

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1028

02/28/2013 Authored by Loeffler, Davnie, Hansen and Kahn
The bill was read for the first time and referred to the Committee on Government Operations
03/06/2013 Adoption of Report: Pass and re-referred to the Committee on Environment and Natural Resources Policy
03/13/2013 Adoption of Report: Pass and Read Second Time

1.1 A bill for an act
1.2 relating to local government; discontinuing the Hennepin Soil and Water
1.3 Conservation District and transferring its duties; proposing coding for new law
1.4 in Minnesota Statutes, chapter 383B.

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

1.6 Section 1. [383B.761] DISCONTINUANCE OF HENNEPIN COUNTY SOIL
1.7 AND WATER CONSERVATION DISTRICT; TRANSFER OF DUTIES.

1.8 Subdivision 1. Petition. Notwithstanding section 103C.225, the Hennepin County
1.9 Board of Commissioners may petition the Minnesota Board of Water and Soil Resources
1.10 to discontinue the Hennepin Soil and Water Conservation District and transfer the duties
1.11 and authorities of the district to the Hennepin County Board of Commissioners. The
1.12 Minnesota Board of Water and Soil Resources has 60 days from the receipt of the petition
1.13 to conduct its review. The Minnesota Board of Water and Soil Resources shall make
1.14 its determination regarding the petition no later than its first regular meeting following
1.15 the 60-day review period.

1.16 Subd. 2. Discontinuance. The Minnesota Board of Water and Soil Resources shall
1.17 review the petition submitted under subdivision 1 to determine whether progress toward the
1.18 goals identified in section 103C.005 can be achieved by discontinuing the Hennepin Soil
1.19 and Water Conservation District and transferring the duties and authorities of the district to
1.20 the Hennepin County Board of Commissioners. If the Board of Water and Soil Resources
1.21 determines that progress toward the goals identified in section 103C.005 can be achieved
1.22 by the discontinuance of the district and the transfer of district duties and authorities to the
1.23 Hennepin County Board of Commissioners, the board shall order the discontinuance of the
1.24 Hennepin Soil and Water Conservation District. The order shall become effective within

2.1 60 days from the date of the order. The Minnesota Board of Water and Soil Resources may  
2.2 discontinue the Hennepin Soil and Water Conservation District without a referendum.

2.3 Subd. 3. **Transfer of duties and authorities.** Upon discontinuance of the  
2.4 Hennepin Soil and Water Conservation District by the Minnesota Board of Water and Soil  
2.5 Resources, the Hennepin County Board of Commissioners has the duties and authorities  
2.6 of a soil and water conservation district. The Hennepin County Board of Commissioners  
2.7 may assign these duties and responsibilities to the Hennepin County Department of  
2.8 Environmental Services or other county departments as deemed appropriate by the county  
2.9 board. All contracts in effect on the date of the discontinuance of the district, to which  
2.10 the Hennepin Soil and Water Conservation District is a party, remain in force and effect  
2.11 for the period provided in the contracts. Hennepin County shall be substituted for the  
2.12 Hennepin Soil and Water Conservation District as party to the contracts and succeed  
2.13 to the district's rights and duties.

2.14 Subd. 4. **Transfer of assets.** The Hennepin Conservation District Board of  
2.15 Supervisors shall transfer the assets of the district to the Hennepin County Board of  
2.16 Commissioners no later than 60 days from the date of the order. The Hennepin County  
2.17 Board of Commissioners shall use the transferred assets for purposes of implementing the  
2.18 transferred duties and authorities.

2.19 Subd. 5. **Grants.** Upon discontinuance of the Hennepin Soil and Water  
2.20 Conservation District by the Minnesota Board of Water and Soil Resources, Hennepin  
2.21 County has the eligibility of a soil and water conservation district for state grant funds.

2.22 Subd. 6. **Reestablishment.** The Hennepin County Board of Commissioners may  
2.23 petition the Minnesota Board of Water and Soil Resources to reestablish the Hennepin  
2.24 Soil and Water Conservation District. Alternatively, the Minnesota Board of Water  
2.25 and Soil Resources under its authority in section 103B.201, and after giving notice  
2.26 of corrective actions and time to implement the corrective actions, may reestablish the  
2.27 Hennepin Soil and Water Conservation District if it determines the goals identified in  
2.28 section 103C.005 are not being achieved. The Minnesota Board of Water and Soil  
2.29 Resources may reestablish the Hennepin Soil and Water Conservation District under this  
2.30 subdivision without a referendum.

2.31 **EFFECTIVE DATE; LOCAL APPROVAL.** This section is effective the day after  
2.32 the governing body of Hennepin County and its chief clerical officer timely complete their  
2.33 compliance with section 645.021, subdivisions 2 and 3.