

1.1 A bill for an act

1.2 relating to counties; authorizing two or more contiguous counties to propose a
1.3 home rule charter commission; providing for submission of a proposed charter to
1.4 the voters; proposing coding for new law as Minnesota Statutes, chapter 372A.

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

1.6 Section 1. **[372A.01] HOME RULE CHARTER FOR CONTIGUOUS COUNTIES.**

1.7 Any two or more contiguous counties in the state may propose a county home rule
1.8 charter commission as provided in this chapter.

1.9 The county board of each contiguous county shall adopt a resolution to establish a
1.10 home rule charter commission for the counties. The resolution must name the contiguous
1.11 counties proposing to establish the charter commission.

1.12 Sec. 2. **[372A.02] CHARTER COMMISSION; NOMINATIONS AND**
1.13 **APPOINTMENTS.**

1.14 Subdivision 1. **Nomination.** (a) Within 30 days of the date of the resolution in
1.15 section 372A.01, the county board of each county shall nominate 15 persons as candidates
1.16 for appointment to a charter commission to propose a charter to provide for the form of
1.17 county government for the counties. Three persons who reside in the district shall be
1.18 nominated for each of the county commissioner districts in each county. Immediately
1.19 following selection of the nominees, the county board of each county shall submit the
1.20 nominations, together with the county board resolution, to the chief judge of the district
1.21 court with jurisdiction in the county.

1.22 (b) Within 30 days of the date of the resolution in section 372A.01, the joint
1.23 legislative delegation of each county, after first publishing notice for applications by

2.1 interested persons, shall nominate six persons who reside in the county as candidates for
2.2 appointment to a charter commission to propose a charter to provide for the form of
2.3 county government for the counties. The six persons shall be nominated without regard
2.4 to county commissioner districts. Immediately following selection of the nominees, the
2.5 delegation shall submit the nominations to the chief judge of the district court with
2.6 jurisdiction in the county.

2.7 Subd. 2. **Appointment.** Within 30 days of the submission, the chief judge shall
2.8 appoint to the charter commission seven members for each county, one appointee for each
2.9 county commissioner district in each county, selected from those who were nominated by
2.10 county commissioner district, and two appointees from each county who were nominated
2.11 to serve from the county without regard to county commissioner districts. The commission
2.12 members must be qualified voters in the county in which they reside. A person is not
2.13 disqualified from serving on the charter commission because the person holds an elective
2.14 or appointive office. The appointing authority shall fill any vacancies. Appointments must
2.15 be filed with the board of county commissioners of the county in which the appointee
2.16 resides. An appointee must file an acceptance with the board within ten days of notification
2.17 of the appointment or be considered to have declined the appointment.

2.18 Sec. 3. **[372A.03] 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 board of county commissioners of each county 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. The charter commission may request and receive assistance from any county
2.28 official. If requested, a personnel director shall assist the charter commission to test and
2.29 hire employees. If requested, a county attorney shall provide legal services.

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

2.32 Sec. 4. **[372A.04] CHARTER COMMISSION; POWERS AND DUTIES.**

2.33 Subdivision 1. **Report to county boards.** The charter commission shall deliver
2.34 to the board of county commissioners of each contiguous county either (1) its report

3.1 determining that the present form of county government is adequate for the county and
3.2 that a charter is not necessary or desirable, or (2) a draft of a proposed charter. The report
3.3 must be signed by a majority of the members of the charter commission.

3.4 Subd. 2. **Contents of report.** The proposed charter may provide for any form of
3.5 government consistent with the Constitution of the state of Minnesota. It may provide for
3.6 the establishment and administration of all departments of a county government and for the
3.7 regulation of all local county functions. It may abolish or consolidate any department or
3.8 agency. It shall provide for present functions to be assumed by new elective or appointive
3.9 officers as provided in the charter and may provide for other powers consistent with other
3.10 law. It shall provide methods of procedure in respect to the operation of the government
3.11 created and the duties of all officers. It shall provide for a home rule charter commission
3.12 consistent with article XII, section 5, of the Constitution of the state of Minnesota and
3.13 may provide for alternative methods for amending or abandoning the charter consistent
3.14 with the Constitution. A county may be authorized to acquire by gift, devise, purchase,
3.15 or condemnation or sell or lease any property needed for the full discharge of its duties
3.16 and powers. All special and general laws authorizing a county to incur indebtedness or
3.17 issue bonds shall be subject to the charter, provided that the charter provisions are not in
3.18 conflict with general laws relating to public indebtedness. A county shall continue to
3.19 have all the powers granted by law.

3.20 Subd. 3. **Public hearings.** The charter commission is required to hold at least one
3.21 public hearing on the report in each of the county commissioner districts. Based upon the
3.22 public hearings, the charter commission may revise the report. The revised report must
3.23 be signed by a majority of the members of the charter commission, and delivered to
3.24 the county boards.

3.25 Subd. 4. **Personnel exception.** Personnel matters relating to employees of a county
3.26 continue to be governed by law. A charter proposed for adoption under this act shall
3.27 not apply to personnel matters.

3.28 **Sec. 5. [372A.05] ELECTION; BALLOT.**

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

3.34 Subd. 2. **Ballot form.** The ballot must at least contain the following question with
3.35 additional descriptive language that the charter commission may want included:

4.1 "Shall the proposed county charter be adopted?"

4.2 Yes

4.3 No"

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

4.5 Sec. 6. **[372A.06] ADOPTION OF CHARTER.**

4.6 If a majority of the votes cast in a county on the proposition are in favor of the
4.7 proposed charter, it shall be considered adopted for that county. The charter shall take
4.8 effect two years after the election.

4.9 Sec. 7. **EFFECTIVE DATE.**

4.10 Sections 1 to 6 are effective the day following final enactment.