



## CGMC Annexation & Land Use Program Chronology of Legislative Activities, 1991-2007

**2007 Taskforce Extended** – The taskforce established in the 2006 law was never formed. Consensus legislation was passed to extend the Municipal Boundary Adjustment Taskforce another year. Also, the temporary 120 acre extension passed in 2006 was made permanent in 2007.

**2006 Annexation Consensus Bill Passes** – The CGMC viewed the passage of the annexation consensus bill as a positive step toward responsible land management in Minnesota. The bill contained an expansion of the 60 acre rule and brought both sides of the debate together for long-term negotiations.

**2005 Prohibition on Annexations Stopped** – The CGMC’s lobbying effort helped prevent legislation that would have prohibited annexations from taking effect between the “opening of filing for a previously scheduled municipal election of the municipality which is annexing the unincorporated land and the issuance of the certificate of election to the candidates elected at the election.” Another provision stated that “no annexation by a municipality shall be effective during the period from the opening of filing for any previously scheduled municipal election until after the end of the contest period for that election.”

**2003 Protected Neutral Annexation Process** – The CGMC stops township efforts to weaken annexation laws and reinstate annexation election requirement. The coalition protects neutral oversight of boundary adjustments by ensuring that the Department of Administration oversee future boundary adjustments after elimination of Minnesota Planning.

**2002 Cities Defeat Right to Vote** – Based on efforts in 2001, township associations begin full-scale aggressive campaign to reinstate the annexation election requirement. Following interim hearings, the House decides to hear the township’s bills. The CGMC successfully lobbies to defeat the township legislation in the House Local Government Committee and successfully lobbies the Senate not to hear any annexation election bills during 2002. CGMC assists in passing a Minnesota Planning technical corrections bill making conforming changes to the annexation statutes to finalize the elimination of the MMB.

**2001 New Anti-Annexation Group Formed** – Townships dissatisfied with progress form a new more aggressive anti-annexation lobbying group called the Local Government Alliance. This group, along with the MN township association, begin a new effort to reinstate to restore the annexation election requirement, reinstate the Municipal Board process, eliminate the 60-acre provision, and eliminate a cities ability to annex an area that it is ordered to provide services to. CGMC successfully lobbies the House, Senate and Governor to take the position not to make any changes to annexation law in 2001 in order to give the new annexation process a chance to work. The House orders interim hearings on the successes and failures of the new process for fall of 2001, at which the CGMC appeared and testified.

**2000 Clarification Bill Passed** – CGMC successfully lobbies to pass a bill clarifying the annexation authority of the Minnesota Planning Agency providing that MN Planning has the authority to transfer contested cases for a binding decision by an Administrative Law Judge. CGMC successfully lobbies against a bill to reinstate the annexation election requirement.

**1999 MMB Sunsetted and Process Restructured** – CGMC lobbies successfully to uphold the 1997 agreement to sunset the MMB. When the MMB unexpectedly resigned, the Legislature moved the date of the sunset up to June 1, 1999. CGMC also begins negotiations in the summer and fall of 1999 to replace and restructure the contested annexation process with a new alternative dispute resolution process or a hearing before an

Administrative Law Judge. CGMC also defeats efforts by the townships to reinstate the annexation election requirement.

**1998 Defeat MMB Sunset Extension** – CGMC successfully lobbies against efforts to extend the sunset of the MMB from 1999 to 2002. CGMC negotiates to protect the changes made in 1997 and implements the agreement between cities, counties, and townships. CGMC also makes changes to the Community-based Planning Act so that planning functions would remain a local function and lobbies successfully against certain property rights amendments.

**1997 MMB Sunset Passed** – CGMC successfully lobbies to obtain a compromise agreement with cities, townships and counties to eliminate the MMB effective Dec. 31, 1999 and passes legislation that if the MPCA requires a city to provide services, the city can annex the area ordered to be served automatically.

**1996 CGMC Seeks and Builds Support for Sunset of MMB** – CGMC introduces legislation to restructure the annexation process and to require automatic annexation if a city is ordered to provide services. The CGMC successfully lobbies to build support for this legislation and successfully opposes efforts by townships to reinstate the annexation election requirement.

**1995 Interim Process Hearings** – CGMC introduces legislation to eliminate the MMB. Townships introduce legislation to repeal the 1992 changes. CGMC successfully negotiates a process for hearing annexation bills with negotiations that will take place over the interim. CGMC successfully lobbies to defeat all bills and amendments from going forward.

**1994 Townships Seek Vote and CGMC Wins LaCrescent Case** – CGMC successfully lobbies to defeat township legislation to repeal the 1992 law changes. While the House passes the township bill, the CGMC successfully lobbies the Senate to require a compromise, which protects the 1992 changes. The CGMC also wins the LaCrescent Court of Appeals case where the Court held that the 1992 changes were valid and did not interfere with the orderly annexation process. The CGMC also produces an annexation video for lobbying purposes.

**1993 Proposed Elimination of MMB and Protected 1992 Changes** – CGMC proposes legislation to eliminate the MMB or to alternatively change the composition of the MMB. Townships introduce legislation to repeal 1992 changes, which the CGMC successfully lobbies to defeat. CGMC also participates in interim hearings on the annexation process.

**1992 Vote Repealed and 60-Acre Provision Passed** – CGMC successfully lobbies to repeal the township annexation election/voting requirement, and lobbies and passes the 60-acre annexation by ordinance provision allowing for automatic annexation without a hearing for property owner petitioned annexations under 60 acres in size.

**1991 Case Analysis** – CGMC conducts a case analysis of the annexation process in Minnesota.

The case analysis made two primary findings.

1. Annexations are likely to fail whenever there is significant controversy or township opposition because constraints contained in the law.
2. There appears to be a statutory and procedural bias against annexation; decisions appear to be based on political rather than evidentiary or factual determinations.

Based on these findings, the report made three primary recommendations for changes:

1. Restructure contested annexation process so cities can take cases to an Administrative Law Judge or alternatively eliminate the Minnesota Municipal Board (MMB).
2. Reduce the discretion of the MMB by making annexation a requirement, not an option.
3. Reduce the statutory and procedural bias against annexation by eliminating the election requirement and eliminating the county commissioners on the MMB.