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State of Minnesota  
HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **2773**

02/09/2018 Authored by Drazkowski  
The bill was referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act  
1.2 relating to counties; limiting the ability of certain county officers to appeal  
1.3 compensation or budgets set by the county board; removing obsolete language;  
1.4 amending Minnesota Statutes 2016, sections 384.151, subdivision 7; 385.373,  
1.5 subdivision 7; 386.015, subdivision 7; 387.20, subdivision 7; 388.18, subdivision  
1.6 6.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2016, section 384.151, subdivision 7, is amended to read:

1.9 Subd. 7. **Salary, budget appeals.** ~~The county auditor if dissatisfied with the action of~~  
1.10 ~~the county board in setting the amount of the auditor's salary or the amount of the budget~~  
1.11 ~~for the office of county auditor.~~ If the county board reduces the salary of the county auditor  
1.12 in any budget year in which the person serving as the county auditor is the same person  
1.13 who served as auditor in the immediately preceding calendar year, or if the county board  
1.14 reduces the budget for the office of the county auditor, the county auditor may appeal to  
1.15 the district court on the grounds that the determination of the county board in setting ~~such~~  
1.16 the salary or budget was arbitrary, capricious, oppressive, or in unreasonable disregard for  
1.17 the responsibilities and duties of ~~said~~ the office, and the auditor's experience, qualifications,  
1.18 and performance. The appeal shall be taken within 15 days after the date of the resolution  
1.19 setting ~~such~~ the salary or budget by serving a notice of appeal on the county auditor and  
1.20 filing same with the court administrator of the district court. The court ~~either in term or~~  
1.21 vacation and upon ten days' notice to the chair of the board shall hear ~~such~~ the appeal. On  
1.22 the hearing of the appeal the court shall review the decision or resolution of the board in  
1.23 like manner as though reviewed by certiorari, except new or additional evidence may be  
1.24 taken. The court may order the officer appealing and the board to submit briefs or other  
1.25 memoranda and may dispose of the appeal on such writings. If the court ~~shall find~~ finds

2.1 that the board acted in an arbitrary, capricious, oppressive or unreasonable manner it shall  
 2.2 remand the matter to the county board for further action consistent with the court's finding.

2.3 Sec. 2. Minnesota Statutes 2016, section 385.373, subdivision 7, is amended to read:

2.4 Subd. 7. **Salary, budget appeals.** ~~The county treasurer if dissatisfied with the action of~~  
 2.5 ~~the county board in setting the amount of the treasurer's salary or the amount of the budget~~  
 2.6 ~~for the office of county treasurer,~~ If the county board reduces the salary of the county  
 2.7 treasurer in any budget year in which the person serving as the county treasurer is the same  
 2.8 person who served as treasurer in the immediately preceding calendar year, or if the county  
 2.9 board reduces the budget for the office of the county treasurer, the county treasurer may  
 2.10 appeal to the district court on the grounds that the determination of the county board in  
 2.11 setting ~~such~~ the salary or budget was arbitrary, capricious, oppressive, or in unreasonable  
 2.12 disregard for the responsibilities and duties of ~~said~~ the office, and the treasurer's experience,  
 2.13 qualifications, and performance. The appeal shall be taken within 15 days after the date of  
 2.14 the resolution setting ~~such~~ the salary or budget by serving a notice of appeal on the county  
 2.15 auditor and filing same with the court administrator of the district court. The court ~~either~~  
 2.16 ~~in term or vacation and~~ upon ten days' notice to the chair of the board shall hear ~~such~~ the  
 2.17 appeal. On the hearing of the appeal the court shall review the decision or resolution of the  
 2.18 board in like manner as though reviewed by certiorari, except new or additional evidence  
 2.19 may be taken. The court may order the officer appealing and the board to submit briefs or  
 2.20 other memoranda and may dispose of the appeal on such writings. If the court ~~shall find~~  
 2.21 finds that the board acted in an arbitrary, capricious, oppressive or unreasonable manner it  
 2.22 shall remand the matter to the county board for further action consistent with the court's  
 2.23 finding.

2.24 Sec. 3. Minnesota Statutes 2016, section 386.015, subdivision 7, is amended to read:

2.25 Subd. 7. **Salary, budget appeals.** ~~The county recorder if dissatisfied with the action of~~  
 2.26 ~~the county board in setting the amount of the recorder's salary or the amount of the budget~~  
 2.27 ~~for the office of county recorder,~~ If the county board reduces the salary of the county recorder  
 2.28 in any budget year in which the person serving as the county recorder is the same person  
 2.29 who served as recorder in the immediately preceding calendar year, or if the county board  
 2.30 reduces the budget for the office of the county recorder, the county recorder may appeal to  
 2.31 the district court on the grounds that the determination of the county board in setting ~~such~~  
 2.32 the salary or budget was arbitrary, capricious, oppressive or in unreasonable disregard for  
 2.33 the responsibilities and duties of ~~said~~ the office, and the recorder's experience, qualifications,  
 2.34 and performance. The appeal shall be taken within 15 days after the date of the resolution

3.1 setting ~~such~~ the salary or budget by serving a notice of appeal on the county auditor and  
 3.2 filing same with the court administrator of the district court. The court ~~either in term or~~  
 3.3 ~~vacation and~~ upon ten days' notice to the chair of the board shall hear ~~such~~ the appeal. On  
 3.4 the hearing of the appeal the court shall review the decision or resolution of the board in  
 3.5 like manner as though reviewed by certiorari, except new or additional evidence may be  
 3.6 taken. The court may order the officer appealing and the board to submit briefs or other  
 3.7 memoranda and may dispose of the appeal on such writings. If the court ~~shall find~~ finds  
 3.8 that the board acted in an arbitrary, capricious, oppressive or unreasonable manner it shall  
 3.9 remand the matter to the county board for further action consistent with the court's finding.

3.10 Sec. 4. Minnesota Statutes 2016, section 387.20, subdivision 7, is amended to read:

3.11 Subd. 7. **Appeal on salary, budget.** ~~The sheriff, if dissatisfied with the action of the~~  
 3.12 ~~county board in setting the amount of the sheriff's salary or the amount of the budget for~~  
 3.13 ~~the office of sheriff,~~ If the county board reduces the salary of the sheriff in any budget year  
 3.14 in which the person serving as the sheriff is the same person who served as sheriff in the  
 3.15 immediately preceding calendar year, or if the county board reduces the budget for the office  
 3.16 of the sheriff may appeal to the district court on the grounds that the determination of the  
 3.17 county board in setting ~~such~~ the salary or budget was arbitrary, capricious, oppressive or  
 3.18 without sufficiently taking into account the extent of the responsibilities and duties of ~~said~~  
 3.19 the office, and the sheriff's experience, qualifications, and performance. The appeal shall  
 3.20 be taken within 15 days after the date of the resolution setting ~~such~~ the salary or budget by  
 3.21 serving a notice of appeal on the county auditor and filing same with the court administrator  
 3.22 of the district court. The court ~~either in term or vacation and~~ upon ten days' notice to the  
 3.23 chair of the board shall hear ~~such~~ the appeal. On the hearing of the appeal the court shall  
 3.24 review the decision or resolution of the board in a hearing de novo and may hear new or  
 3.25 additional evidence, or the court may order the officer appealing and the board to submit  
 3.26 briefs or other memoranda and may dispose of the appeal on such writings. If the court ~~shall~~  
 3.27 ~~find~~ finds that the board acted in an arbitrary, capricious, oppressive or unreasonable manner  
 3.28 or without sufficiently taking into account the extent of the responsibilities and duties of  
 3.29 the office of the sheriff, the sheriff's experience, qualifications, and performance, it shall  
 3.30 make ~~such~~ the order to take the place of the order appealed from as is justified by the record  
 3.31 and shall remand the matter to the county board for further action consistent with the court's  
 3.32 findings. After determination of the appeal the county board shall proceed in conformity  
 3.33 therewith.

4.1 Sec. 5. Minnesota Statutes 2016, section 388.18, subdivision 6, is amended to read:

4.2 Subd. 6. **Appeal from resolution of board.** ~~The county attorney, if dissatisfied with~~  
4.3 ~~the action of the county board in setting the amount of the county attorney's salary or the~~  
4.4 ~~amount of the budget for the office of county attorney, If the county board reduces the salary~~  
4.5 of the county attorney in any budget year in which the person serving as the county attorney  
4.6 is the same person who served as county attorney in the immediately preceding calendar  
4.7 year, or if the county board reduces the budget for the office of the county attorney, the  
4.8 county attorney may appeal to the district court on the grounds that the determination of  
4.9 the county board in setting ~~such~~ the salary or budget was arbitrary, capricious, oppressive,  
4.10 or in unreasonable disregard for the responsibilities and duties of ~~said~~ the office, and the  
4.11 county attorney's experience, qualifications, and performance. The appeal shall be taken  
4.12 within 15 days after the date of the resolution setting ~~such~~ the salary or budget by serving  
4.13 a notice of appeal on the county auditor and filing same with the court administrator of the  
4.14 district court. The county board may retain special counsel pursuant to section 388.09 to  
4.15 represent it in the appeal proceedings. The court ~~either in term or vacation and upon ten~~  
4.16 ~~days' notice to the chair of the board shall hear~~ such the appeal. On the hearing of the appeal  
4.17 the court shall review the decision or resolution of the board in like manner as though  
4.18 reviewed by certiorari, except new or additional evidence may be taken. The court may  
4.19 order the officer appealing and the board to submit briefs or other memoranda and may  
4.20 dispose of the appeal on such writings. If the court ~~shall find~~ finds that the board acted in  
4.21 an arbitrary, capricious, oppressive or unreasonable manner it shall remand the matter to  
4.22 the county board for further action consistent with the court's finding.