

1.1 ..... moves to amend H.F. No. 1220 as follows:

1.2 Page 40, after line 31, insert:

1.3 "Sec. 62. Minnesota Statutes 2010, section 524.1-304, is amended to read:

1.4 **524.1-304 PRACTICE IN COURT.**

1.5 (a) Unless inconsistent with the provisions of this chapter or chapter 525, pleadings,  
1.6 practice, procedure and forms in all probate proceedings shall be governed insofar as  
1.7 practicable by Rules of Civil Procedure provided for in section ~~487.23~~ 484.81 and adopted  
1.8 pursuant thereto.

1.9 (b) Notwithstanding paragraph (a), and in addition to its general powers, the court  
1.10 shall have power to correct, modify, vacate, or amend its records, orders, and decrees:

1.11 (1) at any time, for the correction of clerical error or pursuant to the provisions of  
1.12 section 524.3-413;

1.13 (2) within the time for taking an appeal, for the correction of judicial error;

1.14 (3) within two years after petitioner's discovery thereof, for fraud, whether intrinsic  
1.15 or extrinsic, or misrepresentation unless petitioner be a party to such fraud; or

1.16 (4) within two years after the date of filing of any record, order, or decree, for  
1.17 excusable neglect, inadvertence, or mistake.

1.18 In any case, the petitioner must proceed with due diligence and may be barred by laches or  
1.19 the court may deny relief where it appears that the granting thereof would be inequitable  
1.20 in view of all the facts and circumstances appearing."

1.21 Page 58, after line 10, insert:

1.22 "Sec. 5. Minnesota Statutes 2010, section 572A.02, subdivision 5, is amended to read:

1.23 Subd. 5. **Decision factors.** ~~In comprehensive planning disputes, the arbitration~~  
1.24 ~~panel shall consider the goals stated in section 4A.08 and the following factors in making~~  
1.25 ~~a decision.~~ In all other disputes brought under this section, the arbitration panel shall  
1.26 consider the following factors in making a decision:

- 2.1 (1) present population and number of households, past population, and projected  
2.2 population growth of the subject area and adjacent units of local government;
- 2.3 (2) quantity of land within the subject area and adjacent units of local government;  
2.4 and natural terrain including recognizable physical features, general topography, major  
2.5 watersheds, soil conditions, and such natural features as rivers, lakes, and major bluffs;
- 2.6 (3) degree of contiguity of the boundaries between the municipality and the subject  
2.7 area;
- 2.8 (4) present pattern of physical development, planning, and intended land uses  
2.9 in the subject area and the municipality including residential, industrial, commercial,  
2.10 agricultural, and institutional land uses and the impact of the proposed action on those  
2.11 land uses;
- 2.12 (5) the present transportation network and potential transportation issues, including  
2.13 proposed highway development;
- 2.14 (6) land use controls and planning presently being utilized in the municipality and  
2.15 the subject area, including comprehensive plans for development in the area and plans  
2.16 and policies of the Metropolitan Council, and whether there are inconsistencies between  
2.17 proposed development and existing land use controls and the reasons therefore;
- 2.18 (7) existing levels of governmental services being provided in the municipality  
2.19 and the subject area, including water and sewer service, fire rating and protection,  
2.20 law enforcement, street improvements and maintenance, administrative services, and  
2.21 recreational facilities and the impact of the proposed action on the delivery of said services;
- 2.22 (8) existing or potential environmental problems and whether the proposed action is  
2.23 likely to improve or resolve these problems;
- 2.24 (9) plans and programs by the municipality for providing needed governmental  
2.25 services to the subject area;
- 2.26 (10) an analysis of the fiscal impact on the municipality, the subject area, and  
2.27 adjacent units of local government, including net tax capacity and the present bonded  
2.28 indebtedness, and the local tax rates of the county, school district, and township;
- 2.29 (11) relationship and effect of the proposed action on affected and adjacent school  
2.30 districts and communities;
- 2.31 (12) adequacy of town government to deliver services to the subject area;
- 2.32 (13) analysis of whether necessary governmental services can best be provided  
2.33 through the proposed action or another type of boundary adjustment; and
- 2.34 (14) if only a part of a township is annexed, the ability of the remainder of the  
2.35 township to continue or the feasibility of it being incorporated separately or being annexed  
2.36 to another municipality.

3.1 Any party to the proceeding may present evidence and testimony on any of the above  
 3.2 factors at the hearing on the matter.

3.3 Sec. 6. Minnesota Statutes 2010, section 572A.02, subdivision 6, is amended to read:

3.4 Subd. 6. **Decision.** The arbitrators, after a hearing on the matter, shall make a  
 3.5 decision regarding the dispute within 60 days and transmit an order to the parties ~~and to~~  
 3.6 ~~the Office of Strategic and Long-Range Planning~~ in comprehensive planning disputes or  
 3.7 to the chief administrative law judge in chapter 414 disputes. Unless appealed by an  
 3.8 aggrieved party within 30 days of receipt of the arbitration panel's order by the office, the  
 3.9 office shall execute an order in accordance with the arbitration panel's order and shall  
 3.10 cause copies of the same to be mailed to all parties entitled to mailed notice, the secretary  
 3.11 of state, the Department of Revenue, the state demographer, individual property owners if  
 3.12 initiated in that manner, the affected county auditor, and any other party of record. The  
 3.13 affected county auditor shall record the order against the affected property."

3.14 Page 58, line 26, delete everything after "10"

3.15 Page 58, line 27, delete "subdivision 5"

3.16 Renumber the sections in sequence and correct the internal references

3.17 Amend the title accordingly