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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1139

02/14/2019 Authored by Dehn, Nelson, Green, Persell, Ecklund and others
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to local government; prohibiting annexation of a designated area by means
1.3 other than those identified in an orderly annexation agreement; prohibiting
1.4 annexation of the designated area by nonparties; amending Minnesota Statutes
1.5 2018, section 414.0325, subdivisions 1, 6.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2018, section 414.0325, subdivision 1, is amended to read:

1.8 Subdivision 1. Initiating the proceeding. (a) One or more townships and one or more
1.9 municipalities, by joint resolution, may designate an unincorporated area as in need of
1.10 orderly annexation. One or more municipalities, by joint resolution with the county, may
1.11 designate an unincorporated area in which there is no organized township government as
1.12 in need of orderly annexation.

1.13 (b) A designated area is any area which the signatories to a joint resolution for orderly
1.14 annexation have identified as being appropriate for annexation, either currently or at some
1.15 point in the future, pursuant to the negotiated terms and conditions set forth in the joint
1.16 resolution. Land described as a designated area is not, by virtue of being so described,
1.17 considered also to be annexed for purposes of this chapter.

1.18 (c) The joint resolution will confer jurisdiction on the chief administrative law judge
1.19 over annexations in the designated area and over the various provisions in said agreement
1.20 by submission of said joint resolution to the chief administrative law judge.

1.21 (d) The resolution shall include a description of the designated area and the reasons for
1.22 designation.

2.1 (e) Thereafter, an annexation of any part of the designated area ~~may~~ shall only be initiated  
 2.2 by:

2.3 (1) submitting to the chief administrative law judge a resolution of any signatory to the  
 2.4 joint resolution; or

2.5 (2) the chief administrative law judge.

2.6 (f) Whenever a state agency, other than the Pollution Control Agency, orders a  
 2.7 municipality to extend a municipal service to an area, the order confers jurisdiction on the  
 2.8 chief administrative law judge to consider designation of the area for orderly annexation.

2.9 (g) If a joint resolution designates an area as in need of orderly annexation and states  
 2.10 that no alteration of its stated boundaries is appropriate, the chief administrative law judge  
 2.11 may review and comment, but may not alter the boundaries.

2.12 (h) If a joint resolution designates an area as in need of orderly annexation, provides for  
 2.13 the conditions for its annexation, and states that no consideration by the chief administrative  
 2.14 law judge is necessary, the chief administrative law judge may review and comment, but  
 2.15 shall, within 30 days, order the annexation in accordance with the terms of the resolution.

2.16 Sec. 2. Minnesota Statutes 2018, section 414.0325, subdivision 6, is amended to read:

2.17 Subd. 6. **Validity, effect of orderly annexation agreement.** An orderly annexation  
 2.18 agreement is a binding contract upon all parties to the agreement and is enforceable in the  
 2.19 district court in the county in which the unincorporated property in question is located. The  
 2.20 provisions of an orderly annexation agreement are not preempted by any provision of this  
 2.21 chapter unless the agreement specifically provides so. If an orderly annexation agreement  
 2.22 provides the exclusive procedures by which the unincorporated property identified in the  
 2.23 agreement may be annexed to the municipality, the municipality shall not annex that property  
 2.24 by any other procedure. Annexation of the designated area by means other than those  
 2.25 identified in the orderly annexation agreement or by a nonparty to the orderly annexation  
 2.26 agreement is prohibited. A petition or other filing by a nonparty to the orderly annexation  
 2.27 agreement shall be denied as soon as the parcel to be annexed is identified as being subject  
 2.28 to an orderly annexation agreement. An ordinance adopted by a nonparty municipality  
 2.29 seeking to annex property subject to an orderly annexation agreement is void and  
 2.30 unenforceable.

2.31 Sec. 3. **EFFECTIVE DATE.**

2.32 Sections 1 and 2 are effective the day following final enactment.