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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2466

02/22/2012 Authored by Daudt, Woodard, Erickson, Kiffmeyer, Benson, M. and others
The bill was read for the first time and referred to the Committee on Government Operations and Elections

1.1 A bill for an act
1.2 relating to annexation; providing for a referendum by petition in an orderly
1.3 annexation proceeding; requiring a stay of a final annexation under certain
1.4 conditions; amending Minnesota Statutes 2010, sections 414.031, subdivision
1.5 1a, by adding a subdivision; 414.033, by adding a subdivision; proposing coding
1.6 for new law in Minnesota Statutes, chapter 414.

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

1.8 Section 1. Minnesota Statutes 2010, section 414.031, subdivision 1a, is amended to
1.9 read:

1.10 Subd. 1a. **Notice of intent to annex.** At least 30 days before submitting a petition
1.11 or resolution to the chief administrative law judge under this section, the petitioning
1.12 municipality or petitioning property owner or supporting municipality must serve the
1.13 township clerk of the affected township by certified mail, and publish in the official
1.14 newspaper of the town, a notice of the petitioning municipality's or the petitioning
1.15 property owner's intent to annex property within the township. The notice must clearly
1.16 identify the boundaries of the area proposed to be annexed.

1.17 Sec. 2. Minnesota Statutes 2010, section 414.031, is amended by adding a subdivision
1.18 to read:

1.19 Subd. 1b. **Referendum alternative.** The town board or city council may by
1.20 resolution, and shall upon timely receipt of a petition signed by a number of residents
1.21 equal to at least 20 percent of the votes cast in the most recent applicable town or city
1.22 general election, notify the chief administrative law judge that the jurisdiction is requesting
1.23 the proposed annexation be decided by a referendum as provided in section 414.0315
1.24 instead of the process otherwise required by this section. The request for a referendum

2.1 must be submitted to the chief administrative law judge no later than 20 days following
2.2 the joint informational meeting provided in section 414.033.

2.3 **Sec. 3. [414.0315] REFERENDUM.**

2.4 If a request for a referendum is received as provided in section 414.031, subdivision
2.5 1b, the chief administrative law judge shall, except as provided in this section, stay all
2.6 further proceedings on the petition and shall order the city and town to each conduct
2.7 a referendum on the proposed annexation. If the order for a referendum is issued no
2.8 more than 120 days and no less than 90 days before a scheduled state primary or general
2.9 election, or any election being conducted in both the city and town, the referendum shall
2.10 be conducted at the same time as that election. If the order is issued no more than 120 days
2.11 and no less than 90 days before a primary or general election being held in either the city
2.12 or town, but not both, the referendum shall be scheduled for the day of that election and
2.13 shall be treated as a special election for the entity not originally conducting an election on
2.14 that day. In all other situations, the referendum shall be treated as a special election on a
2.15 date ordered by the chief administrative law judge. The referendum shall be conducted
2.16 in accordance with all applicable election laws. Prior to the election, the city and town
2.17 shall hold the joint informational meeting as provided in section 414.0333. The ballot
2.18 question shall read "Should the property identified in [insert OAH file number] be annexed
2.19 from [insert township] Township to the City of [insert city]?" The ballot shall in all other
2.20 manner conform to the requirements of applicable election laws. After the election results
2.21 from both the city and town have been certified, the results shall be provided to the chief
2.22 administrative law judge. If at least 75 percent of the voters voting on the question in the
2.23 city referendum and at least 75 percent of the voters voting on the question in the town
2.24 referendum approve the annexation, the chief administrative law judge shall order the
2.25 annexation as if approved under section 414.031. If the question fails to be approved by at
2.26 least 75 percent of the voters voting on the question in either the city or town, the chief
2.27 administrative law judge must deny the annexation as provided under section 414.031.
2.28 If an annexation is denied pursuant to this section, no petition submitted under section
2.29 414.031 seeking to annex 25 percent or more of the same land may be accepted by the
2.30 chief administrative law judge for the three years immediately following the order denying
2.31 the annexation rejected by the voters.

2.32 **Sec. 4. Minnesota Statutes 2010, section 414.033, is amended by adding a subdivision**
2.33 **to read:**

3.1 Subd.14. **Stay of final order.** Notwithstanding the provisions of this section, the
3.2 chief administrative law judge shall not issue a final order relating to a proposed annexation
3.3 under this section unless: (1) the governing body of any town affected by the annexation
3.4 adopts a resolution requesting the chief administrative law judge to issue the final order
3.5 and submits it to the chief administrative law judge; and (2) all property owners in the area
3.6 to be annexed submit to the administrative law judge a request for the final order.

3.7 **EFFECTIVE DATE.** This section is effective May 1, 2012, and applies to
3.8 annexation proceedings begun on or after that date.