Overview

This bill clarifies what alternative dispute resolution processes may be used for boundary adjustment matters before Minnesota Planning and authorizes the director of Minnesota Planning to require parties to use a particular process. It also authorizes the director to delegate authority to hear cases to the office of administrative hearings if the chief judge agrees. The bill provides for allocation of costs of hearings and also provides that Minnesota Planning is not responsible for any costs, except for certain cases commenced before the municipal board was abolished. It defines who is a "party." It provides for a referendum on the ultimate city structure when all of a town is annexed, and it requires a report to the legislature on the transfer of municipal board powers to Minnesota Planning. Finally, it makes these changes effective retroactively to when the Minnesota municipal board was abolished and its powers and duties were transferred to Minnesota Planning.

1 Director's powers.

Subd. 1. Alternative dispute resolution. Provides detail on what the alternative dispute resolution processes may be and that they are alternatives to the hearings under sections 414.01 to 414.09. Provides that the alternatives include contested case procedures under sections 14.57 to 14.62, the mediation and arbitration process under chapter 572A - the law enacted in 1997, or other mediation or arbitration processes ordered by the director.

Subd. 2. Delegation of authority. Permits the director to delegate authority to hear cases that the director has under sections 414.01 to 414.09 to the office of administrative hearings if the chief administrative law judge agrees.

Subd. 3. Cost of proceedings. Provides for parties to pay the costs of hearings in portions they agreed to. Specifies that Minnesota Planning is not liable for the costs. Provides that if the parties do not agree to apportionment of costs, before proceedings begin, the mediator, arbitrator or judge will allocate the costs on an equitable basis.
Subd. 4. Parties. Defines "party" to mean the property owner(s), city, or town that files an initiating document or timely objection under chapter 414; the city or town where the property is located; a city abutting the area; and anyone else residing in, owning property in, or exercising jurisdiction over the subject area that files a notice of appearance.

2 Referendum on implementation when annexing an entire town. Provides for the city and the town to each prepare a plan for both the transition to and the final form of city government and for a referendum on which plan will be adopted. No referendum if either the plans are identical or if neither the city or town prepare a plan (in which case Minnesota Planning's plan takes effect).

3 Report to legislature. Requires Minnesota Planning to report by February 1, 2002, to the legislative committees with oversight of local government issues on the effect of the transfer to Minnesota Planning of the powers and duties in Minnesota Statutes, chapter 414 (boundary adjustments). Exempts Minnesota Planning from rulemaking requirements until after May 1, 2002.

4 Revisor instruction. Directs the revisor of statutes to prepare preliminary draft legislation for the 2001 legislative session for the chairs of the legislative committees with oversight over local government issues to amend Minnesota Statutes, chapter 414, to reflect the transfer of the powers and duties to Minnesota Planning from the abolished municipal board.

5 Repealer. Repeals the section that allows parties to use alternative dispute resolution under chapter 572A, replaced by the provisions of section 1.

6 Effective dates. Makes section 1, subdivisions 1, 2, and 4, effective retroactively to June 1, 1999, and apply to all matters pending on or commenced on or after that date. Section 1, subdivision 3 (allocation of costs), is effective for and applies to matters commenced after June 1, 1999 (except for the city of St. Cloud, which is subject to the provisions of subdivision 3). For matters commenced before June 1, 1999, Minnesota Planning must pay for costs of proceedings that are greater than what the parties would have paid if the matters had been concluded under the Minnesota municipal board.