

Subject County offices may be made appointed offices, subject to reverse referendum

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Overview

Under general law in Minnesota Statutes, chapter 375A, a county may make the offices of auditor, treasurer, auditor-treasurer, and recorder appointed positions if approved by a referendum.

This bill would allow any county to make any of these offices an appointed position subject to reverse referendum. Section 4 spells out the procedures and conditions for changing an office to an appointed position and for reverting back. Sections 1 to 3 and 5 to 8 of the bill are technical, conforming amendments.

Over the years, 47 counties have been authorized to make one or more of these changes by special law, under substantially the same conditions, although not all have implemented the change. For more information, see *“County Offices: Combining or Making Appointed”* (January 2018).

Summary

Section	Description
4	<p>Appointing county officers.</p> <p>Subd. 1. Authority to appoint certain officers. Allows the county board to make an elected office an appointed position under this section if there is a vacancy in the office, the elected official agrees to appointment, or the elected office holder confirms that he or she will not run for election again.</p> <p>Subd. 2. Responsibility of county officer. Requires an elected county officer to notify the county board 104 days before the filing date if the officer intends to run for office again or not. If not, and the county board has passed a resolution to make the office an appointed position, then the office will not be on the ballot.</p> <p>Subd. 3. Board controls; may change as long as duties done. Requires the duties of an office made appointive to be discharged by the county board acting through a department head. Allows for reorganization, delegation, and</p>

Section	Description
	<p>administrative changes and specifies that any change does not diminish, prohibit, or avoid discharge of statutory duties.</p> <p>Subd. 4. Discharge or demotion. Provides that an incumbent appointed to the office must not be involuntarily demoted or discharged except for incompetency or misconduct. Before demoting or discharging an incumbent, the board must notify the incumbent appointed. The incumbent appointed may require a hearing before an arbitrator. The arbitrator must determine, by a preponderance of the evidence, whether the discharge or demotion is supported by the grounds provided. The arbitration hearing must be a closed meeting unless the incumbent appointed requests the meeting to be open. If the arbitrator rules not to demote or discharge, the board must pay all costs and fees.</p> <p>Subd. 5. Incumbents to complete term. Requires that the person elected to the office complete his or her term.</p> <p>Subd. 6. Publishing resolution; petition; referendum. Requires the county board to publish notice of the proposal to make the office appointed, and to allow for public comment on the proposal at a regular meeting of the board before the resolution is adopted. The resolution must be approved by at least 80 percent of the members of the board and take effect after 30 days, unless a later date is provided in the resolution. If a sufficient petition requesting a referendum signed by at least ten percent of the registered voters in the county is filed within 30 days after the adoption of the resolution, the resolution is rescinded. A petition may not be accepted if the county officer to be appointed is the incumbent and has signed a contract for the appointment.</p> <p>Subd. 7. Reverting to elected offices. Prohibits the board from reverting to elected offices within three years after making a position appointed. After notice and a hearing, the county board may adopt by a resolution to revert if approved by at least 60 percent of the board, effective on August 1 following the adoption, subject to reverse referendum. The question of whether to revert to elected offices must be placed on the ballot for the next general election if the position has been appointed for at least three years, a petition signed by ten percent of the registered voters in the county is submitted, and the petition is sufficient. If a majority of voters voting on the question vote in favor of reverting to electing the offices, elections for that office must be held at the next regular or special election.</p>



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