

HOUSE RESEARCH

Bill Summary

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Overview

This bill is the result of the work of the Municipal Boundary Adjustment Advisory Task Force, originally established by law in 2006. The task force law was amended in 2007 to extend its life and the task force was formed and met during the interim before the 2008 session.

Article 1

- 1** Technical. Makes a technical change related to the name of the official and agency responsible for municipal boundary adjustments, inserting chief administrative law judge in place of planning director or Office Of Strategic and Long-Range Planning.

History: From 1959 to 1999, the Minnesota Municipal Board handled municipal boundary adjustments. The MMB was abolished in 1999 and its powers and duties transferred by law to the Office of Strategic and Long-Range Planning (Minnesota Planning) and its director. That change is reflected in the statutes currently. In 2003, the municipal boundary adjustments office was transferred to the Department of Administration by executive order. In 2005, the office was transferred to the Office of Administrative Hearings by executive order.

- 2** **Legislative findings.** Adds to the findings that joint resolutions for orderly annexation, consolidations, mergers of towns and municipalities, should be encouraged.

Section

- 3 Powers of conductor of proceedings.** Specifies the purposes for which the chief administrative law judge may issue a subpoena and how a subpoena is enforced.
- 4 Compelled meetings; report.** Adds petitioning property owner to the list of those that can be directed to meet and discuss issues in any proceeding under the chapter that confers jurisdiction on the chief administrative law judge. Gives the chief administrative law judge authority to determine who should be required to participate in these discussions.
- Provides that a proposed resolution or settlement must be filed with the chief administrative law judge and is subject to the procedures and criteria of chapter 414.
- 5 Chief administrative law judge.** Adds definition for chapter.
- 6 Notice of intent to incorporate.** If incorporation is to be initiated by property owners, requires petitioning property owners to notify the town board and contiguous cities and towns of intent to seek incorporation.
- 7 Notice of intent to annex (annexation by order).** If annexation is initiated by property owners, requires petitioning property owners or supporting municipality to notify the town of intent to seek annexation.
- 8 Presiding administrative law judge; tour (annexation by order).** Requires the presiding administrative law judge to tour the area involved in an annexation proceeding. Requires affected towns and cities to agree on conduct of the tour.
- 9 Relevant factors, order (annexation by order).** Adds information gained during the tour to the factors to be considered in an annexation decision.
- 10 Initiating the proceedings (orderly annexation).** Defines area designated for annexation and distinguishes it from actual annexation of part or all of the designated area.
- 11 Notice of intent to designate an area (orderly annexation).** Strikes 2006 drafting error. Provides that requirement for notice of intent to designate an area for orderly annexation includes any expansion of the area subject to the agreement.
- 12 Planning in orderly annexation area.** Adds to options for addressing planning required in an orderly annexation area.
- 13 Joint information meeting.** Clarifies publication requirements for notice of the meeting. Permits chairs of the meeting to set time limits for speakers. Clarifies what may be placed in the record.
- 14 Differential taxation for up to six years.** Limits the differential taxation provision to proceedings in contested case annexations (annexation by order under section 414.031) and provides that it is property tax supported municipal services to be considered in determining the period for applying the municipal tax rate in the annexed area. Specifies that an orderly annexation agreement may provide for differential taxation.
- 15 Township or municipality divided.** Allows for appointment of a qualified person to help apportion property and obligations when an existing governmental unit is divided.
- 16 Alternative dispute resolution.** Strikes obsolete language. Gives the chief administrative law judge authority to conduct hearings and issue final orders.
- 17 Cost of proceedings.** Technical.
- 18 Parties.** Allows presiding administrative law judge to determine other appropriate parties to a proceeding.
- 19 Effectuation of agreements.** Describes how to make matters resolved before a hearing is held, final.
- 20 Limitations on authority.** States that section does not authorize actions not authorized in the rest of chapter 414.

Section

- 21** **Municipal boundary adjustment advisory task force established.** Changes the date the task force's report is due from January 15, 2008 to requiring interim recommendations by March 1, 2008 and final recommendations by December 31, 2008 .
- 22** **Repealer.** Repeals:
- 414.01, subd. 7a, which authorizes the director of strategic and long-range planning to delegate a power or duty of the director under chapter 414.
 - 414.011, subd. 11, which defines "director" to mean the director of strategic and long-range planning.
 - 414.12, subd. 2, which provides for the director of strategic and long-range to delegate the authority and responsibility to deal with municipal boundary adjustment matters to the office of administrative hearings.
- 23** **Effective date.** Day after enactment.

Article 2

Makes conforming changes in other chapters of statute. Effective the day after enactment.