

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 1297

DATE: February 13, 2002

Version: first engrossment

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Subject: Boundary Adjustment Statutes Conforming Changes

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Overview

Laws 2000, chapter 446, section 3, directed the Revisor of Statutes to prepare legislation in time for the 2001 session that makes changes to the boundary adjustments statutes to reflect the 1999 transfer of powers and duties from the Minnesota Municipal Board, abolished in 1999, to Minnesota Planning. The Revisor was authorized to consult with any interested persons and directed to provide the preliminary draft of the bill to the chairs of the house and senate committees with jurisdiction over local government issues. This bill is the result of that legislative direction.

Section

1 **Creation; enabling provisions.**

Subd. 1. Purpose. Strikes language establishing the Minnesota Municipal Board (MMB) and inserts the director of Minnesota Planning into the statutory section describing purpose of the chapter governing boundary adjustments.

Subd. 2. Members, qualifications, meetings. Repealed.

Subd. 5. Consolidation. Strikes language requiring a majority of MMB members to conduct business and allows the director of Minnesota Planning, as the chair of the board was previously allowed, to consolidate separate proceedings in the interest of economy and expedience.

Subd. 6a. Per diem; expenses. Repealed.

Subd. 7a. Director's designee. Strikes provisions for an executive director for the board and inserts language to allow the director of Minnesota Planning to delegate duties given the director in chapter 414, the same as commissioners may delegate duties.

Subd. 8. Planning, consultants, hearing formalities. Transfers to the director of Minnesota Planning authority the board had to contract with local planning commissions and to hire consultants. Transfers authority over hearings from any member of the MMB to anyone conducting the proceeding and consolidates authority to examine witnesses and receive and

report evidence from subdivision 12.

Subd. 10. Rules. Transfers authority to adopt rules from the MMB to the director.

Subd. 11. Fees. Transfers authority to set a schedule of fees from the MMB to the director.

Subd. 12. Transcripts, evidence reports. Strikes language moved to subdivision 8, relating to witnesses and evidence in hearings.

Subd. 14. Population of changed territory. Transfers from the MMB to the directory of Minnesota Planning the duty to notify a city and the state demographer of any order or approval under chapter 414 that enlarges or diminishes the area of a city. Strikes other reference to the MMB.

Subd. 15. Increased costs, levy period. Strikes reference to the MMB.

Subd. 16. Compelled meetings; report. Strikes reference to the MMB and inserts the director of Minnesota Planning in the provision that the director to require parties in a chapter 414 matter to meet and discuss issues.

Subd. 17. Data from state agencies. Permits the director of Minnesota Planning in place of the MMB to request information from state agencies in carrying out duties under chapter 414.

2 **Boundary adjustment.** Strikes reference to the MMB in the definition of a boundary adjustment under chapter 414.

3 **Director.** Adds the definition of director of Minnesota Planning.

4 **Maps.** Insert director of Minnesota Planning in place of the MMB in the provision that requires any party initiating a boundary adjustment to file a boundary map with the director.

5 **Municipal incorporation.** Substitutes the director of Minnesota Planning for the MMB throughout the section governing municipal incorporations.

6 **Annexation of unincorporated property by director's order.** Substitutes the director of Minnesota Planning for the MMB throughout the section governing annexations by order and makes other technical changes.

7 **Orderly annexations within a designated area.** Substitutes the director of Minnesota Planning for the MMB throughout the section governing orderly annexations and makes other technical changes.

8 **Perimeter, acreage requirements (annexation by ordinance).** Substitutes the director of Minnesota Planning for the MMB in the portion of section governing annexation by ordinance of areas of 40 acres or less that are bordered 60 percent or more by the annexing city.

9 **Petition, objections (annexation by ordinance).** Substitutes the director of Minnesota Planning for the MMB in the portion of the section allowing property owners to petition for annexation.

10 **If also in director's proceeding (annexation by ordinance).** Substitutes the director of Minnesota Planning for the MMB in the portion of the section prohibiting annexation by ordinance if the land is included in any other boundary adjustment proceeding pending before the director.

11 **Filing; effective date; copy, levies (annexation by ordinance).** Substitutes the director of Minnesota Planning for the MMB in the portion of the section stating where an annexation ordinance must be filed.

12 **Additional information (annexation by ordinance).** Substitutes the director of Minnesota Planning for the MMB in the portion of the section permitting the director to require the city or property owners to furnish additional information on how the proposed annexation conforms to the criteria for annexation.

- 13 **Ordered governmental service extension; annexation by ordinance.** Substitutes the director of Minnesota Planning for the language referring to the "municipal board or its successor" in the section allowing annexation by ordinance as an alternative to a contract for services when the pollution control agency determines that a city must provide a governmental service (such as sewers) to a township area for environmental reasons.
- 14 **Differential taxation.** Strikes reference to the MMB in the section that provides for incrementally increasing the city tax rate on the newly annexed area over a period of up to six years.
- 15 **Municipal reimbursement.** Strikes reference to the MMB in the section providing for the city to reimburse the town for all or part of the taxable property annexed in substantially equal payments over two to six years.
- 16 **Consolidation of municipalities.** Strikes references to the executive director of the MMB and to the MMB, and inserts in their place reference to the director of Minnesota Planning in the section of statute governing consolidations of two or more cities.
- 17 **Review of townships according to population.** Substitutes the director of Minnesota Planning for the MMB in the section providing for the director to make recommendations to the board of any township that is determined to have a population over 2,000 after the federal census.
- 18 **Detachment of property from a municipality.** Strikes references to the executive director of the MMB and to the MMB, and inserts in their place reference to the director of Minnesota Planning in the section of statute governing detachment of an area from a city.
- 19 **Concurrent detachment and annexation of incorporated land.** Strikes references to the executive director of the MMB and to the MMB, and inserts in their place reference to the director of Minnesota Planning in the section of statute governing concurrent detachment and annexation of incorporated land.
- 20 **Joint agreements.** Strikes reference to the MMB and inserts the director of Minnesota Planning in the provision that allows orders of the director to incorporate joint agreements between political subdivisions.
- 21 **Township or municipality divided (apportionment of assets and obligations).** Strikes reference to the MMB and inserts the director of Minnesota Planning in the section that addresses apportionment of assets and obligations after a boundary adjustment under chapter 414. (see section 22, too)
- 22 **Revision of tax records; redistribution of levies (apportionment of assets and obligations).** Strikes reference to the MMB and inserts the director of Minnesota Planning in the section that addresses apportionment of assets and obligations after a boundary adjustment under chapter 414. (see section 21, too)
- 23 **Appeals.** Strikes references to the MMB and to the executive director to the MMB, and inserts the director of Minnesota Planning in the section that requires orders to be issued within one year of the first hearing on a boundary adjustment matter and that provides for appeals from orders issued under chapter 414.
- 24 **Appeals from district court.** Strikes reference to the MMB and inserts the director of Minnesota Planning in the section that permits the director to appeal to the court of appeals, a district court decision that the director determines adversely affects the public interests.
- 25 **Uniform procedures.** Strikes reference to the MMB and to the executive director to the MMB, and inserts the director of Minnesota Planning in the section that governing procedures and hearings on boundary adjustments under chapter 414. Strikes the sentence that allows any party to require the MMB to meet physically rather than by means of electronic media.
- 26 **Alternative dispute resolution.** Conforms terms to the definitions in the bill and section

references to other changes in the bill.

- 27 **Delegation of authority.** Provides for the office of administrative hearings to conduct hearings and issue orders related to the hearings under chapter 414.
- 28 **Temporary rules.** Provides that until new rules are adopted, Minnesota Rules, chapter 6000 must be followed to the extent applicable and consistent with the transfer of authority from the MMB to the director of Minnesota Planning. Exempts Minnesota Planning from adopting or amending rules until after May 1, 2004.
- 29 **Repealer.** Repeals the provisions for the membership, qualifications, meetings, and per diem and expenses of the MMB. Repeals the definition of "meeting" and "hearing" that includes MMB deliberations by electronic media. Repeals the statute providing for the sunset of the MMB.