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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 3553

March 9, 2010

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The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform,
Technology and Elections

1.1 A bill for an act
1.2 relating to local government; providing for a charter commission to report on a
1.3 form of county government for the counties of Stearns, Benton, and Sherburne.

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

1.5 Section 1. **COUNTIES OF STEARNS, BENTON, AND SHERBURNE;**
1.6 **CHARTER COMMISSION.**

1.7 For purposes of this act, the term "joint legislative delegation" means all elected
1.8 members of the state house of representatives and state senate whose legislative district
1.9 includes a portion of Stearns, Benton, or Sherburne county and who represents a county
1.10 that has approved this act under section 7. The house of representatives delegation shall
1.11 elect a member and the senate delegation shall elect a member who shall serve as cochairs
1.12 of the joint legislative delegation.

1.13 Sec. 2. **CHARTER COMMISSION; NOMINATIONS AND APPOINTMENTS.**

1.14 Subdivision 1. **Counties defined.** For purposes of this act, "county" or "counties"
1.15 means each of the counties of Stearns, Benton, or Sherburne that have approved this act.

1.16 Subd. 2. **Nomination.** Within 30 days of the effective date of this act, the joint
1.17 legislative delegation shall nominate 21 persons as candidates for appointment to a charter
1.18 commission to frame a charter to provide for the form of county government for each of
1.19 the counties of Stearns, Benton, and Sherburne that have approved this act. Three persons
1.20 who reside in the district shall be nominated for each of the county commissioner districts
1.21 in each county. Six persons who reside in each county shall be nominated without regard
1.22 to county commission districts.

2.1 Subd. 3. **Appointment.** With respect to the counties of Stearns and Benton
 2.2 that have approved this act, within 30 days of the selection of nominees, the judges of
 2.3 the seventh judicial district shall appoint to the charter commission 14 members, one
 2.4 appointee for each county commissioner district in the counties of Stearns and Benton
 2.5 and two appointees from each of the counties of Stearns and Benton who were nominated
 2.6 to serve from the county without regard to county commissioner districts. If Sherburne
 2.7 county has approved this act, within 30 days of the selection of nominees, the judges of
 2.8 the tenth judicial district shall appoint to the charter commission seven members, one
 2.9 appointee for each county commissioner district in Sherburne county and two appointees
 2.10 from the county of Sherburne who were nominated to serve from the county without
 2.11 regard to county commissioner districts. The commission members must be qualified
 2.12 voters in the county in which they reside. A person is not disqualified from serving on
 2.13 the charter commission because the person holds an elective or appointive office. The
 2.14 appointing authority shall fill any vacancies. Appointments must be filed with the board of
 2.15 county commissioners of the county in which the appointee resides. An appointee must
 2.16 file an acceptance with the board within ten days of notification of the appointment or be
 2.17 considered to have declined the appointment.

2.18 Sec. 3. **CHARTER COMMISSION; TERMS; ADMINISTRATION.**

2.19 Subdivision 1. **Chair; rules.** The charter commission shall meet within 30 days
 2.20 after the initial appointment, elect a chair from among the members, and establish rules,
 2.21 including quorum requirements for its operation and procedures.

2.22 Subd. 2. **Expenses and administration.** The members of the charter commission
 2.23 receive no compensation except reimbursement for expenses actually incurred in the
 2.24 course of their duties. The boards of county commissioners of the counties may make
 2.25 appropriations to the charter commission to be used to employ research and clerical
 2.26 assistance, for supplies, and to meet expenses considered necessary by the charter
 2.27 commission. Employees of the charter commission shall be in the unclassified service of a
 2.28 county as determined by the county boards of commissioners. The charter commission
 2.29 may request and receive assistance from any county official. If requested, a personnel
 2.30 director shall assist the charter commission to test and hire employees. If requested, a
 2.31 county attorney shall provide legal services.

2.32 Subd. 3. **Terms.** Members of the charter commission hold office until a final report
 2.33 has been made under section 4.

2.34 Sec. 4. **CHARTER COMMISSION; POWERS AND DUTIES.**

3.1 Before December 31, 2011, the charter commission shall deliver to the boards of
 3.2 county commissioners either (1) its report determining that the present form of county
 3.3 government is adequate for the county and that a charter is not necessary or desirable,
 3.4 or (2) a draft of a proposed charter. The report must be signed by a majority of the
 3.5 members of the charter commission. The proposed charter may provide for any form of
 3.6 government consistent with the Constitution of the state of Minnesota. It may provide for
 3.7 the establishment and administration of all departments of a county government and for
 3.8 the regulation of all local county functions. It may abolish or consolidate any department
 3.9 or agency. The charter commission is required to hold at least one public hearing in
 3.10 each of the county commissioner districts.

3.11 It shall provide for present functions to be assumed by new elective or appointive
 3.12 officers as provided in the charter and may provide for other powers consistent with other
 3.13 law. It shall provide methods of procedure in respect to the operation of the government
 3.14 created and the duties of all officers. It shall provide for a home rule charter commission
 3.15 consistent with article XII, section 5, of the Constitution of the state of Minnesota and
 3.16 may provide for alternative methods for amending or abandoning the charter consistent
 3.17 with the Constitution. A county may be authorized to acquire by gift, devise, purchase,
 3.18 or condemnation or sell or lease any property needed for the full discharge of its duties
 3.19 and powers. All special and general laws authorizing a county to incur indebtedness or
 3.20 issue bonds shall be subject to the charter, provided that the charter provisions are not in
 3.21 conflict with general laws relating to public indebtedness. A county shall continue to
 3.22 have all the powers granted by law.

3.23 Personnel matters relating to employees of a county continue to be governed by law.
 3.24 A charter proposed for adoption under this act shall not apply to personnel matters.

3.25 **Sec. 5. ELECTION; BALLOT.**

3.26 Subdivision 1. **Procedure; notice.** Upon delivery of the proposed charter to the
 3.27 board of county commissioners in each county, each board shall submit it to the voters
 3.28 in that county at the general election in 2012. The notice of election must contain the
 3.29 complete charter and must be published once a week for two successive weeks in a
 3.30 qualified newspaper of general circulation within each county.

3.31 Subd. 2. **Ballot form.** The ballot must be in the following form:

3.32 "Shall the proposed new county charter be adopted?

3.33 Yes

3.34 No"

3.35 The voter shall place an "X" after one of the last two words to express the voter's choice.

4.1 Sec. 6. **EFFECTIVE DATE.**

4.2 If a majority of all the voters voting in any of the counties of Stearns, Benton, or
4.3 Sherburne at the election vote in favor of the proposed charter, it shall be adopted for
4.4 that county. The charter shall take effect in that county two years after the election. At
4.5 that time the courts shall take judicial notice of the new charter and upon the election or
4.6 appointment of officers under the charter the former officials of each county that adopts it
4.7 shall deliver to them all records, money, and other public property under their control.

4.8 Sec. 7. **LOCAL APPROVAL.**

4.9 This act is effective for each county that approves it the day after compliance with
4.10 Minnesota Statutes, section 645.021, subdivision 3, by the board of county commissioners
4.11 of Stearns, Benton, and Sherburne counties.