

A bill for an act
relating to local government; allowing county governments to opt out of state
mandates; proposing coding for new law as Minnesota Statutes, chapter 471B.

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

Section 1. **[471B.01] STATE MANDATE OPT OUT.**

Subdivision 1. Local procedure. A county government may opt out of any of the
state mandates listed in subdivision 3 by written resolution of the governing body after
public notice and hearing. A county shall adopt a separate resolution for each mandate for
which it proposes to opt out. The resolution must:

(1) specifically cite the state law or rule that imposes the mandate on the county
government;

(2) identify any costs of complying with the mandate and the total amount of federal
and state funds available for complying with the mandate;

(3) state the reasons the county needs to opt out of the state mandate; and

(4) indicate how the county intends to otherwise meet the objectives of the mandate
or why the objectives should not apply to the county.

(b) Before voting on the resolution, the county shall give public notice of the
proposed resolution, including information on whether state or federal funding for the
county might be adversely affected. If the county adopts the resolution, it shall file the
resolution with the commissioner of the Department of Management and Budget.

Subd. 2. State procedure. A county opt out of a mandate listed in subdivision 3
must not:

(1) cause increased costs to any state fund; or

2.1 (2) create a lack of uniformity for any program that has a statewide uniformity
2.2 requirement under federal law or rule.

2.3 If the commissioner of the Department of Management and Budget determines that an
2.4 opt out of a mandate meets one of the conditions in clause (1) or (2) then counties cannot
2.5 opt out of that mandate.

2.6 Subd. 3. **Allowable mandates.** (a) A county may opt out of a mandate according to
2.7 the procedures in this section if the mandate is listed in this subdivision.

2.8 (b) Beginning January 1, 2010, a county may opt out of section 119B.11, subdivision
2.9 1.

2.10 **EFFECTIVE DATE.** This section is effective January 1, 2010.