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Overview

This bill would allow counties to change the offices of auditor, treasurer, recorder, and auditor-treasurer from elected to appointed positions under certain conditions. Current general law allows a county to change these elected offices to appointed positions but only after a referendum approving the change is passed.

Over the years, 44 counties have been authorized to make these changes by special law, under similar conditions. For more information, see "*County Offices: Combining or Making Appointed*" (updated December 2016).
<http://www.house.leg.state.mn.us/hrd/pubs/cntyoff.pdf>

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1-3, 5, & 6 Make technical and conforming changes.

4 **Appointing county officers.**

Subd. 1. Authority to appoint certain officers. Allows a county board to appoint, without a referendum, the county auditor, treasurer, recorder, or auditor-treasurer if (1) there is a vacancy in the office; or (2) there is a signed contract between the board and the incumbent to the elected office that provides that the incumbent will be appointed to the position at the same or better tenure, pay, and benefit level.

Under current general law, these positions are elected and a county may change them to appointive positions only after a referendum approves the change.

Subd. 2. Responsibility of county officer. Requires an elected county officer to notify the county board in writing whether he or she will be filing for election for

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another term. If the current county officer will not file for election to the office and the board has passed a resolution to make the position appointed, affidavits of candidacy will not be accepted for that office and the office will not be placed on the ballot.

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 administrative changes and specifies that any change does not diminish, prohibit, or avoid discharge of statutory duties.

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 request 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.

Subd. 5. Incumbents to complete term. Requires that the person elected to the position be allowed to complete his or her term.

Subd. 6. Publishing resolution; petition, referendum. Provides that before the county board adopts a resolution to appoint offices, the board must publish notice of the proposed resolution once each week for two weeks in the county's official publication. At a regular meeting, there must be time for public comment before the resolution is adopted. The resolution must be approved by at least 80 percent of the members of the board. The resolution takes effect after 30 days, unless a later date is provided in the resolution. A petition requesting a referendum may be filed within 30 days after the adoption of the resolution. The petition must be signed by at least ten percent of the registered voters in the county. If the petition is sufficient, the resolution is rescinded.

Subd. 7. Reverting to elected offices. Prohibits the board from reverting to elected offices within three years after making the positions appointed. To revert to elected offices, the county board must provide notice and hold a hearing before adopting a resolution to revert. The resolution to revert to elected offices must be approved by at least 60 percent of the members of the county board and is effective on August 1 following the adoption. 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.