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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 3354

February 25, 2008

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The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs

1.1 A bill for an act
1.2 relating to local government; providing for a stay of action on an orderly
1.3 annexation resolution pending action on an annexation by order petition;
1.4 amending Minnesota Statutes 2006, sections 414.0325, by adding a subdivision;
1.5 414.09, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2006, section 414.0325, is amended by adding a
1.8 subdivision to read:

1.9 Subd. 1c. **Stay of designation.** If a joint resolution for orderly annexation under
1.10 this section is submitted to the director, and another municipality not party to the joint
1.11 resolution and abutting the designated area therein serves or has served a notice of intent
1.12 to annex all or a portion of the area designated in the joint resolution under this section, the
1.13 director shall stay further action on the joint resolution pending the outcome of a hearing
1.14 on the competing annexation petition in accordance with sections 414.031 and 414.09.

1.15 Sec. 2. Minnesota Statutes 2006, section 414.09, subdivision 1, is amended to read:

1.16 Subdivision 1. **Hearings.** (a) Proceedings initiated by the submission of an initiating
1.17 document or by the director shall come on for hearing within 30 to 60 days from receipt
1.18 of the document by the director or from the date of the director's action ~~and~~. Following
1.19 the opening of the hearing record, the hearing must be continued by the director or the
1.20 director's designee for no more than 30 days following the completion of mediation or
1.21 other compelled meetings under section 414.01, subdivision 16. The person conducting
1.22 the hearing must submit an order no later than one year from the date of the day of the
1.23 first hearing, unless that date is extended by the administrative law judge following a joint
1.24 request of the parties or following motion upon good cause.

2.1 (b) The place of the hearing shall be in the county where a majority of the affected
2.2 territory is situated, and shall be established for the convenience of the parties at a facility
2.3 appropriate for such proceedings in the judgment of the presiding administrative law
2.4 judge. Notwithstanding the foregoing, in the event of competing annexation petitions filed
2.5 under this chapter by two or more municipalities, unless otherwise agreed by the parties to
2.6 the hearing, the place of the hearing shall be determined by the presiding administrative
2.7 law judge.

2.8 (c) The director shall mail notice of the hearing to the following parties: the
2.9 township or municipality presently governing the affected territory; any township or
2.10 municipality abutting the affected territory; the county where the affected territory is
2.11 situated; and each planning agency which has jurisdiction over the affected area.

2.12 (d) The director shall see that notice of the hearing is published for two successive
2.13 weeks in a legal newspaper of general circulation in the affected area.

2.14 (e) When the director exercises authority to change the boundaries of the affected
2.15 area so as to increase the quantity of the land, the hearing shall be recessed and reconvened
2.16 upon two weeks' published notice in a legal newspaper of general circulation in the
2.17 affected area.