

CHAPTER 370

COUNTIES; CHANGE OF BOUNDARIES

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370.01 CHANGE OF BOUNDARIES; CREATION OF NEW COUNTIES.

The boundaries of counties may be changed by taking territory from a county and attaching it to an adjoining county, and new counties may be established out of territory of one or more existing counties. A new county shall contain at least 400 square miles and have at least 4,000 inhabitants. A proposed new county must have a total taxable market value of at least 35 percent of (i) the total taxable market value of the existing county, or (ii) the average total taxable market value of the existing counties, included in the proposition. The determination of the taxable market value of a county must be made by the commissioner of revenue. An existing county shall not be reduced in area below 400 square miles, have less than 4,000 inhabitants, or have a total taxable market value of less than that required of a new county.

No change in the boundaries of any county having an area of more than 2,500 square miles, whether by the creation of a new county, or otherwise, shall detach from the existing county any territory within 12 miles of the county seat.

History: 2001 c 198 s 1

370.02 PETITION.

A separate petition for each affected county signed by at least one-fourth of those voting in the county at the last preceding election, giving the residence of each signer, may be filed with the secretary of state, and a copy with the auditor of each county, at least 90 days before any general election, requesting a change of county boundaries, or that a new county is established out of territory taken from one or more existing counties. If the petition is for a change of boundaries, it must contain a description of the territory to be taken, the name of the county from which the territory is to be detached, and the county to which the territory is to be attached. If the petition is for the establishment of a new county, it must be signed by at least a number of registered voters equal to one-fourth of those voting in each portion of both the proposed new county and the remaining portion of the existing county in the last general election, state the name of the proposed new county, a description of the territory to be included, giving boundaries, the name and location of the proposed county seat for the new county and for the remainder of the existing county if not the current county seat, and the names and places of residence of the persons who shall constitute the first county board.

History: 2001 c 198 s 2

370.03 PROCLAMATION TO HAVE ELECTION; ONLY ONE PROPOSITION.

The secretary of state must certify, on the basis of information supplied by the county auditor, that the signatures on the petition are registered voters of the affected county and that there is the requisite number of them. Once this determination has been made, the secretary of state shall notify the governor of the filing. The governor shall issue a proclamation, at least 60 days before the election, stating that the petitions have been filed, and the substance of the petitions, and directing that the question of change of boundaries, or the establishment of a new county and county seat as stated in the petition, as the case may be, be submitted to the voters of the affected counties at

the election. No more than one proposition may be submitted at the same election, except for mutual exchange of territory between counties.

History: 2001 c 198 s 3

370.07 DUTIES AFTER ELECTION.

Subdivision 1. **State canvassing board.** The state canvassing board shall canvass the returns at the time of canvassing the votes cast for state officers, and in the same manner. The board may use the returns received from the election judges to correct errors and supply omissions in the returns of the county canvassing board. When the canvass is completed, the board shall file a certificate declaring the result of the vote with the secretary of state.

Subd. 2. **Governor.** If the certificate shows that the proposition has received a majority of the votes cast in each affected county if changing county boundaries, or has received a majority of the votes cast in the territory forming the proposed new county and a majority of the votes cast in the remaining portion of the existing county if the proposition was for the establishment of a new county, the governor shall issue a proclamation declaring that the proposition has been adopted within ten days after completion of the canvass.

Subd. 3. **Secretary of state.** The secretary of state shall record the certificate and proclamation, and transmit a certified copy of the proclamation to the auditor of each county whose territory is affected.

Subd. 4. **County auditors.** The auditor shall, if the proposition was for the establishment of a new county, serve a certified copy on each of the persons elected as county commissioners of the new county.

Subd. 5. **Publish proclamation with laws.** The proclamation shall also be published with the general laws enacted at the next session of the legislature.

History: 2001 c 198 s 4

370.10 COMMISSIONER VACANCIES DUE TO BOUNDARY CHANGES.

If a change in the boundaries of a county abolishes a commissioner district or districts in the county, by the removal of all the territory of the district or districts from the original county, or otherwise, or creates a vacancy or vacancies in the board of county commissioners of the original county, and the board of county commissioners is left with less than five members, with an even number of members, or with more than five members, to complete a board consisting of an odd number of members, or at least five members, a special election shall be held as provided by section 375.101, except that the person shall be elected at large within the changed boundaries of the original county.

History: 2001 c 198 s 5

370.11 [Repealed, 2001 c 198 s 8]

370.12 DUTIES OF AUDITOR; MEETING OF BOARD.

Immediately upon the election and qualification of the commissioner or commissioners at large the county auditor shall give written notice, delivered personally or by mail, to each commissioner in the county, of a meeting of the board. The meeting shall be held at least five, but not more than ten, days after notice is given. The meeting's business shall include any business which may have been required by law, or by previous proceedings, to be transacted by the county board at a meeting held after the change of boundaries became effective and before the vacancies created were filled, and, which was not transacted, after the qualification of the commissioner or commissioners at large, and shall have the effect and validity as if accomplished at the prior meeting. Further proceedings required to follow the commissioners' action on these matters shall be taken within the times or on the dates provided by law, or within a reasonable time after giving notice as required by law.

History: 2001 c 198 s 6

370.13 REDISTRICTING OF COUNTY; SUBSEQUENT ELECTION.

At least six months before the next general election in the county held after the election and qualification of the commissioner or commissioners at large, unless there is less time between the at-large election and qualification and the general election, in which event the action provided for shall be taken at the first meeting after the commissioners have qualified, the board shall proceed to redivide the county into five commissioner districts, numbered from 1 to 5, unless otherwise provided by law. At the next general election held in the county after the redistricting, a commissioner shall be elected from each district, the member from each odd-numbered district to hold a two-year term, and the member from each even-numbered district to hold a four-year term, and thereafter all commissioners, except those elected or appointed to fill vacancies for unexpired terms, shall be elected for four-year terms. If the redistricting causes any new district to cover the same territory as any one of the old districts, the commissioner elected from the old district shall continue to act as commissioner from the new district for the remainder of the term for which elected. In case a contest, or other litigation, is pending involving the legality of the change of boundaries of the county, the redistricting shall not be made until after the contest, or other litigation, has been finally determined in favor of the change of boundaries. In this event, if the term of any commissioner at large expires before the county is redistricted, a successor shall be elected by the voters of the entire county for a term of four years, unless sooner ended, under this chapter, or otherwise.

History: 2001 c 198 s 7