

CHAPTER 621—H.F.No.1508

[Coded in Part]

An act relating to the incorporation of villages; the annexation and detachment of property from municipalities; the consolidation of municipalities; and the powers and duties of the Minnesota municipal commission in relation thereto; amending Minnesota Statutes 1971, Chapter 414, by adding sections; Sections 414.01, Subdivision 14; 414.031, Subdivision 5; 414.032, Subdivisions 1 and 3; 414.041, Subdivisions 3, 4, and by adding a subdivision; 414.061, Subdivision 4; 414.067, by adding a subdivision; and repealing Minnesota Statutes 1971, Section 414.031, Subdivision 2.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1971, Section 414.01, Subdivision 14, is amended to read:

Subd. 14. **MUNICIPALITIES; ANNEXATION AND DETACHMENT.** When a commission order enlarges or diminishes the area of an existing municipality or town, or creates a new municipality, the population of such municipality or town for all purposes shall be as found by the commission at its hearing, until the next federal census.

Sec. 2. Minnesota Statutes 1971, Section 414.032, Subdivision 1, is amended to read:

414.032 ORDERLY ANNEXATIONS WITHIN A DESIGNATED AREA. Subdivision 1. **INITIATING THE PROCEEDING.** One or more townships and one or more municipalities may designate an unincorporated area as in need of orderly annexation, and may confer jurisdiction over annexations in this area to the commission by submission of a joint resolution to the secretary. The resolution shall describe the area designated to be in need of orderly annexation. Thereafter an annexation of any part of the designated area may be initiated by submitting to the secretary a resolution of any signatory to the joint resolution, or by the commission of its own motion. Whenever the pollution control agency or other state agency pursuant to Minnesota Statutes 1971, Sections 115.03, 115.47, 115.49, or any law giving a state agency similar powers, orders a municipality to extend a municipal service to a designated unincorporated area, such an order will confer jurisdiction on the Minnesota municipal commission to consider orderly annexations within that area. Thereafter an annexation of any part of the designated area may be initiated by submitting to the secretary a resolution of the municipality or of the governing town board or by the commission of its own motion.

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Sec. 3. Minnesota Statutes 1971, Section 414.032, Subdivision 3, is amended to read:

Subd. 3. Upon completion of the hearing the commission may order the annexation if it finds that the area proposed for annexation is now or is about to become, urban or suburban in nature and that the annexing municipality is capable of providing the services required by the area within a reasonable time. The commission may alter the boundaries of the proposed annexation by increasing or decreasing the area so as to include that property within the designated area which is in need of municipal services or will be in need of municipal services within a reasonable time.

Sec. 4. Minnesota Statutes 1971, Chapter 414, is amended by adding a section to read:

[414.034] COMMISSION DESIGNATION OF ORDERLY ANNEXATION AREA. Subdivision 1. PETITION OF PROPERTY OWNERS. Twenty percent of the property owners or 100 property owners, whichever is less, of an area abutting a municipality may petition the commission to have the area designated as in need of orderly annexation and shall file copies of the petition with the town board, the county board, the municipal council and the municipal council of any other municipality which borders the land proposed for annexation. The petition shall set forth the boundaries of the territory proposed for designation. Upon receipt of the petition, the secretary shall designate a time and a place for a hearing in accordance with section 414.09 except that the proceeding shall come on for hearing within 120 to 180 days from receipt by the commission of the petition. Prior to the date of hearing the municipal council designated in the petition and the affected towns may initiate a proceeding for orderly annexation within a designated area under section 414.032 including the petitioned area and the proceeding shall be dropped. Otherwise the commission shall conduct its hearing and may by order designate an area as in need of orderly annexation. In determining the area in need of orderly annexation, the commission shall consider the factors set forth in section 414.031, subdivision 4, insofar as applicable without regard to the boundaries or property ownership contained in the original petition. Thereafter, annexations within the designated area may be initiated by submitting to the secretary a resolution of the annexing municipality or the affected township, or by the commission of its own motion, and the proceeding shall be conducted in accordance with section 414.032, subdivisions 2 to 6.

Where the annexation proceeding is initiated by a petition of less than a majority of the property owners in the area designated for orderly annexation, the designation shall not be effective until approved in an election conducted pursuant to section 414.031, subdivision 5.

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Subd. 2. TOWNSHIPS OPTION. In the case of an annexation initiated under section 414.031, subdivision 1, clause (a) or (c) or under section 414.033, subdivision 3 or 5, an affected township may request discussions with the annexing municipality to designate an area as in need of orderly annexation. Such request shall be made by mail to the annexing municipality at least ten days before the initial hearing on the proceeding, and a copy shall be submitted to the secretary. Upon receipt of such request the secretary shall designate a time and a place for a hearing in accordance with section 414.09, except that the proceeding shall come on for hearing within 120 to 180 days from receipt by the commission of the document initiating the proceeding. Prior to the date of hearing the annexing municipality and the affected township may initiate a proceeding for orderly annexations within a designated area under section 414.032, and the original annexation proceeding shall be terminated. Otherwise the commission shall conduct its hearing and may by order designate an area as in need of orderly annexation. In determining the area in need of orderly annexation, the commission shall consider the factors set forth in section 414.031, subdivision 4 insofar as applicable. Thereafter, annexations within the designated area may be initiated by submitting to the secretary a resolution of the annexing municipality or the affected township, or by the commission of its own motion, and the proceeding shall be conducted in accordance with section 414.032, subdivisions 2 to 6.

Sec. 5. Minnesota Statutes 1971, Section 414.041, is amended by adding a subdivision to read:

Subd. 4a. DIFFERENTIAL TAXATION. Where one municipality is receiving substantially fewer municipal services, the commission may provide that the mill levy of such a municipality shall be increased in substantially equal proportions over a period of not more than five years to equality with the mill levy in the remainder of the new municipality, such period to be determined by the commission on the basis of the period reasonably required effectively to provide substantially equal municipal services.

Sec. 6. Minnesota Statutes 1971, Section 414.061, Subdivision 4, is amended to read:

Subd. 4. The commission may initiate proceedings for the concurrent detachment and annexation of portions of one municipality completely surrounded by another municipality, or upon application of all of the property owners, provided, however, that in such cases the commission shall conduct hearings and issue its order as in the case of annexations of unincorporated property under section 414.031.

Sec. 7. Minnesota Statutes 1971, Section 414.067, is amended by adding a subdivision to read:

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Subd. 3. REVISION OF TAX RECORDS; REDISTRIBUTION OF LEVIES. In an apportionment made under this section the commission may order the county auditor to revise tax records and respread levies at any time prior to December 15 or order the county treasurer to redistribute taxes levied and receivable.

Sec. 8. Minnesota Statutes 1971, Chapter 414, is amended by adding a section to read:

[414.068] ZONING AND SUBDIVISION REGULATION WITHIN ORDERLY ANNEXATION AREAS. Subdivision 1. AREA AFFECTED. Whenever an area has been designated as in need of orderly annexation pursuant to section 414.032 or section 4 and until such time as it is actually annexed to the municipality, zoning and subdivision regulation shall be governed by this section.

Subd. 2. ZONING. If the county and townships agree to exclude the area from their zoning ordinances, the municipality may extend its zoning regulations to include the entire orderly annexation area as provided in Minnesota Statutes, Section 462.357, Subdivision 1.

If the county and township do not agree to such extraterritorial zoning by the municipality, zoning within the orderly annexation area shall be controlled by a three member committee with one member appointed from each of the municipal, town and county governing bodies. This committee shall serve as the "governing body" and "board of appeals and adjustments" for purposes of Minnesota Statutes, Section 462.357, within the orderly annexation area.

Subd. 3. SUBDIVISION REGULATIONS. Unless otherwise provided by joint resolution of the township and municipality, the municipality may extend its subdivision regulations to the entire orderly annexation area, pursuant to Minnesota Statutes, Section 462.358, notwithstanding any township subdivision ordinances.

Sec. 9. REPEALS. Minnesota Statutes 1971, Section 414.031, Subdivision 2, is repealed.

Sec. 10. APPLICABILITY. The provisions of this act are applicable to all proceedings before the commission initiated after the effective date of this act.

Sec. 11. Minnesota Statutes 1971, Section 414.031, Subdivision 5, is amended to read:

Subd. 5. ANNEXATION ELECTION. Where the proceeding for annexation has not been initiated by petition of a majority of the property owners within the area to be annexed, the order of the commission for annexation shall fix a day, not less than twenty days nor more than ninety days, after the entry of such an order,

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when an election shall be held at a place designated by the commission within the area ~~to be annexed~~ determined by the commission to be primarily and substantially interested in or affected by the commission order. The secretary shall cause a copy of the order affirming the petition, including the notice of the election, to be posted not less than 20 days before the election in three public places in the area ~~to be annexed~~, and shall cause notice of the election to be published two successive weeks in a newspaper qualified as medium of official and legal publication, of general circulation, in the area ~~to be annexed~~. The commission shall appoint the necessary election judges from voters resident in the area and shall supervise them in their duties. The commission shall designate the polling place or places, using so far as possible the usual polling place or places. The polls shall be open at least 13 hours and until at least 8 p.m. The judges shall conduct the election so far as practicable in accordance with the laws regulating ~~the election of town officers~~ special elections. Only voters residing within the ~~territory described in~~ area primarily and substantially interested in or affected by the commission's order shall be entitled to vote. The ballot shall bear the words "For Annexation" and "Against Annexation" with a square before each of the phrases in one of which the voter shall make a cross to express his choice. The ballots and election supplies shall be provided and the election judges shall be paid by the petitioners or annexing municipality. Immediately upon completion of the counting of the ballots, the judges of the election shall make a signed and verified certificate declaring the time and place of holding the election, that they have canvassed the ballots cast, and the number cast both for and against the proposition, and they shall then file the certificate with the secretary of the commission. If the certificate shows the majority of the votes cast were "For Annexation" the commission's order shall be effective in accordance with subdivision 6. The secretary shall attach the certificate to the original petition or resolution, the original order affirming the petition or resolution as submitted or as amended in the order, and the original proofs of the posting of the election notice, and the annexation order.

Approved May 23, 1973.

CHAPTER 622—H.F.No.1536

An act relating to the department of corrections; community corrections centers; amending Minnesota Statutes 1971, Sections 241.31; and 241.32.

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