

6115.0980 ADMINISTRATION OF LAKE IMPROVEMENT DISTRICTS.

Subpart 1. **Modification.** No program, remedial action, project, or change of district boundaries which is not specified in the resolution creating a lake improvement district may be undertaken, except by modifying the appropriate items listed in part 6115.0970, subpart 1, items A to E.

For an established district, any of the items listed in part 6115.0970, subpart 1, items A to E, may be modified by petition to or resolution by the county board, in the same manner that a district is created.

Subp. 2. **Legal responsibilities and liabilities of lake improvement districts.** Nothing in these parts shall be construed to relieve a lake improvement district of the legal duties, obligations, or liabilities incident to the programs, plans, or actions of the district.

The lake improvement district shall assume all legal risks and liabilities, including those for damages or any injury to persons or property, arising from the construction, operation, maintenance, alteration, or abandonment of its programs, plans, or actions.

In the event of termination of the district, or failure of the district to meet its obligations, these responsibilities and liabilities shall fall upon the unit or units of government which established the lake improvement district.

Subp. 3. **Limited state liabilities.** The establishment of a lake improvement district shall not impose any liability upon the state of Minnesota, its officers, employees, agents, or consultants, for any damage or injury to any persons or property resulting from the activities of the lake improvement district.

Subp. 4. **Rights of lake improvement districts.** Nothing in these parts shall be construed to deprive any lake improvement district of such recourse to the courts as it may be entitled to under the laws of this state.

Subp. 5. **Inspections.** The commissioner shall be given prompt access to and inspection of all records, structures, facilities, and operations at all reasonable times as may be necessary to monitor compliance with the terms of existing permit and to ensure protection of the public health, safety, and welfare. The commissioner's inspections shall not relieve the lake improvement district from the full responsibility of providing adequate inspection and supervision for all programs and projects undertaken by the district.

Subp. 6. **Compliance with other laws and water management policies.** Lake improvement districts shall conform to federal, state, regional, and local laws, rules, and fish and wildlife, water, and related land management policies. Lake improvement districts shall obtain all necessary permits, as required by law, prior to implementing district purposes and programs.

Subp. 7. **Compliance by preexisting lake improvement districts.** Within one year following promulgation of these parts, lake improvement districts in existence prior to the promulgation of these rules shall submit to their county board and to the commissioner a certified copy of a document containing the information required by part 6115.0970. This document shall also contain a report on the past and current activities and financial condition of the district.

The commissioner shall review the document and prepare an advisory report stating findings as to whether the district is consistent with these parts. The report may contain such recommendations as the commissioner determines is necessary to bring the district into compliance with these parts.

Within 60 days following the official filing of the commissioner's report with the county board, the board shall formally convene to consider the report. The county board shall give ten working days' notice to the commissioner of the time and place where it will convene to consider the commissioner's report. If the commissioner or the commissioner's representative does not appear, the report shall be publicly read into the record.

Statutory Authority: *MS s 378.41*

History: *17 SR 1279*

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