

1.1 moves to amend H.F. No. 2943 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2012, section 375.08, is amended to read:

1.4 **375.08 BOARD TO FILL VACANCIES IN COUNTY OFFICES.**

1.5 When a vacancy occurs in the office of county auditor, county treasurer, county
1.6 recorder, sheriff, ~~county attorney~~, county surveyor, or coroner, the county board shall fill it
1.7 by appointment. For that purpose it shall meet at the usual place of meeting, upon one
1.8 day's notice from the chair or clerk, which shall be served personally upon each member
1.9 in the same manner as a district court summons. The person appointed shall give the
1.10 bond and take the oath required by law, and serve the remainder of the term, and until a
1.11 successor qualifies. When a vacancy occurs in an office that has a chief deputy or first
1.12 assistant, the chief deputy or first assistant may perform all the duties and functions of the
1.13 office until it is filled by appointment by the county board.

1.14 **Sec. 2. [375.085] VACANCY IN OFFICE OF COUNTY ATTORNEY.**

1.15 Subdivision 1. Option for filling vacancy; special election. (a) A vacancy in the
1.16 office of county attorney may be filled as provided in this subdivision and subdivision 2,
1.17 or as provided in subdivision 3. If the vacancy is to be filled under this subdivision and
1.18 subdivision 2, it must be filled at a special election. The county board may by resolution
1.19 call for a special election to be held according to the earliest of the following time
1.20 schedules: (1) not less than 120 days following the date the vacancy is declared, but no
1.21 later than 12 weeks prior to the date of the next regularly scheduled primary election; (2)
1.22 concurrently with the next regularly scheduled primary election and general election; or
1.23 (3) no sooner than 120 days following the next regularly scheduled general election.

2.1 **(b)** The person elected at the special election shall take office immediately after
2.2 receipt of the certificate of election and upon filing the bond and taking the oath of office
2.3 and shall serve the remainder of the unexpired term.

2.4 Subd. 2. **When victor seated immediately.** If a vacancy for which a special
2.5 election is required occurs less than 120 days before the general election preceding the
2.6 end of the term, the vacancy shall be filled by the person elected at that election for the
2.7 ensuing term who shall take office immediately after receiving the certificate of election,
2.8 filing the bond and taking the oath of office.

2.9 Subd. 3. **Vacancies of less than one year; appointment option.** As an alternative to
2.10 the procedure provided in subdivisions 1 and 2, a vacancy in the office of county attorney
2.11 may be filled by board appointment at a regular or special meeting. The appointment shall
2.12 be evidenced by a resolution entered in the minutes and shall continue until an election is
2.13 held under this subdivision. An election to fill a vacancy shall be for the unexpired term.
2.14 If one year or more remains in the unexpired term, a special election must be held under
2.15 subdivision 1. If less than one year remains in the unexpired term, the county board may
2.16 appoint a person to fill the vacancy for the remainder of the unexpired term, unless the
2.17 vacancy occurs within 90 days of the next county general election, in which case an
2.18 appointment shall not be made and the vacancy must be filled at the general election. The
2.19 person elected to fill a vacancy at the general election takes office immediately in the same
2.20 manner as for a special election under subdivision 1, and serves the remainder of the
2.21 unexpired term and the new term for which the election was otherwise held.

2.22 Subd. 4. **County attorney vacancy appointment; public hearing.** Before making
2.23 an appointment to fill a vacancy under subdivision 3, the county board must hold a public
2.24 hearing not more than 30 days after the vacancy occurs with public notice given in the same
2.25 manner as for a special meeting of the county board. At the public hearing the board must
2.26 invite public testimony from persons residing in the county relating to the qualifications
2.27 of prospective appointees to fill the vacancy. Before making an appointment, the board
2.28 also must notify public officials in the affected district on the appointment, including town
2.29 board and city council members, and must enter into the record at the board meeting in
2.30 which the appointment is made the names and addresses of the public officials notified. If
2.31 after the public hearing, the board is unable or decides not to make an appointment under
2.32 subdivision 3, it must hold a special election under subdivision 1, but the time period in
2.33 which the election must be held begins to run from the date of the public hearing.

2.34 Sec. 3. Minnesota Statutes 2012, section 382.02, is amended to read:

2.35 **382.02 VACANCIES, HOW FILLED.**

3.1 Except as otherwise provided in section 375.08 and 375.085, any appointment made
3.2 to fill a vacancy in any of the offices named in section 382.01 shall be for the balance of
3.3 such entire term, and be made by the county board."

3.4 Amend the title accordingly