment under a
 62 police department of any city, other than as a member of a civil
 63 service commission for firefighters or other municipal personnel.
 64 Each commissioner, before entering upon ~~his~~ duties, shall *
 65 subscribe and file with the city clerk an oath for the faithful
 66 discharge of ~~his~~ the duties. There shall be appointed each year *
 67 thereafter by the city council one member of the commission
 68 whose term of office shall be for three years, and each member
 69 of the commission shall be president of the commission during
 70 the last year of the member's term ~~for which he is appointed~~. *

71 No change for subd 2

419*#03S

72 419.03 MEETING.

73 The commission shall first meet immediately after its

1 appointment and thereafter on the first Monday in February each
2 year at which meetings it shall select from its members a
3 secretary who shall serve until ~~his~~ a successor is elected. The *
4 commission shall from time to time fix the times of its
5 meetings, and adopt, amend, and alter rules for its procedure.

419*#04S

6 419.04 COMMISSIONERS TO SERVE WITHOUT PAY.

7 Each commissioner shall serve without pay but the council
8 may allow the secretary such compensation, not exceeding \$100
9 per year, as it shall deem commensurate with the additional *
10 service rendered ~~by him~~. The council shall pay from the
11 municipal treasury all expenses incurred by the commission in
12 connection with the performance of its duties and furnish it
13 with all supplies, stationery, and equipment it may require, but
14 all bills and accounts shall be audited and approved by the
15 president and secretary of the commission before being paid by
16 the council.

419*#07S

17 419.07 OFFICERS DISCHARGED ONLY AFTER HEARING.

18 No officer or employee other than a peace officer, after
19 six months' continuous employment shall be removed or discharged
20 except for cause upon written charges and after an opportunity
21 to be heard in ~~his own~~ defense of the charges as in this chapter *
22 hereinafter provided. No newly appointed peace officer after
23 satisfactory completion of the basic peace officers training
24 course pursuant to sections 626.843 to 626.852 and after a
25 period of no longer than 12 months continuous employment
26 thereafter, shall be removed or discharged except for cause upon
27 written charges and after an opportunity to be heard in ~~his own~~ *
28 defense of the charges as in this chapter hereinafter provided. *
29 Such charges shall be investigated by or before such civil
30 service commission. The finding and decision of such commission
31 shall be forthwith certified to the chief or other appointed or
32 superior officer, and will be forthwith enforced by such
33 officer. Nothing in this chapter shall limit the power of any
34 officer to suspend a subordinate for a reasonable period not
35 exceeding 60 days for the purpose of discipline, or pending
36 investigation of charges when ~~he~~ the officer deems such *
37 suspension advisable. The commission, in any city of the second
38 class situate in two or more counties, may, by resolution
39 adopted by unanimous vote, incorporate in the civil service
40 rules a rule fixing the term of the office of chief of the
41 department at six years from the date of ~~his~~ appointment and *
42 thereafter the office of chief shall be open to competitive
43 examination for all members of the department qualified to take
44 such examinations. In the event of a new appointment being made
45 to the office of chief as a result of competitive examination,
46 the retiring chief shall be assigned a grade and class in the
47 department as may be determined by the commission. Provided
48 that the limitation of the term of chief as herein provided for
49 shall not affect any person permanently holding the office of
50 chief at the time of the passage of Laws 1947, Chapter 522;
51 provided further that the provisions of this section shall not
52 apply to persons referred to in Minnesota Statutes 1969, Section
53 299D.03.

419*#075S

54 419.075 MERIT SYSTEM MUNICIPALITIES, DISCHARGE OF PEACE
55 OFFICERS.

56 No change for subd 1

57 Subd. 2. OFFICERS DISCHARGED AFTER HEARING. No newly
58 appointed peace officer, after satisfactory completion of the
59 basic peace officer training course pursuant to sections 626.843
60 to 626.852 and after a period of no longer than 12 months
61 continuous employment thereafter, shall be removed or discharged
62 except for cause upon written charges after opportunity to be
63 heard in ~~his own~~ defense of the charges. *

419*#11S

64 419.11 CHARGES FILED WITH SECRETARY OF COMMISSION.

65 Charges of inefficiency or misconduct may be filed with the
66 secretary of the commission by a superior officer or by the
67 appointing authority, and thereupon the commission shall try the
68 charges after no less than ten days' written notice to the
69 accused. Such notice shall set forth the charges as filed. The
70 trial of these charges shall be open to the public and each
71 commissioner shall have the power to issue subpoenas and to
72 administer oaths and to compel the attendance and testimony of

1 witnesses and the production of books and papers relevant to the
 2 investigation. The commission shall require by subpoena the
 3 attendance of any witness requested by the accused who can be
 4 found in the county in which such city is located. The
 5 commission may make complaint to the district court of
 6 disobedience of its subpoenas or orders under this section, and
 7 the court shall prescribe notice to the person accused and
 8 require ~~him~~ the accused person to obey the commission's subpoena
 9 and order, if found within the lawful powers of the commission,
 10 and punish disobedience as a contempt of court. Witnesses shall
 11 be entitled to the same fees and mileage as for attendance upon
 12 the district court, except that any officer, agent, or employee
 13 of the city who receives compensation for ~~his~~ services, shall
 14 not be entitled to fees or mileage.

419*#12S

15 419.12 SUSPENSION AND REMOVAL; REINSTATEMENT.

16 ~~If, after investigation and trial by civil service~~
 17 ~~commission,~~ An employee who, after investigation and trial by
 18 civil service commission, is found guilty of inefficiency,
 19 breach of duty, or misconduct, ~~he~~ may be removed, reduced, or
 20 suspended ~~and his~~. The employee's name also may be stricken
 21 from the service register. If the board determines that the
 22 charges are not sustained, the accused, if ~~he has been~~ suspended
 23 pending investigation, shall be immediately reinstated and shall
 24 be paid all back pay due for the period of suspension.

25 Findings, determinations, and orders of the commission for
 26 suspension, reduction, or removal, shall be in writing and shall
 27 be filed within three days after the completion of the hearing
 28 with the secretary of the commission. The secretary shall
 29 notify the employee of the decision in writing. Any person
 30 suspended, reduced, or removed by the commission after
 31 investigation may appeal in accordance with chapter 14.

32 The question to be determined by the court shall be:

33 "Upon the evidence, was the order of the commission
 34 reasonable?"

419*#13S

35 419.13 CERTAIN ACTS A MISDEMEANOR.

36 An applicant for examination, appointment or promotion in
 37 the police department service of the city who shall, either
 38 directly or indirectly, give, render, or pay or promise to give,
 39 render, or pay any money, service or other thing to any person,
 40 for or on account of or in connection with ~~his~~ the applicant's
 41 examination, appointment or proposed appointment or promotion
 42 shall be guilty of a misdemeanor and shall also be subject to
 43 suspension or removal.

44 Any officer or employee of the police department, when
 45 operating under civil service in accordance with the provisions
 46 of this chapter, who shall in any manner directly or indirectly
 47 solicit, receive, or pay, or be in any manner concerned in
 48 soliciting, receiving, or paying, any assessment, subscription
 49 or contribution for any party or political purpose, shall be
 50 guilty of a misdemeanor and shall be subject to suspension or
 51 removal.

52 Any person who shall solicit or receive directly or
 53 indirectly, or be in any manner concerned in soliciting or
 54 receiving any assessment, contribution, or payment for any
 55 political purpose whatever from any officer or employee in a
 56 police department operated under civil service as in this
 57 chapter provided for, shall be guilty of a misdemeanor.

420*#03S

58 420.03 MEMBERSHIP; DUTIES; TERMS.

59 Except in a city having a combined police and firefighter's
 60 civil service commission, the commission shall consist of three
 61 members who are citizens of the state and resident of such city,
 62 and shall be appointed by the council of the city, and when
 63 first created one commissioner shall be appointed for the term
 64 of one year, who shall be president of the commission, one for
 65 the term of two years, and one for the term of three years, and
 66 all commissioners shall hold office until their successors are
 67 appointed and qualified. The council may remove any
 68 commissioner who in the judgment of the council has wilfully
 69 violated any of the provisions of sections 420.01 to 420.16. No
 70 commissioner shall, at the time of ~~his~~ appointment or while
 71 serving, hold any other office or employment under the city, the
 72 United States, the state of Minnesota, or any public corporation
 73 or political division thereof, other than the office of notary

1 public or member of a civil service commission for ~~police~~ *
 2 police officers or other municipal personnel. Each *
 3 commissioner, before entering upon ~~his~~ duties, shall subscribe *
 4 and file with the city clerk, an oath for the faithful discharge *
 5 of ~~his~~ the duties. Except in a city having a combined police *
 6 and firefighter's civil service commission, there shall be *
 7 appointed each year thereafter by the council one member of the *
 8 commission whose term of office shall be for three years, and *
 9 each member of the commission shall be president during the last *
 10 year of the term ~~for which he is appointed~~. All vacancies in *
 11 the commission shall be filled by appointment by the council *
 12 within 30 days after the vacancy occurs.

420*#04S

13 420.04 MEETINGS.

14 The commission shall first meet immediately after its *
 15 appointment and thereafter on the first Monday in February of *
 16 each year at which meetings it shall select from its members a *
 17 secretary who shall serve until ~~his~~ a successor is elected. The *
 18 commission shall, from time to time, fix the times of its *
 19 meetings, and adopt, amend, and alter rules for its procedure. *
 20 All meetings shall be held and all records kept at the city hall.

420*#05S

21 420.05 MEMBERS TO SERVE WITHOUT PAY.

22 Each commissioner shall serve without pay but the council *
 23 may allow the secretary such compensation, not exceeding \$100 *
 24 per year, as it shall deem commensurate with the additional *
 25 services rendered ~~by him~~. The council shall pay from the *
 26 municipal treasury all expenses incurred by the commission in *
 27 connection with the performance of its duties and shall furnish *
 28 it with all supplies, stationery, and equipment it may require, *
 29 but all bills and accounts shall be audited and approved by the *
 30 president and secretary of the commission before being paid by *
 31 the council.

420*#08S

32 420.08 REMOVAL OR DISCHARGE.

33 No officer or employee after six months' continuous *
 34 employment shall be removed or discharged except for cause, upon *
 35 written charges and after an opportunity to be heard in ~~his own~~ *
 36 defense of the charges as in this chapter hereinafter provided. *
 37 Such charges shall be investigated by or before such civil *
 38 service commission. The findings and decision of such *
 39 commission shall be forthwith certified to the chief or other *
 40 appointing or superior officer, and will be forthwith enforced *
 41 by such officer. Nothing in this chapter shall limit the power *
 42 of any officer to suspend a subordinate for a reasonable period *
 43 not exceeding 60 days for the purpose of discipline, or pending *
 44 investigation of charges when ~~he~~ the officer deems such *
 45 suspension advisable.

420*#12S

46 420.12 CHARGES TO BE FILED; TRIAL.

47 Charges of inefficiency or misconduct may be filed with the *
 48 secretary of the commission by a superior officer or by the *
 49 appointing authority, and thereupon the commission shall try the *
 50 charges after not less than ten days' written notice to the *
 51 accused. Such notice shall set forth the charges as filed. The *
 52 trial of these charges shall be open to the public and each *
 53 commissioner shall have the power to issue subpoenas and to *
 54 administer oaths and to compel the attendance and testimony of *
 55 witnesses and the production of books and papers relevant to the *
 56 investigation. The commission shall require by subpoena the *
 57 attendance of any witness requested by the accused who can be *
 58 found in the county in which such city is located. The *
 59 commission may make a complaint to the district court of *
 60 disobedience of its subpoenas or orders under this section, and *
 61 the court shall prescribe notice to the person accused and *
 62 require ~~him~~ the accused person to obey the commission's subpoena *
 63 and order, if found within the lawful powers of the commission, *
 64 and punish disobedience as a contempt of court. Witnesses shall *
 65 be entitled to the same fees and mileage as for attendance upon *
 66 the district court, except that any officer, agent, or employee *
 67 of the city who receives compensation for ~~his~~ services, shall *
 68 not be entitled to fees or mileage.

420*#13S

69 420.13 SUSPENSION OR REMOVAL.

70 ~~If, after investigation and trial by the civil service~~ *
 71 commission, An employee who, after investigation and trial by *

1 the civil service commission, is found guilty of inefficiency, *
 2 breach of duty, or misconduct, ~~he~~ may be removed, reduced, or *
 3 suspended ~~and his~~. The employee's name also may be stricken *
 4 from the service register. If the board determines that the
 5 charges are not sustained, the accused, if ~~he has been~~ suspended *
 6 pending investigation, shall be immediately reinstated and paid
 7 all back pay due for the period of suspension.

8 Findings, determinations, and orders of the commission for
 9 suspension, reduction, or removal shall be in writing and filed
 10 within three days after the completion of the hearing with the
 11 secretary of the commission. The secretary shall notify the
 12 employee of the decision in writing. Any person suspended,
 13 reduced, or removed by the commission after investigation may
 14 appeal in accordance with chapter 14.

15 The question to be determined by the court shall be:
 16 "Upon the evidence was the order of the commission
 17 reasonable?"

420*#16S

18 420.16 CERTAIN ACTS MISDEMEANORS.

19 An applicant for examination, appointment, or promotion in
 20 the fire prevention service of the city who shall, either
 21 directly or indirectly, give, render, or pay or promote to give,
 22 render, or pay any money, service, or other thing to any person
 23 for or on account of or in connection with ~~his~~ the applicant's *
 24 examination, appointment, or proposed appointment or promotion,
 25 shall be guilty of a misdemeanor and subject to suspension or
 26 removal.

27 Any officer or employee of the fire department, when
 28 operated under civil service in accordance with the provisions
 29 of this chapter, who shall in any manner directly or indirectly
 30 solicit, receive, or pay, or be in any manner concerned in
 31 soliciting, receiving, or paying any assessment, subscription,
 32 or contribution for any party or political purpose shall be
 33 guilty of a misdemeanor and subject to suspension or removal.

34 Any person who shall solicit or receive directly or
 35 indirectly, or be in any manner concerned in soliciting or
 36 receiving any assessment, contribution, or payment for any
 37 political purpose from any officer or employee in a fire
 38 department operated under civil service as in this chapter
 39 provided for, shall be guilty of a misdemeanor.

422A#01S

40 422A.01 DEFINITIONS.

41 No change for subd 1 to 11
 42 Subd. 12. "Dependent" means a spouse, child, or any person
 43 actually dependent upon and receiving over 50 percent of ~~his~~ *
 44 support from such employee.

45 No change for subd 13

422A#03S

46 422A.03 MEETINGS; EMPLOYEES; RULES AND REGULATIONS.

47 Subdivision 1. The retirement board shall meet on the
 48 third Tuesday of each calendar month of each year and may
 49 adjourn from time to time. Special meetings may be held upon
 50 the call of the president. The board shall, by a four-sevenths
 51 vote of all members of the board, appoint an executive director,
 52 who shall have charge of the performance of the duties required
 53 by the provisions of sections 422A.01 to 422A.25, and shall
 54 appoint other necessary employees. If at the time of ~~his~~ *
 55 appointment as executive director the appointee holds a position
 56 subject to the civil service rules and regulations of the city
 57 ~~he~~ the appointee shall be deemed to be on leave of absence from *
 58 the civil service position during ~~his~~ tenure as executive *
 59 director, and upon termination of service shall be returned *
 60 to ~~his~~ the appointee's permanent civil service classification. *
 61 If no vacancy is available in ~~his~~ the appointee's permanent *
 62 civil service classified position, seniority shall prevail, and *
 63 the person most recently certified to the position shall be *
 64 returned to the permanent civil service classification held by *
 65 ~~him~~ prior to such certification. *

66 No change for subd 2

67 Subd. 3. At the regular meeting in January each year, the
 68 board shall elect from among its members a president, a vice
 69 president, and a secretary-treasurer, who shall hold office for
 70 one year or until successors have been elected and qualified.
 71 The president, if present, shall preside at all meetings at *
 72 ~~which he is present~~. In the absence of the president the vice *
 73 president shall preside and have all the powers of the president

1 while acting as such. The recording secretary shall keep a
 2 record of all proceedings of the board, which shall be open to
 3 public inspection. At least one of the officers of the board
 4 shall be one of the representatives elected by the employees of
 5 the city to the board.

6 No change for subd 4 to 5

422A#06S

7 422A.06 RETIREMENT FUND.

8 No change for subd 1 to 5

9 Subd. 6. SURVIVOR'S BENEFIT FUND. The survivor's
 10 benefit fund shall consist of the amount held for survivor
 11 benefits, increased by contributions for survivor benefits made
 12 by and for employees, including contributions made by the
 13 employer, by any municipal activity supported in whole or in
 14 part by revenue other than taxes or by any public corporation.
 15 A proportionate share of income from investments shall be
 16 allocated to this fund. There shall be paid from such fund the
 17 survivor benefits specified in section 422A.23 except that the
 18 refund of net accumulated deductions from the salary of a
 19 contributing member shall upon ~~his~~ death in service be paid from *
 20 the deposit accumulation fund.

21 No change for subd 7 to 8

422A#09S

22 422A.09 CLASSIFICATION OF EMPLOYEES.

23 No change for subd 1

24 Subd. 2. The contributing class shall consist of all
 25 employees not included in the exempt class, who become
 26 prospective beneficiaries of the fund created by sections
 27 422A.01 to 422A.25.

28 A member of the contributing class who is granted a leave
 29 of absence without pay by ~~his~~ the member's employer to serve as *
 30 an employee or agent of a labor union primarily representing
 31 members of the contributing class may continue as a member of
 32 the contributing class during the period of such leave of
 33 absence by depositing each month with the fund the amount of the
 34 contribution of the employee as required by sections 422A.01 to
 35 422A.25 which amount shall be the normal employee contribution.

36 The contributions referred to in this subdivision shall be
 37 based on the salary for the position or its equivalent held by
 38 the member immediately prior to such leave of absence subject to
 39 any adjustment thereof during the period of such leave.

40 No change for subd 3 to 4

422A#10S

41 422A.10 SALARY DEDUCTIONS.

42 No change for subd 1

43 Subd. 2. Every employee to whom sections 422A.01 to
 44 422A.25 applies who shall continue in the service after the
 45 passage of Laws 1919, Chapter 522, as well as every person to
 46 whom sections 422A.01 to 422A.25 applies who may hereafter be
 47 appointed to a position or place, shall be deemed to consent and
 48 agree to the deductions made and provided for herein, and
 49 payment with such reductions, for service, shall be a full and
 50 complete discharge and acquittance of all claims and demands for
 51 all services rendered by such person during the period covered
 52 by such payment; except ~~his~~ the person's claim to the benefits *
 53 to which ~~he~~ the person may be entitled under the provisions of *
 54 sections 422A.01 to 422A.25.

55 Subd. 3. Subject to such terms and conditions and to such
 56 rules and regulations as the retirement board may adopt, any
 57 contributor from time to time may increase or decrease ~~his~~ the *
 58 contributor's rate of contribution to the retirement fund, but *
 59 in no event shall the contribution be less than the minimum
 60 contribution specified in the provisions of sections 422A.01 to
 61 422A.25.

422A#11S

62 422A.11 MILITARY SERVICE.

63 No change for subd 1

64 Subd. 2. Any employee who was a member of the contributing
 65 class of the fund at the time of ~~his~~ entrance into military *
 66 service and who resigned from the service of the city and
 67 received a refund of ~~his~~ the employee's personal contribution to *
 68 the fund and who is reemployed by the city and again becomes a
 69 contributing member of the fund shall receive credit for
 70 military service as provided by this section upon repaying to
 71 the fund the amount of the refund plus interest thereon at six
 72 percent compounded annually until fully paid and the further

1 payment to the fund without interest of the amount ~~his~~ the *
 2 contribution would have totaled had ~~he~~ the employee continued as *
 3 a contributing member of the fund during the period of military
 4 service. No contribution shall be made by the city to the
 5 credit of an employee's account for the period of such military
 6 service.

7 Subd. 3. The retirement board shall determine and compute
 8 the amount of the contributions which said employee would have
 9 made to such fund if ~~his~~ employment had not been interrupted by *
 10 military service. The amount so determined and computed shall
 11 constitute an obligation of and be paid by the city or public
 12 corporation, and shall be credited to the contribution account
 13 of such employee. In determining the amount of contributions
 14 that the employee would have made if ~~he~~ the employee had not *
 15 entered military service, consideration shall be given to the
 16 employment service of employees who did not enter military
 17 service with like classification, seniority rights, length of
 18 service, and other factors determining probable time of
 19 employment.

20 Subd. 4. In the event that such employee becomes separated
 21 from the service, except by retirement or death, prior to the
 22 expiration of five years subsequent to the date on which ~~he~~ the *
 23 employee was reinstated as an employee, such contribution may *
 24 not be withdrawn by said employee, but shall be canceled and
 25 credited to the reserve for annuities account of this fund. If
 26 an employee returns to the service after being separated as
 27 provided herein, credit shall be granted upon payment of the
 28 separation refund required by section 422A.22. In determining
 29 the five year period, there shall be included only time of
 30 actual employment.

422A#14S

31 422A.14 APPLICATION; APPROVAL.

32 Subdivision 1. No disability benefit or retirement
 33 allowance shall be granted to any employee who may become
 34 eligible for retirement as provided in sections 422A.01 to
 35 422A.25 until the employee, or one authorized to act in ~~his~~ the *
 36 employee's behalf, shall have filed with the retirement board, *
 37 in such form as may be prescribed by the board, an application
 38 for such allowance. No installment of any such allowance shall
 39 be paid for any period prior to the effective date of retirement.

40 No change for subd 2

422A#15S

41 422A.15 SERVICE ALLOWANCE; CONTRIBUTING EMPLOYEES.

42 No change for subd 1 to 2

43 Subd. 3. In lieu of the formula pension and annuity, each
 44 contributing member on the effective date of this act who is
 45 eligible and who ceases to be employed and who qualifies for
 46 retirement shall have the option of electing to receive what
 47 shall be known as "the \$2 bill and annuity".

48 If a member of the contributing class makes the election
 49 herein provided for, ~~he~~ the member shall receive a minimum *
 50 pension of \$2 per month for each year of service. The pension
 51 shall be the actuarial equivalent of the accumulated amounts of
 52 such annual installments as may be now or hereafter fixed and
 53 designated by law throughout the period of service of the
 54 retiring employee, not to exceed 25 years, accumulated to the
 55 date of retirement at six percent compound interest, and such
 56 extra credit to be furnished by the city as will produce such
 57 minimum pension of \$2 per month for each year of service. The
 58 pension shall be in addition to the annuity. The annuity shall
 59 be in the actuarial equivalent of the net accumulated
 60 contributions for the retiring employee, calculated at the date
 61 of retirement. For the purposes of sections 422A.01 to 422A.25
 62 the "service allowance" for members of the contributing class
 63 shall consist of an "annuity" and a "pension".

64 The pension provided for herein shall be the actuarial
 65 equivalent of the accumulated annual installments of \$2 per
 66 month for each year of service. The sum of \$2 shall be computed
 67 under the single life plan, and subject to the same option
 68 selections provided for in section 422A.17. The pension and
 69 annuity provided for herein shall be first paid from the
 70 contributing member's own contributions and normal earned
 71 credits, plus interest, until such credits are exhausted.

72 Subd. 4. Except as otherwise provided in sections 422A.01
 73 to 422A.25, the service of each contributing member shall be
 74 calculated from the date of original appointment. Said service

1 shall include periods of service at different times and service
 2 for one or more departments, branches or independent boards of
 3 the city. In computing length of service of contributing
 4 employees for the purpose of sections 422A.01 to 422A.25,
 5 periods of separations from the service shall not be included,
 6 provided, that any contributing employee who heretofore or
 7 hereafter shall serve as a duly elected member of the Minnesota
 8 state legislature and who at the time of entrance into the
 9 service herein outlined was a contributing member of the
 10 retirement fund, shall receive credit for the time spent in such
 11 service as though actually employed by such city. In order to
 12 receive credit as herein outlined, such employee shall
 13 contribute to the retirement fund the amount that would have
 14 been contributed by ~~him~~ the employee if actually employed by the
 15 city. The amount of salary, wages or compensation received by
 16 the employee immediately prior to entering the service herein
 17 set forth, shall be the dollar amount used in determining the
 18 contributions to be made to the retirement fund, and also the
 19 amount to be used in determining the arithmetical average annual
 20 compensation otherwise provided for in sections 422A.01 to
 21 422A.25.

22 Subd. 5. All retirement allowances as herein provided
 23 shall be paid in monthly installments and checks shall be issued
 24 and mailed to the last known address of each beneficiary by the
 25 first business day of the month succeeding the month in which
 26 ~~his-or-her~~ the allowance is authorized. Where a beneficiary is
 27 under legal guardianship, monthly installments may be paid to
 28 the guardian.

422A#16S

29 422A.16 RETIREMENT ALLOWANCE; DEFERRED COMPENSATION.

30 Subdivision 1. Any member of the contributing class who
 31 becomes permanently separated from the service of the city after
 32 20 or more years of service to the city may, by an instrument in
 33 writing filed with the retirement board within 30 days after
 34 such separation becomes permanent, elect to allow ~~his~~ the
 35 member's contributions to the fund to the date of separation to
 36 remain on deposit in the fund.

37 Subd. 2. A member of the contributing class on the
 38 effective date of this act who makes the election herein and in
 39 subdivision 1 provided for, may, upon attaining the age of 55
 40 years, but before attaining the age of 65 years, or someone
 41 acting in ~~his~~ the member's behalf may make application to
 42 receive such retirement allowance as is provided for in section
 43 422A.15, subdivision 3, in the manner provided for by section
 44 422A.17. Such retirement allowance shall be the actuarial
 45 equivalent of the city's contribution and the member's deposit,
 46 as they were on the date the separation becomes permanent, plus
 47 interest, as provided for in section 422A.12.

48 Subd. 3. If such contributing member dies before reaching
 49 the age of 65 years, or having attained the age of 65 years
 50 without having made the election provided for herein, the net
 51 accumulated amount of deductions from ~~his-or-her~~ the member's
 52 salary, pay or compensation plus interest to ~~his-or-her~~ the
 53 member's credit on date of death shall be paid to such person,
 54 or persons, as ~~he-or-she~~ the member shall have nominated by
 55 written designation filed with the retirement board, in such
 56 form as the retirement board shall require. If the employee
 57 fails to make a designation, or if the person or persons
 58 designated by the employee is not living to receive payment, the
 59 net accumulated amount of deductions from ~~his-or-her~~ the
 60 employee's salary, pay, or compensation, plus interest to the
 61 credit of such employee on date of death shall be paid to the
 62 employee's estate. The net accumulated city deposits shall be
 63 paid to a beneficiary designated by such contributing member in
 64 such form as the retirement board shall require, who shall be
 65 the surviving spouse, or surviving child, or children of such
 66 member. If there be no surviving spouse, or surviving child or
 67 children, deposits shall be paid to a person actually dependent
 68 on and receiving principal support from such member or surviving
 69 mother or father, or surviving brother or sister, or surviving
 70 children of the deceased brother or sister of such member.

71 If the beneficiary designated by the member is not one of
 72 the class of persons named in the preceding paragraph, such
 73 benefit from the accumulations of city deposits shall be paid in
 74 the following order: (1) to the surviving spouse, the whole
 75 thereof; (2) if there be no surviving spouse, to the surviving

1 children, share and share alike; (3) if there be no surviving
2 spouse or child, or children, to the dependent or dependents of
3 the member, share and share alike; (4) if there be no surviving
4 spouse, child, or children, or dependents, to the surviving
5 mother and father, share and share alike; (5) if there be no
6 surviving mother and father, to the surviving brothers and
7 sisters of the member, in equal shares; (6) and if there be no
8 surviving brothers and sisters, to the surviving children of the
9 deceased brothers and sisters of the member, in equal shares;
10 (7) and if there be no person named in this paragraph who
11 survives the member, the accumulation of city deposits shall be
12 canceled.

13 Subd. 3a. If a contributing member who has become
14 permanently separated from the service of the city after 20 or
15 more years of service as a contributing member, has at the time
16 of separation allowed ~~his-or-her~~ the member's contributions to *
17 the fund to remain on deposit, and has filed a written request
18 with the board on prescribed forms, dies prior to the effective
19 date of retirement as determined by the board, the board shall
20 pay a monthly allowance for life to the surviving spouse of the
21 employee, in lieu of the city credit referred to in section
22 422A.23. The monthly allowance herein provided for shall be the
23 actuarial equivalent of a single life service allowance
24 specified in section 422A.15, which would have been payable to
25 the employee on the date of death, notwithstanding the age
26 requirement stated therein. For purposes of this subdivision,
27 the amount of excess contributions by the member shall not be
28 included in determining the monthly allowance.

29 Subd. 4. A contributing member may, after electing to
30 receive a retirement allowance as provided herein, make
31 application to withdraw ~~his~~ the member's deposit before reaching *
32 the age of 60 years, at which time that portion contributed by
33 the city shall be canceled.

34 No change for subd 5

35 Subd. 6. If a contributing member, after becoming
36 permanently separated from the service of the city and after
37 electing to receive a retirement allowance as provided herein,
38 becomes totally and permanently disabled for any cause before
39 reaching the age of 60 years, ~~he~~ the member shall be entitled to *
40 receive such disability allowance upon application to the
41 retirement board and certified by the medical board provided in
42 sections 422A.01 to 422A.25. Such disability allowance shall be *
43 the actuarial equivalent of the total credit to ~~his~~ the member's *
44 account on the date application for such retirement allowance is
45 made.

46 Subd. 7. Any member of the contributing class who becomes
47 permanently separated from the service of the city after ten or
48 more years of service for such city, and who is under the age of
49 60 years, may, by an instrument in writing, filed with the
50 retirement board within 30 days after such separation becomes
51 permanent, elect to allow ~~his~~ the member's contributions to such *
52 fund to the date of separation to remain on deposit in such *
53 fund, and in such event ~~he~~ the member shall be entitled to *
54 receive a retirement allowance at age 60 or later, but before *
55 age 65, provided ~~he~~ the member, or someone acting in ~~his~~ the *
56 member's behalf if ~~he~~ the member be incompetent, make written *
57 application for the retirement allowance provided for in section
58 422A.15, subdivision 1, in the same manner provided for in
59 section 422A.17. The provisions of subdivisions 3, 4, 5 and 6
60 shall also apply to any member qualifying for benefits under
61 this subdivision.

62 No change for subd 8

63 Subd. 9. Any member of the contributing class who becomes
64 permanently separated from the service of the city under
65 subdivision 8, may, by an instrument in writing, filed with the
66 municipal employees retirement board within 30 days after such
67 separation becomes permanent, elect to allow ~~his~~ the member *
68 contributions to such fund to the date of separation to remain *
69 on deposit in such fund, and in such event ~~he~~ the member shall *
70 be entitled to receive a retirement allowance at age 65, *
71 provided ~~he~~ the member, or someone acting in ~~his~~ the member's *
72 behalf if ~~he~~ the member be incompetent, shall make written *
73 application for such retirement allowance in the same manner *
74 provided for in section 422A.17 and in accordance with the
75 provisions of section 422A.15, subdivision 1 except for
76 determining average annual salary. A member with more than five

1 calendar years of service but less than ten calendar years may
 2 select any five calendar years of service to determine the
 3 average annual salary. A member with less than five years of
 4 service with the city shall use all earnings to determine the
 5 average annual salary.

6 If the contributing member dies before reaching the age of
 7 65 years, or having attained the age of 65 years without having
 8 made the election provided for herein, the net accumulated
 9 amount of deductions from ~~his-or-her~~ the member's salary, pay or *
 10 compensation, plus interest, to ~~his-or-her~~ the member's credit *
 11 on date of death shall be paid to such person or persons as have
 12 been nominated by written designation filed with the retirement
 13 board, in such form as the retirement board shall require.

14 If the employee fails to make a designation, or if the
 15 person or persons designated by such employee pre-deceases such
 16 employee, the net accumulated credit to such employee's account
 17 on date of death shall be paid to such employee's estate.

18 The provisions of subdivisions 4, 5 and 6 shall also apply
 19 to any member qualifying for benefits under this subdivision,
 20 except for purposes of this subdivision the age referred to in
 21 subdivision 4 shall be 65 years.

22 No change for subd 10

422A#17S

23 422A.17 RETIREMENT ALLOWANCE; OPTIONS.

24 At the time of ~~his~~ retirement any employee who is eligible *
 25 to receive a service allowance may elect to receive ~~his~~ benefits *
 26 in a retirement allowance payable throughout life or may on
 27 retirement elect to receive the actuarial equivalent at that *
 28 time of ~~his~~ annuity, pension, or retirement allowance in a *
 29 lesser annuity, or a lesser pension, or a lesser retirement
 30 allowance, payable throughout life, with the provisions that:

31 Option I. If the beneficiary dies before receiving in *
 32 payments the present value of ~~his~~ the beneficiary's annuity, *
 33 pension, or retirement allowance, as it was at the time of ~~his~~ *
 34 the beneficiary's retirement, the balance shall be paid to ~~his~~ *
 35 the beneficiary's legal representatives or to such person, *
 36 having an insurable interest in ~~his~~ the beneficiary's life, as *
 37 the beneficiary shall nominate by written designation duly *
 38 acknowledged and filed with the retirement board at the time of
 39 retirement, or

40 Option II. Upon the death of the beneficiary, ~~his~~ the *
 41 beneficiary's annuity, pension, or retirement allowance shall be *
 42 continued throughout the life of and paid to such person, having *
 43 an insurable interest in ~~his~~ the beneficiary's life, as the *
 44 beneficiary shall nominate by written designation duly
 45 acknowledged and filed with the retirement board at the time of
 46 retirement, or

47 Option III. Upon death of the beneficiary one-half of ~~his~~ *
 48 the beneficiary's annuity, pension, or retirement allowance *
 49 shall be continued throughout the life of and paid to such *
 50 person, having an insurable interest in ~~his~~ the beneficiary's *
 51 life, as the beneficiary shall nominate by written designation
 52 duly acknowledged and filed with the retirement board at the
 53 time of retirement, or

54 Option IV. Other benefits shall be paid the beneficiary or
 55 such other persons as the beneficiary shall nominate, provided
 56 such other benefits shall be certified by the executive director
 57 of the retirement board to be of equivalent actuarial value and
 58 approved by the retirement board.

422A#18S

59 422A.18 DISABILITY ALLOWANCES.

60 Subdivision 1. Upon the application of the head of the
 61 department in which a contributing employee is employed, or upon
 62 the application of the contributing employee or of one acting in
 63 ~~his~~ the employee's behalf, the retirement board shall place the *
 64 contributor on disability, provided the medical board, after a
 65 medical examination of the contributor made at the place of
 66 residence of the contributor or at a place mutually agreed upon,
 67 shall certify to the retirement board that the contributor is
 68 physically or mentally incapacitated for the performance of
 69 further service to the city and recommend that the contributor
 70 be placed on disability.

71 The medical board shall consist of the city physician, a
 72 physician to be selected by the retirement board, and a
 73 physician to be selected by the employee. Disability of an
 74 employee resulting from injury or illness received in the

1 performance of the duties of the city service shall be defined
 2 as duty disability. Disability incurred as a result of injury
 3 or illness not connected with the performance of such service
 4 shall be defined as non-duty disability. In order to be
 5 entitled to a retirement allowance for a non-duty disability an
 6 employee shall have rendered five or more years of service to
 7 the city.

8 No change for subd 2 to 3

9 Subd. 4. Once each year the retirement board may require
 10 any disability beneficiary while still under the established age
 11 for retirement to undergo medical examination by a physician or
 12 physicians designated by the retirement board, the examination
 13 to be made at the place of residence of the beneficiary or other
 14 place mutually agreed upon. Should the medical board report and
 15 certify to the retirement board that such disability beneficiary
 16 is no longer physically or mentally incapacitated for the
 17 performance of duty, ~~his~~ the beneficiary's allowance shall be *
 18 discontinued and the head of the department in which the *
 19 beneficiary was employed at the time of ~~his~~ retirement shall, *
 20 upon notification by the retirement board of the report of the *
 21 medical board, reemploy the beneficiary at a rate of salary not *
 22 less than the amount of ~~his~~ the disability allowance, but after *
 23 the expiration of five years subsequent to the retirement of *
 24 such beneficiary ~~his~~ the restoration to duty, notwithstanding *
 25 the recommendation of the medical board, shall be optional with *
 26 the head of the department. Should any disability beneficiary *
 27 while under the established age for retirement refuse to submit *
 28 to at least one medical examination in any year by a physician *
 29 or physicians designated by the medical board, ~~his~~ the allowance *
 30 shall be discontinued until the withdrawal of such refusal, and *
 31 should such refusal continue for one year, all ~~his~~ the *
 32 beneficiary's rights in and to any retirement or disability *
 33 allowance shall be forfeited. *

34 Subd. 5. Upon application of any beneficiary under the
 35 established age for retirement drawing a pension or a disability
 36 allowance under the provisions of sections 422A.01 to 422A.25,
 37 approved by the retirement board, the beneficiary may be
 38 restored to active service by the head of the department in
 39 which the beneficiary was employed at the time of ~~his~~ *
 40 disability. Upon the restoration of a beneficiary to active *
 41 service ~~his~~ the disability allowance shall cease. *

42 Subd. 6. Repealed, 1975 c 152 s 4

43 No change for subd 7

422A#19S

44 422A.19 RETIREMENT; CREDIT FOR SERVICE UNDER DISABILITY.

45 Where the city pays a disability allowance to any employee
 46 under any provisions of sections 422A.01 to 422A.25 and which
 47 provisions require the performance of services for any specified
 48 period immediately preceding the time of retirement to entitle
 49 an employee to a retirement allowance, the time during which any
 50 such person has heretofore received a disability allowance
 51 within such specified period immediately preceding retirement,
 52 by reason of any disability arising from an accident occurring
 53 in the course of ~~his~~ employment, shall be credited as service *
 54 with the same force and effect as if ~~he~~ the employee had *
 55 actually performed service during such time. *

422A#20S

56 422A.20 DEATH BENEFITS; DISTRIBUTION.

57 Subdivision 1. In all cases where the retirement board of
 58 the city pursuant to sections 422A.01 to 422A.25 is required to
 59 refund the net accumulated credits of any contributing employee
 60 standing to ~~his~~ the employee's credit on date of death, or to *
 61 refund the balance remaining to the credit of a retired employee *
 62 on the date of ~~his~~ death, who has retired under the Option I *
 63 plan of retirement, the retirement board shall, at the written *
 64 request of such employee filed with the retirement board prior *
 65 to ~~his~~ death, or at the written request of a beneficiary filed *
 66 with the retirement board after the employee's death, provide *
 67 for the payment of such credits or balances or any portion
 68 thereof in monthly installments until such credits or balances
 69 are exhausted; provided that such beneficiary shall be of the
 70 class of persons permitted to receive a sum or sums standing to
 71 the credit of the employee at the time of ~~his~~ death. *

72 No change for subd 2 to 3

422A#22S

73 422A.22 REFUNDS.

1 Subdivision 1. If an employee to whom sections 422A.01 to
 2 422A.25 applies becomes absolutely separated from the service
 3 prior to attaining the minimum retirement age established in
 4 section 422A.13, the net accumulated amount of deduction from
 5 ~~his-or-her~~ salary, pay, or compensation, made for the purpose of *
 6 accumulating a fund from which to pay retirement allowances,
 7 shall be returned to such employee, with interest. Any
 8 contributing employee who separates from a department, board or
 9 commission of the city whose employees are covered by a fund
 10 organized under sections 422A.01 to 422A.25, and becomes an
 11 employee of a department or board of the same city, whose
 12 employees are covered by a retirement fund or relief association
 13 by whatever name known, organized under any other law and
 14 supported in whole or in part by taxes on the same city, shall
 15 have the option of: (1) Retaining their membership in the fund
 16 organized under sections 422A.01 to 422A.25, regardless of the
 17 provisions of any law, rule, bylaw or other action requiring
 18 membership in any other retirement fund or relief association
 19 however organized.

20 (2) Transferring to the fund or association covering the
 21 employees of the department or board to which they are
 22 transferring, providing they are eligible for membership therein.

23 Any contributing employee who elects to transfer to another
 24 fund or association as herein provided, shall make such election
 25 within one year from the date of separation from the city
 26 service covered by this fund. If the contributing employee
 27 elects to transfer to another fund as herein provided, a refund
 28 of the net accumulated contributions made by such employee to
 29 the fund organized under sections 422A.01 to 422A.25, shall be
 30 returned to the employee with interest.

31 No change for subd 2 to 3

32 Subd. 4. Upon the death of a contributing member while
 33 still in the service of the city, and before reaching the
 34 compulsory age of retirement there shall be paid to such person
 35 or persons as ~~he-or-she~~ the member shall have nominated by *
 36 written designation filed with the retirement board, in such
 37 form as the retirement board shall require, the net accumulated *
 38 amount of deductions from ~~his-or-her~~ salary, pay or compensation *
 39 including interest, to ~~his-or-her~~ the member's credit on date of *
 40 death. If the employee fails to make a designation, or if the
 41 person or persons designated by such employee pre-deceases such
 42 employee, the net accumulated amount of deductions from ~~his-or~~ *
 43 ~~her~~ salary, pay, or compensation including interest, to the *
 44 credit of such employee on date of death shall be paid to such
 45 employee's estate.

46 No change for subd 5 to 6

422A#23S

47 422A.23 SURVIVOR BENEFITS.

48 No change for subd 1 to 6

49 Subd. 7. If the contributing member dies after having been
 50 in the service of the city 20 or more years, and before the
 51 effective date of retirement, as determined by the retirement
 52 board, such board shall pay a monthly allowance for life to the
 53 designated beneficiary of such employee. The monthly allowance
 54 herein provided for shall be the actuarial equivalent of a
 55 single life service allowance specified in section 422A.15,
 56 which would have been payable to the employee on the date of ~~his~~ *
 57 death, notwithstanding the age requirement stated therein. For
 58 purposes of this section, the amount of excess contributions by
 59 the member shall not be included in the calculations in
 60 determining the monthly allowance.

61 Subd. 8. The beneficiary designated by the employee shall
 62 be the surviving spouse of such employee. If there is no
 63 surviving spouse, the designated beneficiary may be a dependent
 64 surviving child or dependent parent of such employee as
 65 dependency is defined in sections 422A.01 to 422A.25. If the
 66 beneficiary designated by the employee is not of the class of
 67 persons provided for in this subdivision, or if the designated
 68 beneficiary pre-deceases the employee, a refund shall be made as
 69 provided for in section 422A.22, in lieu of a life income. If
 70 the employee does not elect to designate a beneficiary to
 71 receive a life income as herein provided, the designated
 72 beneficiary, if of the class of persons set forth in this
 73 subdivision, may elect within 60 days after the date of death of
 74 the employee to receive a life income computed and determined as
 75 though the employee had retired on the date of ~~his~~ death under *

1 the option 2 plan of retirement, as provided for in sections
2 422A.01 to 422A.25, and had designated such person as his *
3 beneficiary.

4 Subd. 9. If any employee who has contributed to the
5 survivor's benefit account as herein provided dies before the
6 effective date of retirement on a service or disability pension
7 and is not survived by a beneficiary eligible to receive a
8 monthly allowance as herein provided, there shall be paid from
9 the survivor's benefit account to a beneficiary designated by
10 the employee a death benefit of \$750 if death occurs prior to
11 the end of the employee's tenth year of service or of \$1500 if
12 the employee had prior to his death completed ten or more *
13 calendar years of service. Upon reinstatement of a former
14 employee to the service, credit for such past service or for any
15 part thereof shall be granted only upon repayment of the amount
16 of the separation refund, with interest, from the time of
17 separation.

18 No change for subd 10

423*#37S

19 423.37 POLICE DEPARTMENT MAY FORM RELIEF ASSOCIATION IN
20 CERTAIN CITIES.

21 In each city of the third class the members of its police
22 department may organize a police officers' relief *
23 association, or maintain any police officers' relief *
24 association existing therein on April 29, 1947. This
25 association shall create, maintain, and administer a police officers' *
26 relief association pension fund for the benefit of its members, *
27 the surviving spouses and children of its members, and the
28 beneficiaries of any police officers' relief association *
29 benefit fund in operation on April 29, 1947. All such
30 associations now existing as such corporations, or hereafter
31 incorporated under the laws of this state, shall have perpetual
32 existence. Laws 1947, Chapter 625, shall not apply to any
33 associations in existence on April 29, 1947; but each such
34 association may elect to come under its provisions by the
35 adoption of a resolution of the members of said association
36 signifying its intention to do so, by a majority vote of all
37 members then entitled to vote and voting, at any annual meeting
38 of said association, or at any special meeting duly called for
39 that purpose, and upon the filing of a copy of said resolution
40 certified by the proper officers, with the secretary of state,
41 and the filing and recording in the office of the county
42 recorder of the county in which such association is located.
43 Upon the adoption of such a resolution, Laws 1947, Chapter 625,
44 shall apply to all accepting associations as fully as though
45 such associations had been formed hereunder, notwithstanding the
46 provisions of any constitution, bylaws, charter provision, or
47 ordinance.

423*#371S

48 423.371 ORGANIZATION, OPERATION.

49 Subdivision 1. ARTICLES, BYLAWS. Each such relief
50 association shall be organized, operated, and maintained in
51 accordance with its own articles of incorporation and bylaws, by
52 police officers, as hereinafter defined, who are *
53 members of said police department. Each association shall have
54 the power to regulate its own management and its own affairs,
55 and all additional corporate powers which may be necessary or
56 useful; subject to the laws of this state pertaining to
57 corporations, not inconsistent herewith.

58 No change for subd 2

423*#372S

59 423.372 POLICEMAN POLICE OFFICER, DEFINED; RIGHTS. *

60 A police officer under Laws 1947, Chapter 625, is *
61 a duly appointed police officer, policewoman, or police matron *
62 police officer, who is regularly entered on the payroll of the police *
63 department of such city, serving on active duty therein, after *
64 having completed any probationary period required under the laws
65 or ordinances of such city. Probationers in the police
66 department, substitutes and persons employed irregularly from
67 time to time, and elective officials of such department, shall
68 not be deemed to be included under Laws 1947, Chapter 625. All
69 persons who are members of the police officers' *
70 relief associations of such cities, on April 29, 1947, whether *
71 their status is embraced within the definition of a police *
72 officer herein contained or otherwise, shall have the *
73 right to continue as members of their respective associations

1 and be entitled to all benefits pertaining thereto, and any
 2 member included under the definition of police officer *
 3 herein provided shall have the right to retain ~~his~~ membership on *
 4 promotion or appointment to other positions to which
 5 such police officer herein may be subject. Laws 1947, *
 6 Chapter 625, shall not affect any pensions or other benefits
 7 which have been allowed or which are being paid by any such
 8 relief association under or in accordance with any prior act or
 9 acts, on April 29, 1947. Payment of such pensions and benefits
 10 shall be continued by the respective associations in accordance
 11 with their articles of incorporation and bylaws, and shall be
 12 subject to all of the provisions thereof, existing on April 29,
 13 1947, or as thereafter duly repealed or amended.

14 Any person who is employed in subsidized on-the-job
 15 training, work experience or public service employment as an
 16 enrollee under the federal comprehensive employment and training
 17 act shall not be included as a member of the relief association
 18 from and after March 30, 1978 unless the person has as of the
 19 later of March 30, 1978 or the date of employment sufficient
 20 service credit in the relief association to meet the minimum
 21 vesting requirements for a deferred service pension, or the city
 22 agrees in writing to make the total required employer
 23 contributions on account of that individual from revenue sources
 24 other than funds provided under the federal comprehensive
 25 employment and training act, or the person agrees in writing to
 26 make the required employer contributions in addition to the
 27 member contribution.

423*#373S

28 423.373 ACTING POLICEMEN POLICE OFFICERS TO BECOME *
 29 MEMBERS.

30 Every police officer as herein defined shall *
 31 automatically become a member of the police *
 32 officers' relief association of any such city upon the *
 33 completion of any probationary period required under the laws or
 34 ordinances of such city and ~~his~~ the appointment as a regular *
 35 police officer of such city as defined in section *
 36 423.372. ~~He~~ The police officer shall thereupon become subject *
 37 to the articles of incorporation and bylaws of such association,
 38 and shall be entitled to all of the privileges and benefits
 39 therein provided for members of the police officers' *
 40 relief association of such city.

423*#376S

41 423.376 TAX LEVY.
 42 Subdivision 1. RATE. The city council or other
 43 governing body of each such city wherein such relief association
 44 is located shall each year, at the time the tax levies for the
 45 support of the city are made, and in addition thereto, levy a
 46 tax for the benefit of the special relief fund of such
 47 police officers' relief association of one-half mill *
 48 on all taxable property within such city, until the balance in
 49 said special fund of such police officers' relief *
 50 association in any such city has reached the sum of \$150,000 and
 51 thereafter said levy may be reduced by said city to a sum
 52 sufficient to maintain the balance in said special fund at not
 53 less than \$150,000. In addition, the city may levy an emergency
 54 levy of one-sixth mill or fraction thereof (in addition to the
 55 one-half mill hereinbefore provided) whenever the balance in
 56 said special fund is less than \$50,000.

57 No change for subd 2 to 3

58 Subd. 4. PAYMENT. As soon as practicable after the
 59 first day of June and the first day of November, in each year,
 60 the county treasurer of each such county shall pay to the
 61 treasurer of each such relief association within said county the
 62 amount of such tax then collected and payable to said
 63 association, together with all interest and penalties so
 64 collected, and all interest collected thereon between the time
 65 of collection and the time of payment to such relief
 66 association. And the city treasurer of such city, in the event
 67 that such tax or any part thereof is paid to ~~him~~ the police *
 68 officer, shall likewise pay the same to the treasurer of *
 69 the police officers' relief association of such *
 70 city, as soon as the same has been collected, together with all
 71 interest and penalties thereon.

423*#377S

72 423.377 SALARY DEDUCTIONS.

73 In addition, and only if such tax is levied, the city

1 treasurer, finance commissioner or other officer charged with
 2 the responsibility of the city's finances, shall, each month,
 3 deduct from the salary of each police officer of such *
 4 city subject to sections 423.37 to 423.391, four percent of the *
 5 prevailing pay of all such police officers of such *
 6 city, and transfer the total thereof to the treasurer of the *
 7 special fund of the police officers' relief *
 8 association, who shall credit said total to the special fund of *
 9 such association and to the credit of each individual *
 10 police officer from whose pay said deductions were so *
 11 made.

12 If a police officer in any such city is separated *
 13 from the service due to resignation or some reason not involving *
 14 malfeasance, nonfeasance, moral turpitude, or if his separation *
 15 from such service is caused by injury, death or other *
 16 disability, under such circumstances that no pension benefits *
 17 are payable to him the police officer or his a surviving spouse *
 18 or children, the treasurer of the special fund shall return to *
 19 such police officer, or in case of his death, to his *
 20 the heirs, executors or administrators, all of the amounts so *
 21 deducted from his the police officer's pay without interest, but *
 22 less the amount of any disability or other benefits theretofore *
 23 paid to such police officer.

423*#379S

24 423.379 PLACED IN SEPARATE FUNDS.

25 The money received from the various sources shall be kept
 26 in two separate and distinct funds, one to be designated as the
 27 association special fund, and the other as its general fund.
 28 All money received from the city in which the relief association
 29 is located, including wage deductions from the basic pay of
 30 police officers, shall be deposited in the special *
 31 fund and shall be expended only for the purposes hereinafter *
 32 authorized. All money received from other sources shall be *
 33 deposited in the general fund, and may be expended for any *
 34 purpose deemed proper by such association.

423*#382S

35 423.382 PAYMENTS DURING DISABILITY.

36 A member of such association who, by reason of sickness or
 37 accident, becomes disabled from performing the duties of a
 38 police officer in the police department of any such *
 39 city, shall be entitled to receive from the association during *
 40 disability, such disability pension as the bylaws of the *
 41 association may provide, which pension shall in no event,
 42 however, be less than \$75 per month. No disability pension
 43 shall be paid or allowed by such association unless notice of
 44 the disability and application for pension on account thereof,
 45 shall be made by or on behalf of the disabled member to the
 46 secretary of the association within 90 days after such
 47 disability.

423*#384S

48 423.384 SERVICE PENSIONS.

49 A member of any such association as herein defined, who has
 50 completed a period, or periods of service, as a police officer *
 51 in the police department of any such city, equal to 20 *
 52 years or more, shall, after ~~he has arrived~~ arriving at the age *
 53 of 50 years or more, and ~~has retired~~ retiring from the payroll *
 54 of the police department of such city, be entitled to receive *
 55 from the association, a service pension in such amount as shall
 56 be fixed by the bylaws of the association, which pension shall
 57 in no event be less than \$75 per month, nor more than one-half
 58 of the prevailing pay of such police officer during *
 59 the major portion of the year immediately preceding his *
 60 retirement, and thereafter the maximum pension of such police officer *
 61 shall not exceed one-half of the prevailing pay *
 62 of active members of the association of equivalent rank, or the *
 63 position most closely analogous thereto, and shall be payable *
 64 monthly during the term of his natural life, subject to the *
 65 bylaws of such association, provided however that those *
 66 police officers who are members of any such *
 67 association at the time of the passage of this act, shall be *
 68 entitled to a minimum service pension equal to one-half of the *
 69 monthly based pay of such police officer at the time *
 70 of the passage of this act. All leaves of absence of more than *
 71 90 days except such as are granted to a member because of his *
 72 disability due to sickness or accident, shall be excluded in *
 73 computing the period of service. No deductions shall be made

1 for a leave of absence granted to a member to enable ~~him~~ the *
 2 member to accept an appointive position in said police *
 3 department not subject to the provisions of sections 423.37 to
 4 423.391. No member shall be entitled to draw both a disability
 5 and a service pension.

423*#385S

6 423.385 RETIREMENT AFTER 20 YEARS OF SERVICE.
 7 A member of such association as herein defined, who has
 8 completed a period, or periods of service, as a police officer *
 9 in the police department of any such city equal to 20 *
 10 years or more, but has not reached the age of 50 years, shall
 11 have the right to retire from the department without
 12 forfeiting ~~his-right~~ rights to a service pension. ~~He~~ The member *
 13 shall, upon application, be placed on the deferred pension roll *
 14 of the association, and, after ~~he~~ the member has reached the age *
 15 of 50 years, the association shall, upon application therefor, *
 16 pay ~~his~~ the member's pension from the date the application is *
 17 approved by the association.

423*#386S

18 423.386 SERVICE IN ARMED FORCES TO BE INCLUDED.
 19 In determining the years of service of any such police officer *
 20 police officer, no deduction shall be made for the period any *
 21 such police officer shall have been a member of the *
 22 armed forces of the United States subsequent to ~~his~~ entry into *
 23 the service of the police department, who left the service of
 24 such police department to enter the armed forces of the United
 25 States, providing such police officer is honorably *
 26 discharged from the armed forces of the United States, and
 27 resumes ~~his~~ duties as such within 60 days after such discharge *
 28 from the armed services of the United States, or within such
 29 further period as may be granted ~~to him~~ by the board of *
 30 directors of such association within which to resume said duties.

423*#387S

31 423.387 BENEFITS; PENSIONERS, SURVIVORS.
 32 Subdivision 1. When a service pensioner, disability
 33 pensioner, or deferred pensioner, or an active member of such
 34 relief association dies, leaving a surviving spouse, one or more
 35 surviving child, or both, such surviving spouse and said child
 36 or children shall be entitled to a pension or pensions as
 37 follows:

38 (1) To such surviving spouse a pension of not less than \$25
 39 per month, as the bylaws of such association shall provide, for
 40 the surviving spouse's natural life; provided, if the surviving
 41 spouse shall remarry, then such pension shall cease and
 42 terminate as of the date of the surviving spouse's remarriage.

43 (2) To such child or children, if the surviving spouse of
 44 the member is living and has not remarried, a pension of not to
 45 exceed \$25 per month for each child up to the time each child
 46 reaches the age of not less than 16, and not to exceed 18 years
 47 of age, which pension and age shall be fixed by the bylaws of
 48 such association. Provided, the total pension hereunder for the
 49 surviving spouse and children of said deceased member shall not
 50 exceed the sum of one-half of the prevailing monthly pay of such
 51 decedent during the major portion of the year immediately
 52 preceding the termination of ~~his~~ services as a police officer *
 53 in the police department of such municipality, and *
 54 thereafter the maximum pension of such surviving spouse and
 55 children shall not exceed one-half of the prevailing pay of
 56 active members of the association of equivalent rank to the
 57 position held by such decedent for the major portion of the year
 58 immediately preceding the termination of ~~his~~ services as a *
 59 police officer, or the position most closely analogous *
 60 thereto.

61 (3) A child or children of a deceased member receiving a
 62 pension or pensions hereunder shall, after the death or
 63 remarriage of the surviving spouse of the member, be entitled to
 64 receive a pension or pensions in such amount or amounts as may
 65 be fixed by the bylaws of such association, until they reach the
 66 age of not less than 16 and not more than 18 years, as the
 67 bylaws of such association may provide; but the total amount of
 68 such pension or pensions hereunder for any child or children
 69 shall not exceed the sum of one-half of the prevailing pay of
 70 such decedent during the major portion of the year immediately
 71 preceding the termination of ~~his~~ services as a police officer *
 72 in the police department of such municipality, and *
 73 thereafter the maximum pension of such child or children shall

1 not exceed one-half of the prevailing pay of active members of
 2 the association of equivalent rank to the position held by such
 3 decedent for the major portion of the year immediately preceding
 4 the termination of ~~his~~ services as a ~~police~~ police officer, *
 5 or the position most closely analogous thereto. The board of
 6 directors of such association shall determine to whom and for
 7 what purposes such pension or pensions shall be paid for the
 8 benefit of such child or children.

9 No change for subd 2

423*#39S

10 423.39 FUNDS EXEMPT FROM EXECUTION.

11 All payments made or to be made by any such ~~police~~ police officers' *
 12 police officers' relief association under any of the provisions *
 13 of Laws 1947, Chapter 625, shall be totally exempt from
 14 garnishment, execution, or other legal process, except as
 15 provided in section 518.611, and no persons entitled to such
 16 payment shall have the right to assign the same, nor shall the
 17 association have authority to recognize any assignment, or to
 18 pay any sum on account thereof; and any attempt to transfer any
 19 such right or claim, or any part thereof, shall be absolutely
 20 void.

423*#392S

21 423.392 APPLICATION.

22 The provisions of section 423.37 shall apply to and bind
 23 any city of the third class which by a resolution of its
 24 governing body, adopted by a majority of the members thereof
 25 shall choose to be bound by it, and such city may thereafter
 26 continue to be bound by it notwithstanding a subsequent change
 27 in the classification of the city; but section 423.37 does not
 28 apply to any ~~police~~ police officers' relief association in *
 29 existence April 29, 1947 unless the association elects to come
 30 under its provisions as herein provided.

423*#41S

31 423.41 ~~POLICEMEN'S~~ POLICE OFFICERS' RELIEF ASSOCIATION; *
 32 CITIES EMPLOYING FIVE OR MORE ~~POLICEMEN~~ POLICE OFFICERS. *

33 The police department of each city of the fourth class *
 34 employing five or more regular and fully paid ~~police~~ police *
 35 officers when authorized by an ordinance approved or adopted by *
 36 the unanimous vote of the governing body of said city may *
 37 maintain a ~~police~~ police officers' relief association which *
 38 shall be duly incorporated under the laws of this state. All *
 39 such associations now existing as such corporations, or
 40 hereafter incorporated under the laws of this state, shall have
 41 perpetual existence.

423*#42S

42 423.42 REGULATION OF MANAGEMENT.

43 Each such relief association shall be organized, operated,
 44 and maintained in accordance with its own articles of
 45 incorporation and bylaws, by ~~police~~ police officers, as *
 46 hereinafter defined, who are members of said police department.
 47 Each association shall have the power to regulate its own
 48 management and its own affairs, and all additional corporate
 49 powers which may be necessary or useful; subject, however, to
 50 the regulations and restrictions of sections 423.41 to 423.62
 51 and other laws of this state pertaining to corporations; not
 52 inconsistent herewith.

423*#43S

53 423.43 ~~POLICEMAN~~ POLICE OFFICER DEFINED; PRESENT RELIEF *
 54 ASSOCIATION; PRESENT BENEFIT RIGHTS; ACCEPTANCE.

55 A ~~police~~ police officer under sections 423.41 to 423.62 *
 56 is a duly appointed ~~police~~ police officer, ~~police~~ police officer, *
 57 police officer, who is regularly entered on the payroll of the *
 58 police department of such city, serving on active duty therein, *
 59 after having completed any probationary period required under
 60 the laws or ordinances of such city. Probationers in the police
 61 department, substitutes and persons employed irregularly from
 62 time to time, and elective officials of such department, shall
 63 not be deemed to be included under sections 423.41 to 423.62.
 64 Any person who is employed in subsidized on-the-job training,
 65 work experience or public service employment as an enrollee
 66 under the federal comprehensive employment and training act
 67 shall not be included as a member of the relief association from
 68 and after March 30, 1978 unless the person has as of the later
 69 of March 30, 1978 or the date of employment sufficient service
 70 credit in the relief association to meet the minimum vesting
 71 requirements for a deferred service pension, or the city agrees

1 in writing to make the total required employer contributions on
 2 account of that individual from revenue sources other than funds
 3 provided under the federal comprehensive employment and training
 4 act, or the person agrees in writing to make the required
 5 employer contribution in addition to the member contribution.

6 All persons who are members of the police officers' relief *
 7 associations of such cities, at the time of the *
 8 passage of Laws 1947, Chapter 624, whether their status is
 9 embraced within the definition of a police officer *
 10 herein contained or otherwise, shall have the right to continue
 11 as members of their respective associations and be entitled to
 12 all benefits pertaining thereto, and any member included under
 13 the definition of police officer herein provided shall *
 14 have the right to retain his membership on promotion or *
 15 appointment to other positions to which such police *
 16 officers herein may be subject. *

17 Sections 423.41 to 423.62 shall not affect any pensions or
 18 other benefits which have been allowed or which are being paid
 19 by any such relief association under or in accordance with any
 20 prior act or acts, at the time Laws 1947, Chapter 624, becomes
 21 effective. Payment of such pensions and benefits shall be
 22 continued by the respective associations in accordance with
 23 their articles of incorporation and bylaws, and shall be subject
 24 to all of the provisions thereof, existing at the time of the
 25 passage of Laws 1947, Chapter 624, but each such association may
 26 elect to come under the provisions of this act by the adoption
 27 of a resolution of the members of said association signifying
 28 its intention to do so, by a majority vote of all members then
 29 entitled to vote and voting, at any annual meeting of said
 30 association, or at any special meeting duly called for that
 31 purpose, and upon the filing of a copy of said resolution
 32 certified by the proper officers, with the secretary of state,
 33 and the filing and recording in the office of the county
 34 recorder of the county in which such association is located.
 35 Upon the adoption of such a resolution, sections 423.41 to
 36 423.62 shall apply to all accepting associations as fully as
 37 though such associations had been formed hereunder,
 38 notwithstanding the provisions of any constitution, bylaws,
 39 charter provision or ordinance.

423*#44S

40 423.44 MEMBERSHIP AUTOMATIC.

41 Every police officer as herein defined shall *
 42 automatically become a member of the police *
 43 officers' relief association of any such city upon the *
 44 completion of any probationary period required under the laws or *
 45 ordinances of such city and his appointment as a *
 46 regular police officer of such city as defined in *
 47 section 423.43. He The police officer shall thereupon become *
 48 subject to the articles of incorporation and bylaws of such *
 49 association, and shall be entitled to all of the privileges and *
 50 benefits therein provided for members of the police *
 51 officers' relief association of such city. *

423*#47S

52 423.47 TAX LEVY.

53 The city council or other governing body of each such city
 54 wherein such a relief association is located may each year, at
 55 the time the tax levies for the support of the city are made,
 56 and in addition thereto, levy a tax for the benefit of the
 57 special relief fund of such police officers' relief *
 58 association of one-half of one mill on all taxable property
 59 within such city, until the balance in said special fund of such *
 60 police officers' relief association in any such city
 61 has reached the sum of \$150,000, and thereafter said levy may be
 62 reduced by such city to a sum sufficient to maintain the balance
 63 in said special fund at not less than \$150,000.

64 The tax so levied shall be transmitted with other tax
 65 levies to the auditor of the county in which such city is
 66 located and by said county shall be collected and payment
 67 thereof enforced, when and in like manner as state and county
 68 taxes are paid.

69 As soon as practicable after the first day of June and the
 70 first day of November in each year, the county treasurer of each
 71 such county shall pay to the treasurer of each such relief
 72 association within said county the amount of such tax then
 73 collected and payable to said association, together with all
 74 interest and penalties so collected, and all interest collected

1 thereon between the time of collection and the time of payment
 2 to such relief association. And the city treasurer of such
 3 city, in the event that such tax or any part thereof is paid to
 4 him the city treasurer, shall likewise pay the same to the *
 5 treasurer of the police officers' relief association *
 6 of such city, as soon as the same has been collected, together
 7 with all interest and penalties thereon.

423*#48S

8 423.48 CONTRIBUTION BY MEMBERS; DEDUCTION BY TREASURER;
 9 SEPARATION OR DEATH.

10 In addition, and only if such tax is levied, the city
 11 treasurer, finance commissioner, or other officer charged with
 12 the responsibility of the city's finances, shall, each month,
 13 deduct from the salary of each police officer of such *
 14 city subject to the provisions of sections 423.41 to 423.62,
 15 four percent of the basic pay of all such police *
 16 officers of such city, and transfer the total thereof to the *
 17 treasurer of the special fund of the police *
 18 officers' relief association, who shall credit said total to the *
 19 special fund of such association and to the credit of each *
 20 individual police officer from whose pay said *
 21 deductions were so made.

22 If a police officer in any such city is separated *
 23 from the service due to resignation or some reason not involving *
 24 malfeasance, nonfeasance, moral turpitude, or if his separation *
 25 from such service is caused by injury, death, or other *
 26 disability, under such circumstances that no pension benefits *
 27 are payable to him the police officer or his a surviving spouse *
 28 or children, the treasurer of the special fund shall return to *
 29 such police officer, or in case of his death, to his *
 30 the heirs, executors, or administrators, all of the amounts so *
 31 deducted from his the police officer's base pay without *
 32 interest, but less the amount of any disability or other *
 33 benefits theretofore paid to such police officer.

423*#50S

34 423.50 GENERAL FUND; SPECIAL FUND.

35 The money received from the various sources shall be kept
 36 in two separate and distinct funds, one to be designated as the
 37 association special fund, and the other as its general fund.
 38 All money received from the city in which the relief association
 39 is located, including wage deductions from the basic pay of
 40 police officers, shall be deposited in the special *
 41 fund and shall be expended only for the purposes hereinafter *
 42 authorized. All money received from other sources shall be *
 43 deposited in the general fund, and may be expended for any *
 44 purpose deemed proper by such association.

423*#53S

45 423.53 SICKNESS OR ACCIDENT OF MEMBER; ALLOWANCE.

46 A member of such association who, by reason of sickness or
 47 accident, becomes disabled from performing the duties of a
 48 police officer in the police department of any such *
 49 city, shall be entitled to receive from the association during *
 50 disability, such disability pension as the bylaws of the
 51 association may provide, which pension shall in no event,
 52 however, be less than \$75 per month. No disability pension
 53 shall be paid or allowed by such association unless notice of
 54 the disability and application for pension on account thereof,
 55 shall be made by or on behalf of the disabled member to the
 56 secretary of the association within 90 days after such
 57 disability.

423*#55S

58 423.55 COMPLETION OF PERIOD OF SERVICE; AGE; RETIREMENT;
 59 SERVICE PENSION.

60 A member of any such association as herein defined, who has
 61 completed a period, or periods of service, as a police *
 62 officer in the police department of any such city, equal to 20 *
 63 years or more, shall, after he-has-arrived arriving at the age *
 64 of 50 years or more, and has-retired retiring from the payroll *
 65 of the police department of such city, be entitled to a service *
 66 pension equal to one-half of the monthly base pay of *
 67 such police officer at the time of his retirement from *
 68 said police department, but in no event shall such pension be
 69 less than \$75 per month, which pension shall be payable monthly
 70 during the term of his natural life in conformity with the *
 71 bylaws of such association. All leaves of absence of more than *
 72 90 days, except such as are granted to a member because of his *

1 disability due to sickness or accident, shall be excluded in
 2 computing the period of service. No deductions shall be made
 3 for a leave of absence granted to a member to enable ~~him~~ the
 4 member to accept an appointive position in said police
 5 department not subject to the provisions of sections 423.41 to
 6 423.62. No member shall be entitled to draw both a disability
 7 and a service pension.

423*#56S

8 423.56 MEMBER RETIRING AFTER SERVING 20 YEARS BUT HAS
 9 NOT REACHED RETIREMENT AGE.

10 A member of such association as herein defined, who has
 11 completed a period, or periods of service, as a ~~police~~ police
 12 officer in the police department of any such city equal to 20
 13 years or more, but has not reached the age of 50 years, shall
 14 have the right to retire from the department without
 15 forfeiting ~~his-right~~ rights to a service pension. ~~He~~ The member
 16 shall, upon application, be placed on the deferred pension roll
 17 of the association, and, after ~~he~~ the member has reached the age
 18 of 50 years, the association shall, upon application therefor,
 19 pay ~~his~~ the member's pension from the date the application is
 20 approved by the association.

423*#57S

21 423.57 SERVICE IN THE ARMED FORCES OF THE UNITED STATES.

22 In determining the years of service of any such
 23 ~~police~~ police officer, no deduction shall be made for the
 24 period any such ~~police~~ police officer shall have been a
 25 member of the armed forces of the United States subsequent
 26 to ~~his~~ entry into the service of the police department, who left
 27 the service of such police department to enter the armed forces
 28 of the United States, providing such ~~police~~ police officer is
 29 honorably discharged from the armed forces of the United States,
 30 and resumes ~~his~~ duties as such within 60 days after such
 31 discharge from the armed services of the United States, or
 32 within such further period as may be granted ~~to-him~~ by the board
 33 of directors of such association within which to resume said
 34 duties.

423*#61S

35 423.61 PENSION EXEMPT FROM LEGAL PROCESS.

36 All payments made or to be made by any such ~~police~~ police
 37 officers' relief association under any of the provisions
 38 of sections 423.41 to 423.62 shall be totally exempt from
 39 garnishment, execution, or other legal process, except as
 40 provided in section 518.611, and no persons entitled to such
 41 payment shall have the right to assign the same, nor shall the
 42 association have authority to recognize any assignment, or to
 43 pay any sum on account thereof; and any attempt to transfer any
 44 such right or claim, or any part thereof, shall be absolutely
 45 void.

423*#801S

46 423.801 DEFINITIONS.

47 No change for subd 1 to 2

48 Subd. 3. "Unit" means that fractional part of the monthly
 49 salary of a first grade ~~patrolman~~ patrol officer for the second
 50 month of the previous fiscal year as determined in the articles
 51 of incorporation of the association which fractional part shall
 52 never be less than one-ninetieth nor greater than
 53 one-seventy-fifth of such monthly salary.

54 Subd. 4. "Disability" means a physical or mental
 55 incapacity of a member to perform the duties of ~~his~~ an assigned
 56 position in the service of the police department.

57 No change for subd 5

58 Subd. 6. "Deferred pensioner" means a member who has
 59 completed not less than 20 years of service and retires before
 60 reaching the age of 50 years who is entitled to receive a
 61 pension when ~~he-attains~~ attaining the age of 50 years, upon a
 62 written request therefor.

423*#803S

63 423.803 INCORPORATION, GOVERNING BOARD.

64 The association shall become incorporated. It shall be
 65 governed by a board of eight members. The mayor, chief of
 66 police, and treasurer of the city shall be ex officio members.
 67 The other members shall be elected by the members of the
 68 association. Those elected to the first board shall be elected
 69 for terms of one, two, three, four, five years respectively;
 70 thereafter election shall be for a term of five years. Each
 71 elective member shall hold office until ~~his~~ a successor is

1 elected and has qualified. Any vacancy in the office of an
2 elective member shall be filled by a special election called for
3 that purpose. Any member so elected shall hold office for the
4 balance of the term for which ~~his~~ a predecessor was elected. *

423*#809S

5 423.809 PENSIONS, LIMITATIONS.

6 No change for subd 1 to 2

7 Subd. 3. In the case of any applicant for a pension
8 pursuant to subdivision 1, clauses (1), (2), or (3), who,
9 following admission to membership in the association has served
10 in the military forces of the United States in any war or
11 national defense emergency subsequent to January 1, 1940, and
12 thereafter returned honorably discharged from such service and
13 resumed membership in the association, the period that the
14 applicant spent in such military service shall be counted in
15 computing period of service required for benefits under this
16 section. During such period of military service or defense
17 emergency service, any such person is not considered a member of
18 the association and is not entitled to any pension provided by
19 subdivision 1, clauses (3) and (4). If the member does not
20 return to ~~his~~ employment in the police department of the city *
21 within one year from the time peace is declared or within one
22 year from the termination of the period of emergency, whichever
23 is the later, the provisions of this subdivision shall not apply.

24 No change for subd 4 to 5

423*#810S

25 423.810 BENEFITS.

26 No change for subd 1 to 2

27 Subd. 3. Any member who becomes disabled from performing
28 ~~his~~ duties as a member of the police department of the city by *
29 reason of sickness or accident, if off the payroll of the police
30 department, having exhausted all sick leave and other benefits
31 ~~due-him~~, is entitled to receive from the association during ~~his~~ *
32 disability such benefits as the bylaws of the association
33 provide, but such benefits shall not extend beyond a six-months
34 period. The bylaws may provide that such a member shall have
35 completed a minimum number of years of service in order to be
36 entitled to such benefits. Before any such benefits shall be
37 paid or allowed, notice of the disability and application for
38 benefits on account thereof shall be made to the secretary of
39 the association within 90 days after such sickness or disability.

423*#812S

40 423.812 SUIT FOR BENEFITS.

41 No person shall sue for any benefits provided in section
42 423.809, subdivision 1, clauses (3) or (4), ~~unless-he-shall-post~~ *
43 ~~without posting~~ a bond in a sufficient amount to defray the cost *
44 to the governing board of defending the action. In the event
45 the governing board is sustained the portion of the bond
46 necessary to defray these costs shall be forfeited.

423*#814S

47 423.814 RIGHTS OF MEMBERS NOW RECEIVING PENSIONS.

48 Any member of the association who received a pension for
49 the month of June, 1954, and who is eligible to receive a
50 pension thereafter shall receive a pension each month
51 thereafter, during the time ~~he~~ the member is so eligible to *
52 receive a pension, equal to not less than 32 units nor more than
53 35 units.

424*#03S

54 424.03 MEMBERS, DEFINITIONS; RIGHTS.

55 A firefighter under sections 424.01 to 424.29 is one who is
56 regularly entered on the payroll of one of the fire departments,
57 serving on active duty with a designated fire company therein,
58 or having charge of one or more of the companies and engaged in
59 the hazards of fire-fighting; and includes all members of the
60 electrical and mechanical divisions of the fire departments who
61 are subject to like hazards; and shall include all volunteer
62 firefighters of the city not on the payroll who regularly comply
63 with such rules as may be prescribed by the governing body of
64 the city for service by volunteer firefighters with the fire
65 department of the city, and who by reason of their status as
66 such volunteer firefighters are engaged in the hazards of
67 fire-fighting. Substitutes and persons employed irregularly
68 from time to time shall not be included.

69 Any person who is employed in subsidized on-the-job
70 training, work experience or public service employment as an
71 enrollee under the federal comprehensive employment and training

1 act shall not be included as a member of the relief association
 2 from and after March 30, 1978 unless the person has as of the
 3 later of March 30, 1978 or the date of employment sufficient
 4 service credit in the relief association to meet the minimum
 5 vesting requirements for a deferred service pension, or the city
 6 agrees in writing to make the total required employer
 7 contributions on account of that individual from revenue sources
 8 other than funds provided under the federal comprehensive
 9 training and employment act, or the person agrees in writing to
 10 make the required employer contributions in addition to the
 11 member contribution.

12 All persons who are members of the relief associations on
 13 April 16, 1941, or who were members of a firefighters' relief
 14 association in a municipality which shall have become a city of
 15 second class by reason of adoption of a home rule charter or
 16 increase in its population, whether their status is embraced
 17 within the definition of a firefighter herein contained or
 18 otherwise, shall have the right to continue as members of their
 19 respective associations and be entitled to all benefits
 20 pertaining thereto, and any member included under the definition
 21 of firefighters herein provided shall have the right to retain
 22 ~~his~~ membership on promotion or appointment to other positions to *
 23 which such firefighters herein may be subject.

24 Sections 424.01 to 424.29 shall not affect any pensions or
 25 other benefits which have been allowed or which are being paid
 26 by any such relief association under or in accordance with any
 27 prior law on April 16, 1941; or as of the date that the
 28 municipality may become a city of the second class by reason of
 29 the adoption of a home rule charter, or increase in its
 30 population. Payment of such pensions and benefits shall be
 31 continued by the respective associations, subject only to the
 32 provisions of section 424.18.

424*#08S

33 424.08 CITY CLERK TO FILE REPORT OF EXISTENCE OF
 34 ASSOCIATION.

35 The clerk of every city of the second class having a
 36 firefighter's relief association shall, on or before March 1
 37 each year, make and file with the commissioner of commerce of
 38 this state and the county auditor ~~his~~ a certificate stating the *
 39 existence of the firefighter's relief association and any other
 40 facts the commissioner or auditor may require.

424*#12S

41 424.12 TAX LEVY, SALARY DEDUCTIONS, BENEFIT PAYMENTS.

42 No change for subd 1 to 3

43 Subd. 4. If a firefighter in such city of the second class
 44 is separated from the service due to resignation or some reason
 45 not involving malfeasance, nonfeasance, moral turpitude, injury,
 46 death, or other disability, the treasurer of the special fund
 47 shall return to the firefighter all of the amounts so deducted
 48 from ~~his~~ the firefighter's base pay without interest. Members of *
 49 the firefighter's relief association in such city of the second
 50 class who were in cities of the second class receiving a
 51 firefighter's pension on January 1, 1941, and who were active on
 52 January 1, 1941, and who joined the association thereafter, or
 53 their beneficiaries, shall receive as benefit payments,
 54 according to the rules of the association, amounts to be
 55 determined by the board of trustees of the association, but
 56 these amounts shall be no more than \$125 per month. The tax so
 57 levied shall be transmitted with other tax levies to the auditor
 58 of the county in which the city is situated, and by the county
 59 shall be collected and payments thereof enforced when and in
 60 like manner as state and county taxes are paid.

424*#13S

61 424.13 COUNTY TREASURER TO PAY OVER TAXES COLLECTED.

62 As soon as practical, after the first day of June and the
 63 first day of November in each year, the treasurer of each county
 64 shall pay to the treasurer of each relief association within the
 65 county the amount of the tax then collected, and payable to the
 66 association together with all interest and penalties so
 67 collected, and all interest paid thereon between the time of
 68 collection and the time of payment to the relief association.
 69 The city treasurer of such city, in the event the tax or any
 70 part thereof is paid to ~~him~~ the city treasurer, shall likewise *
 71 pay the same to the treasurer of the relief association in the
 72 city as soon as the same has been collected, together with all
 73 interest and penalties collected thereon.

424*#165S

1 424.165 SPECIAL FUND, MAINTENANCE.
 2 Subdivision 1. SURCHARGE. When the balance in the
 3 special fund of any firefighter's relief association in any city
 4 of the second class is less than \$50,000 as determined by any
 5 such association's board of trustees, which fact shall be duly
 6 certified to by the state auditor, such board of trustees may
 7 thereupon file its duly verified petition for relief,
 8 accompanied by such certificate, with the commissioner of
 9 revenue. The commissioner of revenue shall thereupon order and
 10 direct a surcharge to be collected of two percent of the fire,
 11 lightning and sprinkler leakage gross premiums, less return
 12 premiums, on all direct business received by any foreign or
 13 domestic fire insurance company on property in such city of the
 14 second class, or by its agents for it, in cash or otherwise,
 15 until the balance in the special funds of such relief
 16 association amounts to \$50,000 and for a period of 15 days
 17 thereafter. As soon as the balance in said special fund amounts
 18 to \$50,000 the board of trustees of such relief association
 19 shall certify that fact to the commissioner of revenue and the
 20 commissioner of revenue shall forthwith issue ~~his~~ an order *
 21 ordering and directing that the collection of such surcharge
 22 shall be discontinued after the expiration of said 15-day period
 23 and shall forthwith mail a copy of the order last mentioned to
 24 each insurance company affected thereby. Said surcharge shall
 25 be due and payable from such companies to the state treasurer in
 26 semi-annual installments on June 30 and December 31 of each
 27 calendar year to be kept by the state treasurer in a separate
 28 fund and if not paid within 30 days after such dates a penalty
 29 of three percent shall accrue thereon and thereafter such sum
 30 and penalty shall draw interest at the rate of one percent per
 31 month until paid.

32 Subd. 2. ISSUANCE OF WARRANT. The commissioner of
 33 finance on July 31, 1938, and semi-annually thereafter, shall
 34 issue and deliver to the treasurer of such relief association in
 35 such city ~~his~~ a warrant upon the state treasurer for an amount *
 36 equal to the total amount of said surcharge on said premiums
 37 within such city theretofore so collected and transmitted to the
 38 state treasurer by such insurance companies. Said warrants
 39 shall be paid out of said separate fund hereinbefore provided
 40 for, and the payment in each case shall be made to the treasurer
 41 of the relief association presenting the warrant.

42 There is hereby appropriated to such firefighter's relief
 43 association, from such fund or account in the state treasury to
 44 which the money was credited, such sums as may, from time to
 45 time, be necessary to pay these warrants.

46 Subd. 3. FUNDS TO BE KEPT IN SPECIAL FUND. The
 47 treasurer of such relief association shall place the money
 48 received ~~by him~~ in payment of any such warrant in the special *
 49 fund of such relief association.

50 No change for subd 4

424*#19S

51 424.19 RELIEF.
 52 A member of such association who, by reason of sickness or
 53 accident, becomes disabled from performing ~~his-assignment-of~~ *
 54 assigned duties on the fire department, shall be entitled to the *
 55 relief as the bylaws of the association may provide. No
 56 allowances for the disabilities shall be made unless notice of
 57 the disability and application for benefits on account thereof
 58 shall be made by or on behalf of the disabled member to the
 59 secretary of the association within 30 days after the beginning
 60 of such disability.

424*#20S

61 424.20 MEMBERS TO RECEIVE DISABILITY BENEFITS.
 62 A member of any such relief association entitled to
 63 disability benefits shall receive the same from ~~his~~ the *
 64 association for such periods of time, at such times, and in such
 65 amounts not to exceed \$75 per month as the bylaws of the
 66 association provide.

424*#21S

67 424.21 MEMBERSHIP.
 68 A member of the association, as defined in section 424.03,
 69 who has completed a period or periods of service on the fire
 70 department equal to 20 years or more, shall, after ~~he-has~~ *
 71 arrived arriving at the age of 50 years or more, and has retired *
 72 from the payroll of the fire department, be entitled to a

1 pension of not less than \$50 nor more than \$75 per month
 2 provided that the bylaws of a relief association in a city of
 3 second class situated in a county in which there is also a city
 4 of first class may provide for a pension of not more than a sum
 5 equal to one-half of the salary as payable from time to time
 6 during the period of the pension payment to firefighters of the
 7 highest grade (not including officers of the department) in the
 8 employ of the municipality, such pension to be payable for ~~his~~ *
 9 the pensioner's natural life in conformity with the bylaws of *
 10 each association. All leaves of absence of more than 90 days,
 11 except such as are granted to a member because of ~~his~~ the *
 12 member's disability due to sickness or accident, shall be *
 13 excluded in computing the period of service; and all periods of
 14 time during which a member received a disability pension shall
 15 be excluded in the computation. No deductions shall be made for
 16 a leave of absence granted to a member to enable ~~him~~ the member *
 17 to accept an appointive position in the fire department. No
 18 member shall be entitled to draw both a disability and a service
 19 pension. The bylaws of each association may provide for these
 20 increases, or any portion thereof; provided, that in no event
 21 shall the total pension exceed the sum of \$75 per month;
 22 provided that the bylaws of a relief association in a city of
 23 second class situated in a county in which there is also a city
 24 of first class may provide for a pension of not more than a sum
 25 equal to one-half of the monthly salary of a firefighter of the
 26 highest grade (not including officers of the department) in the
 27 employ of the municipality from time to time during the period
 28 of the pension payment.

424*#22S

29 424.22 RETIREMENT.
 30 A member of such association who has performed service on
 31 the fire department for 20 years or more, but has not reached
 32 the age of 50 years, shall have the right to retire from the
 33 department without forfeiting ~~his~~ the member's right to a *
 34 service pension. ~~He~~ The member shall, upon application, be *
 35 placed on the deferred pension roll of the association, and,
 36 after ~~he~~ the member has reached the age of 50 years, the *
 37 association shall, upon application therefor, pay ~~his~~ the *
 38 member's pension from the date the application is approved by *
 39 the association. Any person making the application thereby *
 40 waives all other rights, claims, or demands against ~~his~~ the *
 41 association for any cause that may have arisen from, or that may
 42 be attributable to, ~~his~~ service on the fire department. *

424*#23S

43 424.23 MILITARY SERVICE INCLUDED IN SERVICE.
 44 Any applicant for a service pension who, subsequent to ~~his~~ *
 45 entry into the service of the fire department, has served in the
 46 military forces of the United States in the world war, or having
 47 during the war entered the employment of the government of the
 48 United States and in such service rendered fire prevention
 49 service during the war, and has returned, after ~~his~~ honorable *
 50 discharge from such service, and resumed active duty in the fire *
 51 department, the period of ~~his~~ absence in the service of the *
 52 United States shall not be deducted in computing the period of
 53 service hereinbefore provided for, but shall be construed and
 54 counted as a part and portion of ~~his~~ active duty in the fire *
 55 department.

426*#14S

56 426.14 DEPUTY COMPTROLLER IN CITIES OF FIRST CLASS.
 57 In cities of the first class, the comptroller may appoint
 58 and at ~~his~~ pleasure may remove a deputy comptroller, who shall *
 59 perform such duties as the comptroller may prescribe. During
 60 the absence of the comptroller from the city, or ~~his~~ an *
 61 inability for any reason to discharge the duties of ~~his~~ office, *
 62 the deputy comptroller shall act in ~~his~~ the comptroller's place *
 63 and stead, and shall have the same powers and duties, and the
 64 comptroller and the sureties on ~~his~~ the comptroller's bond shall *
 65 be liable for the acts of the deputy comptroller the same as if
 66 they were done by the comptroller.

427*#01S

67 427.01 DEPOSIT OF PUBLIC FUNDS.
 68 The council of any statutory city or of any city of the
 69 fourth class shall designate as a depository of city funds such
 70 national, state, or private banks as it may deem proper. Except
 71 as to deposits insured by the federal deposit insurance
 72 corporation or protected by collateral or a corporate surety

1 bond furnished under section 118.01, each shall give bond to the
2 municipality in at least double the amount authorized to be
3 deposited therein, to be approved by the council, conditioned to
4 repay all sums deposited therein upon proper demand therefor or
5 at such time, not exceeding one year, as fixed by the terms of
6 the deposit, and for the performance of such other duties as the
7 council may require. The council shall require the city
8 treasurer to deposit all or any part of the public funds in ~~his~~ *
9 hands hand in such banks and to withdraw the same when so *
10 directed. All the terms and conditions of deposit shall be set
11 forth in the resolution designating the several depositories,
12 which resolution shall be filed with the clerk or recorder. The
13 treasurer shall not be liable on ~~his~~ the treasurer's bond for *
14 any money so deposited by direction of the council and lost
15 through the failure, bankruptcy, or other default of the bank.
16 All interest accruing upon these deposits shall belong to the
17 city.

427*#04S

18 427.04 FAILURE TO DESIGNATE.

19 The failure of the council of any city to designate
20 depositories, as provided in sections 427.02 to 427.07, shall
21 not exempt or relieve the treasurer of the city or the sureties
22 on ~~his~~ the treasurer's official bond from any liability. *

427*#07S

23 427.07 WITHDRAWAL OF FUNDS.

24 The treasurer of any city, who has city funds deposited in
25 accordance with sections 427.02 to 427.07, shall, when notified
26 so to do by the sureties on ~~his~~ the treasurer's official bond or *
27 by the council of the city, withdraw all funds from any
28 designated depository and it shall be the duty of the city
29 comptroller or other recording officer of such city to
30 countersign all checks for such withdrawal. The city treasurer
31 shall thereupon, upon such withdrawal, notify the council of the
32 city thereof and thenceforth the city treasurer shall deposit no
33 more funds in the depository until authorized so to do by the
34 council of the city. Upon this withdrawal, it shall be the duty
35 of the council of the city to proceed forthwith to redesignate,
36 in accordance with the provisions of sections 427.02 to 427.07.

429*#031S

37 429.031 PRELIMINARY PLANS, HEARINGS.

38 Subdivision 1. PREPARATION OF PLANS, NOTICE OF HEARING.

39 Before the municipality awards a contract for an improvement
40 or orders it made by day labor, or before the municipality shall
41 have the power to assess any portion of the cost of an
42 improvement to be made under a cooperative agreement with the
43 state or another political subdivision for sharing the cost of
44 making such improvement, the council shall hold a public hearing
45 on the proposed improvement following two publications in the
46 newspaper of a notice stating the time and place of the hearing,
47 the general nature of the improvement, the estimated cost, and
48 the area proposed to be assessed. The two publications shall be
49 a week apart and the hearing shall be at least three days after
50 the last publication. Not less than 10 days before the hearing,
51 notice thereof shall also be mailed to the owner of each parcel
52 within the area proposed to be assessed, but failure to give
53 mailed notice or any defects in the notice shall not invalidate
54 the proceedings. For the purpose of giving mailed notice,
55 owners shall be those shown to be such on the records of the
56 county auditor or, in any county where tax statements are mailed
57 by the county treasurer, on the records of the county treasurer;
58 but other appropriate records may be used for this purpose.
59 However, as to properties which are tax exempt or subject to
60 taxation on a gross earnings basis and are not listed on the
61 records of the county auditor or the county treasurer, the
62 owners thereof shall be ascertained by any practicable means and
63 mailed notice shall be given them as herein provided. Prior to
64 the adoption of such resolution, the council shall secure from
65 the city engineer or some competent person of its selection a
66 report advising it in a preliminary way as to whether the
67 proposed improvement is feasible and as to whether it should
68 best be made as proposed or in connection with some other
69 improvement and the estimated cost of the improvement as
70 recommended; but no error or omission in such report shall
71 invalidate the proceeding unless it materially prejudices the
72 interests of an owner. The council may also take such other
73 steps prior to the hearing, including, among other things, the

1 preparation of plans and specifications and the advertisement
 2 for bids thereon, as will in its judgment provide helpful
 3 information in determining the desirability and feasibility of
 4 the improvement. The hearing may be adjourned from time to time
 5 and a resolution ordering the improvement may be adopted at any
 6 time within six months after the date of the hearing by vote of
 7 a majority of all members of the council when the improvement
 8 has been petitioned for by the owners of not less than 35
 9 percent in frontage of the real property abutting on the streets
 10 named in the petition as the location of the improvement. When
 11 there has been no such petition, the resolution may be adopted
 12 only by vote of four-fifths of all members of the council;
 13 provided that if the mayor of the municipality is a member of
 14 the council but has no vote or votes only in case of a tie, ~~he~~ *
 15 the mayor shall not be deemed to be a member for the purpose of *
 16 determining such four-fifths majority vote. The resolution
 17 ordering the improvement may reduce, but not increase the extent
 18 of the improvement as stated in the notice of hearing.

19 Subd. 2. APPROVAL BY PARK BOARD OR UTILITIES
 20 COMMISSION. A resolution ordering a park improvement may be
 21 adopted only by a four-fifths vote of the council and shall also
 22 be approved by the park board, if there is one; provided, that
 23 if the mayor of the municipality is a member of the council but
 24 has no vote or votes only in case of a tie, ~~he~~ the mayor shall *
 25 not be deemed to be a member for the purpose of determining such *
 26 four-fifths majority vote. A resolution ordering an improvement
 27 of the water, sewer, steam heating, street lighting or other
 28 facility over which a utilities commission has jurisdiction
 29 shall also be approved by the utilities commission.

30 Subd. 3. PETITION BY ALL OWNERS. Whenever all owners
 31 of real property abutting upon any street named as the location
 32 of any improvement shall petition the council to construct the
 33 improvement and to assess the entire cost against their
 34 property, the council may, without a public hearing, adopt a
 35 resolution determining such fact and ordering the improvement.
 36 The validity of the resolution shall not be questioned by any
 37 taxpayer or property owner or the municipality unless an action
 38 for that purpose is commenced within 30 days after adoption of
 39 the resolution as provided in section 429.036. Nothing herein
 40 prevents any property owner from questioning the amount or
 41 validity of the special assessment against ~~his~~ the owner's *
 42 property pursuant to section 429.081. In the case of a petition
 43 for the installation of a fire protection or a pedestrian skyway
 44 system, the petition must contain or be accompanied by an
 45 undertaking satisfactory to the city by the petitioner that the
 46 petitioner will grant the municipality the necessary property
 47 interest in the building to permit the city to enter upon the
 48 property and the building to construct, maintain, and operate
 49 the fire protection or pedestrian skyway system. In the case of
 50 a petition for the installation of a fire protection or
 51 pedestrian skyway system which will be privately owned, the
 52 petition shall also contain the plans and specifications for the
 53 improvement, the estimated cost of the improvement and a
 54 statement indicating whether the city or the owner will contract
 55 for the construction of the improvement. If the owner is
 56 contracting for the construction of the improvement, the city
 57 shall not approve the petition until it has reviewed and
 58 approved the plans, specifications, and cost estimates contained
 59 in the petition. The construction cost financed under section
 60 429.091 shall not exceed the amount of the cost estimate
 61 contained in the petition. In the case of a petition for the
 62 installation of a fire protection or a pedestrian skyway system,
 63 the petitioner may request abandonment of the improvement at any
 64 time after it has been ordered pursuant to subdivision 1 and
 65 before contracts have been awarded for the construction of the
 66 improvement under section 429.041, subdivision 2. If such a
 67 request is received, the city council shall abandon the
 68 proceedings but in such case the petitioner shall reimburse the
 69 city for any and all expenses incurred by the city in connection
 70 with the improvement.

429*#036S

71 429.036 APPEAL FROM DETERMINATION OF LEGALITY OF
 72 PETITION.

73 Any person, being aggrieved by this determination, may
 74 appeal to the district court of the county in which the property
 75 is located by serving upon the clerk of the municipality, within

1 30 days after the adoption and publication of the resolution, a
2 notice of appeal briefly stating the grounds of appeal and
3 giving a bond in the penal sum of \$250, in which the
4 municipality shall be named as obligee, to be approved by the
5 clerk of the municipality, conditioned that the appellant will
6 duly prosecute the appeal, pay all costs and disbursements which
7 may be adjudged against him the appellant, and abide by the *
8 order of the court. The clerk shall furnish the appellant a
9 certified copy of the petition, or any part thereof, on being
10 paid by appellant of the proper charges therefor. The appeal
11 shall be placed upon the calendar of the next general term
12 commencing more than 30 days after the date of serving the
13 notice and filing the bond and shall be tried as are other
14 appeals in such cases. Unless reversed upon the appeal, the
15 determination of the governing body as to the sufficiency of the
16 petition shall be final and conclusive.

429*#041S

17 429.041 COUNCIL PROCEDURE.

18 No change for subd 1

19 Subd. 2. CONTRACTS; DAY LABOR. In contracting for
20 an improvement, the council shall require the execution of one
21 or more written contracts and bonds, conditioned as required by
22 law. The council shall award the contract to the lowest
23 responsible bidder or it may reject all bids. If any bidder to
24 whom a contract is awarded fails to enter promptly into a
25 written contract and to furnish the required bond, the
26 defaulting bidder shall forfeit to the municipality the amount
27 of his the defaulter's cash deposit, cashier's check, bid bond, *
28 or certified check, and the council may thereupon award the
29 contract to the next lowest responsible bidder. When it appears
30 to the council that the cost of the entire work projected will
31 be less than \$5,000, or whenever no bid is submitted after
32 proper advertisement or the only bids submitted are higher than
33 the engineer's estimate, the council may advertise for new bids
34 or, without advertising for bids, directly purchase the
35 materials for the work and do it by the employment of day labor
36 or in any other manner the council considers proper. The
37 council may have the work supervised by the city engineer or
38 other qualified person but shall have the work supervised by a
39 registered engineer if done by day labor and it appears to the
40 council that the entire cost of all work and materials for the
41 improvement will be more than \$2,000. In case of improper
42 construction or unreasonable delay in the prosecution of the
43 work by the contractor, the council may order and cause the
44 suspension of the work at any time and relet the contract, or
45 order a reconstruction of any portion of the work improperly
46 done, and where the cost of completion or reconstruction
47 necessary will be less than \$10,000, the council may do it by
48 the employment of day labor.

49 No change for subd 3 to 5

50 Subd. 6. PERCENTAGE PAYMENT ON ENGINEER'S ESTIMATE.

51 In case the contractor properly performs the work, the council
52 shall, from month to month before completion of the work, pay
53 him the contractor not to exceed 95 percent of the amount *
54 already earned under the contract, upon the estimate of the
55 engineer or other competent person selected by the council, and
56 the contract shall so provide, and shall further agree that when
57 the work is 95 percent or more completed upon the recommendation
58 of the engineer such portions of the retained price shall be
59 released as the governing body of the municipality determines
60 are not required to be retained to protect the municipality's
61 interest in satisfactory completion of the contract. Failure to
62 pay any amount due and payable under the terms of the contract
63 within 30 days of a monthly estimate or 90 days after the final
64 estimate of the amount earned shall obligate the municipality to
65 pay to the contractor simple interest on the past due amount at
66 an annual rate equal to the monthly index of long term United
67 States bond yields for the month prior to the month in which
68 this obligation is incurred plus an additional one percent per
69 annum. Interest shall not be imposed with respect to any amount
70 which a municipality may legally withhold as a result of breach
71 of contract or other contractual claim or if the delay is caused
72 by the contractor.

73 No change for subd 7

429*#061S

74 429.061 ASSESSMENT PROCEDURE.

1 Subdivision 1. CALCULATION, NOTICE. At any time
2 after the expense incurred or to be incurred in making an
3 improvement shall be calculated under the direction of the
4 council, the council shall determine by resolution the amount of
5 the total expense the municipality will pay, other than the
6 amount, if any, which it will pay as a property owner, and the
7 amount to be assessed. If a county proposes to assess within
8 the boundaries of a city for a county state-aid highway or
9 county highway, the resolution must include the portion of the
10 cost proposed to be assessed within the city. The county shall
11 forward the resolution to the city and it may not proceed with
12 the assessment procedure under this section for property within
13 the city unless the city council adopts a resolution approving
14 the assessment. Thereupon the clerk, with the assistance of the
15 engineer or other qualified person selected by the council,
16 shall calculate the proper amount to be specially assessed for
17 the improvement against every assessable lot, piece or parcel of
18 land, without regard to cash valuation, in accordance with the
19 provisions of section 429.051. The proposed assessment roll
20 shall be filed with the clerk and be open to public inspection.
21 The clerk shall thereupon, under the council's direction,
22 publish notice that the council will meet to consider the
23 proposed assessment. Such notice shall be published in the
24 newspaper at least once and shall be mailed to the owner of each
25 parcel described in the assessment roll. For the purpose of
26 giving mailed notice under this subdivision, owners shall be
27 those shown to be such on the records of the county auditor or,
28 in any county where tax statements are mailed by the county
29 treasurer, on the records of the county treasurer; but other
30 appropriate records may be used for this purpose. Such
31 publication and mailing shall be no less than two weeks prior to
32 such meeting of the council. Except as to the owners of tax
33 exempt property or property taxes on a gross earnings basis,
34 every property owner whose name does not appear on the records
35 of the county auditor or the county treasurer shall be deemed to
36 have waived such mailed notice unless he the owner has requested *
37 in writing that the county auditor or county treasurer, as the *
38 case may be, include his the name on the records for such
39 purpose. Such notice shall state the date, time, and place of
40 such meeting, the general nature of the improvement, the area
41 proposed to be assessed, the amount to be specially assessed
42 against that particular lot, piece, or parcel of land, that the
43 proposed assessment roll is on the file with the clerk, and that
44 written or oral objections thereto by any property owner will be
45 considered. No appeal may be taken as to the amount of any
46 assessment adopted pursuant to subdivision 2, unless a written
47 objection signed by the affected property owner is filed with
48 the municipal clerk prior to the assessment hearing or presented
49 to the presiding officer at the hearing. The notice shall also
50 state that an owner may appeal an assessment to district court
51 pursuant to section 429.081 by serving notice of the appeal upon
52 the mayor or clerk of the municipality within 30 days after the
53 adoption of the assessment and filing such notice with the
54 district court within ten days after service upon the mayor or
55 clerk. The notice shall also inform property owners of the
56 provisions of sections 435.193 to 435.195 and the existence of
57 any deferment procedure established pursuant thereto in the
58 municipality.

59 No change for subd 2

60 Subd. 3. TRANSMITTED TO AUDITOR, PREPAYMENT. After
61 the adoption of the assessment, the clerk shall transmit a
62 certified duplicate of the assessment roll with each
63 installment, including interest, set forth separately to the
64 county auditor of the county to be extended on the proper tax
65 lists of the county; but in lieu of such certification, the
66 council may in its discretion direct the clerk to file all
67 assessment rolls in his the clerk's office and to certify *
68 annually to the county auditor, on or before October 10 in each
69 year, the total amount of installments of and interest on
70 assessments on each parcel of land in the municipality which are
71 to become due in the following year. If any installment and
72 interest has not been so certified prior to the year when it is
73 due, the clerk shall forthwith certify the same to the county
74 auditor for collection in the then succeeding year; and if the
75 municipality has issued improvement warrants to finance the
76 improvement, it shall pay out of its general funds into the fund

1 of the improvement interest on the then unpaid balance of the
 2 assessment for the year or years during which the collection of
 3 such installment is postponed. All assessments and interest
 4 thereon shall be collected and paid over in the same manner as
 5 other municipal taxes. The owner of any property so assessed
 6 may, at any time prior to certification of the assessment or the
 7 first installment thereof to the county auditor, pay the whole
 8 of the assessment on such property, with interest accrued to the
 9 date of payment, to the municipal treasurer, except that no
 10 interest shall be charged if the entire assessment is paid
 11 within 30 days from the adoption thereof; and, except as
 12 hereinafter provided, he the owner may at any time prior to *
 13 November 15 of any year, prepay to the treasurer of the
 14 municipality having levied said assessments, the whole
 15 assessment remaining due with interest accrued to December 31 of
 16 the year in which said prepayment is made. If the assessment
 17 roll is retained by the municipal clerk, the installment and
 18 interest in process of collection on the current tax list shall
 19 be paid to the county treasurer and the remaining principal
 20 balance of the assessment, if paid, shall be paid to the
 21 municipal treasurer. The council may by ordinance authorize the
 22 partial prepayment of assessments, in such manner as the
 23 ordinance may provide, prior to certification of the assessment
 24 or the first installment thereof to the county auditor.

25 No change for subd 4

429*#101S

26 429.101 SERVICE CHARGES, A SPECIAL ASSESSMENT AGAINST
 27 BENEFITED PROPERTY.

28 Subdivision 1. ORDINANCES. In addition to any other
 29 method authorized by law or charter, the governing body of any
 30 municipality may provide for the collection of unpaid special
 31 charges for all or any part of the cost of

32 (a) snow, ice, or rubbish removal from sidewalks,

33 (b) weed elimination from streets or private property,

34 (c) removal or elimination of public health or safety

35 hazards from private property, excluding any structure included
 36 under the provisions of sections 463.15 to 463.26,

37 (d) installation or repair of water service lines, street
 38 sprinkling or other dust treatment of streets,

39 (e) the trimming and care of trees and the removal of
 40 unsound trees from any street,

41 (f) the treatment and removal of insect infested or
 42 diseased trees on private property, the repair of sidewalks and
 43 alleys,

44 (g) the operation of a street lighting system, or

45 (h) the operation and maintenance of a fire protection or a
 46 pedestrian skyway system,

47 as a special assessment against the property benefited.

48 The council may by ordinance adopt regulations consistent with
 49 this section to make this authority effective, including, at the
 50 option of the council, provisions for placing primary
 51 responsibility upon the property owner or occupant to do the
 52 work himself personally (except in the case of street sprinkling *
 53 or other dust treatment, alley repair, tree trimming, care, and
 54 removal or the operation of a street lighting system) upon
 55 notice before the work is undertaken, and for collection from
 56 the property owner or other person served of the charges when
 57 due before unpaid charges are made a special assessment.

58 No change for subd 2 to 3

430*#02S

59 430.02 PROCEEDINGS FOR ACQUISITION OF LANDS.

60 Subdivision 1. PLAT AND SURVEY. After the adoption
 61 of the resolution it shall be the duty of the city engineer to
 62 make and present to the council a plat and survey of the
 63 proposed improvement, showing the character, course, and extent
 64 of the same and the property necessary to be taken or interfered
 65 with thereby, with the name of the owner of each parcel of the
 66 property, so far as the engineer can readily ascertain the same,
 67 and such statement as may in the opinion of the engineer be
 68 proper to explain the plat and survey and the character and
 69 extent of the proposed improvement. For constructing pedestrian
 70 malls or improving streets primarily for pedestrian uses, the
 71 council may employ a competent engineer or landscape architect
 72 or both to assist, and may purchase plans or designs prepared by
 73 a competent engineer or landscape architect to aid, the city
 74 engineer in the performance of ~~his~~ duties under this chapter. *

1 When the plat and survey shall be finally adopted by the
 2 city council, it shall be filed with the city clerk, and it
 3 shall be held to show correctly the character and extent of the
 4 improvement actually agreed upon and ordered by the city council.
 5 The plat shall also show the amount of land taken from each
 6 owner, so far as the owners may be known, and the lands
 7 contiguous to these improvements.

8 No change for subd 2

9 Subd. 3. NOTICE OF HEARING; HEARING; AWARD AND
 10 APPRAISEMENT. The commissioners shall give notice, in a
 11 manner appropriate to inform the public, that the survey and
 12 plat and the pedestrian mall ordinance, if any, is on file in
 13 the office of the city clerk for the examination of all persons
 14 interested and that they will, on a day designated in this
 15 notice, meet at a place designated in the notice on or near the
 16 proposed improvement, and view the property proposed to be taken
 17 or interfered with for the purposes of these improvements, and
 18 ascertain and award therefor compensation and damages, and view
 19 the premises to be benefited by this improvement, and assess
 20 thereon in proportion to benefits, the amount necessary to pay
 21 the compensation and damage and the cost of making the
 22 improvement and that they will then and there hear such
 23 allegations and proofs as interested persons may offer. These
 24 commissioners shall meet and view the premises pursuant to the
 25 notice, and may adjourn, from time to time, and, after having
 26 viewed the premises, may, for the hearing of evidence and
 27 preparation of their award and assessment, adjourn or go to any
 28 other convenient place in the city, and may have the aid and
 29 advice of the city engineer and of any other officer of the
 30 city, and adjourn from time to time. If a pedestrian mall
 31 ordinance is proposed by the council under section 430.011, in
 32 connection with an improvement, the commissioners may consider
 33 the business uses of abutting property affected by such
 34 ordinance and by the improvement to which it relates and the
 35 probable effect which the ordinance and improvement will have on
 36 the value of such property and such uses and shall consider
 37 whether such property has access to some other street or alley
 38 for delivering and receiving merchandise and materials and the
 39 extent to which the use and value of property without such
 40 access will suffer as a result of the adoption of such ordinance
 41 and the making of such improvement. After viewing the premises
 42 and hearing the evidence offered, these commissioners shall
 43 prepare and make a true and impartial appraisal and award of
 44 the compensation and damages to be paid to each person whose
 45 property is to be taken or injured by the making of the
 46 improvement; but if the remainder of the same property, a part
 47 of which only is to be taken or damaged by the improvement,
 48 shall be benefited by the improvement, then the commissioners,
 49 in considering and awarding compensation and damages, shall also
 50 consider, estimate, and offset the benefits which will accrue to
 51 the same owner, in respect to the remainder of the same
 52 property, and award ~~him~~ that owner only the excess of the *
 53 compensation or damages over and above these benefits.

54 No change for subd 4 to 7

55 Subd. 8. SERVICE OF PUBLISHED NOTICE. Immediately
 56 after the publication of this notice and at least two weeks
 57 prior to the time designated for the meeting of the committee
 58 specifically designated in the notice, the city clerk shall
 59 serve upon each of the owners of the several lots or parcels of
 60 land taken for this proposed improvement and of the several lots
 61 or parcels of land upon which benefits have been assessed a copy
 62 of the published notice, by depositing the same in the post
 63 office of the city, postage prepaid, in an envelope plainly
 64 bearing on its front in type no smaller than ten point the words
 65 "Notice of Tax Assessments for improvements affecting your
 66 property" directed to each of the persons at ~~his~~ the last known *
 67 place of residence, if known to the city clerk, otherwise as
 68 obtained from the records in the office of the county treasurer,
 69 provided, that the failure of any owner or owners to receive the
 70 notice shall not in any wise operate to invalidate any of the
 71 proceedings covered by this chapter. If a pedestrian mall
 72 ordinance is proposed to be adopted in connection with the
 73 improvement under section 430.011, a copy of the proposed
 74 ordinance shall be mailed with each such notice.

75 Subd. 9. WRITTEN OBJECTIONS. Any person whose
 76 property is proposed to be taken, interfered with, or assessed

1 for benefits under any of the provisions of this chapter, who
 2 objects to the making of the improvement, or who deems that
 3 there is any irregularity in the proceedings of the city
 4 council, or on the part of the commissioners so appointed by it,
 5 by reason of which the award of the commissioners ought not to
 6 be confirmed, or who is dissatisfied with the amount of damages
 7 awarded ~~to him~~ for the taking of or interference with ~~his~~ the
 8 person's property, or with the amount of the assessment for
 9 benefits to any property affected by the proceedings, shall
 10 appear at the hearing or file with the city clerk, designated in
 11 this published notice, at any time before the hearing or before
 12 the report and recommendation of the committee is filed ~~his~~, the
 13 person's (1) written objection to the making of the improvement,
 14 or ~~his~~ (2) objection to the damages awarded or benefits
 15 assessed, or ~~his~~ (3) claim of the irregularities, specifically
 16 designating the same, and a description of the property affected
 17 by the proceedings. Any such person and any citizen or taxpayer
 18 of the city may appear at the hearing in support of or to object
 19 to the adoption of any pedestrian mall ordinance proposed under
 20 section 430.011 or may file written statements in support of or
 21 objecting to the adoption of such ordinance.

22 No change for subd 10 to 13

430*#03S

23 430.03 OBJECTIONS TO CONFIRMATION; APPEAL TO DISTRICT
 24 COURT; REAPPRAISAL; COURT OF APPEALS.

25 Any person whose property is proposed to be taken,
 26 interfered with, or assessed for benefits under any of the
 27 provisions of this chapter, who deems that there is any
 28 irregularity in the proceedings of the council or action of the
 29 commissioners, by reason of which the award of the commissioners
 30 ought not to be confirmed, or who is dissatisfied with the
 31 amount of damages awarded ~~to him~~ for the taking of or
 32 interference with ~~his~~ the person's property or with the amount
 33 of the assessment for benefits to any property affected by the
 34 proceedings, has the right to appeal from the order of
 35 confirmation of the city council, to the district court of the
 36 county at any time within 20 days after the order. This appeal
 37 shall be made by serving a written notice of the appeal upon the
 38 clerk of the city. The appeal shall specify the property of the
 39 appellant affected by the award and assessment, and refer to the
 40 objection filed. The appellant shall also deliver to the city
 41 clerk a bond to the city, executed by the appellant, or by
 42 someone on ~~his~~ appellant's behalf, with two sureties, who shall
 43 justify in the penal sum of \$50 conditioned to pay all costs
 44 that may be awarded against the appellant. The city clerk shall
 45 then make out and transmit to the clerk of the district court a
 46 copy of the award of the commissioners, as confirmed by the
 47 council, and of the order of the council confirming it, and of
 48 the objection filed by the appellant, all certified by the clerk
 49 to be true copies, within ten days after the taking of the
 50 appeal. If more than one appeal is taken from any award, it
 51 shall not be necessary that the clerk, in subsequent appeals,
 52 send up anything except a certified copy of the appellant's
 53 objections. There shall be no pleading on the appeal, but the
 54 court shall determine, in the first instance, whether there was
 55 in the proceedings any irregularity or omission of duty
 56 prejudicial to the appellant and specified in ~~his~~ the
 57 appellant's written objections, that, as to ~~him~~ the appellant,
 58 the award or assessment of the commissioners ought not to stand,
 59 and whether the commissioners had jurisdiction to take action in
 60 the premises. If any person claims that any pedestrian mall
 61 ordinance proposed in connection with the improvement pursuant
 62 to section 430.011, and adopted by the city council, is
 63 invalid, ~~he~~ the person shall perfect an appeal pursuant to the
 64 provisions of section 430.031, subject to the right of the court
 65 to consolidate for hearing any appeal taken pursuant to that
 66 section with an appeal taken pursuant to this section.

67 The case may be brought on for hearing on eight days'
 68 notice, at any general or special term of the court. It shall
 69 have precedence of other civil cases, and the judgment of the
 70 court shall be either to confirm or annul the proceedings only
 71 as they affect the property of the appellant proposed to be
 72 taken, damaged, or assessed for benefits and described in the
 73 written objection. From this determination no appeal or writ of
 74 error shall lie.

75 In case the amount of damages awarded or assessment made

1 for benefits is complained of by the appellant, the court shall,
2 if the proceedings are confirmed in other respects, upon
3 confirmation, appoint three disinterested freeholders, residents
4 of the city, commissioners to reappraise the damages or
5 benefits. The parties to the appeal shall be heard by the court
6 upon the appointment of these commissioners. The court shall
7 fix the time and place of the meeting of the commissioners. They
8 shall be sworn to the faithful discharge of their duties as
9 commissioners, proceed to view the premises, and hear the
10 parties interested, with their allegations and proofs pertinent
11 to the question of the amount of the damages or assessments.
12 These commissioners shall be governed by the same provisions in
13 respect to the method of arriving at the amount of damages and
14 the offset thereto of benefits to other property of the same
15 owners, and in all other material respects, as are provided in
16 this chapter for the government of commissioners appointed by
17 the city council. They shall, after the hearing and view of the
18 premises, report to the court of their appraisal of damages or
19 assessments of benefits in respect to the appellant. The award
20 or assessment of these commissioners shall be final unless set
21 aside by the court for good cause shown. If the report is set
22 aside, the court may, in its discretion, recommit it to the same
23 commissioners or appoint a new board as it deems best. The
24 court shall allow a reasonable compensation to these
25 commissioners for their services, and make such award of costs
26 on the appeal, including the compensation of commissioners, as
27 it deems just in the premises.

28 If the court is of the opinion that the appeal was
29 frivolous or vexatious, it may adjudge double costs against the
30 appellant.

31 An appeal may be taken from the court's final order to the
32 court of appeals by the city or any party.

33 In case of proceedings conducted by the city council, all
34 reports and other papers shall be filed in the office of the
35 city clerk. Notices of appeal and other notices to the city
36 shall be served upon the city clerk. In case of proceedings
37 conducted by the board of park commissioners, all papers shall
38 be filed in the office of the secretary or other recording
39 officer of the board. All notices of appeal and other notices
40 to the city shall be served upon the secretary or other
41 recording officer of the board.

430*#04S

42 430.04 AWARDS; HOW PAID; ASSESSMENTS.

43 When any award of damages made to appellants upon any
44 appeal to the district court shall exceed the amount of the
45 award appealed from, and when any assessment of benefits made in
46 respect to any appellant upon appeal shall be less than the
47 amount of the assessment of benefits appealed from, the amount
48 of this increase in the amount of the award of damages and the
49 amount of this decrease in the assessment of benefits may be
50 paid by the city from the permanent improvement fund or any fund
51 of the city available therefor, or the city council may cause
52 the same to be assessed upon and against any property benefited
53 by the proposed improvements in addition and without prejudice
54 to prior assessments made thereon in the proceedings, and may
55 refer the matter to the commissioners theretofore appointed by
56 the council in the proceeding or to new commissioners to be
57 appointed by the city council. These commissioners, whether new
58 or old, shall have the same qualifications as required of
59 commissioners appointed by section 430.02 and shall take oath to
60 faithfully discharge their duties as commissioners and give
61 notice of the time and place when and where they will meet to
62 hear persons interested and assess the amounts of the increase
63 of awards of damages and decrease of assessments of benefits
64 upon the land and property, theretofore assessed for these
65 benefits, or assess benefits on lots or parcels of land not
66 theretofore assessed for benefits in the proceeding. The
67 notice, as to the owners of the lots or parcels of land entitled
68 to increase of awards upon any appeal, and as to the owners of
69 any lots or parcels of land to be then assessed for benefits
70 that were not so assessed in the original proceeding by the
71 commissioners, shall be given by these commissioners by
72 depositing the same in the post office of the city, postage
73 postpaid, directed to each of the persons at ~~his~~ the last known *
74 place of residence, if known to the commissioners, otherwise as
75 obtained from the office of the county treasurer; provided that

1 the failure of any owner to receive this notice shall not in any
2 wise operate to invalidate any of the proceedings covered by
3 this chapter. The commissioners shall meet, at the time and
4 place so designated in their notice, hear all persons
5 interested, and assess the amount of the increased awards of
6 damages and decreased assessments of benefits, or new and
7 original assessments of benefits, upon the property benefited by
8 the proposed improvements, in proportion to the benefits, but in
9 no case shall the amount of this assessment exceed the actual
10 benefit to the lot or parcel of land so assessed, and the
11 commissioners shall prepare and file with the city clerk an
12 assessment list of the assessment so made by them, containing a
13 brief description of each piece of property assessed, the name
14 of the owners thereof, if known, and the amount assessed against
15 the same, and the city clerk shall present this list to the city
16 council for consideration. A brief minute of the presentation
17 of this assessment list to the city council shall be included in
18 the record of the proceedings of the city council, which shall
19 be held to be sufficient notice to all persons concerned. This
20 assessment list shall lie over without action thereon by the
21 city council until the next regular meeting of the council which
22 will occur at least one week thereafter, at which time, or at
23 any meeting thereafter, the city council may confirm the
24 assessments and assessment roll, or send the same back to the
25 commissioners for further consideration and report thereon. Any
26 person interested who is dissatisfied with the amount of an
27 assessment may appeal from the confirmation of the assessment by
28 the city council to the district court, in like manner and with
29 like proceedings as provided in section 430.03 in respect to
30 filing objections and taking appeals from original appeals made
31 in such proceedings from such order of confirmation. Any
32 decrease made in any assessments upon any appeal may be paid by
33 the city from the permanent improvement fund or from any fund of
34 the city available therefor, or the city council may cause the
35 same to be reassessed as hereinabove provided.

430*#07S

36 430.07 METHOD OF IMPROVEMENTS; ASSESSMENTS.

37 No change for subd 1 to 4

38 Subd. 5. If, in any proceedings under this chapter, the
39 actual cost of the improvement of any street, park, or parkway
40 in the manner herein designated is less than the estimated cost
41 thereof, as found and adopted by it, the city council, except as
42 otherwise provided by this subdivision, shall immediately cancel
43 and annul the assessments made in the proceedings to an amount
44 which, in the aggregate, shall not exceed such fractional part
45 of the total amount of the excess of estimated cost over the
46 actual cost as shall be equivalent to the fraction obtained by
47 dividing the total amount of the assessments by the total amount
48 of the estimated cost.

49 In case the assessments in any proceeding have not been
50 entirely collected or in case the city council deems that any
51 such assessments cannot be fully collected, the city council may
52 direct the city comptroller to retain in the fund in the
53 proceeding a sum sufficient, in the judgment of the city
54 council, to cover the deficiencies in the collection of the
55 assessments, and the city council shall direct that the balance
56 of the excess of estimated cost shall be disposed of in the
57 following manner. The city council shall direct the city
58 comptroller to certify the amount of this balance to the county
59 auditor. The auditor shall thereupon deduct the amount from the
60 first instalment of the assessment to be collected after the
61 receipt of this certificate. This deduction shall be made from
62 the assessment against each piece or parcel of property in the
63 proportion that the excess, as certified by the city
64 comptroller, bears to the total of the instalment of the
65 assessment. If the balance as certified, exceeds one
66 instalment, it shall also be deducted in like manner from
67 succeeding instalments until the same is fully deducted.

68 If the assessment against a piece or parcel of property has
69 been paid in full, and the amount to be refunded does not exceed
70 \$1, the city council may deposit the amount of the potential
71 refund in the city's permanent improvement fund or bond
72 redemption fund. If the amount to be refunded exceeds \$1, but
73 does not exceed \$20, the city comptroller shall mail to the
74 current owner of the property a notice stating that the refund
75 is available. The notice shall be mailed within 60 days after

1 the city council determines the actual cost of the improvement.
 2 If the amount to be refunded exceeds \$20 the following notice
 3 procedure shall be followed. The city comptroller shall mail to
 4 the person who owned the property when the assessment was paid,
 5 at ~~his~~ the last known address, a notice stating that the refund *
 6 is 1; available. The notice shall be mailed within 60 days
 7 after the city council determines the actual cost of the
 8 improvement. If a response is not received from the owner
 9 within ten days of the date of mailing, a second notice shall be
 10 mailed. If the refund is not claimed by the person who owned
 11 the property when the assessment was paid, within 30 days of the
 12 date of mailing of the last required notice the city council may
 13 deposit the amount of the potential refund in the city's
 14 permanent improvement fund or bond redemption fund.

15 No change for subd 6 to 7

430*#102S

16 430.102 PEDESTRIAN MALL ANNUAL COSTS; ANNUAL IMPROVEMENT
 17 ASSESSMENTS AND SPECIAL TAXES; APPEALS; COSTS DEFINED.

18 No change for subd 1 to 2

19 Subd. 3. ANNUAL IMPROVEMENT ASSESSMENT PROCEDURE;
 20 APPEALS. When the council shall have acted on the estimate of
 21 costs, the city engineer, with the assistance of the city
 22 assessor, shall prepare an assessment roll setting forth
 23 separately the amounts to be specially assessed against the
 24 benefited and assessable properties in the district in
 25 proportion to the benefits, descriptions of such properties, and
 26 the names of the owners of such properties, so far as such names
 27 are available to ~~him~~ the engineer. The assessment roll, when so *
 28 prepared, shall be filed in the office of the city clerk and be
 29 there available for inspection. The city council shall meet to
 30 consider objections to the amounts of such special assessments
 31 at least ten days after a notice of hearing has been mailed to
 32 the named owners of all tracts, parcels and lots of property
 33 proposed to be assessed. The notice shall set forth the time
 34 and place of meeting, and set forth the purpose of such meeting,
 35 but may refer to the assessment roll for further particulars.
 36 When the city council shall have approved the amounts of the
 37 special assessments set forth therein, or as may be changed by
 38 it, the city clerk shall forthwith certify a copy of the
 39 assessment roll, with such changes, if any, to the county
 40 auditor to be extended on the tax lists of the county and to be
 41 collected with and in the same manner as other taxes on property
 42 for the current year. Within 20 days after the adoption of the
 43 assessment, any person aggrieved may appeal to the district
 44 court as provided in section 430.03 except that commissioners
 45 shall not be appointed to consider the amount of benefits; if
 46 the court shall find that the assessment is not arbitrary,
 47 unreasonable, or made under a demonstrable mistake of fact or
 48 erroneous theory of law, it shall confirm the proceedings, but
 49 otherwise shall remand the same to the city council for
 50 reconsideration and reassessment of the benefits upon like
 51 notice and hearing as in the case of original assessments under
 52 this subdivision. All objections to the assessment shall be
 53 deemed waived unless presented on such appeal.

54 No change for subd 4 to 5

435*#202S

55 435.202 IMPROVEMENTS ABANDONED.

56 No change for subd 1

57 Subd. 2. REFUND OF ASSESSMENTS. The governing body
 58 of the municipality shall also notify the municipal clerk or
 59 recorder of such fact, ~~and he who~~ shall forthwith provide notice *
 60 appropriate to inform interested persons describing the
 61 improvement and stating that it has been abandoned and that any
 62 person who paid any special assessments levied on account of
 63 such improvement may file a claim, within six months following
 64 the date of the notice, for refund of such assessments paid by
 65 ~~him~~ the person, together with any interest ~~he~~ paid thereon. The *
 66 municipality is not required to, but may, pay such claims filed
 67 after the period allowed, and it may require any claimant to *
 68 furnish satisfactory evidence that ~~he~~ the claimant paid the
 69 amounts claimed. Such claims may be paid out of moneys in the
 70 fund of the improvement which was abandoned, unless obligations
 71 have been issued payable therefrom, or they may be paid out of
 72 moneys in the general fund.

73 No change for subd 3

436*#05S

1 436.05 POLICE SERVICE PROVIDED BY SHERIFF.

2 No change for subd 1 to 4

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

5 No change for subd 6

436*#06S

6 436.06 JOINT MUNICIPAL POLICE DEPARTMENTS.

7 No change for subd 1 to 3

8 Subd. 4. Any person regularly employed as a police officer
9 in any municipality entering into a joint municipal police
10 department agreement shall automatically become an officer of
11 the joint police department unless he the person refuses to *
12 accept such employment. Except for layoffs due to reduction in
13 force made in accordance with civil service law and rules any
14 such officer regularly employed in a police department under a
15 civil service or merit system at the time he becomes of becoming *
16 an officer of the joint department shall not be removed or
17 discharged except for cause upon written charges and after an
18 opportunity to be heard in his-own defense of the charges; but *
19 the rank and grade of such officers and of any other officers
20 who automatically become officers in the joint department shall
21 be as determined in the agreement.

22 No change for subd 5 to 6

438*#05S

23 438.05 FIRE MARSHAL.

24 In every city of the first class in the state which does
25 not now have an official in its fire department designated and
26 acting as fire marshal, under the charter of the city, there is
27 hereby created the office of fire marshal and it shall be the
28 duty of the chief of the fire department of the city to appoint
29 from among the members of the fire department a fire marshal,
30 ~~and he who~~ shall hold office until removed for cause. *

438*#06S

31 438.06 DUTIES, POWERS, COMPENSATION.

32 It shall be the duty of the fire marshal to examine all
33 property within the city and enforce the ordinances of the city
34 relating to the care of chimneys, the storage and handling of
35 explosives and enforce all other ordinances and laws of the
36 state pertaining to precautions against danger from fires. The
37 fire marshal shall have power to enter any dwelling or other
38 building between 7:00 a.m. and 6:00 p.m. for the purpose of
39 making this examination, and ~~he~~ shall examine into the cause of *
40 every fire which shall happen in the city and make a complete
41 report of the same, and make a report thereof monthly to the *
42 chief of the fire department. He The fire marshal shall report
43 all violations of ordinances of the city and laws of the state
44 relating to the public safety, in all public buildings, and
45 shall sign and file complaints before the proper prosecuting
46 officers for the enforcement of these ordinances. The fire *
47 marshal shall receive as ~~his~~ compensation a sum to be fixed by
48 the board of fire commissioners, not less than the salary paid a
49 captain of the fire department of the city.

441*#02S

50 441.02 JOINT BRIDGE COMMITTEE.

51 As soon as the governing body of any such cities, in
52 sections 441.02 to 441.09 called the council, shall have
53 determined to construct a bridge under sections 441.01 to
54 441.09, a joint bridge committee shall be organized, of which
55 the president of the council and city engineer or chief
56 engineering officer of such city, so determining to construct
57 such bridge, and the commissioner of transportation, ex officio,
58 shall be members. The commissioner of transportation shall be
59 ~~chairman chair~~ but in ~~his~~ the commissioner's absence a temporary *
60 ~~chairman chair~~ may be designated, and the city clerk of each *
61 city shall attend and keep a record of the proceedings of the
62 committee. The committee may make rules for its own procedure
63 and meetings.

441*#06S

64 441.06 ASSISTANTS.

65 The committee may employ a chief ~~draftsman drafter~~, a chief *
66 inspector of works, and such other assistants as it may require.

443*#30S

67 443.30 PUBLICATION OF ORDINANCE.

68 The ordinance establishing rates for rubbish disposal shall
69 be published in the official newspaper of the city, and shall
70 set forth the rates for each type of service, and shall contain

1 a notice to all persons or parties interested that the same will
 2 be considered at a public hearing not less than 30 days from the
 3 publication of said ordinance, upon which date a public hearing
 4 shall be conducted at which any person affected by any rate
 5 shall be given an opportunity to be heard as to the rate which
 6 he the person will be called upon to pay. Said ordinance and *
 7 the rates established therein shall take effect at the
 8 conclusion of said hearing, or at such other date as shall be
 9 fixed by such ordinance.

447*#31S

10 447.31 CREATION AND REORGANIZATION OF HOSPITAL DISTRICTS.

11 No change for subd 1 to 3

12 Subd. 4. The hospital district shall be deemed duly
 13 created or reorganized on the effective date of the last
 14 resolution required to authorize the same. However, certified
 15 copies of each resolution shall be transmitted by the clerk or
 16 other recording officer of the governing body or board adopting
 17 it to the county auditor of each county in which territory of
 18 the hospital district is situated, and upon receipt of all
 19 required resolutions each county auditor shall file certified
 20 copies thereof as a public record with the county recorder of
 21 his the auditor's county, and the county auditor of the county *
 22 in which the majority of the population of the district is
 23 situated shall transmit a certified copy of each resolution to
 24 the secretary of state to be filed as a public record.

25 No change for subd 5 to 6

447*#32S

26 447.32 OFFICERS AND ELECTIONS.

27 Subdivision 1. Each hospital district shall be governed by
 28 a hospital board composed of one member elected from each city
 29 and town comprising said district and one member elected at
 30 large. The term of office of each member of the hospital board
 31 shall be four years and until his a successor qualifies, except *
 32 that at the first election members shall be elected for terms to
 33 be designated by the governing body calling the election, in
 34 such manner that one-half of the terms as nearly as may be,
 35 shall expire on December 31 of the then next following even
 36 numbered year and the remaining terms will expire two years from
 37 said date; and thereafter, prior to the expiration of the term
 38 of each member, a new member shall be elected for a term of four
 39 years from said expiration date. Upon the death, resignation,
 40 or removal of any member from the hospital district, or upon his *
 41 the member's failure to qualify, a successor may be appointed by *
 42 a majority of the remaining members of the board, to hold office
 43 until December 31 following the next regular hospital district
 44 election, at which election a successor shall be elected to fill
 45 the unexpired term. Upon annexation of any additional city or
 46 town to the district, in accordance with section 447.36, its
 47 governing body shall by resolution appoint a member to the
 48 board, to hold office until December 31 following the next
 49 regular hospital district election, at which election a
 50 successor shall be elected for a term of either two or four
 51 years, to be designated by the hospital board in such manner as
 52 to assure that the number of members of the board whose terms
 53 expire in any subsequent year will not exceed one-half of the
 54 members plus one.

55 No change for subd 2 to 3

56 Subd. 4. Any person desiring to be a candidate for member
 57 of the hospital board shall file with the clerk of the city or
 58 town in which he the candidate resides, not more than 60 nor *
 59 less than 45 days before the election, an application to be
 60 placed on the ballot as a candidate for election either as
 61 member at large or as a member representing such city or town,
 62 and all such applications shall be forwarded forthwith to the
 63 clerk of the hospital district or, for the first election, the
 64 clerk of the most populous city or town. Voting shall be by
 65 secret ballot. The clerk shall prepare, at the expense of the
 66 district, necessary ballots for the election of officers,
 67 placing thereon the names of the proposed candidates for, and
 68 the length of the term of, each office, with an additional blank
 69 space for the insertion of another name by the voter. The
 70 ballots shall be marked and initialed by at least two judges as
 71 official ballots and shall be used exclusively at the election.
 72 Any proposition to be voted upon may be printed on the same
 73 ballot as that provided for the election of officers or on a
 74 different ballot. The hospital board may also authorize the use

1 of voting machines subject to the applicable provisions of
 2 chapter 206, and any laws amending or supplementing the same.
 3 Election judges may be appointed in such number as deemed
 4 necessary to receive the votes at each polling place, and may be
 5 paid by the district at a rate to be determined by the board.
 6 The election judges shall act as clerks of election, count the
 7 ballots cast, and submit them to the board for canvass. After
 8 canvassing the election, the board shall issue a certificate of
 9 election to the candidate for each office who received the
 10 largest number of votes cast for that office. The clerk shall
 11 deliver such certificate to the person entitled thereto in
 12 person or by certified mail, and each person so certified shall
 13 file an acceptance and oath of office in writing with the clerk
 14 within 30 days after the date of delivery or mailing of the
 15 certificate. The board may fill any office in the manner
 16 provided in subdivision 1 if the person elected thereto fails to
 17 qualify within said period, but such qualification shall be
 18 effective if made at any time before action to fill the vacancy
 19 has been taken.

20 Subd. 5. Regular meetings of the hospital board shall be
 21 held at least once a month, at such time and place as the board
 22 shall by resolution determine, and special meetings may be held
 23 at any time upon the call of the chairman chair or of any two *
 24 other members, upon written notice mailed to each member three
 25 days prior to the meeting, or upon such other notice as the
 26 board by resolution may provide, or without notice if each
 27 member is present or files with the clerk a written consent to
 28 the holding of the meeting, which consent may be filed before or
 29 after the meeting. Any action within the authority of the board
 30 may be taken by the vote of a majority of the members present at
 31 a regular or adjourned regular meeting or at a duly called
 32 special meeting, if a quorum is present. A majority of all the
 33 members of the board shall constitute a quorum, but a lesser
 34 number may meet and adjourn from time to time and compel the
 35 attendance of absent members.

36 Subd. 6. At its first regular meeting after each regular
 37 election, the board shall elect one of their number as chairman *
 38 chair, and shall also select a clerk and treasurer who may be *
 39 members of the board or others, as the board shall determine.
 40 The chairman chair, clerk, and treasurer shall hold office, as *
 41 such, at the pleasure of the board, subject to the terms of any
 42 contract of employment which the board may enter into with the
 43 clerk or treasurer.

44 Subd. 7. The chairman chair shall preside at all meetings *
 45 of the board, shall sign orders upon the treasurer for claims
 46 allowed by the board, and shall perform all duties usually
 47 incumbent upon such an officer. The clerk shall record the
 48 minutes of all meetings of the board, shall countersign all
 49 orders upon the treasurer, and shall be the custodian of all
 50 books and records of the district. The treasurer shall be the
 51 custodian of all moneys received by the district, and shall pay
 52 out money only on orders signed by the chairman chair and *
 53 clerk. Each order shall state the nature of the claim for which
 54 it is issued, the name of the payee, and the fund on which it is
 55 drawn, and may be so drawn that when signed by the treasurer in
 56 an appropriate place it becomes a check on the depository of
 57 funds of the hospital district. In case of absence, inability, *
 58 or refusal of the chairman chair, clerk, or treasurer to execute
 59 and disburse orders in payment of any claim duly allowed by the
 60 hospital board, the board may declare any of said offices vacant
 61 and fill the same by appointment. The board may also appoint a
 62 deputy to perform any and all functions and duties of any of
 63 said officers, subject to the supervision and control of such
 64 officer.

65 No change for subd 8

447*#34S

66 447.34 PAYMENT OF EXPENSES; TAXATION.

67 No change for subd 1

68 Subd. 2. On or before October 10 of each year the hospital
 69 board shall decide upon the total amount necessary to be raised
 70 from ad valorem tax levies to meet its expenses, and no later
 71 than October 10 the secretary of the hospital board shall
 72 certify such amount to the county auditor of each county
 73 containing territory situated within the hospital district.
 74 Each of said county auditors shall assess and extend upon the
 75 tax rolls for such year that portion of said amount which bears

1 the same ratio to the whole amount as the assessed value of
 2 taxable property in that part of the hospital district located
 3 in ~~his~~ the auditor's county bears to the assessed value of all *
 4 taxable property in the hospital district.

5 Subd. 3. Each of said county auditors shall add the amount
 6 of any levy so determined to the other tax levies on property
 7 located within ~~his~~ the auditor's county and within the hospital *
 8 district, for collection by the county treasurer with other
 9 taxes. When collected, the county treasurer shall make
 10 settlement of such taxes with the treasurer of the hospital
 11 district in the same manner as other taxes are distributed to
 12 other political subdivisions. The levies authorized by this
 13 section shall be in addition to any other county taxes
 14 authorized by law.

450*#20S

15 450.20 ART COMMISSION; WORK OF ART.

16 The council of any city of the first class may establish by
 17 ordinance a city art commission of five resident members to be
 18 appointed by the mayor, one each from lists of three persons *
 19 each presented to ~~him~~ the mayor as follows: One by the oldest
 20 incorporated society of fine arts or other similar body of the
 21 city, one by the library board thereof, and one by the park
 22 board. The other two shall be selected, one from the resident
 23 painters, sculptors, and architects, and one from the citizens
 24 generally. If any list be not submitted within 30 days after
 25 request so to do ~~from the mayor, he~~ the mayor shall appoint *
 26 without the recommendation. The terms of members shall begin
 27 January 1 next after appointment. The first board shall serve
 28 for one, two, three, four, and five years, respectively, as
 29 designated by the mayor, and thereafter the term of each shall
 30 be five years, and until ~~his~~ a successor qualifies. Vacancies *
 31 shall be filled for the unexpired terms by like appointments.
 32 After the commission is established, the city shall acquire no
 33 work of art, nor shall any such work be placed in any public
 34 place therein, unless the design and location thereof be
 35 approved by such commission; neither shall any work of art
 36 possessed by the city be removed, replaced, or altered without
 37 the approval of the commission. The mayor or council may
 38 request the commission to pass upon the design of any municipal
 39 building, bridge, approach, gate, fence, lamp, or other
 40 structure to be erected upon any public ground of the city, and
 41 upon any proposed grading, platting, or laying out of public
 42 grounds or ways; and in these cases the decisions of the
 43 commission shall be binding, and shall be obeyed. If the
 44 commission shall fail to decide upon any matter within 60 days
 45 after such request, its decision may be dispensed with and in
 46 cases of emergency the mayor or council may prescribe a shorter
 47 time. The term "work of art," as used herein, shall embrace all
 48 paintings, mural decorations, stained glass, statues,
 49 bas-reliefs or other sculptures, monuments, fountains, arches,
 50 gates, and other permanent structures for ornament or
 51 commemoration. Nothing herein shall apply to any building or
 52 grounds owned by the state or require any library or park board
 53 to accept any work of art to be displayed upon property under
 54 its control.

452*#08S

55 452.08 ACQUISITION AND OPERATION.

56 Every city of the first class in this state shall have the
 57 power to own, construct, acquire, purchase, maintain, and
 58 operate any public utility within its corporate limits, and to
 59 lease the same, or any part of the same, to any company
 60 incorporated under the laws of this state, for the purpose of
 61 operating such public utility for any period not longer than 20
 62 years, on such terms and conditions as the council shall deem
 63 for the best interests of the public.

64 Any city of the first class now owning and operating its
 65 own water-works, or other public utilities, may continue to own
 66 and operate the same in the same manner as if now authorized by
 67 law to own and operate the same, without submitting any
 68 proposition so to do to the electors thereof, and it may by a
 69 three-fifths vote of the council or other governing body and
 70 without submission to the electors thereof issue bonds and
 71 certificates of indebtedness in the manner and proportions
 72 provided in sections 452.08 to 452.14 for the purpose of
 73 refunding all bonds issued for the construction and creation of
 74 the utility, and the remainder of the proceeds thereof, if any,

1 shall be covered into the treasury of the city as a sinking fund
 2 for the redemption of any existing bonds, or for the purchase
 3 and acquisition of any new bonds of the city offered by the city.

4 It shall be lawful for any city of the first class to
 5 incorporate in any grant of the right to construct or operate
 6 any public utility, a reservation of the right on the part of
 7 the city to take over all or part of the public utility, at or
 8 before the expiration of the grant upon such terms and
 9 conditions as may be provided in the grant; it shall also be
 10 lawful to provide in the grant, that in case the reserved right
 11 be not exercised by the city and it shall grant a right to
 12 another company to operate the public utility in the streets and
 13 parts of streets occupied by its grantee under the former grant,
 14 the new grantee shall purchase and take over the public utility
 15 of the former grantee, upon the terms that the city might have
 16 taken it over, and it shall be lawful for the council of the
 17 city to make the grant containing such a reservation for either
 18 the construction or operation or both the construction and
 19 operation of the public utility, in, upon, and along any of the
 20 public streets, alleys, or ways therein, or portions thereof, in
 21 which the public utility is already located at the time of
 22 making the grant, without the petition or consent of any of the
 23 owners of the land abutting or fronting upon any street, public
 24 alley, or way, or portion thereof, covered by the grant.

25 No ordinance authorizing the lease of any public utility
 26 for any period, nor any ordinance renewing any lease, shall go
 27 into effect until the expiration of 60 days from and after its
 28 passage. If, within these 60 days, there is filed with the
 29 clerk of the city a petition signed by ten percent of the voters
 30 voting at the last preceding election for mayor, in the city,
 31 asking that the ordinance be submitted to a popular vote, then
 32 the ordinance shall not go into effect unless the question of
 33 the adoption of the ordinance shall first be submitted to the
 34 electors of the city and are approved by a majority of those
 35 voting thereon.

36 The signatures of the petition need not all be appended to
 37 one paper, but after each signer shall add to his signer's *
 38 signature, which shall be in his the signer's own handwriting, *
 39 his the signer shall add the place of residence, giving the *
 40 street number. One of the signers of each paper shall make oath
 41 before an officer competent to administer oaths that each
 42 signature to the paper appended is the signature of the person
 43 whose name purports to be thereto subscribed. The council of
 44 any city which shall decide by vote of its electors to acquire
 45 or construct any public utility, shall have the power, unless
 46 otherwise provided by law, to make all needful rules and
 47 regulations respecting the operation of the same, including the
 48 power to fix and prescribe rates and charges. For the purpose
 49 of acquiring a public utility either by purchase or
 50 construction, as provided for in sections 452.08 to 452.14, or
 51 for the equipment of any such public utility, and in addition to
 52 the certificates of indebtedness provided for in section 452.09,
 53 any city may borrow money and issue its negotiable bonds to an
 54 amount not exceeding one-fifth the cost thereof, pledging the
 55 faith and credit of the city therefor; but no such bonds shall
 56 be issued until the question of the issuance of certificates of
 57 indebtedness shall have been approved by a majority of the
 58 electors voting thereon as provided for in section 452.09, and
 59 then only upon a three-fifths vote of the council or other
 60 governing body. In the exercise of any of the powers, granted
 61 by sections 452.08 to 452.14, any city shall have power to
 62 acquire, take, and hold any and all franchises and necessary
 63 property, real, personal, or mixed, for the purposes specified
 64 in sections 452.08 to 452.14, either by purchase or condemnation
 65 in the manner provided by law for the taking and condemning of
 66 private property for public use, but in no valuation of public
 67 utility property for the purpose of any such acquisition, except
 68 of public utilities now operating under existing franchises
 69 shall any sum be included as the value of any earning power of
 70 the utility, or of the unexpired portion of any franchise
 71 granted by the city.

72 In case of the leasing by any city of any public utility
 73 owned by it, the rental reserved shall be based on both the
 74 actual value of the tangible property and of the franchise
 75 contained in the lease, and the rental shall not be less than a
 76 sufficient sum to meet the annual interest upon all outstanding

1 bonds or certificates issued by the city on account of any such
2 public utility.

452*#09S

3 452.09 LIMIT OF BONDS AND CERTIFICATES.

4 In addition to the bonds pledging the faith and credit of
5 the city, as provided for in section 452.08, any city of the
6 first class may issue and dispose of interest-bearing
7 certificates, which shall be a lien or charge against the public
8 utility property for the acquisition or construction of which
9 they were issued and shall be payable out of the specified
10 portion of the revenues or income to be derived therefrom, but
11 which shall under no circumstances be or become an obligation or
12 liability of the city or payable out of the general funds
13 thereof, nor shall the certificates be deemed a part of the
14 indebtedness of the city for any purpose. The certificates,
15 together with the bonds provided for in section 452.08, shall
16 not be issued on the public utility property in an amount in
17 excess of the cost to the city of the property as provided in
18 section 452.08, and ten percent of the cost in addition
19 thereto. In order to secure the payment of the public utility
20 certificates and the interest thereon, the city may convey, by
21 way of mortgage or deed of trust, any or all of the property
22 thus acquired or to be acquired through the issue thereof; which
23 mortgage or deed of trust shall be executed in such a manner as
24 directed by the council and acknowledged and recorded in the
25 manner provided by law for the acknowledgment and recording of
26 mortgages of real estate, and may contain such conditions and
27 provisions, not in conflict with the provisions of sections
28 452.08 to 452.14, as may be deemed necessary to fully secure the
29 payment of the certificates described therein. The mortgage or
30 deed of trust may carry the grant of a privilege or right to
31 maintain and operate the property covered thereby, for a period
32 not exceeding 20 years from and after the date the property may
33 come in the possession of any person or corporation as a result
34 of foreclosure proceedings; which privilege or right may fix the
35 rates which the person or corporation securing the same as a
36 result of the foreclosure proceedings shall be entitled to
37 charge in the operation of the property, for a period not
38 exceeding 20 years. When, and as often as default shall be made
39 in the payment of the certificate issued or secured by mortgage
40 or deed of trust, or in the payment of the interest thereon when
41 due, and the default shall have continued for the space of 12
42 months after notice thereof has been given to the mayor and
43 financial officer of the city issuing the certificates, it shall
44 be lawful for the mortgagee or trustee, upon the request of the
45 holder or holders of a majority in amount of the certificates
46 issued and outstanding under the mortgage or deed of trust, to
47 declare the whole of the principal of all the certificates
48 outstanding to be at once due and payable, and to proceed to
49 foreclose the mortgage or deed of trust in any court of
50 competent jurisdiction. At a foreclosure sale, the mortgagee or
51 the holders of the certificates may become the purchaser or
52 purchasers and the rights and privileges sold, if ~~he or they~~ the *
53 mortgagee or the holders be the highest bidders. Any public *
54 utility acquired under the foreclosure shall be subject to
55 regulation by the corporate authorities of the city to the same
56 extent as if the right to construct, maintain, and operate the
57 property had been acquired through a direct grant without the
58 intervention of foreclosure proceedings; provided, that no such
59 public utility certificates or mortgage shall ever be issued by
60 any city under the provisions of sections 452.08 to 452.14,
61 unless and until the question of the adoption of the ordinance
62 of the council making provision of the issue thereof shall have
63 first been submitted to a popular vote and approved by a
64 majority of the qualified voters of the city voting upon the
65 question.

453*#53S

66 453.53 MUNICIPAL POWER AGENCIES; INCORPORATION.

67 No change for subd 1 to 5

68 Subd. 6. Each of the directors shall hold office for the
69 term for which ~~he has been~~ selected and until a successor has *
70 been selected and has qualified. Directors shall discharge
71 their duties in good faith, and with that diligence and care
72 which an ordinary prudent person in a like position would
73 exercise under similar circumstances. The agency agreement or
74 the bylaws may prescribe the number, term of office, powers,

1 authority, and duties of directors, the time and place of their
2 meetings, and other regulations concerning directors. Except
3 where the agency agreement or bylaws prescribe otherwise, the
4 term of office of a director shall be for one year. Except
5 where the agency agreement or bylaws prescribe otherwise, a
6 meeting of the board of directors may be held at any place,
7 within or without the state, designated by the board, after
8 notice, and an act of the majority of the directors present at a
9 meeting at which a quorum is present is the act of the board.
10 Except where the agency agreement or bylaws prescribe otherwise,
11 any vacancy occurring on the board shall be filled by a person
12 nominated by the remaining members of the board and elected by a
13 majority of representatives of the member cities.

14 No change for subd 7 to 10

453A#03S

15 453A.03 MUNICIPAL GAS AGENCIES; INCORPORATION.

16 No change for subd 1 to 5

17 Subd. 6. Each of the directors shall hold office for the
18 term for which ~~he has been~~ selected and until a successor has *
19 been selected and has qualified. Directors shall discharge
20 their duties in good faith, and with that diligence and care
21 which an ordinary prudent person in a like position would
22 exercise under similar circumstances. The agency agreement or
23 the bylaws may prescribe the number, term of office, powers,
24 authority, and duties of directors, the time and place of their
25 meetings, and other regulations concerning directors. Except
26 where the agency agreement or bylaws prescribe otherwise, the
27 term of office of a director shall be for one year. Except
28 where the agency agreement or bylaws prescribe otherwise, a
29 meeting of the board of directors may be held at any place,
30 within or without the state, designated by the board, after
31 notice, and an act of the majority of the directors present at a
32 meeting at which a quorum is present is the act of the board.
33 Except where the agency agreement or bylaws prescribe otherwise,
34 any vacancy occurring on the board shall be filled by a person
35 nominated by the remaining members of the board and elected by a
36 majority of representatives of the member cities.

37 No change for subd 7 to 10

458A#01S

38 458A.01 DEFINITIONS.

39 No change for subd 1 to 7

40 Subd. 8. "Operator" means any person engaged or seeking to
41 engage in the business of providing public transit, but does not
42 include persons engaged primarily in the transportation of
43 children to or from school, in operating taxicabs, in operating
44 buses, limousines, or other means for the transportation of
45 passengers between a common carrier terminal station and a hotel
46 or motel, in operating a common carrier railroad or common
47 carrier railroads, or a person furnishing transportation solely
48 for ~~his or its~~ the person's employees or customers. *

458A#02S

49 458A.02 AREA; COMMISSION.

50 No change for subd 1

51 Subd. 2. TERMS OF TRANSIT COMMISSIONERS. The terms
52 of the first transit commissioners shall expire on July 1 in the
53 respective calendar years following 1969 as follows: one
54 commissioner representing the city of St. Cloud in the first
55 calendar year; one commissioner representing the city of Waite
56 Park in the second calendar year; one commissioner representing
57 the city of Sauk Rapids, and one commissioner representing the
58 city of St. Cloud in the third calendar year. In the event that
59 the membership of the commission is increased by the inclusion
60 of additional municipalities as provided in subdivision 1, the
61 initial terms of the new members shall be resolved by a rule of
62 the commission. Succeeding terms of all commissioners shall be
63 three years. Each member shall serve until ~~his~~ a successor has *
64 been selected and has qualified unless ~~his~~ his tenure is terminated *
65 by resignation, removal, death, or otherwise as provided by law.

66 No change for subd 3

67 Subd. 4. COMMISSIONERS; TIME LIMITS FOR SELECTION;
68 ALTERNATIVE APPOINTMENT BY GOVERNOR. The first commissioners
69 shall be selected as hereinbefore provided within 60 days after
70 July 1, 1969. A successor to each commissioner shall be so
71 selected at any time within 60 days before the expiration of ~~his~~ *
72 a term. A selection to fill a vacancy shall be made within 60 *
73 days after the occurrence of the vacancy.

1 Subd. 5. COMMISSIONERS; CERTIFICATES OF SELECTION; OATH
 2 OF OFFICE. A certificate of the selection of every
 3 commissioner, stating the term for which ~~he-was~~ selected, shall *
 4 be made by the selecting municipality or its presiding and
 5 recording officers, with approval appended by other authority,
 6 if required, and filed with the secretary of state.
 7 Counterparts thereof shall be furnished to the commissioner and
 8 the secretary of the commission.

9 Subd. 6. COMMISSIONERS, OFFICERS, AND EMPLOYEES;
 10 CONFLICTING INTERESTS PROHIBITED. No commissioner and no
 11 officer or employee of the commission having administrative or
 12 policy making authority shall:

13 (a) have any private financial interest, directly or
 14 indirectly, in any contract, work, or business of the commission
 15 or any public transit system subject to regulation by the
 16 commission;

17 (b) be in the employ of or hold any stock, bond,
 18 investment, or other financial interest in or private business
 19 relationship to any operator of a public transit system in the
 20 transit area.

21 Any violation of the provisions of this subdivision shall
 22 be a gross misdemeanor, and upon conviction thereof the
 23 defendant shall be deemed to be automatically removed from ~~his~~ *
 24 the position upon or under the commission forthwith, and shall *
 25 be disqualified from holding such position.

458A#03S

26 458A.03 COMMISSION; ORGANIZATION AND OPERATION.

27 Subdivision 1. ORGANIZATION; OFFICERS; MEETINGS; SEAL.

28 Within 90 days after July 1, 1969, or as soon as practicable
 29 after the selection and qualification of a majority of the first
 30 members of the commission, they shall meet to organize the
 31 commission at the call of a majority of the members, upon seven
 32 days notice by certified mail to all those who have qualified,
 33 at a time and place within the area designated in the notice. A
 34 majority of the commissioners appointed shall constitute a
 35 quorum at that meeting and all other meetings of the
 36 commission. At that meeting the commission shall elect a
 37 chairman chair from its membership, a vice-chairman vice-chair, *
 38 a secretary, and a treasurer, which latter two officers shall
 39 serve at the pleasure of the commission, to serve until the
 40 regular monthly meeting of the commission to be held in the
 41 month of July next following or until their successors are
 42 elected and have qualified. At that regular monthly meeting and
 43 at the regular meeting held in the month of July in alternate
 44 years thereafter the commission shall elect successors to those
 45 officers to serve for two years or until their successors are
 46 elected and have qualified. The commission shall hold a regular
 47 meeting at least once in each month at a time and place within
 48 the area designated by the commission. Special meetings may be
 49 held as directed by the commission or at the call of
 50 the chairman chair or any two commissioners upon at least seven *
 51 days notice by mail to all commissioners. All meetings of the
 52 commission shall be open to the public. Any authorized action
 53 may be taken by the commission upon the vote of a majority of
 54 those members present at any meeting lawfully convened. The
 55 commission may adopt a seal, which shall be officially and
 56 judicially noticed, to authenticate instruments executed by its
 57 authority, but omission of the seal shall not affect the
 58 validity of any instrument. The chairman chair, vice-chairman *
 59 vice-chair, treasurer, and secretary shall have the powers and *
 60 duties usually incident to their respective offices and such
 61 others as may be prescribed for or delegated to them by the
 62 commission or as may be otherwise provided by law.

63 No change for subd 2

64 Subd. 3. STATE TREASURER TO BE TREASURER; FISCAL YEAR.

65 The treasurer shall receive, hold, disburse, invest, and
 66 otherwise dispose of all moneys of the commission as provided by
 67 law. Except as otherwise expressly provided, he the treasurer *
 68 shall disburse moneys of the commission only as directed by the
 69 commission or by any of its officers thereto authorized by the
 70 commission. The fiscal year of the commission ending June 30,
 71 1976 shall be extended to September 30, 1976. Thereafter the
 72 fiscal year of the commission shall be from October 1 to
 73 September 30.

74 Subd. 4. COMMISSIONERS; PER DIEM AND EXPENSES. A
 75 commissioner shall receive no per diem for ~~his~~ services except *

1 as hereinafter provided, but shall be reimbursed for actual and
2 necessary expenses incurred in the performance of his duties. *
3 Each commissioner shall be paid such sum as the commission by
4 resolution may determine, by public hearing for each day or part
5 thereof spent in attending meetings of the commission; provided,
6 that no commissioner shall receive more than \$2,500 for such
7 attendance during the first 12 months beginning with and
8 following the organization meeting, nor more than \$1,600 in any
9 one calendar year thereafter. The secretary and the treasurer
10 shall receive such per diem as the commission may determine,
11 which may be in addition to their per diem as a commissioner if
12 they are such.

13 Subd. 5. EXECUTIVE DIRECTOR; OTHER OFFICERS AND
14 EMPLOYEES. The commission may appoint an executive
15 director. He The executive director shall not be under civil *
16 service, and the commission shall prescribe the terms of his *
17 employment as to compensation, tenure, retirement, and other
18 appropriate conditions, including, without limitation, any
19 conditions applicable by law to public employees in the
20 unclassified service so far as the commission shall so
21 determine. He The executive director shall be subject to *
22 removal by the commission at any time. The executive director,
23 if appointed, shall be the chief administrative officer of the
24 commission and shall have the powers and duties incident thereto
25 and such others as the commission may prescribe in furtherance
26 of the provisions of sections 458A.01 to 458A.15, including such
27 powers of the commission as it may see fit to delegate to him *
28 except those expressly required by law to be exercised by the
29 commission. The commission may appoint or employ such other
30 regular officers and employees as it deems necessary in
31 furtherance of the purposes of sections 458A.01 to 458A.15 and
32 prescribe their terms of employment, powers, and duties, subject
33 to applicable civil service laws and other laws relating to
34 public employees except as otherwise expressly provided. In
35 addition thereto the commission may engage by contract, upon
36 such terms as it may see fit, attorneys, engineers, consultants,
37 agents, and other professionally qualified persons for such
38 special purposes as the commission deems necessary in
39 furtherance of the purposes of sections 458A.01 to 458A.15,
40 subject to removal at the pleasure of the commission.

41 No change for subd 6 to 7

42 Subd. 8. LEGAL STATUS; GENERAL POWERS. The transit
43 area, with the commission as its governing body, shall be a
44 public corporation and a political subdivision of the state.
45 All the powers vested and obligations or duties imposed upon the
46 commission and acts of the commission by sections 458A.01 to
47 458A.15 shall be deemed to be those of the transit area wherever
48 necessary or appropriate, and shall be exercised, performed, and
49 discharged in behalf of the area by the commission in its name
50 as a public corporation and with like force and effect as if
51 done in the name of the area, and for all such purposes, the
52 commission shall have the same status and powers as the area.
53 The chairman chair and secretary of the commission shall have *
54 such powers as are delegated to them by the commission. The
55 commission may sue and be sued and may enter into contracts
56 which may be necessary or proper.

57 The commission may operate paratransit services, as defined
58 in section 174.22, subdivision 6, may apply for and receive
59 financial assistance under the paratransit service demonstration
60 grant program established by section 174.25, and may exercise
61 such other powers conferred upon it by sections 458A.01 to
62 458A.15, including the power to acquire property, as may be
63 necessary and proper to operation of such services or the
64 application for and receipt of such assistance.

65 Except as otherwise provided, the commission may, within
66 the transit area, acquire by purchase, lease, gift, or
67 condemnation proceedings any real or personal property,
68 franchises, easements, or other rights which may be necessary or
69 proper and may acquire real property in such manner for use as
70 terminal facilities, maintenance and garage facilities, ramps,
71 parking areas and other facilities useful for or related to any
72 public transit system. The commission shall have power to
73 acquire by purchase, lease, or gift all or any part of the
74 plant, equipment, shares of stock, property, real, personal, or
75 mixed, rights in property, reserve funds, special funds,
76 franchises, licenses, patents, permits and papers, documents and

1 records belonging to any operator of a public transit system
2 within the area, and to lease property and to transfer or convey
3 by sale or otherwise any property or rights to others, or to
4 exchange the same for other property or rights which are useful
5 for its purposes, and may in connection therewith assume any or
6 all liabilities of any operator of a public transit system. The
7 commission, without limitation, may acquire or construct and
8 equip terminal facilities, maintenance and garage facilities,
9 ramps, transit lanes or rights of way, parking areas and other
10 facilities useful for or related to any public transit system
11 and may hold, use, improve, operate, maintain, lease, sell, or
12 otherwise dispose of any of its property to others and may
13 contract with any operator or other person for the use by any
14 such operator or person of any such property or facilities under
15 its control. The commission shall not acquire any existing
16 public transit system or any part thereof by condemnation. In
17 the determination of the fair value of the existing public
18 transit system, there shall not be included any value
19 attributable to expenditures for improvements by the transit
20 commission.

21 The commission may accept gifts, grants, or loans of money
22 or other property from the United States, the state, or any
23 person or entity for such purposes, may enter into any agreement
24 required in connection therewith, may comply with any federal or
25 state laws or regulations applicable thereto, and may hold, use,
26 and dispose of such money or property in accordance with the
27 terms of the gift, grant, loan, or agreement relating thereto.
28 The commission may establish an executive committee, a finance
29 committee, and such other committees of its members as it deems
30 necessary or proper in furtherance of the provisions of sections
31 458A.01 to 458A.15, and may authorize them to exercise in the
32 intervals between commission meetings any powers of the
33 commission except those expressly required by law to be
34 exercised by the commission.

35 No change for subd 8a to 9

458A#06S

36 458A.06 SPECIAL PROVISIONS.

37 No change for subd 1 to 9

38 Subd. 10. INSPECTION OF BOOKS AND PAPERS. The
39 commission or its authorized agents may require the production
40 of accounts, books, records, memoranda, correspondence, and
41 other documents and papers of any operator relating to ~~his-or~~ *
42 its public transit operations in the transit area, may inspect
43 and copy any thereof at the operator's place of business, and
44 shall have access to and may inspect any of the lands,
45 buildings, facilities, or equipment of any such operator used
46 for such operations.

47 No change for subd 11

458A#07S

48 458A.07 LABOR PROVISIONS.

49 If the commission acquires an existing transit system, the
50 commission shall assume and observe all existing labor contracts
51 and pension obligations. All employees of such system except
52 executive and administrative officers who are necessary for the
53 operation thereof by the commission shall be transferred to and
54 appointed as employees of the commission for the purposes of the
55 transit system, subject to all the rights and benefits of
56 sections 458A.01 to 458A.15. Such employees shall be given
57 seniority credit and sick leave, vacation, insurance, and
58 pension credits in accordance with the records or labor
59 agreements from the acquired transit system. The commission
60 shall assume the obligations of any transit system acquired by
61 it with regard to wages, salaries, hours, working conditions,
62 sick leave, health and welfare and pension or retirement
63 provisions for employees. The commission and the employees,
64 through their representatives for collective bargaining
65 purposes, shall take whatever action may be necessary to have
66 pension trust funds presently under the joint control of the
67 acquired transportation system and the participating employees
68 through their representatives transferred to the trust fund to
69 be established, maintained and administered jointly by the
70 commission and the participating employees through their
71 representatives. No employee of any acquired transportation
72 system who is transferred to a position with the commission
73 shall by reason of such transfer be placed in any worse position
74 with respect to workers' compensation, pension, seniority,

1 wages, sick leave, vacation, health and welfare insurance or any
 2 other benefits than he the person enjoyed as an employee of such
 3 acquired transportation system. *

459*#06S

4 459.06 MUNICIPAL AND MEMORIAL FORESTS.

5 Subdivision 1. ACCEPT DONATIONS. Any county, city,
 6 or town in this state, by resolution of the governing body
 7 thereof, may accept donations of land that such governing body
 8 may deem to be better adapted for the production of timber and
 9 wood than for any other purpose, for a forest, and may manage
 10 the same on forestry principles. The donor of not less than 100
 11 acres of any such land shall be entitled to have the same
 12 perpetually bear ~~his-or-her~~ the donor's name. The governing
 13 body of any city, or town in this state, when funds are
 14 available or have been levied therefor, may, when authorized by
 15 a majority vote by ballot of the voters voting at any general or
 16 special city election or town meeting where such question is
 17 properly submitted, purchase or obtain by condemnation
 18 proceedings, and preferably at the sources of streams, any tract
 19 of land for a forest which is better adapted for the production
 20 of timber and wood than for any other purpose, and which is
 21 conveniently located for the purpose, and manage the same on
 22 forestry principles; the selection of such lands and the plan of
 23 management thereof shall have the approval of the director of
 24 lands and forestry. Such city or town is authorized to levy and
 25 collect an annual tax of not exceeding one and two-thirds mills
 26 on the dollar of its assessed real estate valuation, in addition
 27 to all other taxes authorized or permitted by law, to procure
 28 and maintain such forests.

29 No change for subd 2 to 3

461*#15S

30 461.15 BLIND PERSONS NOT TO PAY CIGARETTE LICENSES.

31 No applicant for any license required of persons for the
 32 sale or manufacture of cigarettes shall be required to pay any
 33 fee to the state or any political subdivision thereof ~~if he~~
 34 furnishes upon furnishing a doctor's certificate showing that he
 35 the applicant is blind, as defined by Laws 1937, Chapter 324. *

462*#14S

36 462.14 APPRAISAL OF DAMAGE.

37 Subdivision 1. APPRAISERS. The council shall
 38 appoint five appraisers who shall be disinterested qualified
 39 voters of the city, and none of whom shall be a resident of the
 40 ward or wards in which any part of the district so designated is
 41 situate, to view the premises and appraise the damages which may
 42 be occasioned by the establishment of such restricted residence
 43 district and by the exercise by the city of the powers herein
 44 granted.

45 The appraisers shall be notified as soon as practicable by
 46 the city clerk, as the case may be, to attend at a time fixed by
 47 ~~him~~, for the purpose of qualifying and entering upon their
 48 duties. When a vacancy may occur among the appraisers by
 49 neglect or refusal of any of them to act or otherwise, such
 50 vacancy shall be filled by the council. *

51 No change for subd 2 to 3

52 Subd. 4. APPRAISAL OF DAMAGES. The city clerk

53 shall, after the first publication of such notice, and at least
 54 six days (Sunday excluded) prior to the meeting specified in
 55 said notice, serve upon each person having an interest as owner
 56 or mortgagee in each parcel of land in said district as shown by
 57 the records in the office of the county recorder a copy of the
 58 notice by depositing the same in the post-office of the city,
 59 with first class postage prepaid, in an envelope bearing on its
 60 front in type no smaller than ten point the words "Notice of
 61 Restricted Residence District Proceedings Affecting Your
 62 Property" or "Notice of Proceedings to Vacate Restricted
 63 Residence Districts Affecting Your Property," as the case may
 64 be, directed to such person at ~~his~~ the person's last known place
 65 of residence, if known to the city clerk, but if not known, then
 66 to ~~his~~ the person's place of residence as given in the last
 67 published city directory of the city, if ~~his~~ the person's name
 68 appears therein, or obtained from the records of such owner's
 69 address last given on tax receipts in the office of the county
 70 treasurer or auditor, or, in the case of mortgagees, to the
 71 address, if any, appearing in the mortgage. *

72 After the first publication of the notice, and at least six
 73 days (Sunday excluded) prior to the meeting specified in the

1 notice, a copy of the same shall also be served upon the person
 2 in possession of each of the tracts or parcels of land, or some
 3 part thereof, if the same be actually occupied, in the same
 4 manner as provided for the service of summons in a civil action
 5 in the district court. A copy of all subsequent notices
 6 relating to said proceedings which are required to be published,
 7 shall be mailed by said clerk in the manner above specified,
 8 immediately after the first publication thereof, to owners and
 9 mortgagees in the manner and to the address above provided and
 10 to such persons as shall have appeared in said proceedings and
 11 requested in writing that such notice be mailed to them.

12 No change for subd 5 to 10

13 Subd. 11. OBJECTIONS; APPEAL TO DISTRICT COURT. Any
 14 owner of land within the district who deems that there is any
 15 irregularity in the proceedings of the council, or action of the
 16 appraisers, by reason of which the award of the appraisers ought
 17 not to be confirmed, or who is dissatisfied with the amount of
 18 damages awarded, to ~~him~~ the owner or the assessment thereon, may *
 19 at any time before the time specified for the consideration of
 20 the award and assessment by the council, file with the city
 21 clerk, in writing, ~~his~~ objections to such confirmation, setting *
 22 forth therein specifically the particular irregularities
 23 complained of, and the particular objection to the award or
 24 assessment, and containing a description of the property in
 25 which ~~he~~ the owner is interested, affected by such proceedings *
 26 and ~~his~~ the owner's interest therein, and if, notwithstanding *
 27 such objections the council shall confirm the award, or
 28 assessment, such person so objecting shall have the right to
 29 appeal from such order of confirmation of the council to the
 30 district court of the county where such land is situate, within
 31 20 days after such order. Such appeals shall be made by serving
 32 a written notice of appeal upon the city clerk which shall
 33 specify the property of the appellant affected by such award and
 34 refer to the objection filed as aforesaid, thereupon the city
 35 clerk, at the expense of the appellant, shall make out and
 36 transmit to the clerk of the district court a copy of the record
 37 of the entire proceedings, and of the award of the appraisers as
 38 confirmed by the council and of the order of the council
 39 confirming the same, and of the objections filed by the
 40 appellant, as aforesaid, and of the notice of appeal, all
 41 certified by the city clerk to be true copies, within ten days
 42 after the taking of such appeal. If more than one appeal be
 43 taken from any award, it shall not be necessary that the city
 44 clerk in appeals subsequent to the first, shall send up anything
 45 but a certified copy of the appellant's objections. There shall
 46 be no pleading on any appeal, but the court shall determine in
 47 the first instance whether there was in the proceedings any such
 48 irregularity or omission of duty prejudicial to the appellant
 49 and specified in ~~his~~ the appellant's written objection that as *
 50 to ~~him~~ the appellant the award or assessment of the appraisers *
 51 ought not to stand, and whether the appraisers had jurisdiction
 52 to take action in the premises.

53 No change for subd 12 to 13

462*#357S

54 462.357 PROCEDURE FOR PLAN EFFECTUATION; ZONING.

55 No change for subd 1 to 5

56 Subd. 6. APPEALS AND ADJUSTMENTS. Appeals to the
 57 board of appeals and adjustments may be taken by any affected
 58 person upon compliance with any reasonable conditions imposed by
 59 the zoning ordinance. The board of appeals and adjustments has
 60 the following powers with respect to the zoning ordinance:

61 (1) To hear and decide appeals where it is alleged that
 62 there is an error in any order, requirement, decision, or
 63 determination made by an administrative officer in the
 64 enforcement of the zoning ordinance.

65 (2) To hear requests for variances from the literal
 66 provisions of the ordinance in instances where their strict
 67 enforcement would cause undue hardship because of circumstances
 68 unique to the individual property under consideration, and to
 69 grant such variances only when it is demonstrated that such
 70 actions will be in keeping with the spirit and intent of the
 71 ordinance. "Undue hardship" as used in connection with the
 72 granting of a variance means the property in question cannot be
 73 put to a reasonable use if used under conditions allowed by the
 74 official controls, the plight of the landowner is due to
 75 circumstances unique to ~~his~~ the property not created by the *

1 landowner, and the variance, if granted, will not alter the
2 essential character of the locality. Economic considerations
3 alone shall not constitute an undue hardship if reasonable use
4 for the property exists under the terms of the ordinance. Undue
5 hardship also includes, but is not limited to, inadequate access
6 to direct sunlight for solar energy systems. Variances shall be
7 granted for earth sheltered construction as defined in section
8 116J.06, subdivision 2, when in harmony with the ordinance. The
9 board of appeals and adjustments or the governing body as the
10 case may be, may not permit as a variance any use that is not
11 permitted under the ordinance for property in the zone where the
12 affected person's land is located. The board or governing body
13 as the case may be, may permit as a variance the temporary use
14 of a one family dwelling as a two family dwelling. The board or
15 governing body as the case may be may impose conditions in the
16 granting of variances to insure compliance and to protect
17 adjacent properties.

18 No change for subd 6a to 8

462*#358S

19 462.358 PROCEDURE FOR PLAN EFFECTUATION; SUBDIVISION
20 REGULATIONS.

21 No change for subd 1a to 3c

22 Subd. 4a. DISCLOSURE BY SELLER; BUYER'S ACTION FOR
23 DAMAGES. A person conveying a new parcel of land which, or
24 the plat for which, has not previously been filed or recorded,
25 and which is part of or would constitute a subdivision to which
26 adopted municipal subdivision regulations apply, shall attach to
27 the instrument of conveyance either: (a) recordable
28 certification by the clerk of the municipality that the
29 subdivision regulations do not apply, or that the subdivision
30 has been approved by the governing body, or that the
31 restrictions on the division of taxes and filing and recording
32 have been waived by resolution of the governing body of the
33 municipality in this case because compliance will create an
34 unnecessary hardship and failure to comply will not interfere
35 with the purpose of the regulations; or (b) a statement which
36 names and identifies the location of the appropriate municipal
37 offices and advises the grantee that municipal subdivision and
38 zoning regulations may restrict the use or restrict or prohibit
39 the development of the parcel, or construction on it, and that
40 the division of taxes and the filing or recording of the
41 conveyance may be prohibited without prior recordable
42 certification of approval, nonapplicability, or waiver from the
43 municipality. In any action commenced by a buyer of such a
44 parcel against the seller thereof, the misrepresentation of or
45 the failure to disclose material facts in accordance with this
46 subdivision shall be grounds for damages. If the buyer
47 establishes his a right to damages, a district court hearing the *
48 matter may in its discretion also award to the buyer an amount
49 sufficient to pay all or any part of the costs incurred in
50 maintaining the action, including reasonable attorney fees, and
51 an amount for punitivedamages not exceeding five per centum of
52 the purchase price of the land.

53 No change for subd 4b to 10

462*#359S

54 462.359 PROCEDURE FOR PLAN EFFECTUATION; OFFICIAL MAPS.

55 No change for subd 1 to 3

56 Subd. 4. APPEALS. If a permit for a building in
57 such location is denied, the board of appeals and adjustments
58 shall have the power, upon appeal filed with it by the owner of
59 the land, to grant a permit for building in such location in any
60 case in which the board finds, upon the evidence and the
61 arguments presented to it, (a) that the entire property of the
62 appellant of which such area identified for public purposes
63 forms a part cannot yield a reasonable return to the owner
64 unless such a permit is granted, and (b) that balancing the
65 interest of the municipality in preserving the integrity of the
66 official map and of the comprehensive municipal plan and the
67 interest of the owner of the property in the use of his the *
68 property and in the benefits of ownership, the grant of such
69 permit is required by considerations of justice and equity. In
70 addition to the notice of hearing required by section 462.354,
71 subdivision 2, a notice shall be published in the official
72 newspaper once at least ten days before the day of the hearing.
73 If the board of appeals and adjustments authorizes the issuance
74 of a permit the governing body or other board or commission

1 having jurisdiction shall have six months from the date of the
 2 decision of the board to institute proceedings to acquire such
 3 land or interest therein, and if no such proceedings are started
 4 within that time, the officer responsible for issuing building
 5 permits shall issue the permit if the application otherwise
 6 conforms to local ordinances. The board shall specify the exact
 7 location, ground area, height and other details as to the extent
 8 and character of the building for which the permit is granted.

462*#361S

9 462.361 JUDICIAL REVIEW.

10 No change for subd 1

11 Subd. 2. EXHAUSTION OF REMEDIES. In actions brought
 12 under this section, a municipality may raise as a defense the
 13 fact that the complaining party has not attempted to remedy ~~his~~ *
 14 the grievance by use of procedures available ~~to him~~ for that *
 15 purpose under ordinance or charter, or under sections 462.351 to
 16 462.364. If the court finds that such remedies have not been
 17 exhausted, it shall require the complaining party to pursue
 18 those remedies unless it finds that the use of such remedies
 19 would serve no useful purpose under the circumstances of the
 20 case.

462*#384S

21 462.384 DEFINITIONS.

22 No change for subd 1 to 6

23 Subd. 7. "Commissioner" means the commissioner of energy
 24 and economic development exercising the authority conferred ~~upon~~ *
 25 ~~him~~ by sections 116K.01 to 116K.07. *

462*#387S

26 .462.387 REGIONAL DEVELOPMENT COMMISSIONS; ESTABLISHMENT.

27 No change for subd 1

28 Subd. 3. ESTABLISHMENT. Upon receipt of a petition
 29 as provided in subdivision 1 a regional development commission
 30 shall be established by the commissioner and the notification of
 31 all local government units within the region for which the
 32 commission is proposed. The notification shall be made within
 33 60 days of ~~his~~ the commissioner's receipt of a petition under *
 34 subdivision 1.

35 No change for subd 4

462*#388S

36 462.388 COMMISSION MEMBERSHIP.

37 Subdivision 1. A commission shall consist of the following
 38 members:

- 39 (1) one member from each county board of every county in
 40 the development region;
 41 (2) one additional county board member from each county of
 42 over 100,000 population;
 43 (3) the town clerk, town treasurer, or one member of a town
 44 board of supervisors from each county containing organized towns;
 45 (4) one additional member selected by the county board of
 46 any county containing no townships;
 47 (5) one mayor or ~~councilman~~ council member from a *
 48 municipality of under 10,000 population from each county,
 49 selected by the mayors of all such municipalities in the county;
 50 (6) one mayor or ~~councilman~~ council member from each *
 51 municipality of over 10,000 in each county;
 52 (7) two school board members elected by a majority of the
 53 ~~chairmen~~ chairs of school boards in the development region; *
 54 (8) one member from each council of governments;
 55 (9) citizens representing public interests within the
 56 region including members of minority groups to be selected after
 57 adoption of the bylaws of the commission; and
 58 (10) the ~~chairman~~ chair, who shall be selected by the *
 59 commission.

60 Subd. 2. The terms of office and method of selection of
 61 members other than the ~~chairman~~ chair shall be provided in the *
 62 bylaws of the commission which shall not be inconsistent with
 63 the provisions of subdivision 1. The commission shall adopt
 64 rules setting forth its procedures.

65 Subd. 3. Repealed, 1971 c 153 s 13

66 Subd. 4. MS 1978 Expired

67 No change for subd 5

462*#389S

68 462.389 DEVELOPMENT COMMISSION CHAIRMAN CHAIR; OFFICERS *
 69 AND STAFF.

70 Subdivision 1. CHAIRMAN CHAIR. The chairman chair *
 71 of the commission shall have been a resident of the region for

1 at least one year and shall be a person experienced in the field
 2 of government affairs. The chairman chair shall preside at the
 3 meetings of the commission and board of directors:--~~He shall,~~
 4 appoint all employees thereof, subject to the approval of the
 5 commission, and be responsible for carrying out all policy
 6 decisions of the commission. ~~His~~ The chair's expense allowances
 7 shall be fixed by the commission. The term of the
 8 first chairman chair shall be one year, and ~~he~~ the chair shall
 9 serve until ~~his~~ a successor is selected and qualifies. At the
 10 expiration of the term of the first chairman chair, the chairman
 11 chair shall be elected from the membership of the commission
 12 according to procedures established in its bylaws.

13 No change for subd 2

14 Subd. 3. EXECUTIVE DIRECTOR. Upon the
 15 recommendation of the chairman chair, the commission may appoint
 16 an executive director to serve as the chief administrative
 17 officer. ~~He~~ The director may be chosen from among the citizens
 18 of the nation at large, and shall be selected on the basis
 19 of ~~his~~ training and experience in the field of government
 20 affairs.

21 No change for subd 4 to 6

462*#394S

22 462.394 CITIZEN PARTICIPATION AND ADVISORY COMMITTEES.

23 The commission may appoint advisory committees of
 24 interested and affected citizens to assist in the review of
 25 plans, programs, and other matters referred for review by the
 26 commission. Whenever a special advisory committee is required
 27 by any federal or state regional program the commission chairman
 28 chair shall, as far as practical, appoint such committees as
 29 advisory groups to the commission. Members of the advisory
 30 committees shall serve without compensation but shall be
 31 reimbursed for their reasonable expenses as determined by the
 32 commission.

462*#396S

33 462.396 FINANCIAL; STATE ASSISTANCE.

34 No change for subd 1 to 3

35 Subd. 4. The commission shall keep an accurate account of
 36 its receipts and disbursement. Disbursements of funds of the
 37 commission shall be made by check signed by the chairman chair
 38 or ~~vice-chairman~~ vice-chair or secretary of the commission and
 39 countersigned by the executive director or ~~his~~ an authorized
 40 deputy thereof after such auditing and approval of the
 41 expenditure as may be provided by rules of the commission. The
 42 state auditor shall audit the books and accounts of the
 43 commission once each year, or as often as funds and personnel of
 44 the state auditor permit. The commission shall pay to the state
 45 the total cost and expenses of such examination, including the
 46 salaries paid to the auditors while actually engaged in making
 47 such examination. The revolving fund of the state auditor shall
 48 be credited with all collections made for any such examination.

49 No change for subd 5

50 Subd. 6. The commission shall from time to time designate
 51 one or more national or state banks, or trust companies
 52 authorized to do a banking business, as official depositories
 53 for money of the commission, and thereupon shall require the
 54 treasurer to deposit all or part of such money in such bank or
 55 banks. Such designation shall be in writing and set forth all
 56 the terms and conditions upon which the deposits are made, and
 57 shall be signed by the chairman chair and secretary, and made a
 58 part of the minutes of the commission. Any bank or trust
 59 company so designated shall qualify as a depository by
 60 furnishing a corporate surety bond or collateral as required by
 61 chapter 118, and shall thereafter, as long as money of the
 62 commission is on deposit therein, maintain such bond or
 63 collateral and shall be required to secure any deposit, insofar
 64 as it is insured under federal law, as provided in section
 65 118.10.

462*#421S

66 462.421 DEFINITIONS.

67 No change for subd 1 to 11

68 Subd. 12. "Housing project" means any work or undertaking:

69 (1) To demolish, clear, or remove buildings from any
 70 blighted area acquired by the authority; or

71 (2) To provide decent, safe, and sanitary urban dwellings,
 72 apartments, or other living accommodations for persons of low
 73 income, or for veterans and servicemen service persons, and

1 their families; or

2 (3) To accomplish a combination of the foregoing.

3 Such work or undertaking may include buildings, land,
4 equipment, facilities, and other real or personal property for
5 necessary, convenient, or desirable appurtenances, streets,
6 sewers, water service, utilities, site preparation, landscaping,
7 administrative, community, health, recreational, welfare, or
8 other purposes.

9 The term "housing project" also may be applied to the
10 planning of the buildings and improvements, the acquisition of
11 property, the demolition of existing structures, the
12 construction, reconstruction, alteration, and repair of the
13 improvements and all other work in connection therewith.

14 No change for subd 13 to 21

15 Subd. 22. "Veterans" means persons falling within the
16 definition of "veteran" in section 197.447, provided, however,
17 an authority is authorized to include in any contract with the
18 federal government provision for veterans' preferences,
19 ~~servicemen's~~ service persons' preferences and other preferences *
20 with respect to veterans and ~~servicemen~~ service persons as may *
21 be required by any federal law or regulation as a condition of
22 federal financial assistance for a project.

23 Subd. 23. "Servicemen Service persons" means persons in *
24 military or naval forces of the United States who served therein
25 during World War II, or who have had active service therein on
26 and after June 27, 1950, and prior to the final cessation of
27 hostilities as proclaimed by proper federal authority; provided,
28 however, an authority is authorized to include in any contract
29 with the federal government provision for veterans' preferences,
30 ~~servicemen's~~ service persons' preferences and other preferences *
31 with respect to veterans and ~~servicemen~~ service persons, as may *
32 be required by any federal law or regulation as a condition of
33 federal financial assistance for a project.

34 No change for subd 24 to 25

462*#425S

35 462.425 MUNICIPAL HOUSING AND REDEVELOPMENT AUTHORITY.

36 Subdivision 1. PRELIMINARY MUNICIPAL FINDINGS AND
37 DECLARATION. There is hereby created in each municipality in
38 this state a public body corporate and politic, to be known as
39 the housing and redevelopment authority in and for that
40 municipality; provided, however, that no such authority shall
41 transact any business or exercise any powers until the governing
42 body of the municipality shall, by proper resolution, find that
43 in such municipality (1) substandard, slum, or deteriorated
44 areas exist which cannot be redeveloped without government
45 assistance, (2) adequate housing accommodations are not
46 available to veterans and ~~servicemen~~ service persons and their *
47 families, or (3) there is a shortage of decent, safe, and
48 sanitary dwelling accommodations available to persons of low
49 income and their families at rentals they can afford, and shall
50 declare that there is need for a housing and redevelopment
51 authority to function in that municipality. In determining
52 whether dwelling accommodations are unsafe or unsanitary, or
53 whether substandard, slum, or deteriorated areas exist, the
54 governing body may take into consideration the degree of
55 deterioration, obsolescence, or overcrowding, the percentage of
56 land coverage, the light, air, space, and access available to
57 inhabitants of such dwelling accommodations, the size and
58 arrangement of rooms, the sanitary facilities, the extent to
59 which conditions exist in such buildings which endanger life or
60 property by fire or other causes, and the original land
61 planning, lot layout, and conditions of title in the area.

62 No change for subd 2 to 5

63 Subd. 6. APPOINTMENT; APPROVAL; TERM; VACANCY. The
64 commissioners constituting an authority shall be appointed by
65 the mayor, with the approval of the governing body. Those
66 initially appointed shall be appointed for terms of one, two,
67 three, four, and five years, respectively. Thereafter all
68 commissioners shall be appointed for five-year terms. Each
69 vacancy in an unexpired term shall be filled in the same manner
70 in which the original appointment was made. Any member of the
71 governing body of a municipality may be appointed and may serve
72 as a commissioner of the authority in and for the municipality.
73 The council of any municipality which appoints members of the
74 city council as commissioners may set the terms of office of the
75 commissioner to coincide with ~~his~~ the commissioner's term of *

1 office as a council member.

2 No change for subd 7

462*#428S

3 462.428 APPOINTMENT, QUALIFICATIONS AND TENURE OF
4 COMMISSIONERS.

5 No change for subd 1 to 2

6 Subd. 3. CERTIFICATES OF APPOINTMENT; REMOVAL OF
7 COMMISSIONERS; QUORUM; MEETINGS; ELIGIBLE APPOINTEES; CHAIRMAN *
8 CHAIR AND SECRETARY OF AUTHORITY. A certified copy of the *
9 certificate of appointment of each commissioner shall be filed
10 with the commissioner of energy and economic development.

11 A commissioner of a county or multi-county authority may be
12 removed by the body or officer which appointed ~~him~~ the *
13 commissioner for the same causes and in the same manner as is *
14 provided herein with respect to the removal of commissioners of
15 an authority for a municipality.

16 The powers of a county or multi-county authority shall be
17 vested in the commissioners in office from time to time. A
18 majority of the commissioners of such authority shall constitute
19 a quorum of such authority for the purpose of conducting its
20 business and exercising its powers and for all other purposes,
21 notwithstanding the existence of any vacancies. Action may be
22 taken by the authority upon a vote of a majority of the
23 commissioners present, unless in any case the bylaws of the
24 authority shall require a larger number. Meetings of the
25 commissioners of the authority may be held anywhere within the
26 perimeter boundaries of the area of operation of the authority
27 or within any additional area where the authority is authorized
28 to undertake a project. Appointments may be made of any persons
29 as commissioners of such authority who reside within such
30 boundaries or area, and who are otherwise eligible for such
31 appointments under sections 462.415 to 462.705.

32 The commissioners of a county or multi-county authority
33 shall elect a ~~chairman~~ chair and a secretary from among the *
34 commissioners.

462*#432S

35 462.432 CONFLICT OF INTEREST; PENALTIES FOR FAILURE TO
36 DISCLOSE.

37 Subdivision 1. DISCLOSURE. Before taking an action
38 or making a decision which could substantially affect ~~his~~ the *
39 commissioner's or an employee's financial interests or those of *
40 an organization with which ~~he~~ the commissioner or an employee is *
41 associated, a commissioner or employee of an authority shall:
42 (a) prepare a written statement describing the matter requiring
43 action or decision and the nature of the potential conflict of
44 interest; and (b) submit the statement to the board of
45 commissioners of the authority, whereupon the disclosure shall
46 be entered upon the minutes of the authority at its next
47 meeting. The disclosure statement shall be submitted no later
48 than one week after the employee or commissioner becomes aware
49 of the potential conflict of interest. However, no disclosure
50 statement shall be required if the effect on the commissioner or
51 employee of the relevant decision or act will be no greater than
52 on other members of ~~his~~ the business, profession or occupation *
53 or if the effect on the organization with which ~~he~~ the *
54 commissioner or employee is affiliated is indirect, remote and *
55 insubstantial. A potential conflict of interest is present if
56 the commissioner or employee knows or has reason to know that
57 the organization with which the commissioner or employee is
58 affiliated is or is reasonably likely to become a participant in
59 a project or development which will be affected by the relevant
60 action or decision. Any individual who knowingly fails to
61 submit a statement required by this subdivision or submits a
62 statement which ~~he~~ the individual knows contains false *
63 information or ~~which-he-knows~~ omits required information is *
64 guilty of a gross misdemeanor.

65 Subd. 2. EFFECT OF DISCLOSURE. If an employee has a
66 potential conflict of interest, ~~his~~ the employee's superior *
67 shall immediately assign the matter to another employee who does
68 not have a potential conflict of interest. A commissioner who
69 has a potential conflict of interest shall not attempt to
70 influence an employee in any matter related to the action or
71 decision in question, shall not take part in the action or
72 decision, and shall not be counted toward a quorum during the
73 portion of any meeting of the authority in which the action or
74 decision is to be considered. Any individual who knowingly

1 violates this subdivision is guilty of a gross misdemeanor.
 2 Subd. 3. CONFLICTS FORBIDDEN. A commissioner or
 3 employee of an authority who knowingly takes part in any manner
 4 in making any sale, lease, or contract in ~~his~~ the commissioner's
 5 or employee's official capacity in which ~~he~~ the commissioner or
 6 employee has a personal financial interest is guilty of a gross
 7 misdemeanor. *

8 Subd. 4. AGENT OR ATTORNEY. For a period of one year
 9 after termination of ~~his~~ a position as a commissioner or
 10 employee of an authority no former commissioner or former
 11 employee of an authority shall appear personally before any
 12 court or governmental department or agency as agent or attorney
 13 for anyone other than the authority in connection with any
 14 proceeding, application, request for ruling or other
 15 determination, contract, claim, controversy, charge, accusation,
 16 arrest, or other particular matter in which the authority is
 17 substantially interested, and with respect to which ~~he~~ the
 18 commissioner or employee took any action or made any decision as
 19 a commissioner or employee of the authority at any time within a
 20 period of one year prior to the termination of such employment. *

21 No change for subd 5 to 6

462*#435S

22 462.435 REMOVAL; HEARING; NOTICE.
 23 For inefficiency or neglect of duty, or misconduct in
 24 office, a commissioner of an authority may be removed by the
 25 governing body of the municipality, but a commissioner shall be
 26 removed only after a hearing and after ~~he~~ the commissioner shall
 27 have been given a copy of the charges at least ten days prior to
 28 the hearing and had an opportunity to be heard in person or by
 29 counsel. When charges in writing have been preferred against a
 30 commissioner, pending final action thereon the governing body
 31 may temporarily suspend ~~him~~ the commissioner, but, if it is
 32 found that those charges have not been substantiated, ~~he~~ the
 33 commissioner shall immediately be reinstated in ~~his~~ office. In
 34 the event of the removal of any commissioner, a record of the
 35 proceedings, together with the charges and findings thereon,
 36 shall be filed in the office of the clerk. *

462*#441S

37 462.441 POWERS; QUORUM; OFFICERS; MEETING; COMPENSATION;
 38 EXPENSES.
 39 The powers of each authority shall be vested in the
 40 commissioners thereof in office at any time; a majority of whom
 41 shall constitute a quorum for all purposes. Each authority
 42 shall select a chairman chair and a secretary from among its
 43 commissioners and shall adopt such bylaws and other rules for
 44 the conduct of its affairs as it deems appropriate. The regular
 45 meetings of an authority shall be held in a fixed place and
 46 shall be open to the public. Each commissioner shall be
 47 entitled to receive necessary expenses, including traveling
 48 expenses, incurred in the performance of ~~his~~ duties. Each
 49 commissioner may be paid for attending meetings of the
 50 authority, regular and special \$35 per meeting, the aggregate of
 51 all payments to each such commissioner for any one year not to
 52 exceed, however, \$2,500. *

462*#445S

53 462.445 POWERS, DUTIES.
 54 No change for subd 1 to 6
 55 Subd. 7. VETERANS' AND SERVICEMEN'S SERVICE PERSONS'
 56 PREFERENCES. An authority is authorized to include in any
 57 contract with the federal government provision for veterans'
 58 preferences, servicemen's service persons' preferences and other
 59 preferences with respect to veterans and servicemen service
 60 persons as may be required by any federal law or regulation as a
 61 condition of federal financial assistance for a project. *

62 No change for subd 8 to 14

462*#451S

63 462.451 ACCOUNTING.
 64 Subdivision 1. ANNUAL REPORTS, DUTIES OF STATE AUDITOR.
 65 Each authority shall keep an accurate account of all its
 66 activities and of all its receipts and expenditures and shall
 67 annually in the month of January as to accounts kept on a
 68 calendar year basis and within 30 days of the end of its fiscal
 69 year as to accounts kept on a fiscal year basis, make a report
 70 thereof to the commissioner of energy and economic development,
 71 to the state auditor, and to the governing body of the
 72 municipality, such reports to be in a form prescribed by the

1 commissioner of energy and economic development. All powers
 2 conferred and duties imposed upon the state auditor with respect
 3 to state and county officers, institutions, property and
 4 improvements, are hereby extended to authorities, except the
 5 authority to prescribe the form of reports or accounts provided
 6 in this act. The state auditor shall make such audits of the
 7 low rent public housing funds of the authorities as ~~he~~ the state
 8 auditor shall deem in the public interest, and ~~he~~ shall file a
 9 written report covering ~~his~~ the audits with the authority, the
 10 city clerk of the municipality, and the commissioner of energy
 11 and economic development. The first report of the state auditor
 12 shall include all expenditures and activities of the local
 13 authority from the creation of the authority. Each authority
 14 shall be liable to the state and shall pay all costs and
 15 expenses of such examination, solely from funds lawfully
 16 available for such purposes.

17 Subd. 2. COMMISSIONER OF ENERGY AND ECONOMIC
 18 DEVELOPMENT; POWERS, DUTIES. The commissioner of energy and
 19 economic development may investigate the affairs of authorities
 20 and their dealings, transactions, and relationships. ~~He~~ The
 21 commissioner shall have the power to examine into the properties
 22 and records of authorities and to prescribe methods of
 23 accounting and the rendering of periodical reports in relation
 24 to projects undertaken by authorities, but in prescribing the
 25 form of accounts the commissioner of energy and economic
 26 development shall take into consideration any requirements of
 27 the federal government under any contract with an authority.
 28 The commissioner of energy and economic development may from
 29 time to time make, amend, and repeal rules and regulations
 30 prescribing standards and stating principles governing the
 31 planning, construction, maintenance, and operation of projects
 32 by authorities. Compliance with sections 462.415 to 462.705 and
 33 the rules and regulations adopted by the commissioner of energy
 34 and economic development may be enforced by the commissioner of
 35 energy and economic development by a proceeding in equity.

462*#475S

36 462.475 RENTALS, TENANT ADMISSIONS.

37 Subdivision 1. AUTHORITY, POWERS, DUTIES. In the
 38 operation or management of housing projects an authority shall
 39 at all times observe the following duties with respect to
 40 rentals and tenant admissions.

41 (1) It may rent or lease the dwelling accommodations
 42 therein only to persons of low income and at rentals within the
 43 financial reach of such persons of low income;

44 (2) It may rent or lease to a tenant dwelling
 45 accommodations consisting of the number of rooms (but no greater
 46 number) which it deems necessary to provide safe and sanitary
 47 accommodations to the proposed occupants thereof, without
 48 overcrowding; and

49 (3) An authority in its operations within a municipality
 50 shall not approve a family as tenant in a housing project if the
 51 family has an aggregate annual net income at the time of
 52 admission from all sources which is in excess of five times the
 53 annual rental for the accommodations to be provided the family.
 54 As used in this section, aggregate annual net income shall not
 55 include:

56 (a) the income of a family member, other than the head of
 57 the household or ~~his~~ the head's spouse, who is under 18 years of
 58 age or who is a full time student;

59 (b) the first \$300 of the income of a secondary wage earner
 60 who is the spouse of the head of the household;

61 (c) \$300 for each member of the family residing in the
 62 household, other than the head of the household or ~~his~~ the
 63 head's spouse, who is under 18 years of age or who is 18 years
 64 of age or older and is disabled, handicapped or a full time
 65 student;

66 (d) nonrecurring income as defined by the authority;

67 (e) five percent of the family's gross income from all
 68 sources or, in the case of an elderly family, ten percent of the
 69 family's gross income;

70 (f) extraordinary medical expenses or other expenses
 71 resulting from unusual circumstances as determined by the
 72 authority; and

73 (g) an amount equal to the moneys received by the head of
 74 the household or ~~his~~ the head's spouse from or under the
 75 direction of any public or private nonprofit child placing

1 agency for the care and maintenance of one or more persons who
2 are under 18 years of age and were placed in the family by that
3 agency.

4 (4) In computing the rental for the purpose of this
5 section, there shall be included in the rental the average
6 annual cost (as determined by the authority) to occupants of
7 heat, water, electricity, gas, cooking fuel, and other necessary
8 services or facilities, whether or not the charge for such
9 services and facilities is included in the rental, provided,
10 that an authority may adopt as its maximum net income for
11 admission of families any maximum which is less than either:
12 (a) the maximum net family income computed under this
13 subdivision; or (b) the maximum net family income determined
14 pursuant to section 462.491; or (c) the maximum net family
15 income determined pursuant to the housing and community
16 development act of 1974.

17 Subd. 2. Repealed, 1957 c 810 s 8

462*#485S

18 462.485 VETERANS PREFERENCE.

19 As between applicants equally in need and eligible for
20 occupancy of a dwelling and at the rent involved, preference
21 shall be given to families of servicemen service *
22 persons (including families of servicemen service persons who *
23 died in service) and to families of veterans. In admitting
24 families of low income to dwelling accommodations in any housing
25 project an authority shall, as far as is reasonably practicable,
26 give due consideration to families making application for
27 dwelling accommodations to which families aid for dependent
28 children is payable, and to resident families making such
29 application to whom public relief or supplemental security
30 income for the aged, blind and disabled shall be payable, when
31 such families are otherwise eligible under the terms of sections
32 462.411 to 462.705.

462*#495S

33 462.495 PERIODIC INVESTIGATION OF TENANT; VETERANS
34 PREFERENCE.

35 An authority shall make periodic investigations of each
36 family admitted to a low-rent housing project and, on the basis
37 of said investigations, shall determine whether that family at
38 the time of its admission (1) lived in an unsafe, unsanitary, or
39 overcrowded dwelling or had been displaced by a project or by
40 off-site elimination in compliance with the equivalent
41 elimination requirement hereof, or actually was without housing,
42 or was about to be without housing as a result of a court order
43 of eviction, due to causes other than the fault of the tenant,
44 and (2) had a net family income not exceeding the income limits
45 theretofore fixed by the authority for admission of families of
46 low income to such housing; provided that the requirement in (1)
47 shall not be applicable in the case of the family of any
48 serviceman service person or the family of any veteran who has *
49 been discharged (other than dishonorably) from, or the family of *
50 any serviceman service person who died in, the armed forces of
51 the United States, where application for admission to the
52 project is made within any time limit specified by federal law
53 applicable to federal financial assistance for the project. If
54 it is found upon any such investigation that the net income of
55 any families have increased beyond the maximum income limits
56 fixed pursuant to this act for continued occupancy in such
57 housing, those families shall be required to move from the
58 project.

462*#525S

59 462.525 DISPOSAL OF PROPERTY.

60 No change for subd 1 to 4

61 Subd. 5. LIMITATION UPON DISPOSAL BY PURCHASER.

62 Until the authority certifies that all building constructions
63 and other physical improvements specified to be done and made by
64 the purchaser of the area have been completed, the purchaser
65 shall have no power to convey the area, or any part thereof,
66 without the consent of the authority, and no such consent shall
67 be given unless the grantee or mortgagee of the purchaser
68 obligates itself ~~or-himself~~ by written instrument to the *
69 authority to carry out that portion of the redevelopment plan
70 which falls within the boundaries of the conveyed property, and
71 also that the grantee, ~~his-or-its~~ the grantee's heirs, *
72 representatives, successors, and assigns, shall have no right or
73 power to convey, lease, or let the conveyed property or any part

1 thereof, or erect or use any building or structure erected
2 thereon, free from the obligation and requirement to conform to
3 the approved project area redevelopment plan or approved
4 modifications thereof.

5 No change for subd 6 to 10

462*#545S

6 462.545 PUBLIC REDEVELOPMENT COST; PROCEEDS; FINANCING.

7 No change for subd 1 to 5

8 Subd. 6. OPERATION AREA AS TAXING DISTRICT, SPECIAL
9 TAX. All of the territory included within the area of
10 operation of any authority shall constitute a taxing district
11 for the purpose of levying and collecting special benefit taxes
12 as provided in this subdivision. All of the taxable property,
13 both real and personal, within that taxing district shall be
14 deemed to be benefited by projects to the extent of the special
15 taxes levied under the provisions hereof. Subject to the
16 consent by resolution, of the governing body of the municipality
17 in and for which it was created, an authority is authorized to
18 levy in each year a special tax upon all property, both real and
19 personal, within that taxing district. The authority shall
20 cause the tax so levied each year to be certified to the auditor
21 of the county in which the taxing district is located on or
22 before October 10 in each year. Such tax so levied and
23 certified shall be extended, spread, and included with and as a
24 part of the general taxes for state, county, and municipal
25 purposes, by the county auditor, to be collected and enforced
26 therewith, together with the penalty, interest, and costs, and
27 as such tax (including any penalties, interest, and costs) is
28 collected by the county treasurer it shall be accumulated and
29 kept in a separate fund to be known as the "Housing and
30 Redevelopment Project Fund" and shall be turned over to the
31 authority at the same time and in the same manner that the tax
32 collections for the municipality are turned over to the
33 municipality, and shall be expended and applied for the purposes
34 of sections 462.411 to 462.705, and for no other purpose
35 whatsoever. It shall be paid out upon vouchers signed by the
36 chairman chair of the authority or ~~his~~ the duly authorized
37 representative of the chair. The amount of such special tax
38 levy shall be an amount approved by the governing body of the
39 municipality, but shall not exceed ten cents on each \$100 of
40 taxable valuation in the area of operation, except in cities of
41 the first class having a population of less than 200,000, the
42 special tax levy shall not exceed five cents on each \$100 of
43 taxable valuation in the area of operation. The authority is
44 authorized to levy in the manner specified in this subdivision
45 an additional levy, not to exceed one cent on each \$100 of
46 taxable valuation in the area of operation, said levy to be used
47 to defray costs of providing informational service and
48 relocation assistance as set forth in section 462.445,
49 subdivision 4. The authority shall each year formulate and file
50 a budget in accordance with the budget procedure of the
51 municipality in the same manner as required of executive
52 departments of the municipality or, if no budgets are required
53 to be filed, on or before August first, and the amount of the
54 tax levy for the following year shall be based on that budget
55 and shall be approved by the governing body.

56 No change for subd 7

462*#585S

57 462.585 AGREEMENTS RESPECTING TAX INCREMENTS AND
58 EQUIVALENTS; PLEDGE FOR BONDS.

59 No change for subd 1 to 2

60 Subd. 3. TAX INCREMENTS. In each subsequent year the
61 county auditor shall include no more than the original taxable
62 value of such real property in the assessed valuation upon which
63 ~~he~~ the auditor computes the mill rates of all taxes levied by
64 the state, the county, the municipality or town, the school
65 district and every other taxing district in which the project
66 area is situated; but ~~he~~ the auditor shall extend all mill rates
67 so determined against the entire assessed valuation of such real
68 property for that year. In each year for which the assessed
69 valuation exceeds the original taxable value, the county
70 treasurer shall remit to the authority, instead of the taxing
71 districts, that proportion of all taxes paid that year on the
72 real property in the project area which such excess valuation
73 bears to the total assessed valuation. The amount so remitted
74 each year is referred to in this section as the "tax increment"

1 for that year. Tax increments received with respect to any
 2 redevelopment project shall be segregated by the authority
 3 receiving them in a special account on its official books and
 4 records until the public redevelopment cost of the project,
 5 including interest on all money borrowed therefor, has been
 6 fully paid, and the municipality or other public body in which
 7 the project is situated has been fully reimbursed from the tax
 8 increments or revenues of the project for any principal and
 9 interest on general obligation bonds which it has issued for the
 10 project and has paid from taxes levied on other property within
 11 its corporate limits. Such payment shall be reported to the
 12 county auditor, who shall thereafter include the entire assessed
 13 valuation of the project area in the assessed valuations upon
 14 which tax mill rates are computed and extended and taxes are
 15 remitted to all taxing districts. The provisions of this
 16 subdivision shall not apply with respect to any redevelopment
 17 project, certification of which is requested subsequent to
 18 August 1, 1979.

19 No change for subd 4

462*#595S

20 462.595 CERTIFICATE OF CONSENT FILED WITH INCORPORATION
 21 PAPERS.

22 ~~If~~ On presentation of any certificate of incorporation of a *
 23 redevelopment company or a certificate of amendment of such a *
 24 certificate of incorporation ~~is presented to,~~ the secretary of *
 25 state ~~he~~ shall not file such certificate unless a certificate *
 26 of the consent of the commissioner of energy and economic
 27 development accompanies the same.

462*#665S

28 462.665 RULES AND REGULATIONS.

29 The commissioner of energy and economic development shall
 30 have power to make rules and regulations to carry out ~~his~~ powers *
 31 and duties pursuant to sections 462.591 to 462.705 and to
 32 effectuate the purposes thereof.

462*#681S

33 462.681 DUTIES OF COMMISSIONER OF ENERGY AND ECONOMIC
 34 DEVELOPMENT.

35 No change for subd 1

36 Subd. 2. POWERS OF EXAMINATION AND CONTROL. The
 37 commissioner of energy and economic development may:

38 (1) Either ~~himself~~ personally or through ~~his~~ inspectors or *
 39 employees duly authorized by ~~him~~ the commissioner enter in or *
 40 upon and inspect the property, equipment, buildings, plants,
 41 offices, apparatus, and devices of any redevelopment company or
 42 any other person entering into an agreement with any authority
 43 pursuant to the provisions of sections 462.515 to 462.545;
 44 examine all books, contracts, records, documents, and papers of
 45 any redevelopment company and by subpoena duces tecum compel the
 46 production thereof;

47 (2) ~~In-his-discretion,~~ Prescribe uniform methods and forms *
 48 of keeping accounts, records, and books to be observed by
 49 redevelopment companies, and after a hearing prescribe by order
 50 accounts in which particular outlays and receipts shall be
 51 entered, charged, or credited;

52 (3) Require specific answers to questions upon which ~~he~~ the *
 53 commissioner may desire information and require the filing of *
 54 periodic reports in the form, covering the period, and at the *
 55 time prescribed by ~~him~~ the commissioner.

462*#685S

56 462.685 SINKING FUND.

57 Unless other provisions be made therefor in the contract
 58 with the authority, the commissioner of energy and economic
 59 development, if ~~he~~ the commissioner shall deem it feasible at *
 60 any time, subject to the limitation contained in section
 61 462.611, may require a redevelopment company to provide from
 62 earnings, after provision for dividends and interest, a sinking
 63 fund in an amount to be fixed by the commissioner for the
 64 gradual retirement of the stock and income debenture
 65 certificates of that company. That sinking fund may be used
 66 either for the purchase, from time to time, of stock or income
 67 debenture certificates at a price approved by the commissioner
 68 of energy and economic development, not exceeding par value
 69 thereof with accrued and unpaid dividends or interest, or if it
 70 be not practicable to purchase such stock or such income
 71 debenture certificates at a price so approved, the moneys in
 72 such sinking fund may be added to the surplus of such company.

1 Any stock or income debenture certificates purchased out of such
2 sinking fund shall be canceled and shall not be reissued.

462*#714S

3 462.714 APPEARANCE OF PUBLIC CORPORATION; BOND.

4 If the public corporation is not a party to the litigation
5 described in section 462.713 it may appear specially for the
6 purpose of making and being heard on such a motion. Three days'
7 notice of hearing on the motion shall be given. If the court
8 determines that loss or damage to the public or taxpayers may
9 result from the pendency of the action or proceeding, the court
10 may require the party or parties who instituted the same to give
11 a surety bond, approved by the court or judge, in a penal sum to
12 be determined by the court to protect against such loss or
13 damage, whether or not a temporary injunction or restraining
14 order against the corporation shall have been demanded or
15 ordered. If the bond so ordered be not filed within the
16 reasonable time allowed therefor by the court, the action or
17 proceeding shall be dismissed with prejudice. Such bond shall
18 be executed by the party or parties who instituted the
19 litigation or some person for ~~him or them~~ the party or parties *
20 as principal and conditioned for the payment to the corporation
21 of such damage as the public and taxpayers shall sustain by
22 reason of the litigation, if the court finally determines that
23 the party or parties were not entitled to the relief sought.
24 The amount of damages may be ascertained by a reference or
25 otherwise as the court shall direct, in which case the sureties
26 shall be concluded as to the amount but the damages shall be
27 recoverable only in an action on the bond. If the party or
28 parties by or for whom such bond is furnished prevails in the
29 litigation, the premium paid on the bond shall be repaid by or
30 taxed against the corporation. During the pendency of the
31 litigation, the court, on motion, may require additional
32 security if found necessary, and upon failure to furnish the
33 same shall dismiss the action or proceeding with prejudice. The
34 court may likewise, on motion, reduce the amount of a bond
35 theretofore required or release the bond upon a showing that the
36 amount is excessive or the bond no longer required.

462A#04S

37 462A.04 HOUSING FINANCE AGENCY.

38 Subdivision 1. There is created a public body corporate
39 and politic to be known as the "Minnesota Housing Finance
40 Agency," which shall perform the governmental functions and
41 exercise the sovereign powers delegated to it in this chapter in
42 furtherance of the public policies and purposes declared in
43 section 462A.02. The agency shall consist of the commissioner
44 of energy and economic development, state auditor, and five
45 public members appointed by the governor with advice and consent
46 of the senate. No more than two public members shall reside in
47 the area of jurisdiction of the metropolitan council as provided
48 in section 473.123, subdivision 1, and no more than one public
49 member shall reside in any one of the development regions
50 established under the provisions of sections 462.381 to
51 462.396. Each member shall hold office until ~~his~~ a successor *
52 has been appointed and has qualified. A certificate of
53 appointment or reappointment of any member shall be conclusive
54 evidence of the due and proper appointment of the member.

55 No change for subd 1a

56 Subd. 4. The chairman chair of the board of directors *
57 shall be designated by the governor from among the public *
58 members appointed. The vice-chairman vice-chair of the board *
59 shall be the commissioner of energy and economic development.

60 Subd. 5. Repealed, 1976 c 134 s 79

61 No change for subd 6 to 7

62 Subd. 8. The agency shall be under the administrative
63 control of an executive director which office is established.
64 He The executive director shall be appointed by the governor *
65 under the provisions of section 15.06.

66 The executive director may appoint a deputy director. The
67 executive director may further appoint such permanent and *
68 temporary employees as he the executive director deems necessary *
69 subject to the approval of the commissioner of employee
70 relations. All permanent employees of the agency, except the
71 executive director, deputy director, and additional positions
72 established pursuant to section 43A.08, subdivision 1a are in
73 the classified civil service. Notwithstanding section 16A.752
74 or any other provision of law to the contrary, any approved

1 complement established by law for the agency shall not be
 2 reduced as a result of vacancies in approved positions. No
 3 additional deputy commissioner positions may be created.

4 No change for subd 8a to 9

462A#05S

5 462A.05 SPECIFIC POWERS OF THE AGENCY.

6 No change for subd 1 to 13

7 Subd. 14. It may agree to purchase, make, or otherwise
 8 participate in the making, and may enter into commitments for
 9 the purchase, making, or participation in the making, of
 10 eligible loans for rehabilitation to persons and families of low
 11 and moderate income, and to owners of existing residential
 12 housing for occupancy by such persons and families, for the
 13 rehabilitation of existing residential housing owned by them.
 14 The loans may be insured or uninsured and may be made with
 15 security, or may be unsecured, as the agency deems advisable.
 16 The loans may be in addition to or in combination with long term
 17 eligible mortgage loans under subdivision 3. They may be made
 18 in amounts sufficient to refinance existing indebtedness secured
 19 by the property, if refinancing is determined by the agency to
 20 be necessary to permit the owner to meet ~~his~~ the owner's housing *
 21 cost without expending an unreasonable portion of ~~his~~ the *
 22 owner's income thereon. No loan for rehabilitation shall be *
 23 made unless the agency determines that the loan will be used
 24 primarily to make the housing more desirable to live in, to
 25 increase the market value of the housing, for compliance with
 26 state, county or municipal building, housing maintenance, fire,
 27 health or similar codes and standards applicable to housing, or
 28 to accomplish energy conservation related improvements. In
 29 unincorporated areas and municipalities not having codes and
 30 standards, the agency may, solely for the purpose of
 31 administering the provisions of this chapter, establish codes
 32 and standards. No loan for rehabilitation of any property shall
 33 be made in an amount which, with all other existing indebtedness
 34 secured by the property, would exceed its market value, as
 35 determined by the agency. No loan for rehabilitation of owner
 36 occupied residential housing shall be denied solely because the
 37 loan will not be used for placing the residential housing in
 38 full compliance with all state, county or municipal building,
 39 housing maintenance, fire, health or similar codes and standards
 40 applicable to housing. Rehabilitation loans shall be made only
 41 when the agency determines that financing is not otherwise
 42 available, in whole or in part, from private lenders upon
 43 equivalent terms and conditions.

44 No change for subd 14a to 24

462A#17S

45 462A.17 POWERS AND DUTIES OF TRUSTEE.

46 Subdivision 1. The trustee designated in any indenture or
 47 resolution securing an issue of notes or bonds, or a trustee
 48 appointed pursuant to section 462A.16, may, and upon written
 49 request of the holders of 25 percent in principal amount of such
 50 notes or bonds then outstanding shall, in ~~his~~ the trustee's own *
 51 name, subject to the provisions of such indenture or resolution:

52 (a) Enforce all rights of the noteholders or bondholders,
 53 including the right to require the agency to collect fees and
 54 charges and interest and payments on eligible loans and
 55 mortgages made and eligible securities purchased by it adequate
 56 to carry out any agreement as to, or pledge of, such fees and
 57 charges and payments and to require the agency to carry out any
 58 other agreements with the holders of such notes or bonds and to
 59 perform its duties under this chapter;

60 (b) Bring suit upon such notes or bonds;

61 (c) Require the agency to account as if it were the trustee
 62 of any express trust for the holders of such notes or bonds;

63 (d) Enjoin any acts or things which may be unlawful or in
 64 violation of the rights of holders of such notes or bonds; or

65 (e) Declare all such notes or bonds due and payable, and if
 66 all defaults shall be made good, then, with the consent of the
 67 holders of 25 percent of the principal amount of such notes or
 68 bonds then outstanding, the trustee may annul such declaration
 69 and consequences.

70 No change for subd 2 to 3

462A#18S

71 462A.18 MONEYS OF AGENCY.

72 Subdivision 1. FUNCTIONS OF STATE TREASURER. All
 73 moneys of the agency, except as otherwise authorized or provided

1 in this section, shall be paid to the state treasurer as agent
 2 of the agency, who shall not commingle such moneys with any
 3 other moneys. The moneys in such accounts shall be paid out on
 4 warrants drawn by the commissioner of finance on requisition of
 5 the ~~chairman~~ chair of the agency or of such other officer or
 6 employee as the agency shall authorize to make such
 7 requisition. All deposits of such moneys shall, if required by
 8 the state treasurer or the agency, be secured by obligations of
 9 the United States or of the state of a market value equal at all
 10 times to the amount of the deposit and all banks and trust
 11 companies are authorized to give such security for such deposits.
 12 No change for subd 2 to 3

462A#21S

13 462A.21 HOUSING DEVELOPMENT FUND; ADVANCES, USE
 14 REPAYMENT.

15 No change for subd 1 to 4a

16 Subd. 4b. It may establish loan funds and may make
 17 eligible loans from them, at rates of interest and with security
 18 as the agency deems advisable, if each loan is determined by the
 19 agency to be necessary to permit the occupant of residential
 20 housing financed wholly or in part by the loan to meet ~~his~~ the
 21 occupant's housing costs without expending an unreasonable
 22 portion of ~~his~~ the occupant's income on them. It may combine
 23 loan funds established pursuant to legislative appropriations
 24 with loan funds established for the same or similar purposes
 25 pursuant to the sale of its notes or bonds, and such combined
 26 funds may be deposited with a trustee. Portions of these funds
 27 derived from appropriations or the sale of its notes or bonds
 28 may be set aside as reserves against losses on loans to be made
 29 from the combined funds. Each combined fund, including loan and
 30 investment principal and income received therefrom, shall be
 31 administered, disbursed, and collected as provided in the
 32 appropriation act and the resolution or indenture securing the
 33 bonds or notes.

34 No change for subd 4c to 13

462A#22S

35 462A.22 BOND FUND.

36 No change for subd 1 to 7

37 Subd. 8. In order to assure the payment of the principal
 38 of and interest on bonds and notes of the agency and the
 39 continued maintenance of all debt service reserve funds created
 40 and established therefor, the agency shall annually determine
 41 and certify to the governor, on or before December 1, (a) the
 42 amount, if any, then needed to restore each debt service reserve
 43 fund to the minimum amount required by the resolution or
 44 indenture establishing the fund, not exceeding the maximum
 45 amount of principal and interest to become due and payable in
 46 any subsequent year on all bonds or notes which are then
 47 outstanding and secured by such fund; and (b) the amount, if
 48 any, determined by the agency to be needed in the then
 49 immediately ensuing fiscal year, with other funds pledged and
 50 estimated to be received during that year, for the payment of
 51 the principal and interest due and payable in that year on all
 52 then outstanding bonds and notes secured by a debt service
 53 reserve fund the amount of which is then less than the minimum
 54 amount agreed. The governor shall include and submit to the
 55 legislature, in the budget for the following fiscal year, or in
 56 a supplemental budget if the regular budget for that year has
 57 previously been approved, the amounts certified ~~to him~~ by the
 58 agency in accordance with this subdivision.

59 No change for subd 9 to 10

463*#17S

60 463.17 THE ORDER.

61 No change for subd 1

62 Subd. 2. SERVICE. The order shall be served upon
 63 the owner of record, or ~~his~~ the owner's agent if an agent is in
 64 charge of the building, and upon the occupying tenant, if there
 65 is one, and upon all lien holders of record, in the manner
 66 provided for service of a summons in a civil action. If the
 67 owner cannot be found, the order shall be served upon ~~him~~ the
 68 owner by posting it at the main entrance to the building and by
 69 four weeks' publication in the official newspaper of the
 70 municipality if it has one, otherwise in a legal newspaper in
 71 the county.

72 No change for subd 3

463*#23S

1 463.23 PAYMENT, TENDER, DEPOSIT IN COURT.

2 The net proceeds of a sale under section 463.21 or section
3 463.24 shall be paid to persons designated in the judgment in
4 the proportions as their interests shall appear therein.
5 Acceptance of such payment shall be taken as a waiver of all
6 objections to the payment and to the proceedings leading thereto
7 on the part of the payee and of all persons for whom he the
8 payee is lawfully empowered to act. In case any party to whom a
9 payment of damages is made be not a resident of the state,
10 or his the place of residence be unknown, or he the party be an
11 infant or other person under legal disability, or, being legally
12 capable, refuses to accept payment, or if for any reason it be
13 doubtful to whom any payment should be paid, the municipality
14 may pay the same to the clerk, to be paid out under the
15 direction of the court; and, unless an appeal be taken such
16 deposit with the clerk shall be deemed a payment of the award.

463*#25S

17 463.25 HAZARDOUS EXCAVATIONS.

18 If in any city, an excavation for building purposes is left
19 open for more than six months without proceeding with the
20 erection of a building thereon, whether or not completed, or if
21 any excavation or basement is not filled to grade or otherwise
22 protected after a building is destroyed, demolished or removed,
23 the governing body may order such excavation to be filled or
24 protected or in the alternative that erection of a building
25 begin forthwith if the excavation is for building purposes. The
26 order shall be served upon the owner or his the owner's agent in
27 the manner provided by section 463.17. If the owner of the land
28 fails to comply with the order within 15 days after the order is
29 served upon-him, the governing body shall cause the excavation
30 to be filled to grade or protected and the cost shall be charged
31 against the real estate as provided in section 463.21.

463*#251S

32 463.251 SECURING VACANT BUILDINGS.

33 If in any city a building becomes vacant or unoccupied and
34 is deemed hazardous due to the fact that the building is open to
35 trespass and has not been secured and the building could be made
36 safe by securing the building, the governing body may order the
37 building secured and shall cause notice of the order to be
38 served upon the owner of record of the premises or his the
39 owner's agent by delivering a-copy-to-him or by mailing it a
40 copy to him the owner or agent at his the last known address.
41 Service by mail is complete upon mailing. If the owner of the
42 building fails to comply with the order within ten days after
43 the order is served upon-him, the governing body shall cause the
44 building to be properly secured and the cost thereof may be
45 charged against the real estate as provided in section 463.21.

465*#13S

46 465.13 JUDGMENT AGAINST MUNICIPALITY; PAYMENT.

47 No execution shall issue on a judgment for the recovery of
48 money against a city, except as hereinafter provided. Upon
49 delivery of a certified copy of the judgment, the treasurer of
50 such municipality shall pay it out of any moneys in or coming
51 into-his-hands in not otherwise appropriated, unless collection
52 thereof be stayed on appeal, always retaining a sufficient sum
53 to pay necessary current expenses; and, if he the treasurer
54 fails so to do, he the treasurer and his-bondsmen bonding agents
55 shall be liable for the amount. In case there be no such
56 treasurer, then, upon delivery of such certified copy and an
57 affidavit of the judgment creditor, his the judgment creditor's
58 agent or attorney, showing the amount due, and that the judgment
59 has not been stayed on appeal, the county treasurer shall pay
60 such judgment out of the funds of the municipality in or
61 coming into-his-hands in, taking receipt therefor.

465*#14S

62 465.14 TAX LEVY; EXECUTION.

63 When a judgment against a city is unpaid at the time of the
64 annual tax levy, unless the proper officers thereof have
65 otherwise provided sufficient funds to pay the same before the
66 time for collection of such tax levy, they shall levy a tax to
67 pay such judgment and certify the same and the purpose thereof
68 to the county auditor. If the judgment be not paid within 20
69 days after the time fixed by law for the county treasurer to pay
70 over to the treasurer of the municipality the moneys in-his
71 hands on hand belonging to it on account of such annual tax
72 levy, execution may issue on such judgment, but only the

1 property of such municipality shall be liable thereon. If there
 2 be no officers of the municipality to levy such tax, the
 3 judgment creditor may apply to the county auditor, who, upon
 4 being satisfied that the judgment has not been paid or stayed,
 5 shall levy and extend the tax.

465*#30S

6 465.30 ORDINANCE; APPRAISERS.

7 The city council shall by ordinance determine and declare
 8 as nearly as may be the cost of such improvements, exclusive of
 9 damages to property, and appoint five appraisers, who shall be
 10 disinterested freeholders and qualified voters of the county,
 11 and none of whom shall be residents of the town or ward or wards
 12 of the city in which the property so designated is situated, to
 13 view the premises and appraise the damages which may be
 14 occasioned by the taking of private property or otherwise in
 15 making such improvement, and to assess special benefits
 16 resulting therefrom. These appraisers shall be notified as soon
 17 as practicable by the city clerk to attend, at a time fixed by
 18 ~~him~~ the clerk, for the purpose of qualifying and entering upon
 19 their duties. When a vacancy may occur among these appraisers
 20 by neglect or refusal of any of them to act or otherwise, such
 21 vacancy shall be filled by the city council. *

465*#38S

22 465.38 NOTICE OF APPRAISEMENT; CONFIRMATION OR ANNULMENT.

23 Upon such report being filed, the city clerk shall give
 24 notice that such appraisal has been returned and that the
 25 same will be considered by the city council at a meeting thereof
 26 to be named in the notice, which notice shall contain the
 27 schedule of damages awarded and benefits assessed and be given
 28 in a manner appropriate to inform the public. Any person
 29 interested in any building standing in whole or in part upon any
 30 land required to be taken by such improvement shall, on or
 31 before the time specified for the meeting in such notice, notify
 32 the city council in writing of ~~his~~ the person's election to
 33 remove such building, if ~~he~~ the person so elect. The city
 34 council, upon the day fixed for the consideration of such
 35 report, or at any subsequent meeting to which the same may stand
 36 over or be referred, shall have power in their discretion to
 37 confirm, revise, or annul the appraisal and assessment,
 38 giving due consideration to any objections interposed by parties
 39 interested in the manner hereinafter specified; provided that
 40 the city council shall not have the power to reduce the amount
 41 of any award nor increase any assessment. In case the
 42 appraisal and assessment is annulled, the city council may
 43 thereupon appoint new appraisers, who shall proceed in like
 44 manner as in case of the first appraisal, and upon the coming
 45 in of their report, the city council shall proceed in a like
 46 manner and with the same powers as in the case of the first
 47 appraisal. *

465*#41S

48 465.41 REMOVAL OF BUILDINGS.

49 In case any owner of buildings, as aforesaid, shall have
 50 elected to remove ~~his~~ the buildings ~~he~~ they shall ~~remove~~
 51 them be removed within 30 days from the confirmation of the
 52 report or within such further time as the city council may allow
 53 for the purpose and shall be entitled to the payment of the
 54 amount of damages awarded in such case in case of removal. When
 55 such person shall not have elected to remove such buildings, or
 56 shall have neglected (after having elected) to remove the same
 57 within the time above specified, such buildings, or so much
 58 thereof as may be necessary, upon paying or depositing the
 59 damages awarded for such taking in manner aforesaid, may be
 60 taken and appropriated, sold, or disposed of as the city council
 61 shall elect. *

465*#42S

62 465.42 APPEAL; OBJECTIONS; NOTICE; RECORD.

63 Any person whose property is proposed to be taken or
 64 interfered with or assessed under any provisions of sections
 65 465.26 to 465.48, or who claims to be damaged by the
 66 improvement, and who deems that there is any irregularity in the
 67 proceedings of the city council, or action of the appraisers, by
 68 reason of which the award of the appraisers ought not to be
 69 confirmed, or who is dissatisfied with the amount of damages
 70 awarded ~~to him~~ for the taking of, or interference with ~~his~~ the
 71 person's property, or the assessment thereon, may, at any time
 72 before the time specified for the consideration of the award and *

1 assessment by the city council, file with the city clerk in
 2 writing ~~his~~ objections to such confirmation, setting forth *
 3 therein specifically the particular irregularities complained
 4 of, and the particular objection to the award or assessment, and
 5 containing a description of the property ~~in-which-he-is~~ *
 6 interested, affected by such proceedings and ~~his~~ the person's *
 7 interest therein, and if, notwithstanding such objections, the
 8 city council shall confirm the award or assessment, such persons
 9 so objecting shall have the right to appeal from such order of
 10 confirmation of the city council to the district court of the
 11 county in which the city is situate within 20 days after such
 12 order. Such appeal shall be made by serving a written notice of
 13 appeal upon the city clerk, which shall specify the property of
 14 the appellant affected by such award or improvement, and refer
 15 to the objection filed, as aforesaid, thereupon the city clerk,
 16 at the expense of the appellant, shall make out and transmit to
 17 the clerk of the district court a copy of the record of the
 18 entire proceedings and of the award of the appraisers as
 19 confirmed by the city council, and of the order of the city
 20 council confirming the same, and of the objections filed by the
 21 appellant, as aforesaid, and of the notice of appeal, all
 22 certified by the city clerk to be true copies, within ten days
 23 after the taking of such appeal. If more than one appeal be
 24 taken in the same proceeding, it shall not be necessary that the
 25 city clerk in appeals subsequent to the first shall send up
 26 anything but a certified copy of the appellant's objections.
 27 There shall be no pleading on any appeal, but the court shall
 28 determine in the first instance whether there was in the
 29 proceedings any such irregularity or omission of duty
 30 prejudicial to the appellant and specified in ~~his~~ the written *
 31 objection that as to ~~him~~ that appellant the award or assessment *
 32 of the appraisers ought not to stand, and whether the appraisers
 33 had jurisdiction to take action in the premises.

465*#43S

34 465.43 HEARING; APPRAISERS; AWARD; APPEAL.
 35 The case may be brought on for hearing on eight days'
 36 notice, at any general or special term of the court, and the
 37 judgment of the court shall be to confirm or annul the
 38 proceedings, only so far as the proceedings affect the property
 39 of the appellant proposed to be taken or damaged or assessed,
 40 and described in the written objection. In case the amount of
 41 damages or benefits assessed is complained of by the appellant,
 42 the court shall, if the proceedings be confirmed in other
 43 respects, appoint three disinterested freeholders, residents of
 44 the county, appraisers, to reappraise the damages, and reassess
 45 benefits as to the property of appellant. The parties to the
 46 appeal shall be heard by the court upon the appointment of the
 47 appraisers. The court shall fix the time and place of meeting
 48 of the appraisers. They shall be sworn to the faithful
 49 discharge of their duties as appraisers, and shall proceed to
 50 view the premises and to hear the parties interested, with their
 51 allegations and proofs pertinent to the question of the amount
 52 of damages or benefits, and proceed in all other material
 53 respects as are provided in sections 465.26 to 465.48 for the
 54 government of appraisers appointed by the city council. They
 55 shall, after the hearing and view of the premises, report to the
 56 court their award of damages and assessments of benefits in
 57 respect to the property of the appellant. The appellant shall,
 58 within five days of notice of filing the award, file ~~his~~ a *
 59 written election to remove the buildings if ~~he~~ the appellant so *
 60 elect. The election shall not affect ~~his~~ the appellant's right *
 61 to a review. The award shall be final unless set aside by the
 62 court. The motion to set aside shall be made within 15 days.
 63 If the report is set aside, the court may, in its discretion,
 64 recommit it to the same appraisers, or appoint new appraisers,
 65 as it deems best. The court shall allow to the appraisers a
 66 reasonable compensation for their services, and make such awards
 67 of costs on the appeal, including the compensation of
 68 appraisers, as it deems just in the premises, and enforce them
 69 by execution. If the court is of the opinion that the appeal
 70 was frivolous or vexatious, it may adjudge double costs against
 71 the appellant. An appeal may be taken to the court of appeals
 72 from any final order of the district court in the proceedings.

465*#46S

73 465.46 AWARD AND ASSESSMENT, HOW CERTIFIED; ASSESSMENT,
 74 HOW ENFORCED.

1 Upon the final determination of all appeals in such
 2 proceeding, the city clerk shall transmit to the auditor of the
 3 county or counties in which the respective lands lie a copy by
 4 ~~him~~ duly certified by the clerk of the awards and assessment of
 5 the appraisers as confirmed by the city council; and the clerk
 6 of the district court shall, in like manner, certify the award
 7 and assessment as finally made upon all appeals; and the county
 8 auditors shall include such assessments of benefits against each
 9 tract of land assessed, with and as a part of the taxes upon
 10 such respective tracts of land in the next annual list of taxes
 11 for general, state, county and other purposes, and the same
 12 proceedings shall be had for the collection and enforcement
 13 thereof, as for such general taxes, including like penalties in
 14 case of non-payment, and including also proceedings for the
 15 collection and enforcement of delinquent taxes. When any of
 16 such assessments are collected, they shall be credited to the
 17 city conducting such proceedings, and paid over and accounted
 18 for in like manner as other taxes.

466*#04S

19 466.04 MAXIMUM LIABILITY.

20 No change for subd 1

21 Subd. 1a. OFFICERS AND EMPLOYEES. The liability of
 22 an officer or an employee of any municipality for a tort arising
 23 out of an alleged act or omission occurring in the performance
 24 of duty shall not exceed the limits set forth in subdivision 1,
 25 unless the officer or employee provides professional services
 26 and also is employed in ~~his~~ the profession for compensation by a
 27 person or persons other than the municipality.

28 No change for subd 1b to 2

29 Subd. 3. DISPOSITION OF MULTIPLE CLAIMS. Where the
 30 amount awarded to or settled upon multiple claimants exceeds
 31 \$600,000, any party may apply to any district court to apportion
 32 to each claimant ~~his~~ a proper share of the total amount limited
 33 by subdivision 1. The share apportioned each claimant shall be
 34 in the proportion that the ratio of the award or settlement made
 35 to ~~him~~ each bears to the aggregate awards and settlements for
 36 all claims arising out of the occurrence.

466*#05S

37 466.05 NOTICE OF CLAIM.

38 No change for subd 1 to 2

39 Subd. 3. CLAIMS FOR WRONGFUL DEATH; NOTICE. When
 40 the claim is one for death by wrongful act or omission, the
 41 notice may be presented by the personal representative,
 42 surviving spouse, or next of kin, or the consular officer of the
 43 foreign country of which the deceased was a citizen, within one
 44 year after the alleged injury or loss resulting in such death;
 45 if the person for whose death the claim is made has presented a
 46 notice that would have been sufficient had ~~he~~ the person lived
 47 an action for wrongful death may be brought without any
 48 additional notice.

466*#07S

49 466.07 INDEMNIFICATION.

50 No change for subd 1

51 Subd. 1a. AUTHORITY TO INDEMNIFY. Each municipality
 52 or any instrumentality thereof shall indemnify and provide
 53 defense for any employee or officer against judgments or any
 54 amounts paid in settlement actually and reasonably incurred in
 55 connection with any tort claim or demand arising out of an
 56 alleged act or omission occurring within the scope of ~~his~~
 57 employment or official duties, subject to the limitations set
 58 forth in section 466.04.

59 The provisions of this subdivision requiring
 60 indemnification do not apply in the case of malfeasance in
 61 office or willful or wanton neglect of duty.

62 No change for subd 2 to 3

471*#345S

63 471.345 UNIFORM MUNICIPAL CONTRACTING LAW.

64 No change for subd 1 to 6

65 Subd. 7. MINIMUM LABOR STANDARDS. Nothing in this
 66 section shall be construed to prohibit any municipality from
 67 adopting rules, regulations, or ordinances which establish the
 68 prevailing wage rate as defined in section 177.42, as a minimum
 69 standard for wages and which establish the hours and working
 70 conditions prevailing for the largest number of ~~workmen~~ workers
 71 engaged in the same class of labor within the area as a minimum
 72 standard for a contractor's employees which must be agreed to by

1 any contractor before ~~he~~ the contractor may be awarded any *
2 contract for the furnishing of any labor, material, supplies, or
3 service.

4 No change for subd 8 to 10

471*#38S

5 471.38 CLAIMS.

6 Subdivision 1. ITEMIZATION; DECLARATION. Except as
7 provided in subdivision 2, where an account, claim or demand
8 against any county, county welfare board, county board of
9 education for unorganized territory, school district, town or
10 home rule charter city of the second, third or fourth class, or
11 any park district, for any property or services can be itemized
12 in the ordinary course of business, the board or officer
13 authorized by law to audit and allow claims shall not audit or
14 allow the claim until the person claiming payment, or ~~his~~ the *
15 person's agent, reduces it to writing, in items and signs a *
16 declaration to the effect that such account, claim, or demand is
17 just and correct and that no part of it has been paid. The
18 board or officer may in its discretion allow a claim prepared by
19 the clerk or secretary of such board or officer prior to such
20 declaration by the claimant if the declaration is made on the
21 check or order-check by which the claim is paid, as provided in
22 section 471.391, subdivision 2.

23 No change for subd 2 to 3

471*#44S

24 471.44 MUNICIPALITIES TO FURNISH COUNSEL TO DEFEND
25 PUBLIC OFFICIALS.

26 On and after the passage of Laws 1937, Chapter 442, every
27 city, town, or county of this state employing sheriffs, police
28 officers, or peace officers shall be required to furnish legal
29 counsel to defend any sheriff, deputy sheriff, police officer,
30 or peace officer employed by any such governmental subdivision
31 in all actions brought against such officer to recover damages
32 for alleged false arrest or alleged injury to person, property
33 or character, when such alleged false arrest or alleged injury
34 to person, property or character was the result of an arrest
35 made by such officer in good faith and in the performance of ~~his~~ *
36 official duties and pay the reasonable costs and expenses of
37 defending such suit, including witness fees and reasonable
38 counsel fees, notwithstanding any contrary provisions in the
39 laws of this state or in the charter of any such governmental
40 subdivision.

471*#46S

41 471.46 VACANCIES; PERSONS INELIGIBLE TO APPOINTMENT.

42 No county, city, town or school district officer shall be
43 appointed to fill a vacancy in any elective office if ~~he~~ the *
44 officer has the power, either alone or as a member of a board, *
45 to make the appointment; and ~~his~~ the ineligibility shall not be *
46 affected by ~~his~~ resignation before such appointment is made. *
47 This section shall not prevent the appointment of a member of a
48 city council to the office of mayor or clerk, but in that
49 case ~~he~~ the member shall not vote in the appointment. *

471*#61S

50 471.61 GROUP INSURANCE, PROTECTION FOR OFFICERS,
51 EMPLOYEES, RETIRED OFFICERS AND EMPLOYEES.

52 Subdivision 1. OFFICERS, EMPLOYEES. Any county,
53 municipal corporation, town, school district, county extension
54 committee, other political subdivision or other body corporate
55 and politic of this state, other than the state or any
56 department thereof, through its governing body, and any two or
57 more subdivisions acting jointly through their governing bodies,
58 may insure or protect its or their officers and employees, and
59 their dependents, or any class or classes thereof, under a
60 policy or policies, or contract or contracts of group insurance
61 or benefits covering life, health, and accident, in the case of
62 employees, and medical and surgical benefits, and
63 hospitalization insurance or benefits, for both employees and
64 dependents, or dependents of an employee whose death was due to
65 causes arising out of and in the course of employment, or any
66 one or more of such forms of insurance or protection. Any such
67 governmental unit, including county extension committees and
68 those paying their employees, may pay all or any part of the
69 premiums or charges on such insurance or protection. Any such
70 payment shall be deemed to be additional compensation paid to
71 such officers or employees but for purposes of determining
72 contributions or benefits under any public pension or retirement

1 system it shall not be deemed to be additional compensation.
 2 Any one or more of such governmental units may determine that a
 3 person is an officer or employee if such officer or employee
 4 receives ~~a-portion-of-his~~ income from such governmental
 5 subdivisions without regard to the manner of ~~his~~ election or
 6 appointment. The appropriate officer of such governmental unit,
 7 or those disbursing county extension funds, shall deduct from
 8 the salary or wages of each officer and employee who elects to
 9 become insured or so protected, on the officer's or employee's
 10 written order, all or part of the officer's or employee's share
 11 of such premiums or charges and remit the same to the insurer or
 12 company issuing such policy or contract.

*
*

13 Any governmental unit, other than a school district, which
 14 pays all or any part of such premiums or charges is authorized
 15 to levy and collect a tax, if necessary, in the next annual tax
 16 levy for the purpose of providing the necessary funds for the
 17 payment of such premiums or charges, and such sums so levied and
 18 appropriated shall not, in the event such sum exceeds the
 19 maximum sum allowed by any law or the charter of a municipal
 20 corporation, be considered part of the cost of government of
 21 such governmental unit as defined in any tax levy or per capita
 22 expenditure limitation; provided at least 50 percent of the cost
 23 of benefits on dependents shall be contributed by the employee
 24 or be paid by levies within existing per capita tax limitations.

25 The word "dependents" as used herein shall mean spouse and
 26 minor unmarried children under the age of 18 years actually
 27 dependent upon the employee.

28 No change for subd 1a

29 Subd. 2a. RETIRED OFFICERS, EMPLOYEES. Any county,
 30 municipal corporation, town, school district, county extension
 31 committee, other political subdivision or other body corporate
 32 and politic of this state, including the state or any department
 33 thereof, through its governing body, and any two or more
 34 subdivisions acting jointly through their governing bodies, may
 35 insure or protect its or their retired officers and retired
 36 employees entitled to benefits under any public employees
 37 retirement act and their dependents, or any class or classes
 38 thereof, under a policy or policies, or contract or contracts of
 39 group insurance or benefits covering life, health, and accident,
 40 medical and surgical benefits, or hospitalization insurance or
 41 benefits, for retired officers and retired employees and their
 42 dependents, or any one or more of such forms of insurance or
 43 protection. Any such governmental unit, including county
 44 extension committees, may pay all or any part of the premiums or
 45 charges on such insurance or protection. Any one or more of
 46 such governmental units may determine that a person is a retired
 47 officer or a retired employee if such officer or employee, when
 48 employed, received ~~a-portion-of-his~~ income from such
 49 governmental subdivisions without regard to the manner of ~~his~~
 50 election or appointment. The appropriate officer of such
 51 governmental unit, or those disbursing county extension funds,
 52 shall collect from each such retired officer and retired
 53 employee who elects to become insured or so protected, on such
 54 officer's or employee's written order, all or part of the
 55 retired officer's or retired employee's share of such premiums
 56 or charges and remit the same to the insurer or company issuing
 57 such policy or contract.

*
*

58 Any governmental unit, other than a school district, which
 59 pays all or any part of such premiums or charges is authorized
 60 to levy and collect a tax, if necessary, in the next annual tax
 61 levy for the purpose of providing the necessary funds for the
 62 payment of such premiums or charges, and such sums so levied and
 63 appropriated shall not, in the event such sum exceeds the
 64 maximum sum allowed by any law or the charter of a municipal
 65 corporation, be considered part of the cost of government of
 66 such governmental unit as defined in any tax levy or per capita
 67 expenditure limitation; provided at least 50 percent of the cost
 68 of benefits on dependents shall be contributed by the retired
 69 officer or retired employee or be paid by levies within existing
 70 per capita tax limitations.

71 The word "dependents" as used herein shall mean spouse and
 72 minor unmarried children under the age of 18 years actually
 73 dependent upon the retired officer or retired employee.

74 No change for subd 3

471*#615S

75 471.615 INDIVIDUAL ANNUITY CONTRACTS, PURCHASE FOR

1 PUBLIC OFFICER OR EMPLOYEES.

2 At the request of an officer or employee and as part of his *
 3 a compensation arrangement, the governing body of any city, *
 4 town, county, school district, public corporation, public
 5 authority, special district or other political subdivision, or
 6 the commissioner of administration of the state of Minnesota may
 7 negotiate and purchase an individual annuity contract from a
 8 company licensed to do business in the state of Minnesota for an
 9 officer or employee for retirement or other purposes and may
 10 make payroll allocations in accordance with such arrangement for
 11 the purpose of paying the entire premium due or to become due
 12 under such contract. The allocation shall be made in a manner
 13 which will qualify the annuity premiums, or a portion thereof,
 14 for the benefit afforded under Section 403(b) of the current
 15 Federal Internal Revenue Code or any equivalent provisions of
 16 subsequent federal income tax law. The officer or employee
 17 shall own such contract and his have rights thereunder that *
 18 shall be nonforfeitable except for failure to pay premiums.
 19 This section shall be applied in a nondiscriminatory manner to
 20 officers and employees of the political subdivisions herein
 21 named.

471*#616S

22 471.616 GROUP INSURANCE; GOVERNMENTAL UNITS.

23 Subdivision 1. BIDDING REQUIRED. No governmental
 24 subdivision, political subdivision, or any other body corporate
 25 and politic authorized by law to purchase group insurance for
 26 its employees and providing or intending to provide group
 27 insurance protections and benefits for 25 or more of its
 28 employees shall enter into a contract for or renew any group
 29 insurance policy or contract without calling for bids and
 30 awarding the contract to the lowest responsible bidder by way of
 31 competitive bidding procedures similar to those for the
 32 provision of services and supplies under section 16B.07,
 33 subdivisions 1 to 5. A political subdivision may provide in the
 34 bid specifications that self insured health benefit plans will
 35 not be considered. Lowest responsible bidder means the insurer,
 36 service plan corporation, or self insurance plan, if allowed by
 37 the bid specifications which offers the lowest cost, is
 38 authorized to do business in this state, and is deemed by the
 39 governmental unit to be capable of satisfactorily performing the
 40 administration of the policy or contract in accordance with the
 41 bid specifications. "Cost" means in the case of an insurer, the
 42 premium rate; in the case of service plan corporation, the
 43 charge for expenses and risk taking; and in the case of self
 44 insurance plans, the sum of the cost of paid claims, including
 45 provision for estimated incurred but unpaid claims at the end of
 46 the term, administrative costs, and premium for excess
 47 coverage. The cost of changing plans may also be considered in
 48 determining the lowest cost. The aggregate value of benefits
 49 provided by a contract entered into after July 1, 1973 shall not
 50 be less than those provided by the preexisting contract (a)
 51 unless a majority of the employees covered under the group
 52 insurance plan and voting on the question agree to a reduction
 53 in the benefits, if the employees are not represented by an
 54 exclusive representative pursuant to section 179A.12, or (b)
 55 unless the public employer and the exclusive representative of
 56 the employees of an appropriate bargaining unit, certified
 57 pursuant to section 179.67, agree to a reduction in the
 58 benefits. The aggregate value of benefits of any former
 59 employee who has retired shall not, in any event, be reduced
 60 pursuant to clause (a) or (b), unless he the employee has *
 61 individually agreed to the reduction.

62 No contract need be submitted to bid more frequently than
 63 once every 48 months, unless for any reason whatsoever, a 50
 64 percent or greater change in the premium per covered employee
 65 under the policy contract is provided, required or indicated. If
 66 additional employees are added to an existing group pursuant to
 67 a joint powers agreement under section 471.59, new bids and
 68 award are not required.

69 When an insurer proposes an increase in rates, it shall
 70 accompany its proposal with an aggregate claims record for the
 71 appropriate period that explains the proposed increase. When a
 72 contract is resubmitted for bids the aggregate claims record
 73 shall accompany the specifications for the contract. Cost
 74 comparisons are not required between insured and self-insurance
 75 alternatives, but apply to comparisons between two or more

1 insured proposals or comparisons between two or more self
2 insurance proposals.

3 No change for subd 2

471*#63S

4 471.63 PROMOTION OF SAFETY AND PRESERVATION OF HUMAN
5 LIFE.

6 No change for subd 1 to 3

7 Subd. 4. GENERAL FUND OF SAFETY COUNCIL; PAYMENT
8 THEREFROM. Such funds so appropriated shall be deposited in
9 a state or national bank same as other public funds in the
10 manner provided by law by the treasurer of the said local safety
11 council and credited to a fund to be established and known as
12 the general fund of the said safety council. Any moneys
13 expended from such fund shall be on verified claims allowed by
14 the safety council, to which such moneys are allocated, in
15 meeting assembled and all checks signed by the chairman chair *
16 and countersigned by the treasurer or secretary of such safety
17 council.

18 No change for subd 5 to 7

471*#64S

19 471.64 ACQUISITION OF PROPERTY FROM UNITED STATES AND
20 STATE AGENCIES.

21 No change for subd 1

22 Subd. 2. The governing body of any political subdivision
23 of the state may designate by appropriate resolution or order
24 any officer or employee of its own to enter a bid or bids in its
25 behalf at any sale of equipment, supplies, material or other
26 property, including real property, owned by the United States of
27 America or with any agency thereof, any state agency, or with
28 any other political subdivision of the state and may authorize
29 him the officer or employee to make any down payment, or payment *
30 in full, required in connection with such bidding.

471*#665S

31 471.665 MILEAGE ALLOWANCES.

32 Subdivision 1. The maximum amount which shall be paid by
33 any county, home rule charter or statutory city, town, or school
34 district, to any officer or employee as compensation or
35 reimbursement for the use by the officer or employee of his the *
36 officer's or employee's own automobile in the performance of his *
37 duties shall be set by the town board or other governing body of
38 the unit in an amount to be determined by the governing body.

39 Subd. 2. Except as provided in subdivision 3, the
40 governing body of the city of St. Paul may determine to pay, and
41 in counties having more than 550,000 inhabitants, the county
42 board may determine that the county shall pay a base allowance
43 of \$1.50 per day for each day the employee or officer's
44 automobile is officially used. This base allowance shall not be
45 paid for more than 20 days in each month. The minimum base
46 allowance shall be \$20 per month for each employee or officer
47 required to have his-own a personal automobile available for *
48 official public business and using that automobile for such *
49 business periodically throughout the month. If a base allowance
50 is paid it shall be in addition to a mileage allowance which
51 shall not exceed seven and one-half cents a mile for the first
52 500 miles in any one month and five cents a mile thereafter.

53 Subd. 3. In lieu of the mileage allowance provided in
54 subdivision 1, the governing body or town board of any city,
55 county, town, or school district may pay any officer or employee
56 thereof as compensation or reimbursement for the use by the
57 officer or employee of his-own a personal automobile in the *
58 performance of his official duties a monthly or periodic *
59 allowance; but no allowance in lieu of mileage shall be paid to
60 the members of the governing body or town board except as
61 otherwise provided by special law or home rule charter.

471*#69S

62 471.69 LIMITATION OF TAX LEVIES; STATEMENT.

63 No school district, county, statutory city, or town shall
64 contract any debt or issue any warrant or order in any calendar
65 year in anticipation of the collection of taxes levied or to be
66 levied for that year in excess of the average amount actually
67 received in tax collections on the levy for the three previous
68 calendar years plus ten percent thereof, and an average of other
69 income excluding gifts received by the school district for the
70 past three years. This section shall not apply to any school
71 district, county, statutory city, or town, wherein the mineral
72 valuation, as assessed, exceeds 25 percent of the assessed

1 valuation of real property in such taxing district. This
2 section shall not apply to any school district in a city of the
3 first class which constitutes one single school district.

4 As soon as practicable after the beginning of each calendar
5 year, the clerk or other recording officer of any municipality
6 described in this section shall present to the governing body of
7 ~~his~~ the municipality a statement of tax collections and other
8 income excluding gifts credited to each fund of ~~his~~ the
9 municipality during each of the three previous fiscal years and
10 the yearly average thereof. The auditor of the county shall be
11 required to furnish information as appears in the office records
12 ~~in-his-office~~ to the clerk upon request.

*
*
*
*

471*#697S

13 471.697 FINANCIAL REPORTING; AUDITS; CITIES OF MORE THAN
14 2,500 POPULATION.

15 Subdivision 1. In any city with a population of more than
16 2,500 according to the latest federal census, the city clerk or
17 chief financial officer shall:

18 (a) Prepare a financial report covering the city's
19 operations including operations of municipal hospitals and
20 nursing homes, liquor stores, and public utility commissions
21 during the preceding fiscal year after the close of the fiscal
22 year and publish the report or a summary of the report, in a
23 form as prescribed by the state auditor, in a qualified
24 newspaper of general circulation in the city or, if there is
25 none, post copies in three of the most public places in the
26 city, no later than 30 days after the report is due in the
27 office of the state auditor. The report shall contain financial
28 statements and disclosures which present the city's financial
29 position and the results of city operations in conformity with
30 generally accepted accounting principles. The report shall
31 include such information and be in such form as may be
32 prescribed by the state auditor;

33 (b) File the financial report in ~~his~~ the clerk's or
34 financial officer's office for public inspection and present it
35 to the city council after the close of the fiscal year. One
36 copy of the financial report shall be furnished to the state
37 auditor after the close of the fiscal year; and

*
*

38 (c) Submit to the state auditor audited financial
39 statements which have been attested to by a certified public
40 accountant, public accountant, or the state auditor within 180
41 days after the close of the fiscal year, except that the state
42 auditor may upon request of a city and a showing of inability to
43 conform, extend the deadline. The state auditor may accept this
44 report in lieu of the report required in clause (b) above.

45 A municipal hospital or nursing home established before
46 June 6, 1979 whose fiscal year is not a calendar year on August
47 1, 1980 is not subject to this subdivision but shall submit to
48 the state auditor a detailed statement of its financial affairs
49 audited by a certified public accountant, a public accountant or
50 the state auditor no later than 120 days after the close of its
51 fiscal year. It may also submit a summary financial report for
52 the calendar year.

53 No change for subd 2

471*#698S

54 471.698 FINANCIAL REPORTING; CITIES OF LESS THAN 2,500
55 POPULATION.

56 Subdivision 1. In any city with a population of less than
57 2,500 according to the latest federal census, the city clerk or
58 chief financial officer shall:

59 (a) Prepare a detailed statement of the financial affairs
60 of the city including operations of municipal hospitals and
61 nursing homes, liquor stores, and public utility commissions in
62 the style and form prescribed by the state auditor, for the
63 preceding fiscal year showing all money received, with the
64 sources, and respective amounts thereof; all disbursements for
65 which orders have been drawn upon the treasurer; the amount of
66 outstanding and unpaid orders; all accounts payable; all
67 indebtedness; contingent liabilities; all accounts receivable;
68 the amount of money remaining in the treasury; and all items
69 necessary to show accurately the revenues and expenditures and
70 financial position of the city;

71 (b) File the statement in ~~his~~ the clerk's or financial
72 officer's office for the public inspection and present it to the
73 city council within 45 days after the close of the fiscal year;

*
*

74 (c) (1) Publish the statement within 90 days after the

1 close of the fiscal year in a qualified newspaper of general
 2 circulation in the city; or
 3 (2) If there is no qualified newspaper of general
 4 circulation in the city, the clerk shall, at the direction of
 5 the city council, post copies in three of the most public places
 6 in the city; or
 7 (3) If city council proceedings are published monthly or
 8 quarterly, showing to whom and for what purpose orders are drawn
 9 upon the treasurer, the annual statement to be published as
 10 required by this section may be summarized in such form as the
 11 state auditor may prescribe. It is not necessary to publish
 12 individual disbursements of less than \$100, if disbursements
 13 aggregating \$1,000 or more to any person, firm, or other entity
 14 are set forth in a schedule of major disbursements showing
 15 amounts paid out, to whom, and for what purpose, and are made a
 16 part of and published with the financial statement; and
 17 (d) Submit within 90 days after the close of the fiscal
 18 year a copy of the statement to the state auditor in such
 19 summary form as the state auditor may prescribe.

20 A municipal hospital or nursing home established before
 21 June 6, 1979 whose fiscal year is not a calendar year on August
 22 1, 1980 is not subject to this subdivision but shall submit to
 23 the state auditor a detailed statement of its financial affairs
 24 audited by a certified public accountant, a public accountant or
 25 the state auditor no later than 120 days after the close of its
 26 fiscal year. It may also submit a summary financial report for
 27 the calendar year.

28 No change for subd 2

471*#70S

29 471.70 REPORTING OF OBLIGATIONS BY CITIES, TOWNS, SCHOOL
 30 DISTRICTS, AND BODIES CORPORATE AND POLITIC.

31 For the purposes of this section "municipality" means a
 32 city, however organized; a school district, however organized; a
 33 town; or any other body corporate and politic created under
 34 Minnesota law.

35 An "obligation" as used in this section means an obligation
 36 as defined in chapter 475.

37 On or before February first each year, it shall be the duty
 38 of the principal accounting officer of each municipality to
 39 report to the auditor of each county in which such municipality
 40 is situate, the total amount of outstanding obligations, and the
 41 purpose for which issued as of December thirty-first of the
 42 preceding year. Such report shall be kept by the auditor of
 43 each county in a suitable record. On March first each year, it
 44 shall be the duty of the auditor of each county to make report
 45 to the state auditor of such obligations as reported to ~~him~~ the
 46 county auditor by the principal accounting officer of the
 47 municipality, together with the amount and character of all
 48 outstanding obligations issued by the county ~~of which he is the~~
 49 auditor. *
 *

471*#75S

50 471.75 ORDERS, SUFFICIENT FUNDS; CERTIFICATES OF
 51 INDEBTEDNESS.

52 No change for subd 1 to 5

53 Subd. 6. If any such municipality is unable to sell
 54 certificates of indebtedness in the manner prescribed hereby, it
 55 may issue such certificates, within the limitations herein
 56 provided, to the treasurer of the municipality, or ~~his~~ the
 57 treasurer's order, and deposit the same with ~~him~~ the treasurer. *
 58 Certificates so issued shall be held by the treasurer until they
 59 may be sold and shall bear interest at not to exceed six percent
 60 per annum. The municipality may thereupon, as long as such
 61 certificates are on deposit with the treasurer, issue warrants
 62 on funds against which such certificates were issued, the
 63 principal amount of such warrants not to exceed the total
 64 principal amount of the certificates so held by the treasurer.
 65 Such warrants shall bear interest at the rate specified by the
 66 governing body but not to exceed six percent per annum from and
 67 after the day they are presented to the treasurer and stamped
 68 "Not paid for want of funds, but protected by certificates of
 69 indebtedness now held by me." Such certificates may be sold by
 70 the governing body of the municipality for not less than par and
 71 accrued interest, and the proceeds of such sale shall be used to
 72 take up such warrants in the order of which they were presented
 73 to the treasurer, registered by ~~him~~ the treasurer, and stamped *
 74 as aforesaid. Interest upon such warrants shall stop upon the

1 date they are called by the treasurer for payment. Such
 2 certificates of indebtedness so held by the treasurer shall be
 3 paid at the same time and the same manner as if they had been
 4 issued to a purchaser thereof. All warrants attempted to be
 5 issued and all obligations of indebtedness attempted to be
 6 incurred under authority of this subdivision in excess of the
 7 principal amount of the certificates of indebtedness so held by
 8 such treasurer shall be void.

9 No change for subd 7 to 9

471*#78S

10 471.78 INDEBTEDNESS IN EXCESS OF REVENUE, CONTRACTS VOID.

11 Each contract attempted to be entered into or indebtedness
 12 or pecuniary liability attempted to be incurred in violation of
 13 the provisions of sections 471.71 to 471.83 shall be null and
 14 void in regard to any obligation thereby sought to be imposed
 15 upon the municipality or any department thereof, and no claim
 16 therefor shall be allowed by the governing body or any officer,
 17 board, or commission; nor shall the clerk or any other officer
 18 issue or execute, nor shall the treasurer or other disbursing
 19 officer thereof pay, any check, warrant, or certificate of
 20 indebtedness issued on account thereof. Each member of the
 21 governing body, board, or commission, and each other officer of
 22 the municipality participating in or authorizing any violation
 23 of sections 471.71 to 471.83 shall be individually liable to the
 24 municipality for any damage that is caused thereby, and shall be
 25 liable to any person furnishing any labor, services, or
 26 materials on any contract entered into or obligations assumed in
 27 violation thereof. Each member of the governing body or of a
 28 board or commission who is present at any meeting thereof when
 29 any action is taken with reference to paying money or incurring
 30 indebtedness or entering into any contract in violation of the
 31 provisions of this section shall be deemed to have participated
 32 in and to have authorized the same unless he the member shall *
 33 have caused his the member's dissent therefrom to be entered *
 34 upon the minutes of the meeting.

471*#79S

35 471.79 ENFORCEMENT.

36 The district court may, at the suit of any taxpayer,
 37 enforce the performance by any governing body, board,
 38 commission, officer, or agent of any municipality of any action
 39 which he it is directed to perform by sections 471.71 to 471.83, *
 40 to the full extent necessary to carry out the purpose thereof.

471*#86S

41 471.86 FIREFIGHTERS, PROTECTION; MOTOR VEHICLES,
 42 OPERATION, LOSS FROM.

43 Subdivision 1. LEGAL COUNSEL, EMPLOYMENT. Every
 44 city, township, or other governmental subdivision of the state
 45 shall furnish legal counsel for any firefighter employed by it
 46 upon his the firefighter's written request in all actions *
 47 brought against such firefighter to recover damages for injury
 48 to person or property, or for wrongful death, when such action
 49 arose out of the operation of a motor vehicle by such
 50 firefighter in the performance of his official duties, and pay *
 51 the expenses of defending such suit, including witness and
 52 reasonable counsel fees, notwithstanding any contrary provision
 53 in the law or in the charter of any such governmental
 54 subdivision.

55 Subd. 2. JUDGMENT, PAYMENT AUTHORIZED. If judgment
 56 is rendered in favor of the firefighter, costs and disbursements
 57 included therein shall be assigned to such governmental
 58 subdivision by him the firefighter, and all money collected *
 59 thereon shall be paid to it. If judgment is rendered against
 60 the firefighter, such governmental subdivision shall appropriate
 61 money from any funds available to pay such judgment, or shall
 62 levy funds for the payment thereof pursuant to law.

63 No change for subd 3

471*#87S

64 471.87 PUBLIC OFFICERS, INTEREST IN CONTRACT; PENALTY.

65 Except as authorized in section 471.88, a public officer
 66 who is authorized to take part in any manner in making any sale,
 67 lease, or contract in his official capacity shall not *
 68 voluntarily have a personal financial interest in that sale,
 69 lease, or contract or personally benefit financially therefrom.
 70 Every public officer who violates this provision is guilty of a
 71 gross misdemeanor.

471*#88S

1 471.88 EXCEPTIONS.
2 No change for subd 1
3 Subd. 2. In the designation of a bank or savings
4 association in which the officer is interested as an authorized
5 depository for public funds and as a source of borrowing, no
6 restriction shall apply to the deposit or borrowing of any funds
7 or the designation of a depository by such authority or
8 governmental unit in any bank or savings association in which a
9 member of an authority or officer of a governmental unit shall
10 have an interest if such deposited funds are protected in
11 accordance with chapter 118; provided, however, that any member
12 or officer having such an interest shall disclose that ~~he~~ the *
13 member is a director or employee of the bank or savings *
14 association, which disclosure shall be entered upon the minutes
15 of the authority or governmental unit, such disclosure shall be
16 made when such bank or savings association is first designated
17 as a depository or as a source of borrowing, or when such member
18 or officer is elected whichever is later, and such disclosure
19 shall serve as notice of such interest and need not be made with
20 each successive transaction;
21 No change for subd 3 to 8
22 Subd. 9. When a port authority commissioner is engaged in
23 or employed by a firm engaged in the business of importing or
24 exporting or general trade, it shall be lawful for the authority
25 to do business with the commissioner or ~~his~~ the commissioner's *
26 employer provided that in the fixing of any rates affecting *
27 shippers or users of the terminal facility, said commissioner
28 shall not vote thereon.
29 Subd. 10. When a seaway port authority commissioner is
30 engaged in or employed by a firm engaged in the business of
31 importing or exporting or general trade, it shall be lawful for
32 the authority to do business with the commissioner or ~~his~~ the *
33 commissioner's employer provided that in the fixing of any rates *
34 affecting shippers or users of the terminal facility, said
35 commissioner shall not take part in the determination of, except
36 to testify, nor vote thereon.
37 Subd. 11. When a commissioner of any public housing or
38 port authority is employed by a bank engaged in making loans or
39 performing trust services involving real or personal property
40 affected by any plan or such housing or port authority, no
41 restriction shall apply to any such loans made or trust services
42 performed by said bank if the commissioner shall disclose the
43 nature of such loans or trust services of which ~~he~~ the *
44 commissioner has personal knowledge, which disclosure shall be *
45 entered upon the minutes of such authority.
46 471*#89S
47 471.89 CONTRACT, WHEN VOID.
48 No change for subd 1 to 2
49 Subd. 3. CLAIMS, AFFIDAVITS FILED. Before such a
50 claim is paid, the interested officer shall file with the clerk
51 of the governing body an affidavit stating:
52 (a) The name of the officer and the office held by ~~him~~ the *
53 officer; *
54 (b) An itemization of the commodity or services furnished;
55 (c) The contract price;
56 (d) The reasonable value;
57 (e) The interest of the officer in the contract; and *
58 (f) That to the best of ~~his~~ the officer's knowledge and *
59 belief the contract price is as low as, or lower than, the price
60 at which the commodity or services could be obtained from other
61 sources.
62 472*#02S
63 472.02 FINDINGS; DECLARATION OF POLICY; PUBLIC PURPOSE.
64 No change for subd 1
65 Subd. 2. It is found that economic insecurity due to
66 underdevelopment and unemployment or underemployment in certain
67 regional or local areas of this state threatens the health,
68 safety, morals, and general welfare of the people of the entire
69 state; that involuntary unemployment and its resulting burden of
70 indigence falls not only upon ~~the~~ unemployed worker workers and *
71 ~~his-family~~ their families but also upon the entire state in *
72 various forms of public assistance; that the continued absence
73 of employment and industrial opportunities in rural areas and
74 areas of substantial and persistent unemployment areas causes
the migration of persons from the state, and that this movement
of persons reduces the tax base of counties, cities, and other

1 local political subdivisions, impairing their financial ability
2 to support education and other local governmental services.
3 No change for subd 3

472*#06S

4 472.06 CONFLICT OF INTEREST.
5 No commissioner or employee of any local redevelopment
6 agency shall acquire any interest, direct or indirect, in any
7 project or in any property included or planned to be included in
8 any project, nor ~~shall he~~ have any interest, direct or indirect, *
9 in any contract or proposed contract for materials or service to
10 be furnished or used in connection with any project. This
11 section shall not apply to the deposit of any funds of an agency
12 in any bank in which a member of an agency shall have an
13 interest, if such funds are deposited and protected in
14 accordance with chapter 118.

472*#07S

15 472.07 AGENCIES; MEETINGS, EXPENSES.
16 Subdivision 1. The powers of each agency shall be vested
17 in the commissioners thereof in office at any time, a majority
18 of whom shall constitute a quorum for all purposes. Each agency
19 shall select a chairman chair and a secretary from among its *
20 commissioners and shall adopt such bylaws and other rules for
21 the conduct of its affairs as it deems appropriate. The regular
22 meetings of an agency shall be held in a fixed place and shall
23 be open to the public. ~~No~~ A commissioner shall not receive *
24 compensation for ~~his~~ services, but he shall be entitled to *
25 receive necessary expenses, including traveling expenses, *
26 included in the performance of ~~his~~ duties. *

27 No change for subd 2 to 3

473*#03S

28 473.03 REGIONAL PLANNING AND DEVELOPMENT COMMISSION.
29 Subdivision 1. There is hereby established in each
30 metropolitan area a regional planning and development commission
31 consisting of the following members:

32 (1) Two members representing each central city in the area.
33 One shall be the mayor or a representative appointed by ~~him~~ the *
34 mayor and one shall be a member of the governing body or some *
35 other resident of the city appointed in either case by the
36 governing body.

37 (2) Seven members representing cities in the metropolitan
38 area other than central cities. No more than two such members
39 shall reside in any one county. Such members shall be officials
40 or other residents of such municipalities and shall be appointed
41 by a majority vote of the mayors of such municipalities voting
42 at a joint meeting, or adjourned meeting, called on at least ten
43 days mailed notice by the mayor of the most populous of such
44 municipalities. The number of such members shall be increased
45 or decreased only when terms of incumbent members expire, except
46 that if the number of members to which such municipalities are
47 entitled is increased by the expansion of the metropolitan area
48 under subdivision 4, the members of the commission chosen under
49 this clause shall appoint the required number of such additional
50 members for a term expiring at the time when the terms of other
51 such members expire.

52 (3) One member to represent each county in the area. *
53 ~~He~~ who shall be a member of the board of county commissioners or *
54 some other resident of the county appointed in either case by
55 the county board.

56 (4) One member to represent the school districts in the
57 area, including special districts. ~~He~~ who shall be a school *
58 board member or other resident of the area appointed by a *
59 majority vote of the ~~chairmen~~ chairs of the boards of such *
60 districts voting at a joint meeting, or adjourned meeting, *
61 called on at least ten days mailed notice by the chairman chair *
62 of the board of the most populous of such districts.

63 (5) Two members to represent the towns in the area. Each
64 shall be a member of the board of supervisors or other resident
65 of a town in the area and shall be appointed by a majority vote
66 of the ~~chairmen~~ chairs of the boards of supervisors of such *
67 towns voting at a joint meeting, or adjourned meeting, called on *
68 at least ten days mailed notice by the chairman chair of the *
69 board of the most populous of such towns.

70 (6) One member for each public corporation created by law
71 to perform a service within two or more cities or towns in the
72 metropolitan area. ~~He~~ who shall be appointed by the governing *
73 body of the corporation from its own membership, or from persons

1 residing in the territory under the jurisdiction of the
2 corporation.

3 (7) Seven members representative of private citizens and
4 groups interested in regional planning and development. They
5 shall be appointed by the governor from residents of the
6 metropolitan area who hold no public office other than that of
7 notary public. At least four of the members so appointed shall
8 be residents of the central cities, and not more than four shall
9 be members of the same political party.

10 Subd. 2. The mayor of each central city in the area or ~~his~~ *
11 a representative shall serve for a term expiring upon the *
12 qualification of the mayor's successor. Each of the other
13 members shall serve for a term of five years and until the *
14 qualification of ~~his~~ a successor. The term of office of each *
15 member holding office on the effective date of Laws 1963,
16 Chapter 866, is extended to and terminates on May 31 next *
17 following the date on which ~~his~~ the term of office would *
18 otherwise expire. Except an appointment to fill an unexpired
19 term, the term of each member shall begin on June 1 next
20 following the date on which the term of the next preceding
21 incumbent expired. Any vacancy occurring before the expiration
22 of the term shall be filled by the appointing authority for the
23 remainder of the term except that a vacancy occurring among the
24 members representing school districts, town, or municipalities
25 other than central cities shall be filled by the commission for
26 the remainder of the term.

27 Subd. 3. Initial members shall be appointed in the case of
28 a metropolitan area hereafter established, within 30 days after
29 the effective date of the decennial census by which the area
30 becomes a metropolitan area; and the mayor of each central city,
31 the county auditor of each county, the secretary of each public
32 corporation, and the mayor, school board ~~chairman~~ chair, and *
33 town board ~~chairman~~ chair responsible for the calling of *
34 meetings to make appointments under subdivision 1 shall notify *
35 the governor of appointments made ~~by him~~ personally or by the *
36 appointing authority to which ~~he~~ the notifier is responsible. *
37 At the end of such 30-day period, or as soon thereafter as the
38 governor has been informed that a majority of the commission
39 members have been appointed, ~~he~~ the governor shall call a *
40 meeting of the commission at which the commission may be *
41 organized and commence its operations notwithstanding the *
42 existence of vacancies on the commission.

43 No change for subd 4

473*#08S

44 473.08 BUDGET, FINANCIAL AID.

45 No change for subd 1 to 3

46 Subd. 4. The commission shall keep an accurate account of
47 its receipts and disbursements. Disbursements of funds of the
48 commission shall be made by check signed by the ~~chairman~~ chair *
49 or ~~vice-chairman~~ vice-chair or secretary of the commission and *
50 countersigned by the director or assistant director or
51 administrative assistant thereof after such auditing and
52 approval of the expenditure as may be provided by rules of the
53 commission. The state auditor shall audit the books and
54 accounts of the commission once each year, or as often as funds
55 and personnel of the state auditor permit. The commission shall
56 pay to the state the total cost and expenses of such
57 examination, including the salaries paid to the auditors while
58 actually engaged in making such examination. The revolving fund
59 of the state auditor shall be credited with all collections made
60 for any such examination.

61 No change for subd 5

473*#10S

62 473.10 DEPOSITORIES.

63 The commission shall from time to time designate one or
64 more national or state banks, or trust companies authorized to
65 do a banking business, as official depositories for money of the
66 commission, and thereupon shall require the treasurer to deposit
67 all or part of such money in such bank or banks. Such
68 designation shall be in writing and set forth all the terms and
69 conditions upon which the deposits are made, and shall be signed *
70 by the ~~chairman~~ chair and secretary, and made a part of the *
71 minutes of the commission. Any bank or trust company so
72 designated shall qualify as a depository by furnishing a
73 corporate surety bond or collateral as required by section
74 118.01, and shall thereafter, as long as money of the commission

1 is on deposit therein, maintain such bond or collateral in the
2 amounts required by said section. However, no bond or
3 collateral shall be required to secure any deposit, insofar as
4 it is insured under federal law, as provided in section 118.10.

473*#123S

5 473.123 METROPOLITAN COUNCIL.

6 No change for subd 1

7 Subd. 2a. TERMS. Following each apportionment of
8 council districts, as provided under subdivision 3a, the terms
9 of council members shall commence on the effective date of that
10 apportionment, as provided in subdivision 3a. The terms of
11 members are as follows: members representing even-numbered
12 districts for terms ending the first Monday in January of the
13 year ending in the numeral "7"; members representing
14 odd-numbered districts for terms ending the first Monday in
15 January of the year ending in the numeral "5." Thereafter the
16 term of each member is four years except that all terms expire
17 on the effective date of the next apportionment. A member shall
18 continue to serve ~~his~~ the member's district until a successor is *
19 appointed and qualified; except that, following each
20 apportionment, the member shall continue to serve at large until
21 the governor appoints 16 council members, one from each of the
22 newly drawn council districts as provided under subdivision 3a,
23 to serve terms as provided under this section.

24 Subd. 3. MEMBERSHIP; APPOINTMENT; QUALIFICATIONS.

25 (a) The council shall be composed of 16 members. The governor
26 shall appoint members on a nonpartisan basis after consultation
27 with all members of the legislature from the council district
28 for which the member is to be appointed. Appointments are
29 subject to the advice and consent of the senate. Each council
30 member shall reside in the council district ~~which he~~ *
31 represents represented. Each council district shall be *
32 represented by one member of the council.

33 (b) In addition to the notice required by section 15.0597,
34 subdivision 4, notice of vacancies and expiration of terms shall
35 be published in newspapers of general circulation in the
36 metropolitan area and the appropriate districts.

37 No change for subd 3a to 3b

38 Subd. 4. CHAIRMAN CHAIR; APPOINTMENT, DUTIES. (a) *

39 The chairman chair of the metropolitan council shall be *
40 appointed by the governor as the 17th voting member thereof by
41 and with the advice and consent of the senate to serve at the
42 pleasure of the governor. Senate confirmation shall be as
43 provided by section 15.066. The chairman chair shall be a *
44 person experienced in the field of municipal and urban affairs
45 with administrative training and executive ability.

46 (b) The chairman chair of the metropolitan council shall *
47 preside at the meetings of the metropolitan council and shall *
48 act as principal executive officer. ~~He~~ The chair shall organize *
49 the work of the metropolitan council, appoint all officers
50 and employees thereof, subject to the approval of the
51 metropolitan council, and be responsible for carrying out all
52 policy decisions of the metropolitan council. ~~His~~ The chair's *
53 salary shall be as provided in section 15A.081, ~~and he.~~ The *
54 chair shall be eligible for expenses in the same manner and *
55 amount as state employees.

56 Subd. 5. METROPOLITAN COUNCIL; DUTIES AND COMPENSATION.

57 The metropolitan council shall elect such officers as it
58 deems necessary for the conduct of its affairs other than the
59 chairman chair. A secretary and treasurer need not be members *
60 of the metropolitan council. Meeting times and places shall be
61 fixed by the metropolitan council and special meetings may be
62 called by a majority of the members of the metropolitan council
63 or by the chairman chair thereof. Each metropolitan council *
64 member other than the chairman chair shall be paid a per diem *
65 compensation of \$50 for each meeting and for such other services
66 as authorized by the metropolitan council, and shall be
67 reimbursed for ~~his~~ reasonable expenses. The annual budget of *
68 the council shall provide as a separate account anticipated
69 expenditures for per diem, travel and associated expenses for
70 the chairman chair and members, and compensation or *
71 reimbursement shall be made to the chairman chair and members *
72 only when budgeted.

73 In the performance of its duties the metropolitan council
74 may promulgate rules governing its operation, establish
75 committees, divisions, departments and bureaus and staff the

1 same as necessary to carry out its duties and when specifically
 2 authorized by law make appointments to other governmental
 3 agencies and districts. All officers and employees of the
 4 metropolitan council shall serve at the pleasure of the
 5 appointing authority in the unclassified service of the state
 6 civil service. Rules promulgated by the metropolitan council
 7 shall be in accordance with the administrative procedure
 8 provisions contained in chapter 14.

9 Subd. 6. EXECUTIVE DIRECTOR. Upon the
 10 recommendation of the chairman chair the metropolitan council *
 11 may appoint an executive director to serve at ~~his~~ the chair's *
 12 pleasure as the principal operating administrator for the *
 13 metropolitan council. He The director may be chosen from among *
 14 the citizens of the nation at large, and shall be selected on *
 15 the basis of ~~his~~ training and experience in the field of *
 16 municipal and urban affairs.

473*#129S

17 473.129 ADMINISTRATION OF METROPOLITAN COUNCIL.

18 No change for subd 1 to 4

19 Subd. 5. LOCAL GOVERNMENTAL PARTICIPATION. The
 20 metropolitan council may (1) participate as a party in any
 21 proceedings originating before the Minnesota municipal board
 22 under chapter 414, if the proceedings involve the change in a
 23 boundary of a governmental unit in the metropolitan area, (2)
 24 conduct studies of the feasibility of annexing, enlarging, or
 25 consolidating units in the metropolitan area, (3) furnish space
 26 and other necessary assistance to a metropolitan expeditor
 27 assigned to the metropolitan area or any part thereof under the
 28 Federal Demonstration City Act of 1966, on condition that such
 29 expeditor files monthly reports with the metropolitan council
 30 concerning ~~his~~ the expeditor's activities. *

31 No change for subd 6

473*#141S

32 473.141 MEMBERSHIP, PROCEDURES, OFFICERS AND EMPLOYEES
 33 OF METROPOLITAN COMMISSIONS.

34 No change for subd 1

35 Subd. 2. MEMBERSHIP. (a) Each commission shall *
 36 consist of eight members, plus a chairman chair appointed as *
 37 provided in subdivision 3. The metropolitan council shall
 38 appoint the eight members on a nonpartisan basis after
 39 consultation with the members of the legislature from the
 40 commission district for which the member is to be appointed.
 41 Appointments are subject to the advice and consent of the senate.

42 (b) Following the submission of commission member
 43 applications to the metropolitan council as provided under
 44 section 15.0597, subdivision 5, the council shall conduct one or
 45 more public hearings on the matter of the appointments for the
 46 commission districts to accept statements from persons who have
 47 applied for appointment and to allow consultation with and
 48 secure the advice of the public.

49 (c) One member shall be appointed from each of the
 50 following commission districts:

51 (1) Commission district A, consisting of council districts
 52 1 and 2;

53 (2) Commission district B, consisting of council districts
 54 3 and 7;

55 (3) Commission district C, consisting of council districts
 56 4 and 5;

57 (4) Commission district D, consisting of council districts
 58 6 and 10;

59 (5) Commission district E, consisting of council districts
 60 8 and 9;

61 (6) Commission district F, consisting of council districts
 62 11 and 12;

63 (7) Commission district G, consisting of council districts
 64 13 and 14; and

65 (8) Commission district H, consisting of council districts
 66 15 and 16.

67 Subd. 3. CHAIRMAN CHAIR. The chairman chair of each *
 68 commission shall be appointed by the governor with the advice
 69 and consent of the senate and shall be the ninth voting member
 70 of the commission and shall meet all qualifications established
 71 for members, except the chairman chair need only reside within *
 72 the metropolitan area. Senate confirmation shall be as provided *
 73 by section 15.066. The chairman chair shall preside at all *
 74 meetings of the commission, if present, and shall perform all

1 other duties and functions assigned ~~to him~~ by the commission or *
 2 by law. Each commission may appoint from among its members *
 3 a ~~vice-chairman~~ vice-chair to act for the ~~chairman~~ chair during *
 4 ~~his~~ temporary absence or disability. *

5 Subd. 4. QUALIFICATIONS. Each member shall be a *
 6 resident of the commission district for which ~~he is~~ appointed *
 7 and shall not during ~~his~~ a term of office hold the office of *
 8 metropolitan council member, or be a member of another *
 9 metropolitan commission, the metropolitan airports commission or
 10 the metropolitan sports facilities commission or hold any
 11 judicial office. Each member shall qualify by taking and
 12 subscribing the oath of office prescribed by the Minnesota
 13 Constitution, Article 5, Section 5. Such oath, duly certified
 14 by the official administering the same, shall be filed with the
 15 executive director of the metropolitan council.

16 Subd. 4a. TERMS. Following each apportionment of
 17 metropolitan council districts, as provided under section
 18 473.123, subdivision 3a, the terms of members and the ~~chairman~~ *
 19 chair of each commission shall commence on the effective date of *
 20 that apportionment, as provided in section 473.123, subdivision
 21 3a. The terms of members and ~~chairmen~~ chairs are as follows: *
 22 members representing commission districts A, B, C, and D, and *
 23 the ~~chairman~~ chair of each commission, for terms ending the *
 24 first Monday in January of the year ending in the numeral "7";
 25 members representing commission districts E, F, G, and H, for
 26 terms ending the first Monday in January of the year ending in
 27 the numeral "5." Thereafter the term of each member and the
 28 ~~chairman~~ chair is four years except that all terms expire on the *
 29 effective date of the next apportionment. A ~~chairman~~ chair *
 30 shall continue to serve until a successor is appointed and
 31 qualified. A member shall continue to serve ~~his~~ the member's *
 32 commission district until a successor is appointed and
 33 qualified; except that, following each apportionment, the member
 34 shall continue to serve at large until the metropolitan council
 35 appointed pursuant to section 473.123, subdivision 3a appoints
 36 eight commission members as provided under subdivision 2, to
 37 serve terms as provided under this subdivision.

38 Subd. 5. REMOVAL. Members, other than the *
 39 ~~chairman~~ chair, may be removed by the council only for cause in *
 40 the manner specified in chapter 351. The ~~chairman~~ chair may be *
 41 removed at the pleasure of the governor.

42 No change for subd 6

43 Subd. 7. COMPENSATION. Each commission member shall
 44 be paid a per diem compensation of \$50 for each meeting and for
 45 such other services as authorized by the commission, and shall
 46 be reimbursed for all actual and necessary expenses incurred in
 47 the performance of ~~his~~ duties in the same manner and amount as *
 48 state employees. The ~~chairman~~ chair shall receive a salary in *
 49 an amount fixed by section 15A.081 and shall be reimbursed for
 50 reasonable expenses to the same extent as a member; provided *
 51 that the ~~chairman~~ chair of the metropolitan sports facilities *
 52 commission shall receive, unless otherwise provided by other
 53 law, a salary in an amount fixed by the members of the
 54 commission and shall be reimbursed for reasonable expenses to
 55 the same extent as a member. The annual budget of each
 56 commission shall provide as a separate account anticipated
 57 expenditures for per diem, travel and associated expenses for
 58 the ~~chairman~~ chair and members, and compensation or *
 59 reimbursement shall be made to the ~~chairman~~ chair and members *
 60 only when budgeted.

61 Subd. 8. REGULAR AND SPECIAL MEETINGS. Each *
 62 commission shall meet regularly at least once each month, at
 63 such time and place as the commission shall by resolution
 64 designate. Special meetings may be held at any time upon the
 65 call of the ~~chairman~~ chair or any two other members, upon *
 66 written notice sent by certified mail to each member at least
 67 three days prior to the meeting, or upon such other notice as
 68 the commission may by resolution provide, or without notice if
 69 each member is present or files with the secretary a written
 70 consent to the meeting either before or after the meeting.
 71 Unless otherwise provided, any action within the authority of
 72 the commission may be taken by the affirmative vote of a
 73 majority of the members. A majority of all of the members of
 74 the commission shall constitute a quorum, but a lesser number
 75 may meet and adjourn from time to time and compel the attendance
 76 of absent members.

1 Subd. 9. PERSONNEL CODE; MERIT SYSTEM. (a) The
 2 council shall by resolution adopt guidelines for a personnel
 3 code relating to the employees of the commissions, except that
 4 nothing in Laws 1974, Chapter 422 shall impair the rights of any
 5 commission or employee under sections 473.405 and 473.415.
 6 After adoption of the guidelines, each commission shall by
 7 resolution adopt a personnel code in general conformance
 8 therewith. The code shall include a job classification plan,
 9 procedures for employment and promotion of personnel based on
 10 merit, procedures for the demotion, suspension or discharge of
 11 employees, procedures for hearing grievances, procedures for
 12 salary administration, and such other provisions as the council
 13 deems appropriate. In addition, the code shall provide for the
 14 development by each commission of affirmative action plans,
 15 which shall be submitted for approval to the appropriate agency
 16 or office of the state. The plans shall include a yearly
 17 progress report to the agency or office. The chief
 18 administrator of each commission shall administer the code, and
 19 no commission shall take any action inconsistent with the
 20 personnel code.

21 (b) All employees of the commission except those expressly
 22 designated for the unclassified service, shall serve in the
 23 classified service. The unclassified service shall include:
 24 members of the commission, the chief administrator of the
 25 commission, all officers of the commission, any employee of the
 26 commission who is determined by the commission to have a
 27 confidential relationship to the commission or the council; and
 28 any employee of the commission expressly exempted from the
 29 classified service by law. Each code shall also include
 30 procedures for open competitive examinations to test the
 31 relative skill or ability of all applicants for positions in the
 32 classified service. Such examinations may consist of written or
 33 oral tests of the subjective or objective type, physical tests,
 34 and practical or demonstration tests for the evaluation of past
 35 training and experience. Oral tests may be used to test the
 36 applicant's knowledge of the position applied for or ~~his~~ *
 37 personal fitness for the position. Where there is more than one
 38 applicant for a position, each code shall provide for the
 39 employment of one of the three applicants best qualified for it.

40 (c) When a commission employee has been demoted, suspended *
 41 or dismissed by the chief administrator, ~~he~~ the employee may, *
 42 within 30 days after such action becomes effective, file with *
 43 the commission a written request for a hearing showing the *
 44 position from which ~~he~~ the employee was dismissed, the date of *
 45 dismissal, and the reason for requesting the hearing, ~~his~~ *
 46 name and ~~his~~ present mailing address. Upon receipt of a request *
 47 for a hearing the commission shall appoint three of its members *
 48 to act as an appeal committee and preside at a hearing on the *
 49 action of the administrator. The hearing shall be held within *
 50 30 days after the request is received by the commission, upon *
 51 written notice mailed or delivered to the employee at ~~his~~ the *
 52 employee's present mailing address, not less than seven days *
 53 before the hearing. The appeal committee shall approve or *
 54 disapprove the action of the administrator, and in the case of *
 55 approval the action of the administrator shall be final. In the *
 56 case of disapproval the appeal committee may reinstate the *
 57 employee under such conditions as it deems proper, and may order *
 58 the payment to the employee of compensation lost as a result of *
 59 the demotion, suspension or dismissal.

60 No change for subd 10

61 Subd. 11. CHIEF ADMINISTRATOR. The ~~chairman~~ chair *
 62 of each commission shall, subject to the approval of the *
 63 commission, appoint a chief administrator who shall be chosen *
 64 solely on the basis of ~~his~~ training, experience, and other *
 65 qualifications, and who shall serve at the pleasure of the *
 66 commission. The administrator shall attend all meetings of the *
 67 commission, but shall not vote, and shall have the following *
 68 powers and duties:

69 (a) ~~He shall~~ See that all resolutions, rules, regulations, *
 70 or orders of the commission are enforced.

71 (b) ~~He shall~~ Appoint and remove, subject to the provisions *
 72 of the personnel code adopted pursuant to subdivision 9, upon *
 73 the basis of merit and fitness, all subordinate officers and *
 74 regular employees of the commission.

75 (c) ~~He shall~~ Present to the commission plans, studies, and *
 76 reports prepared for commission purposes and recommend to the

1 commission for adoption such measures as ~~he~~ the administrator *
 2 deems necessary to enforce or carry out the powers and duties of *
 3 the commission, or to the efficient administration of the
 4 affairs of the commission.

5 (d) ~~He shall~~ Keep the commission fully advised as to its *
 6 financial condition, and ~~he shall~~ prepare and submit to the *
 7 commission its annual budget and such other financial
 8 information as it may request.

9 (e) ~~He shall~~ Recommend to the commission for adoption such *
 10 rules and regulations as ~~he~~ the administrator deems necessary *
 11 for the efficient operation of the commission's functions.

12 (f) ~~He shall~~ Perform such other duties as may be prescribed *
 13 by the commission.

14 Subd. 12. PUBLIC EMPLOYEES. All persons employed by
 15 the chief administrator shall be public employees, and shall
 16 have all rights and duties conferred on public employees under
 17 sections 179A.01 to 179A.25. The compensation and other
 18 conditions of employment of such employees shall not be governed
 19 by any rule applicable to state employees in the classified
 20 service nor to any of the provisions of chapter 15A, unless the
 21 council so provides. All employees of the commission shall be
 22 members of the Minnesota state retirement system, except that
 23 employees, who by reason of their prior employment belonged to
 24 another public retirement association in the state of Minnesota,
 25 may at their option continue membership in that public
 26 retirement association, and all other rights to which they are
 27 entitled by contract or law. ~~Tradesmen~~ Members of trades who *
 28 are employed by the metropolitan waste control commission with *
 29 trade union pension coverage pursuant to a collective bargaining
 30 agreement who elected exclusion from coverage pursuant to
 31 section 473.512 or who are first employed after July 1, 1977
 32 shall not be covered by the Minnesota state retirement system.
 33 The commission shall make the employer's contributions to
 34 pension funds of its employees. Employees shall perform such
 35 duties as may be prescribed by the commission. Nothing in Laws
 36 1974, Chapter 422 shall impair the rights of any commission or
 37 employee under sections 473.405 and 473.415.

38 No change for subd 13 to 14

473*#153S

39 473.153 COMPREHENSIVE DISPOSAL FACILITIES PLAN FOR
 40 SEWAGE SLUDGE AND SOLID WASTE FROM SEWAGE TREATMENT.

41 No change for subd 1 to 2

42 Subd. 3. MORATORIUM. In order to permit the
 43 comparative evaluation of sites and the participation of
 44 affected localities in decisions about the use of sites, a
 45 moratorium is hereby imposed as provided in this subdivision on
 46 development within the area of each candidate site and buffer
 47 area selected by the council. The moratorium shall extend until
 48 six months following the council's decision under subdivision
 49 6. No development shall be allowed to occur within the area of
 50 a site or buffer area during the period of the moratorium
 51 without the approval of the council. No county, city, or town
 52 land use control shall permit development which has not been
 53 approved by the council, nor shall any county, city, or town
 54 sanction or approve any subdivision, permit, license, or other
 55 authorization which would allow development to occur which has
 56 not been approved by the council. The council shall not approve
 57 actions which would jeopardize the availability of a candidate
 58 site for use as a solid waste facility. The council may
 59 establish guidelines for reviewing requests for approval under
 60 this subdivision. Requests for approval shall be submitted in
 61 writing to the chairman chair of the council and shall be deemed *
 62 to be approved by the council unless the chairman chair *
 63 otherwise notifies the submitter in writing within 15 days.

64 No change for subd 4 to 7

473*#167S

65 473.167 HIGHWAY PROJECTS.

66 No change for subd 1 to 2

67 Subd. 2a. HARDSHIP ACQUISITION AND RELOCATION. (a)
 68 The council may make hardship loans to acquiring authorities
 69 within the metropolitan area to purchase homestead property
 70 located in a proposed state trunk highway right-of-way or
 71 project, and to provide relocation assistance. Acquiring
 72 authorities are authorized to accept the loans and to acquire
 73 the property. Except as provided in this subdivision, the loans
 74 shall be made as provided in subdivision 2. Loans shall be in

1 the amount of the appraised fair market value of the homestead
 2 property plus relocation costs and less salvage value. Before
 3 construction of the highway begins, the acquiring authority
 4 shall convey the property to the commissioner of transportation
 5 at the same price it paid, plus relocation costs and less its
 6 salvage value. Acquisition and assistance under this subdivision
 7 must conform to sections 117.50 to 117.56.

8 (b) The council may make hardship loans only when:

9 (1) the owner of affected homestead property requests
 10 acquisition and relocation assistance from an acquiring
 11 authority;

12 (2) federal or state financial participation is not
 13 available;

14 (3) the owner is unable to sell the homestead property at
 15 its appraised market value because the property is located in a
 16 proposed state trunk highway right-of-way or project as
 17 indicated on an official map or plat adopted under section
 18 160.085, 394.361, or 462.359;

19 (4) the appraisal of the fair market value of the homestead
 20 property has been approved by the council. The council's
 21 approval shall not be unreasonably withheld; and

22 (5) the owner of the homestead property is burdened by
 23 circumstances that constitute a hardship, such as catastrophic
 24 medical expenses; a transfer of the homestead owner by ~~his-or~~ *
 25 her the owner's employer to a distant site of employment; or *
 26 inability of the owner to maintain the property due to physical
 27 or mental disability or the permanent departure of children from
 28 the homestead.

29 (c) For purposes of this subdivision, the following terms
 30 have the meanings given them.

31 (1) "Acquiring authority" means counties, towns, and
 32 statutory and home rule charter cities in the metropolitan area.

33 (2) "Homestead property" means a single-family dwelling
 34 occupied by the owner, and the surrounding land, not exceeding a
 35 total of ten acres.

36 (3) "Salvage value" means the probable sale price of the
 37 dwelling and other property that is severable from the land if
 38 offered for sale on the condition that it be removed from the
 39 land at the buyer's expense, allowing a reasonable time to find
 40 a buyer with knowledge of the possible uses of the property,
 41 including separate use of serviceable components and scrap when
 42 there is no other reasonable prospect of sale.

43 No change for subd 3

473*#193S

44 473.193 METROPOLITAN HOUSING AND REDEVELOPMENT
 45 AUTHORITY; FINDINGS AND DECLARATION OF POLICY.

46 It is hereby found and determined that: The conditions
 47 found to exist by the municipal housing and redevelopment act as
 48 amended continue to exist throughout the state and in the area
 49 in which the metropolitan council established by this chapter
 50 has jurisdiction; substandard, slum and blighted areas exist in
 51 the metropolitan area which cannot be redeveloped without
 52 government assistance; there is a shortage of decent, safe and
 53 sanitary dwelling accommodations available to persons of low and
 54 moderate income at rentals or prices they can afford; many
 55 municipalities in the metropolitan area are unable adequately to
 56 provide the financing and staff necessary to an effective
 57 municipal housing and redevelopment authority; for each such
 58 municipality to establish a separate authority would result in
 59 an inefficient use of manpower human resources and services; and *
 60 there is therefore a need to enable the metropolitan council to
 61 make available to the municipalities in the metropolitan area
 62 those services provided for in the municipal housing and
 63 redevelopment act.

473*#303S

64 473.303 METROPOLITAN PARKS AND OPEN SPACE COMMISSION.

65 No change for subd 1

66 Subd. 2. MEMBERSHIP. The commission shall consist of
 67 eight members, plus a chairman chair appointed as provided in *
 68 subdivision 3. The metropolitan council shall appoint the eight
 69 members on a nonpartisan basis. One member shall be appointed
 70 from each of the following commission districts:

71 (1) Commission district A, consisting of council districts
 72 1 and 2;

73 (2) Commission district B, consisting of council districts
 74 3 and 7;

- 1 (3) Commission district C, consisting of council districts
- 2 4 and 5;
- 3 (4) Commission district D, consisting of council districts
- 4 6 and 10;
- 5 (5) Commission district E, consisting of council districts
- 6 8 and 9;
- 7 (6) Commission district F, consisting of council districts
- 8 11 and 12;
- 9 (7) Commission district G, consisting of council districts
- 10 13 and 14; and
- 11 (8) Commission district H, consisting of council districts
- 12 15 and 16.

13 Subd. 3. CHAIRMAN CHAIR. The chairman chair of the *
 14 commission shall be appointed by the council and shall be the
 15 ninth member of the commission and shall meet all qualifications
 16 established for members, except the chairman chair need only *
 17 reside within the metropolitan area. The chairman chair shall *
 18 preside at all meetings of the commission, if present, and shall *
 19 perform all other duties and functions assigned ~~to him~~ by the *
 20 commission or by law. The commission may appoint from among its *
 21 members a vice-chairman vice-chair to act for the chairman chair *
 22 during ~~his~~ temporary absence or disability. *

23 Subd. 4. QUALIFICATIONS. Each member shall be a *
 24 resident of the commission district for which ~~he is~~ appointed *
 25 and shall not during ~~his~~ terms of office as a commission member *
 26 hold the office of metropolitan council member, or be a member *
 27 of the metropolitan transit commission, metropolitan waste *
 28 control commission, or metropolitan airports commission; or any *
 29 other metropolitan agency, board, or commission hereafter *
 30 established by the legislature or hold any judicial office.

31 Subd. 4a. TERMS. Following each apportionment of
 32 metropolitan council districts, as provided under section
 33 473.123, subdivision 3a, the terms of members and the chairman *
 34 chair of the commission shall commence on the effective date of *
 35 that apportionment, as provided in section 473.123, subdivision
 36 3a. The terms of members and chairmen chairs are as follows: *
 37 members representing commission districts A, B, C, and D, and *
 38 the chairman chair of the commission, for terms ending the first *
 39 Monday in January of the year ending in the numeral "7"; members
 40 representing commission districts E, F, G, and H, for terms
 41 ending the first Monday in January of the year ending in the
 42 numeral "5." Thereafter the term of each member and the
 43 chairman chair is four years except that all terms expire on the *
 44 effective date of the next apportionment. The chairman chair *
 45 shall continue to serve until a successor is appointed and *
 46 qualified. A member shall continue to serve ~~his~~ the member's *
 47 commission district until a successor is appointed and
 48 qualified; except that, following each apportionment, the member
 49 shall continue to serve at large until the metropolitan council
 50 appointed pursuant to section 473.123, subdivision 3a appoints
 51 eight commission members as provided under subdivision 2, to
 52 serve terms as provided under this subdivision.

53 Subd. 5. VACANCIES; REMOVAL. If the office of any *
 54 commission member or the chairman chair becomes vacant, the *
 55 vacancy shall be filled by appointment in the same manner the *
 56 original appointment was made. Members, other than the chairman *
 57 chair, may be removed by the council only for cause in the *
 58 manner specified in chapter 351. The chairman chair may be *
 59 removed at the pleasure of the council.

60 Subd. 6. COMPENSATION. Members and the chairman *
 61 chair shall be compensated as provided for members of *
 62 metropolitan commissions.

473*#373S

63 473.373 REGIONAL TRANSIT BOARD.
 64 No change for subd 1 to 4

- 65 Subd. 5. CHAIR. The duties of the chair are:
- 66 (a) to preside over all board meetings ~~at which he is in~~ *
 67 attendance attended; *
 - 68 (b) to serve as the principal transit spokesman *
 69 spokesperson within the metropolitan area before the *
 70 legislature, other state and regional agencies, local units of *
 71 government, and the general public;
 - 72 (c) to present to the governor and the legislature, after
 73 approval by the council, the board's financial plan for public
 74 transit in the metropolitan area;
 - 75 (d) to convene and preside at an annual regional transit

1 conference of transit providers, operators, and users; and
 2 (e) to perform other duties assigned by law or by the board.
 3 No change for subd 6 to 8

473*#384S

473.384 CONTRACTS.

4 No change for subd 1 to 5

5 Subd. 6. FINANCIAL ASSISTANCE FOR CERTAIN PROVIDERS.

6 The board shall provide financial assistance to recipients who
 7 were receiving assistance by contract with the commissioner of
 8 transportation under Minnesota Statutes 1982, section 174.24,
 9 subdivision 3 on July 1, 1984, so that the percentage of total
 10 operating cost, as defined by the board, paid by the recipient
 11 from all local sources of revenue, including operating revenue,
 12 does not exceed the percentage for the recipient's
 13 classification as determined by the commissioner of
 14 transportation under ~~his~~ the commissioner's final contract with
 15 the recipient. The board may include funds received under *
 16 section 473.446, subdivision 1a, as a local source of revenue.
 17 The remainder of the total operating cost will be paid by the
 18 board less all assistance received by the recipient for that
 19 purpose from any federal source.
 20

21 If a recipient informs the board in writing prior to the
 22 distribution of financial assistance for any year that paying
 23 its designated percentage of total operating cost from local
 24 sources will cause undue hardship, the board may adjust the
 25 percentage as it deems equitable. If for any year the funds
 26 available to the board are insufficient to allow the board to
 27 pay its share of total operating cost for those recipients, the
 28 board shall reduce its share in each classification to the
 29 extent necessary.

30 No change for subd 7 to 8

31 Subd. 9. ASSUMPTION OF CONTRACTS. The board shall

32 certify to the commissioner of transportation when it has
 33 adopted an approved interim implementation plan and is ready to
 34 assume responsibility for administering contracts made by the
 35 commissioner with recipients in the metropolitan area under
 36 section 174.24. On receiving the certification the commissioner
 37 shall transfer to the board from funds appropriated to ~~him~~ the
 38 commissioner an amount sufficient to permit the board to pay all *
 39 state financial assistance contracted for and shall make no *
 40 further contracts under section 174.24, subdivision 3, with
 41 recipients in the metropolitan area. On receipt of this amount
 42 by the board the contracts so assumed become a responsibility of
 43 the board.

473*#386S

44 473.386 SPECIAL TRANSPORTATION SERVICE.

45 No change for subd 1 to 6

46 Subd. 7. ASSUMPTION OF PROGRAM. The board shall

47 certify to the commissioner of transportation when it has
 48 adopted an approved interim implementation plan and is ready to
 49 assume responsibility for the special transportation service
 50 project administered by the commissioner under section 174.31.
 51 On receiving the certification the commissioner shall transfer
 52 to the board the unexpended balance of the funds appropriated to
 53 ~~him~~ the commissioner by law for operation of the special *
 54 transportation service coordination project under Minnesota
 55 Statutes 1982, section 174.31, and shall take no further actions
 56 under that section. On receipt of this amount the project
 57 becomes a responsibility of the board.

473*#388S

58 473.388 REPLACEMENT SERVICE PROGRAM.

59 No change for subd 1 to 5

60 Subd. 6. ASSUMPTION OF PROGRAM. The board shall

61 certify to the commissioner of transportation when it has
 62 adopted an approved interim implementation plan and is ready to
 63 assume responsibility for the metropolitan transit service
 64 demonstration program administered by the commissioner under
 65 Minnesota Statutes 1982, section 174.265. On receipt of the
 66 certification by the commissioner ~~he~~ shall make no further *
 67 contracts under that program and shall assign all contracts then
 68 in effect under that program to the board, and the contracts at
 69 that time become obligations of the board.

473*#404S

70 473.404 METROPOLITAN TRANSIT COMMISSION.

71 No change for subd 1 to 3

72 Subd. 4. CHAIR. The commission shall annually elect

1 a member to serve as the chair of the commission for a term of
 2 one year. The chair shall preside at all meetings of the
 3 commission, if present, and shall perform all other duties
 4 assigned to him by the commission or by law. The chair may call *
 5 special meetings of the commission.

6 Subd. 5. QUALIFICATION. Each member of the
 7 commission must have management experience. A member shall not
 8 during his a term of office be a member of the metropolitan *
 9 council, the regional transit board, the metropolitan waste
 10 control commission, the metropolitan airports commission, the
 11 metropolitan sports facilities commission, or any other
 12 independent regional commission, board, or agency, or hold any
 13 judicial office. Each member shall qualify by taking and
 14 subscribing to the oath of office prescribed by the Minnesota
 15 Constitution, article 5, section 5. The oath, duly certified by
 16 the official administering it, must be filed with the
 17 metropolitan council.

18 No change for subd 6 to 9

473*#415S

19 473.415 LABOR PROVISIONS.

20 Subdivision 1. If the commission acquires an existing
 21 transit system, the commission shall assume and observe all
 22 existing labor contracts and pension obligations. All employees
 23 of such system except executive and administrative officers who
 24 are necessary for the operation thereof by the commission shall
 25 be transferred to and appointed as employees of the commission
 26 for the purposes of the transit system, subject to all the
 27 rights and benefits of sections 473.401 to 473.451. Such
 28 employees shall be given seniority credit and sick leave,
 29 vacation, insurance, and pension credits in accordance with the
 30 records or labor agreements from the acquired transit system.
 31 The commission shall assume the obligations of any transit
 32 system acquired by it with regard to wages, salaries, hours,
 33 working conditions, sick leave, health and welfare and pension
 34 or retirement provisions for employees. The commission and the
 35 employees, through their representatives for collective
 36 bargaining purposes, shall take whatever action may be necessary
 37 to have pension trust funds presently under the joint control of
 38 the acquired system and the participating employees through
 39 their representatives transferred to the trust fund to be
 40 established, maintained and administered jointly by the
 41 commission and the participating employees through their
 42 representatives. No employee of any acquired system who is
 43 transferred to a position with the commission shall by reason of
 44 such transfer be placed in any worse position with respect to
 45 workers' compensation, pension, seniority, wages, sick leave,
 46 vacation, health and welfare insurance or any other benefits
 47 than he the employee enjoyed as an employee of such acquired *
 48 system.

49 No change for subd 2 to 3

473*#416S

50 473.416 COMMISSION; TAKING OVER PERSONNEL AND CONTRACTS
 51 OF TRANSIT SYSTEMS.

52 Whenever the transit commission directly operates any
 53 public transit system, or any part thereof, or enters into any
 54 management contract or other arrangement for the operation of a
 55 system, the commission shall take the action necessary to extend
 56 to employees of the affected public transit systems, in
 57 accordance with seniority, the first opportunity for reasonably
 58 comparable employment in any available nonsupervisory jobs in
 59 respect to such operations for which they can qualify after a
 60 reasonable training period. The employment must not result in
 61 any worsening of the employee's position in his-or-her the *
 62 employee's former employment nor any loss of wages, hours, *
 63 working conditions, seniority, fringe benefits, and rights and
 64 privileges pertaining thereto. The commission may enter into an
 65 agreement specifying fair and equitable arrangements to protect
 66 the interests of employees who may be affected if the commission
 67 should acquire any interest in or purchase any facilities or
 68 other property of a privately owned and operated transit system,
 69 or construct, improve, or reconstruct any facilities or other
 70 property acquired from any system, or provide by contract or
 71 otherwise for the operation of transportation facilities or
 72 equipment in competition with, or supplementary to, the service
 73 provided by an existing transit system. The agreement,
 74 specifying the terms and conditions of the protective

1 arrangements, must comply with any applicable requirements of
2 sections 473.401 to 473.451, and with the requirements of any
3 federal law or regulation if federal aid is involved. The
4 agreement may provide for final and binding arbitration of any
5 dispute.

6 The commission, upon commencing operations under sections
7 473.401 to 473.451, shall, so far as deemed practicable and
8 advisable in the discretion of the commission and subject to the
9 provisions hereof, take over and employ in corresponding
10 positions or other suitable positions the professional,
11 technical, and other personnel employed by the existing
12 metropolitan transit commission, hereinafter called the joint
13 powers transit commission, created by the joint and cooperative
14 agreement heretofore made between certain governmental units of
15 the transit area pursuant to section 471.59. The transit
16 commission created by sections 473.401 to 473.451 shall upon
17 like conditions take over any contracts made by the joint powers
18 transit commission and in force on July 1, 1967 for professional
19 or technical services, rental of office space or other
20 facilities, or other contracts relating to any matter within the
21 purposes of sections 473.401 to 473.451. The joint powers
22 transit commission shall execute all instruments which may be
23 necessary to effectuate the provisions of this section.

473*#418S

24 473.418 DISABILITY AND SURVIVORSHIP COVERAGE.

25 From and after the effective date of Laws 1978, Chapter
26 538, the metropolitan transit commission shall provide for all
27 active employees of the transit operating division of the
28 metropolitan transit commission disability and survivorship
29 coverage which, when added to the disability benefit or the
30 survivorship benefit payable from the Minnesota state retirement
31 system pursuant to sections 352.113 or 352.12, subdivision 2,
32 will at least equal the disability benefit or the survivorship
33 benefit which that employee at the time of disability or the
34 employee's surviving spouse at the time of the death of the
35 employee while on active duty would have been entitled to
36 receive under the disability benefit or survivor of active
37 employee deceased while on active duty benefit provisions of the
38 metropolitan transit commission-transit operating division
39 employees retirement fund plan document in effect on December
40 31, 1977. The metropolitan transit commission shall not be
41 required to provide any supplementary disability benefit
42 coverage or benefit amount to replace the amount of any
43 reduction in any disability payable from the Minnesota state
44 retirement system due to the receipt of benefits under the
45 workers' compensation law unless no offset of the amount of
46 workers' compensation benefits from the amount of a disability
47 benefit was required pursuant to the provisions of article 10 of
48 the metropolitan transit commission-transit operating division
49 employees retirement fund plan document in effect on December
50 31, 1977. The metropolitan transit commission may elect to
51 provide the additional disability and survivorship coverage
52 either through contract with an insurance carrier or through
53 self insurance. If the commission elects to provide the
54 coverage through an insurance contract, the chairman chair of *
55 the metropolitan transit commission is authorized to request
56 bids from, or to negotiate with, insurance carriers and to enter
57 into contracts with carriers which in the judgment of the
58 commission are best qualified to underwrite and service this
59 insurance benefit coverage. The commission shall consider
60 factors such as the cost of the contracts as well as the service
61 capabilities, character, financial position and reputation with
62 respect to carriers under consideration, as well as any other
63 factors which the commission deems appropriate. The disability
64 and survivorship insurance contract with the particular
65 insurance carrier shall be for a uniform term of at least one
66 year, but may be made automatically renewable from term to term
67 in absence of notice of termination by either party. The
68 disability and survivorship insurance contract shall contain a
69 detailed statement of benefits offered, maximums, limitations
70 and exclusions. A summary description of the essential terms of
71 the contract shall be provided by the commission to the labor
72 organization which is the exclusive bargaining agent
73 representing employees of the transit operating division of the
74 metropolitan transit commission and to each active employee of
75 the transit operating division. The determination of whether

1 the disability or survivorship insurance coverage meets the
 2 minimum requirements of this section shall be made by the
 3 commission upon consultation with the executive director of the
 4 Minnesota state retirement system. If the disability or
 5 survivorship coverage provided by the metropolitan transit
 6 commission fails at any time after the effective date of Laws
 7 1978, Chapter 538 to meet the requirements of this section as to
 8 the level of disability or survivorship coverage to be provided,
 9 the deficiency in the actual benefits provided shall continue to
 10 be an obligation of the commission. Notwithstanding any
 11 provisions of chapter 179 to the contrary, the labor
 12 organization which is the exclusive bargaining agent
 13 representing employees of the transit operating division of the
 14 metropolitan transit commission may meet and bargain with the
 15 commission on an increase in the level of disability or survivor
 16 of active employee deceased while on active duty coverage to be
 17 provided by the commission at the same time that wages and other
 18 terms and conditions of employment are considered.

473*#446S

19 473.446 TRANSIT TAX LEVIES.

20 Subdivision 1. TAXATION WITHIN TRANSIT TAXING DISTRICT.

21 For the purposes of sections 473.401 to 473.451 and the
 22 metropolitan transit system, except as otherwise provided in
 23 this subdivision the regional transit board shall levy each year
 24 upon all taxable property within the metropolitan transit taxing
 25 district, defined in subdivision 2, a transit tax consisting of:

26 (a) an amount up to two mills times the assessed value of
 27 all such property, based upon the level of transit service
 28 provided for the property, the proceeds of which shall be used
 29 for payment of the expenses of operating transit and paratransit
 30 service and to provide for payment of obligations issued by the
 31 commission under section 473.436, subdivision 6;

32 (b) an additional amount, if any, as the board determines
 33 to be necessary to provide for the full and timely payment of
 34 its certificates of indebtedness and other obligations
 35 outstanding on July 1, 1985, to which property taxes under this
 36 section have been pledged; and

37 (c) an additional amount necessary to provide full and
 38 timely payment of certificates of indebtedness, bonds, or other
 39 obligations issued or to be issued under section 473.39 by the
 40 council for purposes of acquisition and betterment of property
 41 and other improvements of a capital nature and to which the
 42 council or board has specifically pledged tax levies under this
 43 clause.

44 The county auditor shall reduce the tax levied pursuant to
 45 this subdivision on all property within statutory and home rule
 46 charter cities and towns that receive full peak service and
 47 limited off-peak service by an amount equal to the tax levy that
 48 would be produced by applying a rate of 0.5 mills on the
 49 property. The county auditor shall reduce the tax levied
 50 pursuant to this subdivision on all property within statutory
 51 and home rule charter cities and towns that receive limited peak
 52 service by an amount equal to the tax levy that would be
 53 produced by applying a rate of 0.75 mills on the property. The
 54 amounts so computed by the county auditor shall be submitted to
 55 the commissioner of revenue as part of the abstracts of tax
 56 lists required to be filed with the commissioner under section
 57 275.29. Any prior year adjustments shall also be certified in
 58 the abstracts of tax lists. The commissioner shall review the
 59 certifications to determine their accuracy; ~~He~~ and may make *
 60 changes in the certification as ~~he may deem~~ necessary or return *
 61 a certification to the county auditor for corrections. The
 62 commissioner shall pay to the regional transit board the amounts
 63 certified by the county auditors on the dates provided in
 64 section 273.13, subdivision 15a, clause (3). There is annually
 65 appropriated from the general fund in the state treasury to the
 66 department of revenue the amounts necessary to make these
 67 payments in fiscal year 1987 and thereafter.

68 For the purposes of this subdivision, "full peak and
 69 limited off-peak service" means peak period regular route
 70 service, plus weekday midday regular route service at intervals
 71 longer than 60 minutes on the route with the greatest frequency;
 72 and "limited peak period service" means peak period regular
 73 route service only.

74 No change for subd 1a to 2a

75 Subd. 3. CERTIFICATION AND COLLECTION. On or before

1 October 10 in each year the regional transit board shall certify
 2 the total amount of the tax levied pursuant to subdivision 1 to
 3 the auditor of each metropolitan county. Each county auditor
 4 shall then assess and extend upon the tax rolls in ~~his~~ the *
 5 county that proportion of the tax which the assessed value of *
 6 taxable property in ~~his~~ the county bears to the assessed value
 7 of all taxable property in the metropolitan area. Each county
 8 treasurer shall collect and make settlement of such taxes with
 9 the treasurer of the board. The levy of transit taxes pursuant
 10 to this section shall not affect the amount or rate of taxes
 11 which may be levied by any county or municipality or by the
 12 board for other purposes authorized by law and shall be in
 13 addition to any other property tax authorized by law.

14 Subd. 4. Repealed, 1977 c 454 s 49

15 Subd. 5. Repealed, 1977 c 454 s 49

16 Subd. 6. Repealed, 1Sp1985 c 10 s 123 subd 1

17 No change for subd 7

473*#511S

18 473.511 SEWER SERVICE FUNCTION.

19 No change for subd 1 to 2

20 Subd. 3. EXISTING SANITARY DISTRICTS AND JOINT SEWER
 21 BOARDS. Effective January 1, 1971, the corporate existence
 22 of the Minneapolis-St. Paul Sanitary District, the North
 23 Suburban Sanitary Sewer District, and any joint board created by
 24 agreement among local government units pursuant to section
 25 471.59, to provide interceptors and treatment works for such
 26 local government units, shall terminate. All persons regularly
 27 employed by such sanitary districts and joint boards on that
 28 date or on any earlier date on which the waste control
 29 commission pursuant to subdivisions 1 and 2 assumes ownership
 30 and control of any interceptors or treatment works owned or
 31 operated by such sanitary districts and joint boards, shall be
 32 employees of the commission, and may at their option become
 33 members of the Minnesota state retirement system or may continue
 34 as members of a public retirement association under chapter 422A
 35 or any other law, to which they belonged before such date, and
 36 shall retain all pension rights which they may have under such
 37 latter laws, and all other rights to which they are entitled by
 38 contract or law. Tradesmen Members of trades who are employed *
 39 by the metropolitan waste control commission with, who have *
 40 trade union pension coverage pursuant to a collective bargaining
 41 agreement, and who elected exclusion from coverage pursuant to *
 42 section 473.512, or who are first employed after July 1, 1977 *
 43 shall not be covered by the Minnesota state retirement system.
 44 The waste control commission shall make the employer's
 45 contributions to pension funds of its employees. Such employees
 46 shall perform such duties as may be prescribed by the
 47 commission. All funds of such sanitary districts and joint
 48 boards then on hand, and all subsequent collections of taxes,
 49 special assessments or service charges levied or imposed by or
 50 for such sanitary districts or joint boards shall be transferred
 51 to the waste control commission. The local government units
 52 otherwise entitled to such cash, taxes, assessments or service
 53 charges shall be credited with such amounts, and such credits
 54 shall be offset against any amounts to be paid by them to the
 55 waste control commission as provided in section 473.517. The
 56 waste control commission shall succeed to and become vested with
 57 all right, title and interest in and to any property, real or
 58 personal, owned or operated by such sanitary districts and joint
 59 boards; and prior to that date the proper officers of such
 60 sanitary districts and joint boards shall execute and deliver to
 61 the board all deeds, conveyances, bills of sale, and other
 62 documents or instruments required to vest in the commission good
 63 and marketable title to all such real or personal property. The
 64 waste control commission shall become obligated to pay or assume
 65 all bonded or other debt and contract obligations incurred by
 66 such sanitary districts and joint boards, or incurred by local
 67 government units for the acquisition or betterment of any
 68 interceptors or treatment works owned or operated by such
 69 sanitary districts or joint boards.

70 No change for subd 4 to 5

473*#512S

71 473.512 PENSION COVERAGE EXCLUSION FOR CERTAIN LABOR
 72 SERVICE EMPLOYEES.

73 Subdivision 1. A tradesman member of a trade who is *
 74 employed by the metropolitan waste control commission on a

1 permanent basis with trade union pension plan coverage pursuant
 2 to a collective bargaining agreement shall be excluded from
 3 coverage by the Minnesota state retirement system if
 4 the tradesman member was first employed on or after June 1, 1977 *
 5 or, if the tradesman member was first employed prior to June 1, *
 6 1977, has elected to be excluded from coverage by the Minnesota
 7 state retirement system pursuant to subdivision 2 and has
 8 accepted a refund of contributions pursuant to subdivision 3.

9 Subd. 2. A tradesman member of a trade entitled under *
 10 subdivision 1 to make an election of exclusion from pension
 11 coverage by the Minnesota state retirement system may make the
 12 election of exclusion no later than August 1, 1977 on forms
 13 provided by the executive director of the Minnesota state
 14 retirement system. The election of exclusion from coverage
 15 shall be a one time election irrevocable while employed in such
 16 capacity and shall have retroactive application to the first day
 17 of membership in the Minnesota state retirement system.

18 Subd. 3. Upon electing to be excluded from coverage as
 19 provided in subdivision 2 and making a valid application, a *
 20 tradesman member of a trade shall be entitled to a refund of *
 21 both the accumulated employee and the employer contributions
 22 made pursuant to Minnesota Statutes 1976, Section 352.04,
 23 Subdivision 3, on behalf of the tradesman member plus interest *
 24 at the rate of three and one-half percent per annum compounded
 25 annually from the date of commencement of coverage, computed to
 26 the first day of the month in which the refund is processed and
 27 shall be based on fiscal year balances. The application for the
 28 refund may be made without the waiting period provided for in
 29 section 352.22, subdivision 1. No repayment of a refund made
 30 under this section shall be permitted.

473*#542S

31 473.542 DEPOSITORIES.

32 The commission shall from time to time designate one or
 33 more national or state banks, or trust companies authorized to
 34 do a banking business, as official depositories for moneys of
 35 the commission, and thereupon shall require the treasurer to
 36 deposit all or a part of such moneys in such institutions. Such
 37 designation shall be in writing and shall set forth all the
 38 terms and conditions upon which the deposits are made, and shall
 39 be signed by the chairman chair and treasurer, and made a part *
 40 of the minutes of the board. Any bank or trust company so
 41 designated shall qualify as a depository by furnishing a
 42 corporate surety bond or collateral in the amounts required by
 43 section 118.01. However, no bond or collateral shall be
 44 required to secure any deposit insofar as it is insured under
 45 federal law.

473*#547S

46 473.547 TAX LEVIES.

47 The council shall have power to levy taxes for debt service
 48 of the metropolitan disposal system upon all taxable property
 49 within the metropolitan area, without limitation of rate or
 50 amount and without affecting the amount or rate of taxes which
 51 may be levied by the council for other purposes or by any local
 52 government unit in the area. The council shall also have power
 53 to levy taxes as provided in section 473.521. Each of the
 54 county auditors shall annually assess and extend upon the tax
 55 rolls in ~~his~~ the auditor's county the portion of the taxes *
 56 levied by the council in each year which is certified to ~~him~~ the *
 57 auditor by the council. Each county treasurer shall collect and *
 58 make settlement of such taxes with the treasurer of the
 59 commission in the same manner as with other political
 60 subdivisions.

473*#553S

61 473.553 COMMISSION; MEMBERSHIP; ADMINISTRATION.

62 No change for subd 1

63 Subd. 2. MEMBERSHIP. The commission shall consist of
 64 six members, appointed by the governor during the period before
 65 substantial completion of construction of sports facilities
 66 pursuant to sections 473.551 to 473.595 and thereafter as
 67 hereinafter provided, plus a chairman chair appointed as *
 68 provided in subdivision 3. Initial appointments of members
 69 shall be made within 30 days of May 17, 1977. One member shall
 70 be appointed from each of the following combinations of
 71 metropolitan commission precincts defined in section 473.141,
 72 subdivision 2: A and B; C and G; D and E; F and H. Two members
 73 shall be appointed from outside the metropolitan area. Upon

1 substantial completion of construction of the sports facility,
2 vacancies occurring on the commission, whether at the completion
3 of or prior to the completion of a member's term, shall be
4 filled by the city council of the city in which the stadium is
5 located.

6 Subd. 3. CHAIRMAN CHAIR. The chairman chair shall *
7 be appointed by the governor as the seventh voting member and
8 shall meet all of the qualifications of a member, except *
9 the chairman chair need only reside outside the metropolitan *
10 area. The chairman chair shall preside at all meetings of the *
11 commission, if present, and shall perform all other duties and *
12 functions assigned ~~to him~~ by the commission or by law. The *
13 commission may appoint from among its members a *
14 vice-chairman vice-chair to act for the chairman chair during *
15 his temporary absence or disability. *

16 Subd. 4. QUALIFICATIONS. Each member appointed prior
17 to substantial completion of construction of a sports facility
18 constructed pursuant to sections 473.551 to 473.595 shall be a
19 resident of the precincts or area of the state for which ~~he is~~ *
20 appointed. A member appointed at any time shall not during his *
21 a term of office hold the office of metropolitan council member *
22 or be a member of another metropolitan commission or hold any *
23 judicial office or office of state government. Each member
24 shall qualify by taking and subscribing the oath of office
25 prescribed by the Minnesota Constitution, Article V, Section 6.
26 The oath, duly certified by the official administering it, shall
27 be filed with the chairman chair of the metropolitan council. *

28 No change for subd 4a

29 Subd. 5. TERMS. The terms of the members
30 representing precincts A and B and C and G and the term of one
31 of the members from outside the metropolitan area shall end the
32 first Monday in January, 1981. The terms of the other members
33 and the chairman chair shall end the first Monday in January, *
34 1983. After the initial term provided for in this subdivision, *
35 the term of each member and the chairman chair shall be four *
36 years. The terms shall continue until a successor is appointed *
37 and qualified. Members and the chairman chair may be removed in *
38 the manner specified in chapter 351.

473*#565S

39 473.565 RETIREMENT; ADMINISTRATION; PURCHASES OF PRIOR
40 SERVICE CREDIT.

41 No change for subd 1 to 3

42 Subd. 4. Any permanent full time employee of the
43 commission who was a permanent full time employee of the
44 metropolitan sports area commission on May 17, 1977, for whom
45 the prior employment was not covered by the public employees
46 retirement association, may obtain allowable service credit in
47 the Minnesota state retirement system by paying to the
48 retirement system (a) an amount equal to four percent of ~~his or~~ *
49 ~~her~~ current salary rate multiplied by the days and months of *
50 such prior service for which ~~he or she~~ the employee desires to *
51 obtain allowable service credit plus (b) a matching amount
52 representing the employer's required contributions, except that
53 the commission may agree to pay the matching amount on behalf of
54 its employees. Proof of prior permanent full time service and
55 the duration thereof shall be established by the certification
56 of the commission to the executive director of the retirement
57 system. The payments shall be made either in a lump sum or by
58 payroll deduction arranged for on or before July 1, 1978.

473*#595S

59 473.595 COMMISSION FINANCES.

60 No change for subd 1 to 6

61 Subd. 7. SALE OF SEATS. The commission may sell
62 seats in any multipurpose sports facility constructed after June
63 30, 1979 at prices and subject to conditions consistent with
64 this section. Ownership of a seat shall give the owner first
65 preference for purchase of a season ticket of admission for
66 professional sports exhibitions with a right to be seated in the
67 owned seat. An owner may sell or otherwise transfer ~~his~~ the *
68 rights on whatever terms ~~he~~ the owner chooses. Rights to a seat *
69 may not be divided. No fee may be charged for a transfer of
70 ownership of a seat. The commission may charge a maintenance
71 fee not exceeding \$10 per year for each seat.

473*#601S

72 473.601 DEFINITIONS.

73 No change for subd 1 to 3

1 Subd. 4. "Commissioner" means a person appointed or
 2 otherwise selected as, and, after ~~his~~ qualification, acting as, *
 3 a member of the corporation.

4 No change for subd 5 to 6

473*#604S

5 473.604 MEMBERSHIP, GOVERNMENT.

6 Subdivision 1. The following persons and their respective
 7 successors shall constitute the members and governing body of
 8 the corporation, namely:

9 (1) All of the members and commissioners in office January
 10 1, 1973, for the remainder of the terms for which they were
 11 appointed or otherwise selected, respectively;

12 (2) The mayor of each of the cities, or a qualified voter
 13 appointed by ~~him~~ the mayor, for ~~his~~ the term of office as mayor; *

14 (3) A member of the council of each of the cities,
 15 appointed by the council for a term of four years commencing in
 16 July, 1977;

17 (4) A member of the park board of Minneapolis appointed by
 18 that board and a second member of the council of St. Paul,
 19 appointed by it, each for a term of two years commencing in
 20 July, 1979;

21 (5) One additional resident of each city, who does not hold
 22 any office under the state or any of its political subdivisions
 23 except that of notary public, herein termed a "citizen
 24 commissioner," such member in St. Paul to be appointed by the
 25 mayor, with the approval of the council, and in Minneapolis by
 26 the council, with the approval of the mayor; each for a term of
 27 two years commencing in July, 1979;

28 (6) Six additional members, each appointed by the governor
 29 on a nonpartisan basis, and each holding no other office under
 30 the state or any of its political subdivisions except that of
 31 notary public; for terms and with residence qualifications as
 32 follows:

33 (a) (1) A resident of the area of the counties of
 34 Washington and Ramsey, outside of St. Paul, for a four-year term
 35 commencing in July, 1974, and ~~his~~ a successor for a term ending *
 36 July 1, 1981;

37 (2) A resident of the county of Anoka, for a four-year term
 38 commencing in July, 1974, and ~~his~~ a successor for a term ending *
 39 July 1, 1981;

40 (3) Three residents of the area of the counties of Carver,
 41 Scott and Hennepin, outside Minneapolis, for a two-year term
 42 commencing in July, 1974, and their successors for a term ending
 43 July 1, 1981;

44 (4) A resident of the county of Dakota, for a four-year
 45 term commencing in July, 1974, and ~~his~~ a successor for a term *
 46 ending July 1, 1981;

47 (b) As successors to all members referred to in paragraphs
 48 (2) to (6)(a), whose terms will expire in July, 1981, a number
 49 of members appointed from precincts equal or nearest to but not
 50 exceeding half the number of districts which are provided by law
 51 for the selection of members of the metropolitan council in
 52 section 473.123. Each member shall be a resident of the
 53 precinct ~~which he represents~~ represented. The members shall be *
 54 appointed by the governor as follows: a number as near as
 55 possible to one-fourth, for a term of one year; a similar number
 56 for a term of two years; a similar number for a term of three
 57 years; and a similar number for a term of four years, all of
 58 which terms shall commence on July 1, 1981. The successors of
 59 each member shall be appointed for four year terms commencing in
 60 July of each fourth year after the expiration of the original
 61 term;

62 (7) One member appointed by the governor of the state, who
 63 shall be ~~chairman~~ chair of the corporation, appointed for a term *
 64 coterminous with that of the governor.

65 Subd. 2. Each mayor, or any voter appointed by ~~him-in-his~~ *
 66 ~~stead~~ the mayor instead, shall serve as a commissioner for the *
 67 term of office of such mayor. The office of any commissioner
 68 who is a member of a city council or board shall become vacant
 69 when for any reason ~~he~~ the commissioner ceases to hold the city *
 70 office to which ~~he-was~~ elected, and the office of any *
 71 commissioner shall become vacant upon the occurrence of any
 72 event referred to in section 351.02. Except as provided in the
 73 preceding sentences of this subdivision, each commissioner shall
 74 serve until ~~his~~ a successor is duly appointed and has *
 75 qualified. Any vacancy in the office of a commissioner shall

1 immediately be filled for the unexpired term, and in such case,
 2 or when the term of a commissioner expires, ~~his~~ a successor
 3 shall be chosen in the same manner as was ~~his~~ the predecessor,
 4 and ~~his~~ the appointment shall be evidenced in the same manner. *

5 Subd. 3. The clerk, secretary, or other appropriate
 6 official of each appointing public body shall immediately file
 7 with the secretary of state a certified copy of each resolution
 8 appointing commissioners. The city clerk of each city, upon the
 9 election and qualification of each new mayor thereof, shall file
 10 with the secretary of state a certificate stating ~~his~~ the *
 11 mayor's full name and address, and that such mayor has elected *
 12 to act as a commissioner, or, in the event such mayor has
 13 appointed some other qualified voter ~~in-his-place~~ instead, shall *
 14 file a certified copy of the order of the mayor appointing such *
 15 commissioner. The governor shall file ~~his~~ appointments in the *
 16 same office. Each person selected as a commissioner shall
 17 thereupon file in the same office the oath of office prescribed
 18 by the State Constitution, Article 5, Section 5, subscribed
 19 by ~~him~~ the person and certified by the officer administering the *
 20 same. *

21 Subd. 4. Should any of the said appointments not be made
 22 within 60 days after the commencement of the term for which it
 23 is to be made, the governor shall upon the request of the
 24 chairman chair select and appoint such commissioners as have not *
 25 been so designated. Any commissioner so appointed by the
 26 governor shall be a legal voter of the city, county, or precinct
 27 for which ~~he-was~~ appointed. Upon ~~his~~ filing the oath of office *
 28 required by subdivision 3, ~~he~~ the appointee shall have all the *
 29 rights, privileges, and powers of a commissioner duly appointed
 30 as provided in subdivision 2. If thereafter any vacancy in the
 31 office of a commissioner shall not be promptly filled, the
 32 governor may upon request of the chairman chair proceed as in *
 33 this subdivision provided. *

34 Subd. 5. The commission shall meet regularly at least once
 35 each month, at such time and place as the commission shall by
 36 resolution designate. Special meetings may be held at any time
 37 upon the call of the chairman chair or any two other members, *
 38 upon written notice sent by certified mail to each member at
 39 least three days prior to the meeting, or upon such other notice
 40 as the commission may by resolution provide, or without notice
 41 if each member is present or files with the secretary a written
 42 consent to the meeting either before or after the meeting.
 43 Unless otherwise provided, any action within the authority of
 44 the commission may be taken by the affirmative vote of a
 45 majority of all the members. A majority of all of the members
 46 of the commission shall constitute a quorum, but a lesser number
 47 may meet and adjourn from time to time and compel the attendance
 48 of absent members. *

49 No change for subd 6

473*#605S

50 473.605 ORGANIZATION; CORPORATE SEAL; BYLAWS.

51 No change for subd 1

52 Subd. 2. Each commission member shall be paid a per diem
 53 compensation of \$50 for each meeting of the commission, one of
 54 its committees, and attendance and participation at a meeting or
 55 hearing as a representative of the commission pursuant to state
 56 law or rule. Members shall be reimbursed for all actual and
 57 necessary expenses incurred in the performance of their duties
 58 in the same manner and amount as state employees. The chairman *
 59 chair shall receive compensation as determined by the commission *
 60 and shall be reimbursed for reasonable expenses to the same
 61 extent as a member. The mayors and members of the city councils
 62 of Minneapolis and St. Paul shall not be eligible for per diem
 63 compensation. The annual budget of the commission shall provide
 64 as a separate account anticipated expenditures for per diem,
 65 travel and associated expenses for the chairman chair and *
 66 members, and compensation or reimbursement shall be made to *
 67 the chairman chair and members only when budgeted. *

68 Subd. 3. The removal of residence of any commissioner from
 69 the area from which ~~he-was~~ appointed or otherwise selected as a *
 70 representative shall operate as a resignation of ~~his~~ office. *
 71 Any commissioner may be removed from office by the appointing *
 72 body or person ~~appointing-him~~ for misfeasance, malfeasance, or *
 73 nonfeasance in office, upon written charges and after an *
 74 opportunity to be heard in ~~his~~ defense of the charges. *

473*#606S

473.606 OFFICERS.

Subdivision 1. The corporation shall elect from its membership a ~~vice-chairman~~ vice-chair and shall elect a secretary and a treasurer, who may or may not be one of the commissioners. The ~~vice-chairman~~ vice-chair, the secretary, and the treasurer shall hold office at the pleasure of the corporation, and the secretary and the treasurer, if not a commissioner, shall receive compensation as determined by the corporation.

Subd. 2. The ~~chairman~~ chair, ~~vice-chairman~~ vice-chair, and secretary shall have such powers and perform such duties as may be given or imposed upon them by sections 473.601 to 473.679, or by the bylaws of the corporation.

Subd. 3. The treasurer shall receive and be responsible for all moneys of the corporation, from whatever source derived, and the same shall be considered public funds. ~~He~~ The treasurer shall disburse the moneys of the corporation only on orders made by the executive and operating officer, herein provided for, countersigned by such other officer or such employee of the corporation as may be authorized and directed so to do by the corporation, showing the name of the claimant and the nature of the claim. No disbursement shall be certified by such officers until the same have been approved by said commissioners at a meeting thereof. Whenever the executive director of the corporation shall certify, pursuant to action taken by the commissioners at a meeting thereof, that there are moneys and the amount thereof in the possession of the treasurer not currently needed, then the treasurer may invest said amount or any part thereof in:

(a) Treasury bonds, certificates of indebtedness; bonds or notes of the United States of America, or bonds, notes or certificates of indebtedness of the state of Minnesota, all of which must mature not later than three years from the date of purchase.

(b) Bonds, notes, debentures or other obligations issued by any agency or instrumentality of the United States or any securities guaranteed by the United States government, or for which the credit of the United States is pledged for the payment of the principal and interest thereof, all of which must mature not later than three years from date of purchase.

(c) Commercial paper of prime quality, or rated among the top third of the quality categories, not applicable to defaulted paper, as defined by a nationally recognized organization which rates such securities as eligible for investment in the state employees retirement fund except that any non-banking issuing corporation, or parent company in the case of paper issued by operating utility or finance subsidiaries, must have total assets exceeding \$500,000,000. Such commercial paper may constitute no more than 30 percent of the book value of the fund at the time of purchase, and the commercial paper of any one corporation shall not constitute more than four percent of the book value of the fund at the time of such investment.

(d) Any securities eligible under the preceding provisions, purchased with simultaneous repurchase agreement under which the securities will be sold to the particular dealer on a specified date at a predetermined price. In such instances, all maturities of United States government securities, or securities issued or guaranteed by the United States government or an agency thereof, may be purchased so long as any such securities which mature later than three years from the date of purchase have a current market value exceeding the purchase price by at least five percent on the date of purchase, and so long as such repurchase agreement involving securities extending beyond three years in maturity be limited to a period not exceeding 45 days.

(e) Certificates of deposit issued by any official depository of the commission. The commission may purchase certificates of deposit from a depository bank in an amount exceeding that insured by federal depository insurance to the extent that those certificates are secured by collateral maintained by the bank in a manner as prescribed for investments of the state board of investment.

Whenever it shall appear to the commissioners that any invested funds are needed for current purposes before the maturity dates of the securities held, they shall cause the executive director to so certify to the treasurer and it shall then be the duty of the treasurer to order the sale or

1 conversion into cash of the securities in the amount so
 2 certified. All interest and profit on said investments shall be
 3 credited to and constitute a part of the funds of the
 4 commission. The treasurer shall keep an account of all moneys
 5 received and disbursed ~~by him~~, and at least once a year, at
 6 times to be designated by the corporation, file with the
 7 secretary a financial statement of the corporation, showing in
 8 appropriate and identifiable groupings the receipts and
 9 disbursements since the last approved statements; moneys on hand
 10 and the purposes for which the same are appropriated; and shall
 11 keep an account of all securities purchased as herein provided,
 12 the funds from which purchased and the interest and profit which
 13 may have accrued thereon, and shall accompany the financial
 14 statement aforesaid with a statement setting forth such
 15 account. The corporation may pay to the treasurer from time to
 16 time compensation in such amount as it may determine to cover
 17 clerk hire to enable the treasurer to carry out ~~the~~ duties ~~thus~~
 18 ~~imposed upon him~~ and those required ~~of him~~ in connection with
 19 bonds issued by the corporation as in this act authorized.

*
*
*
*

20 Subd. 4. The corporation shall appoint an executive
 21 director, who shall be the executive and operating officer of
 22 the corporation, shall serve at the pleasure of the corporation,
 23 and shall receive compensation as determined by it. ~~He~~ The
 24 director shall have had experience as a business executive,
 25 preferably in connection with aviation and in the promotion of
 26 business enterprises. Under the supervision of the
 27 corporation, ~~he~~ the director shall be responsible for the
 28 operation, management, and promotion of all activities with
 29 which the corporation is charged, together with other duties
 30 prescribed by the corporation. ~~He~~ The director shall have the
 31 powers necessarily incident to the performance of ~~his~~ duties and
 32 those other powers granted by the corporation, but shall not
 33 have authority to incur liability or make expenditures on behalf
 34 of the corporation without general or specific directions by the
 35 corporation, as shown by the bylaws or minutes of a meeting
 36 thereof.

*
*
*
*
*

37 No change for subd 5

38 Subd. 6. The corporation may indemnify any commissioner,
 39 officer, or employee for loss or expense arising or resulting
 40 from any claim made ~~against him~~ because of bodily injury, death
 41 or property damage sustained by reason of ~~his~~ performance of ~~his~~
 42 official duties for the corporation, including bodily injury,
 43 death or property damage sustained by reason of ~~his~~ operation of
 44 a motor vehicle while performing ~~his~~ official duties. It may
 45 defend any suit brought against any such commissioner, officer,
 46 or employee to enforce any such claim and may settle any such
 47 claim or suit and pay the amount of any such settlement or the
 48 amount of any final judgment rendered against any such
 49 commissioner, officer, or employee on any such claim without
 50 first requiring ~~him to pay~~ payment on it. It may pay the
 51 premium on any insurance policy which insures any commissioner,
 52 officer, or employee of the corporation or any group of such
 53 commissioners, officers, or employees against liability for
 54 injuries to person or property within the limitations of this
 55 paragraph. It may take such action as may be necessary to bring
 56 the corporation and its commissioners, officers, and employees
 57 within the provisions and limitations of chapter 170.

*
*
*
*
*

58 No change for subd 7

473*#608S

59 473.608 POWERS OF CORPORATION.

60 No change for subd 1 to 16

61 Subd. 17. ORDINANCES. (1) It may adopt and enforce
 62 rules, regulations, and ordinances it deems necessary for the
 63 purposes of sections 473.601 to 473.679, including those
 64 relating to the internal operation of the corporation and to the
 65 management and operation of airports owned or operated by it,
 66 subject to sections 473.601 to 473.679. Any person violating
 67 any rule, regulation or ordinance is guilty of a misdemeanor.

68 (2) The prosecution may be before a county or municipal
 69 court having jurisdiction over the place where the violation
 70 occurs. Every sheriff, constable, ~~police officer~~ police officers,
 71 and other peace officer shall arrest offenders. The fines
 72 collected shall be paid into the treasury of the corporation.
 73 The portion of the fines necessary to cover all costs and
 74 disbursements incurred in processing and prosecuting the
 75 violations in the court shall be transferred to the clerk of

*

1 court. All persons committed shall be received into any penal
2 institution in the county in which the offense was committed.
3 All persons shall take notice of the rules, regulations, and
4 ordinances without pleading or proof.

5 (3) A public hearing need not be held on rules, regulations
6 and ordinances relating to the internal operation of the
7 commission or to the management or operation of airports owned
8 or operated by it unless the rule, regulation or ordinance
9 affects substantial rights.

10 (4) When necessary, the corporation may adopt and enforce
11 without a public hearing all other rules, regulations or
12 ordinances, but it shall hold a public hearing within 30 days
13 after their adoption. Prior to the hearing, the corporation
14 shall give at least 15 days notice by publication in appropriate
15 legal newspapers of general circulation in the metropolitan area
16 and mail a copy of them to all interested parties who have
17 registered their names with the corporation for that purpose.
18 If the rules, regulations, or ordinances are not deemed
19 immediately necessary, the corporation shall hold a public
20 hearing on them after giving the required notice. The rules,
21 regulations, or ordinances shall not be adopted and enforced
22 until after the hearing.

23 (5) Notice of the adoption of rules, regulations and
24 ordinances shall, as soon as possible after adoption, be
25 published in appropriate legal newspapers of general circulation
26 in the metropolitan area. Proof of publication and a copy of
27 the rule, regulation, or ordinance shall be filed with the
28 secretary of state. They shall then be in full force and effect.

29 (6) Any person substantially interested or affected in ~~his~~ *
30 rights as to person or property by a rule, regulation or
31 ordinance adopted by the corporation, may petition the
32 corporation for reconsideration, amendment, modification, or
33 waiver of it. The petition shall set forth a clear statement of
34 the facts and grounds upon which it is based. The corporation
35 shall grant the petitioner a public hearing within 30 days after
36 the filing of the petition.

37 Subd. 18. It shall have the power to conduct
38 investigations, inquiries and hearings concerning matters
39 covered by the provisions of sections 473.601 to 473.679 and
40 orders, rules and regulations of the commission; and shall hold
41 hearings as required by said sections 473.601 to 473.679.
42 Notice of hearings to all interested parties shall be given as
43 specified in said sections 473.601 to 473.679, in the instances
44 specified, and otherwise in accordance with such rules as the
45 commission may adopt. All hearings shall be open to the public,
46 and shall be conducted by the commission itself or a committee
47 or member thereof designated by the commission for such
48 purposes. Where a hearing is conducted by a committee or a
49 member of the commission, such committee or member shall make a
50 full and complete report thereof, together with a transcript of
51 all testimony and evidence taken at the hearing, to the
52 commission and the commission shall proceed to a determination
53 of the subject matter of said hearing and make its findings and
54 conclusions and order with respect thereto. Any member of the
55 commission conducting or participating in the conduct of any
56 hearing shall have the power to administer oaths and
57 affirmations, to issue subpoenas, and compel the attendance and
58 testimony of witnesses, and the production of papers, books and
59 documents. The commission, or its director, shall upon request
60 of any party to a hearing issue subpoenas to compel the
61 attendance and testimony of witnesses, and the production of
62 papers, books and documents. In case of failure of any witness
63 to comply with any served subpoena ~~served-upon-him~~, *
64 the commission may invoke the aid of any court of this state of
65 general jurisdiction. The court may order the witness to comply
66 with the subpoena and any failure so to do may be punished by
67 the court as a contempt thereof. The testimony and other
68 evidence at any and all hearings shall be taken by a reporter
69 employed by the commission, and any party in interest upon
70 payment to said reporter of the going rates therefor shall be
71 entitled to a transcript thereof. Witnesses shall receive the
72 same fees and mileage as in court actions, and a witness before
73 being required to respond to a subpoena shall be given ~~his~~ *
74 fees and mileage for one day's attendance.

75 No change for subd 19 to 21

1 473.652 CONSTRUCTION WORK.
2 No change for subd 1
3 Subd. 2. If the executive director of the corporation with
4 the written concurrence of the chairman chair or vice-chairman *
5 vice-chair declares that an emergency exists requiring immediate *
6 purchase of material or supplies or the making of emergency
7 repairs at a cost of no more than \$5,000, or if two-thirds of
8 the members of the corporation declare that an emergency exists
9 requiring immediate purchase of materials or supplies or the
10 making of emergency repairs at a cost in excess of \$5,000, the
11 corporation shall not be required to advertise for bids. The
12 materials or supplies may be purchased in the open market at the
13 lowest price obtainable, or the emergency repairs may be
14 contracted for or performed without securing formal competitive
15 bids.

473*#661S

16 473.661 BUDGET.
17 No change for subd 1
18 Subd. 2. The commissioners shall on or before October 10th
19 of each calendar year, certify to the county auditor of each
20 county in the metropolitan area the total amount to be raised by
21 the commissioners during the next calendar year through
22 taxation, and each county auditor shall extend and assess
23 against all property in ~~his~~ the auditor's county which is then *
24 taxable by the corporation for the purpose for which the levy is
25 made under the provisions of section 473.621, subdivision 5,
26 that sum which bears the same proportion to the total amount as
27 the assessed valuation of such taxable property bears to the
28 assessed valuation of all property in the metropolitan area
29 which is then taxable by the corporation for the purpose for
30 which the levy is made. The county auditor shall extend,
31 spread, and include the same with and as a part of the general
32 taxes for state, county, and municipal purposes, to be collected
33 and enforced therewith, together with penalties and interest and
34 costs, and the county treasurer, upon collection of the same,
35 shall transfer the same to the treasurer of the corporation.
36 No change for subd 3

473*#665S

37 473.665 BONDS, ISSUANCE.
38 No change for subd 1 to 2
39 Subd. 3. The bonds shall be signed by the chairman chair, *
40 attested by the secretary and countersigned by the treasurer, of
41 the corporation. The interest coupons to be thereto attached
42 shall be executed and authenticated by the printed, engraved or
43 lithographed facsimile signatures of the chairman chair and *
44 secretary. The signatures of at least one of the officers
45 signing the bonds shall be manual but those of the others may be
46 printed, engraved or lithographed facsimiles. The validity of
47 bonds or coupons so executed shall remain unimpaired by the fact
48 that one or more of such officers shall have ceased to be in
49 office before their delivery to the purchaser or shall not have
50 been in office on the formal date of the bonds. Section 475.60,
51 in so far as applicable, shall apply to the negotiation and sale
52 of the bonds. They shall not impose any personal liability upon
53 any member of the corporation.
54 No change for subd 4 to 7

473*#667S

55 473.667 GENERAL OBLIGATION REVENUE FINANCING.
56 No change for subd 1 to 5
57 Subd. 6. REIMBURSEMENT OF DEBT SERVICE FUND
58 DEFICIENCIES. If a debt service fund deficiency tax is ever
59 certified in accordance with subdivision 4, each county auditor
60 shall extend it on the tax roll of ~~his~~ the auditor's county in *
61 that proportion which the assessed valuation of taxable property *
62 within ~~his~~ the county then bears to the assessed valuation of
63 all taxable property within the metropolitan area, and shall
64 certify to the commission the amount so extended. Thereafter
65 the commission shall be obligated to repay to the treasurer of
66 each county the amount extended upon its tax roll with interest
67 at six percent per annum from the dates of payment of the
68 deficiency tax to the commission to the date or dates of
69 repayment. The commission shall certify to each county auditor
70 the principal amount to be so paid to the county before October
71 10 in each subsequent year, and the county auditor shall reduce
72 by this amount the taxes levied by the county which are to be
73 extended upon its tax rolls then in preparation.

1 No change for subd 7 to 10

473*#675S

2 473.675 LEGAL PROCEEDINGS.

3 No change for subd 1 to 2

4 Subd. 3. SPECIAL APPEARANCE IN LITIGATION BY PUBLIC
 5 AIRPORTS CORPORATION. If the corporation is not a party to
 6 the litigation, it may appear specially for the purpose of
 7 making and being heard on such a motion. Three days' notice of
 8 hearing on the motion shall be given. If the court determines
 9 that loss or damage to the public or taxpayers may result from
 10 the pendency of the action or proceeding, the court may require
 11 the party or parties who instituted the same to give a surety
 12 bond, approved by the court or judge, in a penal sum to be
 13 determined by the court to protect against such loss or damage,
 14 whether or not a temporary injunction or restraining order
 15 against the corporation shall have been demanded or ordered. If
 16 the bond so ordered be not filed within the reasonable time
 17 allowed therefor by the court, the action or proceeding shall be
 18 dismissed with prejudice. Such bond shall be executed by the
 19 party ~~or parties~~ who instituted the litigation, or some person *
 20 for ~~him or them~~ the party, as principal and conditioned for the *
 21 payment to the corporation of such damage as the public and
 22 taxpayers shall sustain by reason of the litigation, if the
 23 court finally decides that the party or parties were not
 24 entitled to the relief sought. The amount of damages may be
 25 ascertained by a reference or otherwise as the court shall
 26 direct, in which case the sureties shall be concluded as to the
 27 amount but the damages shall be recoverable only in an action on
 28 the bond. If the party or parties by or for whom such bond is
 29 furnished prevails in the litigation, the premium paid on the
 30 bond shall be repaid by or taxed against the corporation.
 31 During the pendency of the litigation, the court, on motion, may
 32 require additional security if found necessary, and upon failure
 33 to furnish the same shall dismiss the action or proceeding with
 34 prejudice. The court may likewise, on motion, reduce the amount
 35 of a bond theretofore required or release the bond upon being
 36 shown that the amount is excessive or the bond no longer
 37 required.

38 No change for subd 4 to 5

473*#703S

39 473.703 COMMISSION.

40 No change for subd 1 to 3

41 Subd. 4. A person appointed to the commission shall
 42 qualify as a commissioner by filing with the director of the
 43 commission a written certificate of appointment from ~~his~~ the *
 44 person's county auditor, together with a written acceptance of *
 45 appointment from ~~his~~ the county auditor, together with a written *
 46 acceptance of the appointment; provided that the members of the
 47 first commission shall file in the office of the county auditor
 48 of Hennepin county.

49 No change for subd 5

50 Subd. 6. The officers, who shall be commissioners, shall *
 51 be a chairman chair, a vice-chairman vice-chair, and a *
 52 secretary, no two of whom shall be from the same county. *
 53 The chairman chair shall preside at all meetings of the *
 54 commission, and in ~~his~~ the chair's absence, the *
 55 vice-chairman vice-chair shall preside. The secretary shall *
 56 keep a complete record of the minutes of each meeting.

57 Subd. 7. Contracts and other written instruments of the *
 58 commission shall be signed by the chairman chair or *
 59 vice-chairman vice-chair and by the business administrator of *
 60 the commission pursuant to authority from the commission.

61 No change for subd 8 to 10

473*#706S

62 473.706 ADVERSE INTEREST OF COMMISSIONERS.

63 No commissioner shall have any personal or financial *
 64 interest in any sale, lease, or other contract made by the
 65 commission nor shall ~~he~~ a commissioner benefit therefrom *
 66 directly or indirectly. Any violation of this section may make
 67 such sale, lease, or other contract void. Upon conviction for a
 68 violation of this section a commissioner shall be automatically
 69 disqualified from further service on the commission.

473*#711S

70 473.711 FINANCING.

71 No change for subd 1 to 2

72 Subd. 3. Each county in the district shall turn over to

1 the commission all proceeds of such special tax and any
 2 subsequent special tax immediately after such proceeds are
 3 received, to be deposited in a bank or banks designated by the
 4 commission as its official depository, in an account to be known
 5 as the metropolitan mosquito control fund; and such funds may
 6 only be expended by the commission for the activities of the
 7 commission. Any bank or trust company so designated shall
 8 qualify as a depository by furnishing a corporate surety bond or
 9 collateral as required by section 118.01, and shall thereafter,
 10 as long as money of the commission in excess of \$10,000 is on
 11 deposit therein, maintain such bond or collateral in the amounts
 12 required by said section. However, no bond or collateral shall
 13 be required to secure any deposit, insofar as it is insured
 14 under federal law as provided in section 118.10. Any county
 15 which issues certificates of indebtedness in anticipation of the
 16 collection and payment of such special tax shall deposit the
 17 funds procured thereby in the metropolitan mosquito control fund
 18 and said county shall redeem these certificates of indebtedness
 19 out of the special tax levy provided in this section. Any
 20 balance shall be deposited in the metropolitan mosquito control
 21 fund. All disbursements made pursuant to sections 473.702 to
 22 473.717 shall be made from said fund upon order of the
 23 commission signed by the chairman chair or vice-chairman *
 24 vice-chair and by the business administrator, and each claim *
 25 voucher shall be signed by the business administrator and shall
 26 specify the name of the payee, the amount to be disbursed, and
 27 the purpose of the disbursement.

473*#714S

28 473.714 COMPENSATION OF COMMISSIONERS.

29 Each commissioner, including the officers of the commission
 30 shall be reimbursed for his actual and necessary expenses *
 31 incurred in the performance of his duties. The chairman chair *
 32 shall be paid a per diem for attending meetings, monthly,
 33 executive, and special, and each commissioner shall be paid a
 34 per diem for attending meetings, monthly, executive, and
 35 special, which per diem shall be established by the commission,
 36 such expense reimbursement and per diem notwithstanding any
 37 other funds which such commissioners may receive from any other
 38 public body. The annual budget of the commission shall provide
 39 as a separate account anticipated expenditures for per diem,
 40 travel and associated expenses for the chairman chair and *
 41 members, and compensation or reimbursement shall be made to *
 42 the chairman chair or members only when budgeted.

473*#806S

43 473.806 INVENTORY OF DISPOSAL SITES; DEVELOPMENT
 44 LIMITATIONS.

45 Subdivision 1. COUNCIL APPROVAL REQUIRED. In order
 46 to permit the comparative evaluation of sites and the
 47 participation of affected localities in decisions about the use
 48 of sites, a metropolitan development limitation is hereby
 49 imposed as provided in this subdivision on development within
 50 the area of each site and buffer area proposed by a county
 51 pursuant to section 473.803, subdivision 1a, pending the
 52 council's adoption of an inventory pursuant to section 473.149,
 53 subdivision 2b. For sites and buffer areas included in the
 54 council's inventory, the limitation shall extend until 90 days
 55 following the selection of sites pursuant to section 473.833,
 56 subdivision 3, except that the council may at any time, with the
 57 approval of the county in which the site is located, abrogate
 58 the application of the limitation to a specific site or sites or
 59 buffer areas. No development shall be allowed to occur within
 60 the area of a site or buffer area during the period of the
 61 metropolitan development limitation without the approval of the
 62 council. No county, city, or town land use control shall permit
 63 development which has not been approved by the council, nor
 64 shall any county, city, or town sanction or approve any
 65 subdivision, permit, license, or other authorization which would
 66 allow development to occur which has not been approved by the
 67 council. The council shall not approve actions which would
 68 jeopardize the availability of a site for use as a solid waste
 69 facility. The council may establish guidelines for reviewing
 70 requests for approval under this subdivision. Requests for
 71 approval shall be submitted in writing to the chairman chair of *
 72 the council and shall be deemed to be approved by the council
 73 unless the chairman chair otherwise notifies the submitter in *
 74 writing within 15 days.

1 No change for subd 2

473*#823S

2 473.823 REGULATIONS AND PERMITS.

3 No change for subd 3

4 Subd. 5. REVIEW OF WASTE PROCESSING FACILITIES. A
5 metropolitan county may establish a waste processing facility
6 within the county without complying with local ordinances, if
7 the action is approved by the council in accordance with the
8 review process established by this subdivision. A county
9 requesting review by the council shall show that the required
10 permits for the proposed facility have been or will be issued by
11 the agency, that the facility is consistent with the council's
12 policy plan and the approved county master plan and that a local
13 government unit has refused to approve the establishment or
14 operation of the facility. The council shall meet to commence
15 the review within 90 days of the submission of a request
16 determined by the council to satisfy the requirements for review
17 under this subdivision. At the meeting commencing the review
18 the chairman chair shall recommend and the council establish a
19 scope and procedure for its review and final decision on the
20 proposed facility. The procedure shall require the council to
21 make a final decision on the proposed facility within 120 days
22 following the commencement of review. The council shall conduct
23 at least one public hearing in the city or town within which the
24 proposed facility would be located. Notice of the hearing shall
25 be published in a newspaper or newspapers of general circulation
26 in the area for two successive weeks ending at least 15 days
27 before the date of the hearing. The notice shall describe the
28 proposed facility, its location, the proposed permits, and the
29 council's scope and procedure for review. The notice shall
30 identify a location or locations within the local government
31 unit and county where the permit applications and the council's
32 scope and procedure for review are available for review and
33 where copies may be obtained. In its review and final decision
34 on the proposed facility, the council shall consider at least
35 the following matters:

36 (a) the risk and effect of the proposed facility on local
37 residents, units of government, and the local public health,
38 safety, and welfare, and the degree to which the risk or effect
39 may be alleviated;

40 (b) the consistency of the proposed facility with, and its
41 effect on, existing and planned local land use and development;
42 local laws, ordinances, and permits; and local public facilities
43 and services;

44 (c) the adverse effects of the facility on agriculture and
45 natural resources and opportunities to mitigate or eliminate
46 such adverse effects by additional stipulations, conditions, and
47 requirements respecting the design and operation of the proposed
48 facility at the proposed site;

49 (d) the need for the proposed facility and the
50 availability of alternative sites;

51 (e) the consistency of the proposed facility with the
52 county master plan adopted pursuant to section 473.803 and the
53 council's policy plan adopted pursuant to section 473.149;

54 (f) transportation facilities and distance to points of
55 waste generation.

56 In its final decision in the review, the council may either
57 approve or disapprove the proposed facility at the proposed
58 site. The council's approval shall embody all terms,
59 conditions, and requirements of the permitting state agencies,
60 provided that the council may require more stringent permit
61 terms, conditions, and requirements respecting the design,
62 construction, operation, inspection, monitoring, and maintenance
63 of the proposed facility at the proposed site.

64 No change for subd 6

473*#831S

65 473.831 DEBT OBLIGATIONS; SOLID WASTE .

66 Subdivision 1. GENERAL OBLIGATION BONDS. The council
67 may by resolution authorize the issuance of general obligation
68 bonds of the council to provide funds for the purposes specified
69 in subdivision 2 and for refunding obligations issued under this
70 section. The bonds shall be sold, issued, and secured in the
71 manner provided in chapter 475 for general obligation bonds, and
72 the council shall have the same power and duties as a
73 municipality and its governing body in issuing bonds under
74 chapter 475, except as otherwise provided in this chapter. No

1 election shall be required, and the net debt limitations in
 2 chapter 475 shall not apply. The council shall have the power
 3 levy ad valorem taxes for debt service of the council's solid
 4 waste bonds upon all taxable property within the metropolitan
 5 area, without limitation of rate or amount and without affecting
 6 the amount or rate of taxes which may be levied by the council
 7 for other purposes or by any local government unit in the area.
 8 Each of the county auditors shall annually assess and extend
 9 upon the tax rolls in ~~his~~ the auditor's county the portion of *
 10 the taxes levied by the council in each year which is certified *
 11 to ~~him~~ the auditor by the council. The principal amount of
 12 bonds issued pursuant to this section shall not exceed
 13 \$15,000,000.

14 No change for subd 2

473*#833S

15 473.833 SOLID WASTE DISPOSAL SITES AND BUFFER AREAS.

16 No change for subd 1 to 2b

17 Subd. 3. COUNTY SITE SELECTION AUTHORITIES. Each
 18 metropolitan county shall establish a site selection authority.
 19 Within 90 days following the county's determination of adequacy
 20 under subdivision 2a, each site selection authority shall select
 21 specific sites within the county from the council's disposal
 22 site inventory, in accordance with the procedures established by
 23 the council under section 473.149, subdivision 2e, and in a
 24 number and capacity equal to that required by the council to be
 25 acquired by the county. Each site selection authority shall be
 26 composed of the county board, plus one member appointed by the
 27 governing body of each city or town within the county containing
 28 a site in the council's disposal site inventory or the majority
 29 of the land contained within such a site. If the number of
 30 members on the site selection authority who reside in a city or
 31 town containing all or part of a site or buffer area is equal to
 32 or greater than the number of members who do not, the ~~chairman~~ *
 33 chair of the county board shall appoint to the authority an *
 34 additional member or members, residing within the county but not
 35 within a city or town containing all or part of a site or buffer
 36 area, sufficient to assure a majority of one on the authority of
 37 members residing in cities and towns not containing all or any
 38 part of a site or buffer area. The ~~chairman~~ chair of the county *
 39 board shall be the ~~chairman~~ chair of the site selection *
 40 authority. If a site selection authority has not selected the
 41 requisite number and capacity of sites in accordance with the
 42 council's standards, criteria, and procedures within the time
 43 allowed by this subdivision, the council shall make the
 44 selection. A county is not required to develop a solid waste
 45 disposal facility in any municipality in which a mixed municipal
 46 solid waste resource recovery facility having a capacity greater
 47 than 400 tons per day is located if the council finds that the
 48 capacity and number of disposal facilities required by the
 49 development schedule in that county can be provided in that
 50 county without development of the solid waste disposal facility.

51 No change for subd 4 to 7

473*#853S

52 473.853 ADVISORY COMMITTEE.

53 The council shall establish an advisory metropolitan land
 54 use committee pursuant to section 473.127, comprised of 16
 55 members, one from each council district, and as many additional
 56 members as are necessary to provide representation from each
 57 metropolitan county, plus a ~~chairman~~ chair. At least one-half *
 58 of the members of the advisory committee shall be elected
 59 officials of local governmental units. The members shall be
 60 appointed for the same period as the term of the council member
 61 for the district in which the member resides.

473*#868S

62 473.868 HOUSING.

63 No change for subd 1 to 2

64 Subd. 3. The ~~chairman~~ chair of the council shall establish *
 65 a modest cost private housing advisory committee consisting of
 66 not more than 15 persons consisting of local elected officials,
 67 consumers and persons experienced in the field of housing
 68 construction, trades and management and mortgage banking, plus
 69 ex-officio members as the ~~chairman~~ chair of the council may *
 70 determine, to provide advice and make recommendations on the
 71 effects of governmental regulations, taxes, financing and
 72 housing industry practices on the costs of housing. The
 73 committee shall investigate and make recommendations on all

1 matters necessary including standards and criteria for modest
2 cost private housing as follows:

3 (1) A zoning classification and ordinances that take into
4 account minimum and maximum single family lot sizes.

5 (2) Building requirements contained within the state
6 building code.

7 (3) Minimum and maximum square foot area requirements for
8 single family homes.

9 (4) The requirement of a single family garage and
10 off-street parking requirements.

11 (5) Zoning classification and ordinances that take into
12 account density requirements for multi-family construction.

13 (6) Minimum and maximum square foot floor areas for
14 multi-family units.

15 (7) Requirements of garages for multi-family units, credits
16 for garage inclusion and off-street parking requirements.

17 No change for subd 4

473F#03S

18 473F.03 ADMINISTRATIVE AUDITOR.

19 Subdivision 1. On or before July 1 of 1972 and each
20 subsequent even numbered year the auditors of the counties
21 within the area shall meet at the call of the auditor of
22 Hennepin county and elect from among their number one auditor to
23 serve as administrative auditor for a period of two years and
24 until ~~his~~ a successor is elected. If a majority is unable to *
25 agree upon a person to serve as administrative auditor, the
26 commissioner of finance shall appoint ~~him~~ one from among the *
27 auditors of the counties in the area. If the administrative
28 auditor ceases to serve as a county auditor within the area
29 during the term for which ~~he-was~~ elected or appointed, a *
30 successor shall be chosen in the same manner as is provided
31 herein for the original selection, to serve for the unexpired
32 term.

33 Subd. 2. The administrative auditor shall utilize the
34 staff and facilities of the auditor's office of the county ~~he~~ *
35 ~~serves~~ served to perform the functions imposed ~~upon-him~~ by *
36 sections 473F.01 to 473F.13. ~~His~~ The administrative auditor's *
37 county shall be reimbursed for the marginal expenses incurred by
38 its county auditor and ~~his~~ auditor's staff hereunder by *
39 contributions from each other county in the area in an amount
40 which bears the same proportion to the total expenses as the
41 population of the other county bears to the total population of
42 the area. The administrative auditor shall annually, on or
43 before February 1, certify the amounts of total expense for the
44 preceding calendar year, and the share of each county, to the
45 treasurer of each other county. Payment shall be made by the
46 treasurer of each other county to the treasurer of the county
47 incurring expense on or before the succeeding March 1.

473F#05S

48 473F.05 ASSESSED VALUATION; 1972 AND SUBSEQUENT YEARS.

49 On or before November 20 of 1972 and each subsequent year,
50 the assessors within each county in the area shall determine and
51 certify to the county auditor the assessed valuation in that
52 year of commercial-industrial property subject to taxation
53 within each municipality in ~~his~~ the county, determined without *
54 regard to section 273.76, subdivision 3.

473F#06S

55 473F.06 INCREASE IN ASSESSED VALUATION.

56 On or before September 1 of 1976 and each subsequent year,
57 the auditor of each county in the area shall determine the
58 amount, if any, by which the assessed valuation determined in
59 the preceding year pursuant to section 473F.05, of
60 commercial-industrial property subject to taxation within each
61 municipality in ~~his~~ the auditor's county exceeds the assessed *
62 valuation in 1971 of commercial-industrial property subject to
63 taxation within that municipality. If a municipality is located
64 in two or more counties within the area, the auditors of those
65 counties shall certify the data required by sections 473F.04 and
66 473F.05 to the county auditor who is responsible under other
67 provisions of law for allocating the levies of that municipality
68 between or among the affected counties. That county auditor
69 shall determine the amount of the net excess, if any, for the
70 municipality under this section, and certify that amount under
71 section 473F.07. Notwithstanding any other provision of
72 sections 473F.01 to 473F.13 to the contrary, in the case of a
73 municipality which is designated on July 24, 1971, as a

1 redevelopment area pursuant to Section 401(a) (4) of the Public
 2 Works and Economic Development Act of 1965, P.L. 89-136, the
 3 increase in its assessed valuation of commercial-industrial
 4 property for purposes of this section shall be determined in
 5 each year subsequent to the termination of such designation by
 6 using as a base the assessed valuation of commercial-industrial
 7 property in that municipality in the year following that in
 8 which such designation is terminated, rather than the assessed
 9 valuation of such property in 1971. The increase in assessed
 10 valuation determined by this section shall be reduced by the
 11 amount of any decreases in the assessed valuation of
 12 commercial-industrial property resulting from any court
 13 decisions, court related stipulation agreements, or abatements
 14 for a prior year, and only in the amount of such decreases made
 15 during the 12 month period ending on June 30 of the current
 16 assessment year, where such decreases, if originally reflected
 17 in the determination of a prior year's valuation under section
 18 473F.05, would have resulted in a smaller contribution from the
 19 municipality in that year. An adjustment for such decreases
 20 shall be made only if the municipality made a contribution in a
 21 prior year based on the higher valuation of the
 22 commercial-industrial property.

473F#07S

23 473F.07 COMPUTATION OF AREA-WIDE TAX BASE.

24 No change for subd 1 to 3

25 Subd. 4. The administrative auditor shall determine the
 26 proportion which the index of each municipality bears to the sum
 27 of the indices of all municipalities; ~~---in-the-case-of-each~~ *
 28 municipality; he and shall then multiply this proportion in the *
 29 case of each municipality, by the area-wide tax base. *

30 No change for subd 5

473F#08S

31 473F.08 TAXABLE VALUE.

32 Subdivision 1. The county auditor shall determine the
 33 taxable value of each governmental unit within ~~his~~ the auditor's *
 34 county in the manner prescribed by this section.

35 No change for subd 2

36 Subd. 3. On or before October 15 of 1976 and each
 37 subsequent year, the county auditor shall apportion the levy of
 38 each governmental unit in ~~his~~ the auditor's county in the manner *
 39 prescribed by this subdivision. ~~He~~ The auditor shall: *

40 (a) Determine the area-wide portion of the levy for each
 41 governmental unit by multiplying the nonagricultural mill rate
 42 of the governmental unit for the preceding levy year times the
 43 distribution value set forth in subdivision 2, clause (b); and

44 (b) Determine the local portion of the current year's levy
 45 by subtracting the resulting amount from clause (a) from the
 46 governmental unit's current year's levy.

47 No change for subd 4 to 6

48 Subd. 7a. The administrative auditor shall determine for
 49 each county the difference between the total levy on
 50 distribution value pursuant to subdivision 3, clause (a), within
 51 the county and the total tax on contribution value pursuant to
 52 subdivision 6, within the county. On or before May 16 of each
 53 year, ~~he~~ the administrative auditor shall certify the *
 54 differences so determined to each county auditor. In *
 55 addition, ~~he~~ the administrative auditor shall certify to those *
 56 county auditors for whose county the total tax on contribution
 57 value exceeds the total levy on distribution value the
 58 settlement the county is to make to the other counties of the
 59 excess of the total tax on contribution value over the total
 60 levy on distribution value in the county. On or before June 15
 61 and November 15 of each year, each county treasurer in a county
 62 having a total tax on contribution value in excess of the total
 63 levy on distribution value shall pay one-half of the excess to
 64 the other counties in accordance with the administrative
 65 auditors certification.

66 Subd. 8. Repealed, 1980 c 437 s 20

67 Subd. 9. Repealed, 1976 c 191 s 14

68 No change for subd 10

473F#10S

69 473F.10 REASSESSMENTS AND OMITTED PROPERTY.

70 No change for subd 1

71 Subd. 2. If the reassessment, when completed and
 72 incorporated by in the commissioner of ~~revenue-in-his~~ revenue's *
 73 certification of the assessed valuation of the municipality, or

1 the listing of omitted property, when placed on the rolls,
 2 results in an increase in the assessed valuation of
 3 commercial-industrial property in the municipality which differs
 4 from that used, pursuant to subdivision 1, for purposes of
 5 sections 473F.03 to 473F.08, the increase in the assessed
 6 valuation of commercial-industrial property in that municipality
 7 in the succeeding year, as otherwise computed under section
 8 473F.06, shall be adjusted in a like amount, by an increase if
 9 the reassessment or listing discloses a larger increase than was
 10 used for purposes of sections 473F.03 to 473F.08, or by a
 11 decrease if the reassessment or listing discloses a smaller
 12 increase than was used for those purposes, provided that no
 13 adjustment shall reduce the amount determined under section
 14 473F.06 to an amount less than zero.

15 No change for subd .3

473F#12S

16 473F.12 DISTRIBUTIONS FROM MUNICIPAL EQUITY ACCOUNT.

17 No change for subd 1 to 3

18 Subd. 4. On or before each of the dates June 15 and
 19 November 15 of each year, the commissioner of revenue shall
 20 issue ~~his~~ a warrant in favor of the treasurer of each qualifying *
 21 municipality in an amount equal to one-half the amount
 22 determined by the commissioner of revenue to be due the
 23 municipality in that year under the terms of subdivision 2.
 24 There is hereby appropriated from the municipal equity account,
 25 to each municipality entitled to payments authorized by this
 26 section, sufficient moneys to make such payments.

473H#05S

27 473H.05 APPLICATION; COVENANT AGREEMENT.

28 Subdivision 1. An owner or owners of certified long term
 29 agricultural land may apply to the authority with jurisdiction
 30 over the land on forms provided by the commissioner of
 31 agriculture for the creation of an agricultural preserve at any
 32 time. If the land to be placed in a preserve is registered
 33 property, the owner shall submit the owner's duplicate
 34 certificate of title together with the application. Land for
 35 which application is received prior to March 1 of any year shall
 36 be assessed pursuant to section 473H.10 for taxes payable in the
 37 following year. Land for which application is received on or
 38 after March 1 of any year shall be assessed pursuant to section
 39 473H.10 in the following year. The application shall contain at
 40 least the following information and such other information as
 41 the commissioner deems necessary:

42 (a) Legal description of the area proposed to be designated
 43 and parcel identification numbers if so designated by the county
 44 auditor;

45 (b) Name and address of owner;

46 (c) An affidavit by the authority evidencing that the land
 47 is certified long term agricultural land at the date of
 48 application;

49 (d) A witnessed signature of the owner covenanting that the
 50 land shall be kept in agricultural use, and shall be used in
 51 accordance with the provisions of sections 473H.02 to 473H.17
 52 which exist on the date of application;

53 (e) A statement that the restrictive covenant shall be
 54 binding on the owner or ~~his~~ the owner's successor or assignee, *
 55 and shall run with the land.

56 No change for subd 2 to 3

473H#10S

57 473H.10 AD VALOREM PROPERTY TAXES.

58 No change for subd 1 to 2

59 Subd. 3. (a) After ~~the-assessor-has~~ having determined the *
 60 market value of all land valued according to subdivision 2, ~~he~~ *
 61 the assessor shall compute the assessed value of those *
 62 properties by applying the appropriate classification
 63 percentages. When ~~the-county-auditor-computes~~ computing the *
 64 rate of tax pursuant to section 275.08, ~~he~~ the county auditor *
 65 shall include the assessed value of land as provided in this
 66 clause.

67 (b) The county auditor shall compute the tax on lands
 68 valued according to subdivision 2 and nonresidential buildings
 69 by multiplying the assessed value times the total rate of tax
 70 for all purposes as provided in clause (a).

71 (c) The county auditor shall then compute the maximum ad
 72 valorem property tax on lands valued according to subdivision 2
 73 and nonresidential buildings by multiplying the assessed value

1 times 105 percent of the previous year's statewide average mill
2 rate levied on property located within townships for all
3 purposes.

4 (d) The tax due and payable by the owner of preserve land
5 valued according to subdivision 2 and nonresidential buildings
6 will be the amount determined in clause (b) or (c), whichever is
7 less. If the gross tax in clause (c) is less than the gross tax
8 in clause (b), the state shall reimburse the taxing
9 jurisdictions for the amount of difference. Residential
10 buildings shall continue to be valued and classified according
11 to the provisions of sections 273.11 and 273.13, as they would
12 be in the absence of this section, and the tax on those
13 buildings shall not be subject to the limitation contained in
14 this clause.

15 The county auditor shall certify to the commissioner of
16 revenue on or before June 1 the total amount of tax lost to the
17 taxing jurisdictions located within ~~his~~ the county as a result *
18 of this subdivision. Payments shall be made by the state as
19 provided in section 273.13, subdivision 15a to each of the
20 affected taxing jurisdictions. There is annually appropriated
21 from the general fund in the state treasury to the commissioner
22 of revenue an amount sufficient to make the reimbursement
23 provided in this subdivision.

474*#01S

24 474.01 CITATION; POLICIES, PURPOSES AND FINDINGS;
25 PARTICIPATION BY MUNICIPALITIES.

26 No change for subd 1 to 5

27 Subd. 6. In order to further these purposes and policies
28 the energy and economic development authority shall investigate,
29 shall assist and advise municipalities, and shall report to the
30 governor and the legislature concerning the operation of
31 sections 474.01 to 474.13 and the projects undertaken hereunder,
32 and shall have all of the powers and duties in connection
33 therewith which are granted to ~~him~~ it by chapter 362 with *
34 respect to other aspects of business development and research.

35 No change for subd 7 to 11

474*#09S

36 474.09 LIMITATION OF POWERS BY RESOLUTION OR ORDINANCE.

37 Any ordinance, resolution, revenue agreement, indenture or
38 other instrument authorizing the issuance of bonds under
39 sections 474.01 to 474.13 to finance, in whole or in part, the
40 acquisition, construction, reconstruction, improvement,
41 betterment, or extension of any project may contain covenants,
42 notwithstanding that such covenants may limit the exercise of
43 powers conferred by sections 474.01 to 474.13 as to:

44 (1) The rents or installment payments to be charged for the
45 use or purchase of properties acquired, constructed,
46 reconstructed, improved, bettered, or extended under the
47 authority of sections 474.01 to 474.13;

48 (2) The use and disposition of the revenues of such
49 projects;

50 (3) The creation and maintenance of sinking funds and the
51 regulation, use, and disposition thereof;

52 (4) The creation and maintenance of funds to provide for
53 maintaining the project and replacement of properties
54 depreciated, damaged, destroyed, or condemned;

55 (5) The purpose, or purposes, to which the proceeds of sale
56 of bonds may be applied and the use and disposition of such
57 proceeds;

58 (6) The nature of mortgages or other encumbrances on the
59 project;

60 (7) The events of default and the rights and liabilities
61 arising thereon and the terms and conditions upon which the
62 holders of bonds may bring any suit or action on such bonds or
63 on any coupons appurtenant thereto;

64 (8) The issuance of other or additional bonds or
65 instruments payable from or constituting a charge against the
66 revenue of the project;

67 (9) The insurance to be carried upon the project and the
68 use and disposition of insurance moneys;

69 (10) The keeping of books of account and the inspection and
70 audit thereof;

71 (11) The terms and conditions upon which any or all of the
72 bonds shall become or may be declared due before maturity and
73 the terms and conditions upon which such declaration and its
74 consequences may be waived;

1 (12) The rights, liabilities, powers, and duties arising
2 upon the breach by the municipality or redevelopment agency of
3 any covenants, conditions, or obligations;

4 (13) The vesting in a trustee or trustees of the right to
5 enforce any covenants made to secure or to pay the bonds; the
6 powers and duties of such trustee or trustees, and the
7 limitation of ~~his-or-its~~ the trustee's liabilities; *

8 (14) The terms and conditions upon which the holder or
9 holders of the bonds, or the holders of any proportion or
10 percentage of them, may enforce any covenants made under
11 sections 474.01 to 474.13 or any duties imposed thereby;

12 (15) A procedure by which the terms of any ordinance or
13 resolution authorizing bonds or of any other contract with
14 bondholders, including, but not limited to, an indenture of
15 trust or similar instrument, may be amended or abrogated, and
16 the amount of bonds the holders of which must consent thereto,
17 and the manner in which such consent may be given; and

18 (16) The subordination of the security of any bonds issued
19 hereunder and the payment of principal and interest thereof, to
20 the extent deemed feasible and desirable by the governing body,
21 to other bonds or obligations of the municipality or
22 redevelopment agency issued to finance the project or that may
23 be outstanding when the bonds thus subordinated are issued and
24 delivered.

474*#10S

25 474.10 SOURCE OF PAYMENT FOR BONDS.

26 No change for subd 1 to 2

27 Subd. 3. Tax increments with respect to any industrial
28 development project shall be segregated and specially accounted
29 for by the county treasurer until all bonds issued to finance
30 the project have been fully paid; but the county treasurer shall
31 remit the same to the municipality or redevelopment agency only
32 in the amount certified to ~~him~~ the treasurer to be required for *
33 any of the purposes stated in subdivision 2. The amount so
34 needed shall be certified annually to the county auditor and
35 treasurer by the municipality or redevelopment agency on or
36 before October 1. Any tax increment remaining in any year after
37 such remittance shall, when collected, be distributed among all
38 of the taxing districts levying taxes on the project area, in
39 proportion to the amounts so levied by them, respectively. The
40 provisions of this subdivision shall not apply to a project,
41 certification of which is requested subsequent to August 1, 1979.

42 No change for subd 4

474*#11S

43 474.11 BONDHOLDERS' RIGHTS AND REMEDIES.

44 Subject to any contractual limitations binding upon the
45 holders of any issue of revenue bonds, or a trustee therefor,
46 including but not limited to the restriction of the exercise of
47 any remedy to a specified proportion or percentage of such
48 holders, any holder of bonds, or any trustee therefor, for the
49 equal benefit and protection of all bondholders similarly
50 situated, may:

51 (1) By suit, action, or proceeding at law or in equity,
52 enforce ~~his-or-its~~ the bondholder's or trustee's rights against *
53 the municipality or redevelopment agency and its governing body
54 and any of its officers, agents, and employees, and may require
55 and compel such municipality or redevelopment agency or such
56 governing body or any such officers, agents, or employees to
57 perform and carry out its and their duties and obligations under
58 sections 474.01 to 474.13 and its and their covenants and
59 agreements with bondholders;

60 (2) By action require the municipality or redevelopment
61 agency and the governing body thereof to account as if they were
62 the trustees of an express trust;

63 (3) By action enjoin any acts or things which may be
64 unlawful or in violation of the rights of the bondholders;

65 (4) Bring suit upon the bonds;

66 (5) Foreclose any mortgage or lien given under the
67 authority of sections 474.01 to 474.13, and cause the property
68 standing as security to be sold under any proceedings permitted
69 by law or equity; and

70 (6) Exercise any right or remedy conferred by sections
71 474.01 to 474.13 without exhausting and without regard to any
72 other right or remedy conferred by sections 474.01 to 474.13 or
73 any other law of this state; none of which rights and remedies
74 is intended to be exclusive of any other, and each is cumulative

1 and in addition to every other right and remedy.

474*#15S

2 474.15 APPLICABILITY OF CERTAIN PROVISIONS OF CHAPTER
3 462.

4 Property which has been acquired by a housing and
5 redevelopment authority pursuant to the provisions of chapter
6 462, if sold, leased or acquired with the consent of such
7 housing and redevelopment authority in connection with a project
8 conducted wholly or partly pursuant to the provisions of this
9 chapter shall be deemed to be devoted to public purposes and
10 public uses and to conform to the project area redevelopment
11 plan within the meaning of chapter 462, and in giving such
12 consent the housing and redevelopment authority may waive any or
13 all of the terms, conditions, restrictions and limitations
14 imposed upon such property by section 462.525, and the purchaser
15 of such property or any subsequent purchasers shall have full
16 power to convey the property without consent of any housing and
17 redevelopment authority and, to the extent of such waiver, free
18 and clear of such terms, conditions, restrictions and
19 limitations whether or not such purchaser has been obligated *
20 himself as provided in section 462.525, subdivision 5. *

474*#17S

21 474.17 ALLOCATION OF PRIVATE ACTIVITY BONDS.

22 No change for subd 1

23 Subd. 2. IRON RANGE RESOURCES AND REHABILITATION

24 ALLOCATION. From January 1 to August 31 of each calendar
25 year, \$30,000,000 of the aggregate limit of bond issuance
26 authority allocated to the state for any calendar year pursuant
27 to a federal limitation act is allocated to the iron range
28 resources and rehabilitation commissioner. From September 1 to
29 October 31 of each year, the iron range resources and
30 rehabilitation commissioner may retain his the allocation or a *
31 portion of it only if he the commissioner has submitted to the *
32 energy and economic development authority on or before September
33 1 a letter which states (a) his the commissioner's intent to *
34 issue obligations pursuant to his the allocation or a portion of *
35 it before the end of the calendar year or within the time period
36 permitted by a federal limitation act and (b) a description of
37 the specific project or projects for which the obligations will
38 be issued, together with an application deposit in the amount of
39 one percent of the amount of the remaining unused allocation or
40 the portion of it pursuant to which he the commissioner intends *
41 to issue obligations. If the iron range resources and *
42 rehabilitation commissioner does not submit the required letter
43 of intent and the application deposit, the amount originally
44 allocated to the iron range resources and rehabilitation
45 commissioner or the portion not already used not subject to a
46 letter of intent shall be canceled and subject to reallocation
47 in accordance with section 474.19. If the iron range resources
48 and rehabilitation commissioner returns for reallocation all or
49 any part of his the allocation on or before October 31, that *
50 portion of his the application deposit equal to one percent of *
51 the amount returned shall be refunded within 30 days.

52 Upon the request of a statutory city located in the
53 taconite tax relief area which received an entitlement
54 allocation under section 474.18 of \$5,000,000 or more for
55 calendar year 1985, the iron range resources and rehabilitation
56 commissioner shall enter into an agreement with the city whereby
57 the commissioner issues obligations, in an amount requested by
58 the city but not to exceed \$5,000,000, on behalf of the city.

59 No change for subd 3 to 4

475*#553S

60 475.553 PAYING AGENT; DESTRUCTION OF OBLIGATIONS AND
61 COUPONS.

62 Subdivision 1. The governing body may appoint as paying
63 agent for an issue of obligations one or more national banks, or
64 banks incorporated under the laws of any state, provided that no
65 bank shall be appointed as paying agent for obligations of any
66 issuer except one within whose corporate limits the principal
67 office of the bank is situated, unless it is authorized to
68 execute corporate trust powers pursuant to the laws under which
69 it is organized; and the governing body may direct the treasurer
70 to remit funds for payment of both principal and interest to
71 such paying agent although such paying agent has not complied
72 with statutes relating to public depositories. It may also
73 direct the county treasurer to remit any proceeds from

1 assessments or taxes levied for payment of obligations directly
 2 to such paying agent. In such case, the county treasurer shall
 3 furnish a duplicate statement of each remittance to the
 4 treasurer of the municipality who shall enter the amount on ~~his~~ *
 5 the treasury's books. *

6 No change for subd 2 to 5

475*#61S

7 475.61 TAX LEVIES.

8 No change for subd 1

9 Subd. 2. The recording officer of the municipality shall
 10 file in the office of the county auditor of each county in which
 11 any part of the municipality is located a certified copy of the
 12 resolution, together with full information regarding the
 13 obligations for which the tax is levied. No further action by
 14 the municipality is required to authorize the extension,
 15 assessment and collection of the tax, but the municipality's
 16 liability on the obligations is not limited thereto and its
 17 governing body shall levy and cause to be extended, assessed and
 18 collected any additional taxes found necessary for full payment
 19 of the principal and interest. The county auditor shall
 20 forthwith certify to the municipality that ~~he has entered~~ *
 21 obligations have been entered in the register required by *
 22 sections 475.51 to 475.75 and that the tax levy required by
 23 sections 475.51 to 475.75 has been made. The auditor shall
 24 annually assess and extend upon the tax rolls the amount
 25 specified for such year in the resolution, unless the amount has
 26 been reduced as authorized below or, if the municipality is
 27 located in more than one county, the portion thereof which bears
 28 the same ratio to the whole amount as the assessed value of
 29 taxable property in that part of the municipality located in ~~his~~ *
 30 the auditor's county bears to the assessed value of all taxable *
 31 property in the municipality.

32 No change for subd 3 to 5

475*#63S

33 475.63 CERTIFICATE AS TO REGISTRATION.

34 Before any obligations shall be delivered to the purchaser,
 35 the municipality shall obtain and deliver to the purchaser a
 36 certificate of the county auditor that the issue has been
 37 entered on ~~his~~ the register. If a tax levy is required by law, *
 38 such certificate shall also recite that such tax has been levied
 39 as required by law.

475*#73S

40 475.73 STATE BOARD OF INVESTMENT.

41 No change for subd 1

42 Subd. 2. The annual tax levy for the payment of principal
 43 and interest on account of such obligations shall be for an
 44 amount 50 percent in excess of the sum to be paid therefrom.
 45 The state auditor, at the time of certifying the state tax,
 46 shall also certify to each county auditor the amount necessary
 47 to pay such principal and interest. When collected so much of
 48 such tax as may be necessary shall be paid into the state
 49 treasury. The excess remaining shall be held over in the county
 50 treasury to be applied on the next future payment due on such
 51 obligations, and the amount of such excess shall be reported by
 52 the county auditor to the state auditor on or before August
 53 first each year, who shall deduct the same from ~~his~~ the next *
 54 annual tax levy for such purpose. The remainder, when such
 55 bonds are paid in full, shall be credited to the general fund of
 56 the municipality; and, in case a portion of the territory
 57 embraced in such municipality at the time such obligations were
 58 issued, has since been set off to another municipality, such
 59 remainder shall be divided with such other municipality, using
 60 as a basis for such division the last assessed valuation of the
 61 territory affected by such obligations. Any such municipality
 62 which shall make payment to the state of the full amount of
 63 principal and interest due on account of such obligations prior
 64 to the extending of such tax therefor by the state auditor shall
 65 be exempt from the provisions of this section.

475A#03S

66 475A.03 GUARANTEED BONDS; APPLICATION.

67 No change for subd 1 to 2

68 Subd. 3. Upon receipt of the application the commissioner
 69 of finance shall estimate the total amount of principal and
 70 interest calculated at the probable average rate on the bonds
 71 described in the application, together with the total amount of
 72 principal and interest to become due on all guaranteed bonds

1 then outstanding, and if the sum of these amounts does not
2 exceed 20 times the sum of (a) the aggregate principal amount of
3 all Minnesota state municipal aid bonds theretofore authorized
4 and not theretofore issued, plus (b) the balance then on hand in
5 the state municipal bond guaranty fund, ~~he~~ the commissioner *
6 shall approve the application and issue the certificate provided
7 in subdivision 4.

8 No change for subd 4

9 Subd. 5. Within 14 days after the date of payment and
10 delivery of the guaranteed obligations, the municipality shall
11 remit to the commissioner of finance a guaranty fee in an amount
12 equal to two and one-half percent of the total principal sum of
13 the guaranteed obligations or \$1,000, whichever is higher, which
14 fee may be paid out of the proceeds of the guaranteed
15 obligations as an expense incidental to the issuance of such
16 obligations. All guaranty fees shall be credited to the
17 municipal bond guaranty fund created by section 475A.05.
18 Failure of the municipality to remit the guaranty fee required
19 by this subdivision shall not invalidate the municipal bonds or
20 the state's guaranty thereof: if the fee is unpaid the state
21 auditor shall include in ~~his~~ the certification under section *
22 475A.04, subdivision 3 an amount equal to three percent of the
23 total principal sum of the guaranteed bonds or \$1,500, whichever
24 is higher.

25 No change for subd 6

475A#04S

26 475A.04 DEBT SERVICE DEFICIENCY LOANS.

27 Subdivision 1. In the event that funds sufficient to pay
28 all of the principal and interest due on any guaranteed bond are
29 not in the hands of the municipal treasurer or the paying agent
30 at least 15 days before the due date, ~~he~~ the treasurer or agent *
31 shall report the amount of the deficiency to the paying agent
32 and the auditor who shall grant a loan to the issuer in this
33 amount and shall certify to the issuer, the paying agent, and
34 the auditor and treasurer of each county in which property
35 subject to taxation by the issuer is situated, the amount of the
36 loan and interest to accrue thereon to the due date of the loan,
37 and the commissioner of finance shall issue a warrant for the
38 principal amount and the state treasurer shall remit it to the
39 paying agent on or before the due date. If the municipal
40 treasurer fails to deposit funds with the paying agent
41 sufficient to pay all principal and interest due on any
42 guaranteed bond on any date, without having previously given the
43 notice herein required, the paying agent may report the amount
44 of the deficiency to the commissioner of finance, who shall
45 forthwith grant a loan to the issuer for this amount plus
46 interest to accrue thereon for one month at the rate represented
47 by the coupons then due, and the loan shall be certified and
48 remitted as provided above. The paying agent may advance its
49 own funds for the payment of any guaranteed bonds and interest
50 due for which it has not received sufficient funds from the
51 municipality, and may contract with the municipality to make
52 such advances, and shall be entitled to reimbursement therefor
53 from the proceeds of the loan, with interest at the rate
54 represented by the coupons due. The issuing municipality shall
55 give a receipt to the commissioner of finance for the amount of
56 the loan and interest.

57 No change for subd 2

58 Subd. 3. Before October 1 in each year the state auditor
59 shall certify to the county auditor and treasurer of each county
60 containing taxable property situated within any municipality
61 having an outstanding loan, and to the municipality, the amount,
62 if any, necessary to be levied to produce the total amount of
63 principal and interest to become due in the next ensuing year on
64 such loan plus the amount of any guaranty fee unpaid. After
65 receipt of the certification each county auditor, upon
66 ascertaining the current year's assessed valuation of all
67 taxable property within the municipality which is situated
68 within ~~his~~ that county, and upon ascertaining from the county *
69 auditors of other counties the assessed valuation of any such
70 property situated within their counties, shall extend upon the
71 tax rolls an ad valorem tax upon all such property within ~~his~~ *
72 that county, in an amount equal to that proportion of the total *
73 amount certified by the secretary which the assessed valuation
74 of such property bears to the assessed valuation of all taxable
75 property within the municipality.

1 No change for subd 4

475A#05S

2 475A.05 MUNICIPAL BOND GUARANTY FUND.

3 No change for subd 1 to 1a

4 Subd. 2. All money deposited to the credit of the
5 municipal bond guaranty fund shall be available for the making
6 of loans under section 475A.04, except that on November 1 in
7 each year the commissioner of finance shall certify to the
8 treasurer the balance then on hand in the fund which ~~in-his~~ *
9 judgment the commissioner believes will not be required for *
10 loans to be made in the following year, and there shall then be
11 transferred and credited to the state municipal aid bond account
12 in the state bond fund the entire balance or so much thereof as,
13 with the balance then in the bond account, will equal the total
14 amount of principal and interest due and to become due on state
15 municipal aid bonds to and including July 1 in the second
16 ensuing year. Amounts so transferred and credited are
17 appropriated for the purpose of reducing the amount of tax
18 otherwise required to be levied for the state bond fund by
19 Article XI, Section 7 of the Constitution.

477A#12S

20 477A.12 ANNUAL APPROPRIATIONS; LANDS ELIGIBLE;
21 CERTIFICATION OF ACREAGE.

22 There is annually appropriated to the commissioner of
23 natural resources from the general fund for payment to counties
24 within the state an amount equal to \$3 multiplied by the number
25 of acres of acquired natural resources land, 75 cents multiplied
26 by the number of acres of county-administered other natural
27 resources land, and 37.5 cents multiplied by the number of acres
28 of commissioner-administered other natural resources land
29 located in each county as of July 1 of each year. Lands for
30 which payments in lieu are made pursuant to section 97.49,
31 subdivision 7, and Laws 1973, Chapter 567, shall not be eligible
32 for payments under this section. Each county auditor shall
33 certify to the department of natural resources during July of
34 each year the number of acres of county-administered other
35 natural resources land within ~~his~~ the county. The department of *
36 natural resources may, in addition to the certification of
37 acreage, require descriptive lists of land so certified. The
38 commissioner of natural resources shall determine and certify
39 the number of acres of acquired natural resources land and
40 commissioner-administered natural resources land within each
41 county.