



Local Government Law

By Deborah Dyson

February 4, 2020

In 1 hour....

- Local government powers generally – state/local relations
- Special legislation and local approval
- County, city, town structures; population

State-Local Relations

- Dillon's Rule
- Home Rule Charter
- General Welfare Clauses

Dillon's Rule

Local governments “possess only those powers that are conferred by statute or implied as necessary to carry out legislatively conferred powers.”

Breza v. City of Minnetrista, 725 N.W.2d 106, 110 (Minn. 2006)

Home Rule Charter

- Minn. Const. Art. XII, §§ 4 and 5
- “Any local government unit when authorized by law may adopt a home rule charter for its government.”
- “The legislature shall provide by law for charter commissions.”
- Minn. Stat. ch. 410; §§ 383A.551 et seq.

General Welfare Clauses

- Statutory cities: Minn. Stat. § 412.221, subd. 32
- Home Rule Charter cities: in charter, or by application of Minn. Stat. § 410.33
- Towns: Minn. Stat. §§ 365.10, subd. 17, 368.01, subd. 19
- Counties? limited

Special Legislation

- What it is, what is prohibited
- Classification, judicial review
- History
- Local approval: statutes and drafting
- Cautionary tales & drafting issues
- Researching local laws
- Resources

What is it?

Legislation that applies to part of a class – a particular person, thing, or locale within a given class.

What is Prohibited?

Minnesota Constitution, Article XII

- If a general law can be enacted, the legislature may not enact a special law, except a local law
- There are certain subjects on which the legislature may not enact even local law

Classification and Judicial Standard of Review

A law is general if it applies to all of a class.

Classification is okay if:

- it applies to all similarly situated
- distinctions are not manifestly arbitrary but genuine and substantial providing a natural and reasonable basis justifying the distinction
- evident connection between the distinctive needs peculiar to the class and the law (*In re Tveten*, 402 N.W.2d (Minn. 1987))

Classification and Judicial Standard of Review, Cont.

Whether a general law could have been made applicable in any case shall be judicially determined without regard to any legislative assertion on that subject.

Minn. Const. Art. XII, § 1

Classes

- Powers granted to certain classes of cities
- Based on population of city
- 1st Class: 100,000+
- 2nd Class: 20,001 – 100,000
- 3rd Class: 10,001 – 20,000
- 4th Class: 0 – 10,000

History

1857 – legislature cannot grant divorces or create corporations other than for municipal purposes

1881 – special laws on 11 additional topics prohibited

1892 – topics prohibited amended and expanded, including local law

1958 – local law allowed, subject to local approval

History, Cont.

“The legislature may enact special laws relating to local government units, but a special law, unless otherwise provided by general law, shall become effective only after its approval by the affected unit expressed through the voters or the governing body and by such majority as the legislature may direct.” Minn. Const. Art. XII, § 2

History, Cont.

Local approval

- 1958 to 1967 – no general law, local approval required
- 1967 to 1979 – general law, no local approval required
- 1979 to present – general law requires local approval with exceptions

Local Approval Statutes

- Minn. Stat. § 645.021
- Minn. Stat. § 645.023
- Minn. Stat. § 645.024
- Minn. Stat. § 469.1782, subd. 2 (TIF)

Drafting Local Approval

Sec. .. [EFFECTIVE DATE; LOCAL APPROVAL.]

Section .. is effective the day after the governing body of and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.



**CERTIFICATE OF APPROVAL OF SPECIAL LAW
BY GOVERNING BODY**

(Pursuant to Minnesota Statutes, 645.02 and 645.021)

STATE OF MINNESOTA

County of _____

TO THE SECRETARY OF STATE OF MINNESOTA:

PLEASE TAKE NOTICE, That the undersigned chief clerical officer of the _____

DOES HEREBY CERTIFY, that in compliance with the provisions of Laws, 20____,

Chapter _____ requiring approval by a majority* of the governing body of said local governmental unit before it becomes effective, the _____ (designate governing body)

at a meeting duly held on the ____ day of _____, 20____, by resolution _____

_____ did approve said Laws, 20____, Chapter _____ (if other than resolution, specify)

by a _____ majority vote* of all of the members thereof (Ayes _____; Noes _____; Absent or not voting _____) and the following additional steps, if any required by statute or charter were taken:

A copy of the resolution is hereto annexed and made a part of this certificate by reference.

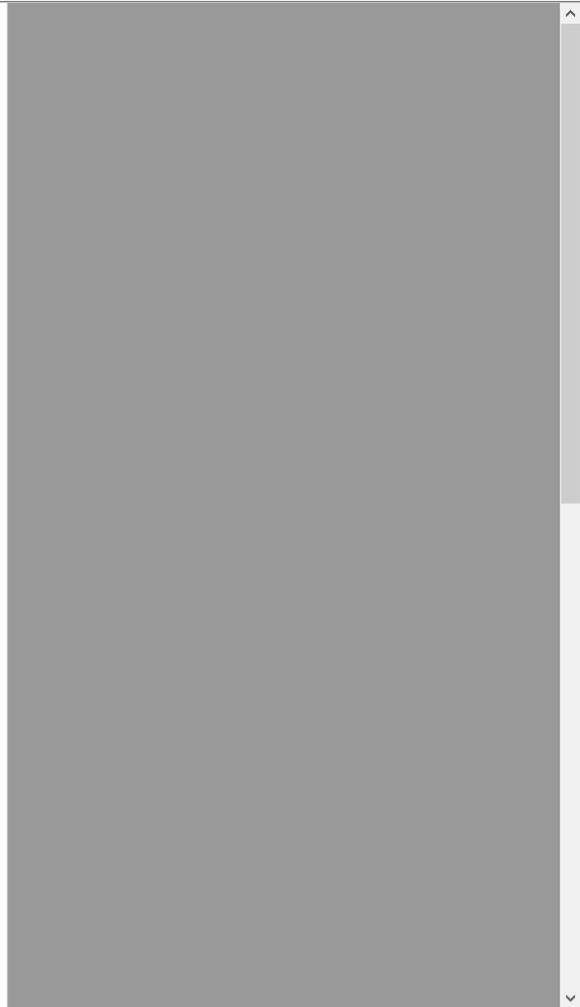
Signed: _____

(Official designation of officer)

(This form prescribed by the Attorney General and furnished by the Secretary of State as required in Minnesota Statutes 645.021.)
*If extraordinary majority is required by the special law, insert fraction or percentage here.

Please see reverse side for instructions for completing this form.

58102C123V93N00FK58D1CATE OF APPROVAL OF SPECIAL LAW 645



SUBMIT AN OFFICIAL DOCUMENT

State Agencies

State agencies may submit a **Delegation/Rescission of Authority** with the Office of the Secretary of State. To submit a record, complete the [Minnesota Delegation/Rescission of Authority Form](#).

Local Governments

A local governmental unit may submit a **special law for certificate of approval**. To submit a special law, complete the [Certificate of Approval of Special Law by Governing Body Form](#).

Business Trusts

Business trusts are filed with the Office of Secretary of State. To submit an original filing, complete the [Business Trust Original Filing Form](#).

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Greater MN: [1-877-600-VOTE \(8683\)](tel:1-877-600-VOTE)
MN Relay Service: [711](tel:711)

Hours: 8 a.m. to 4:30 p.m.

Email: secretary.state@state.mn.us

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Metro Area: [651-201-1399](tel:651-201-1399)
Greater MN: [1-866-723-3035](tel:1-866-723-3035)
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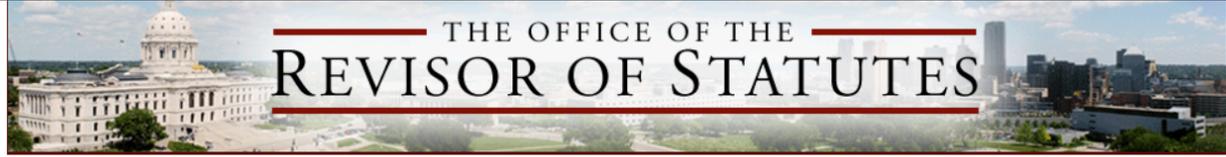
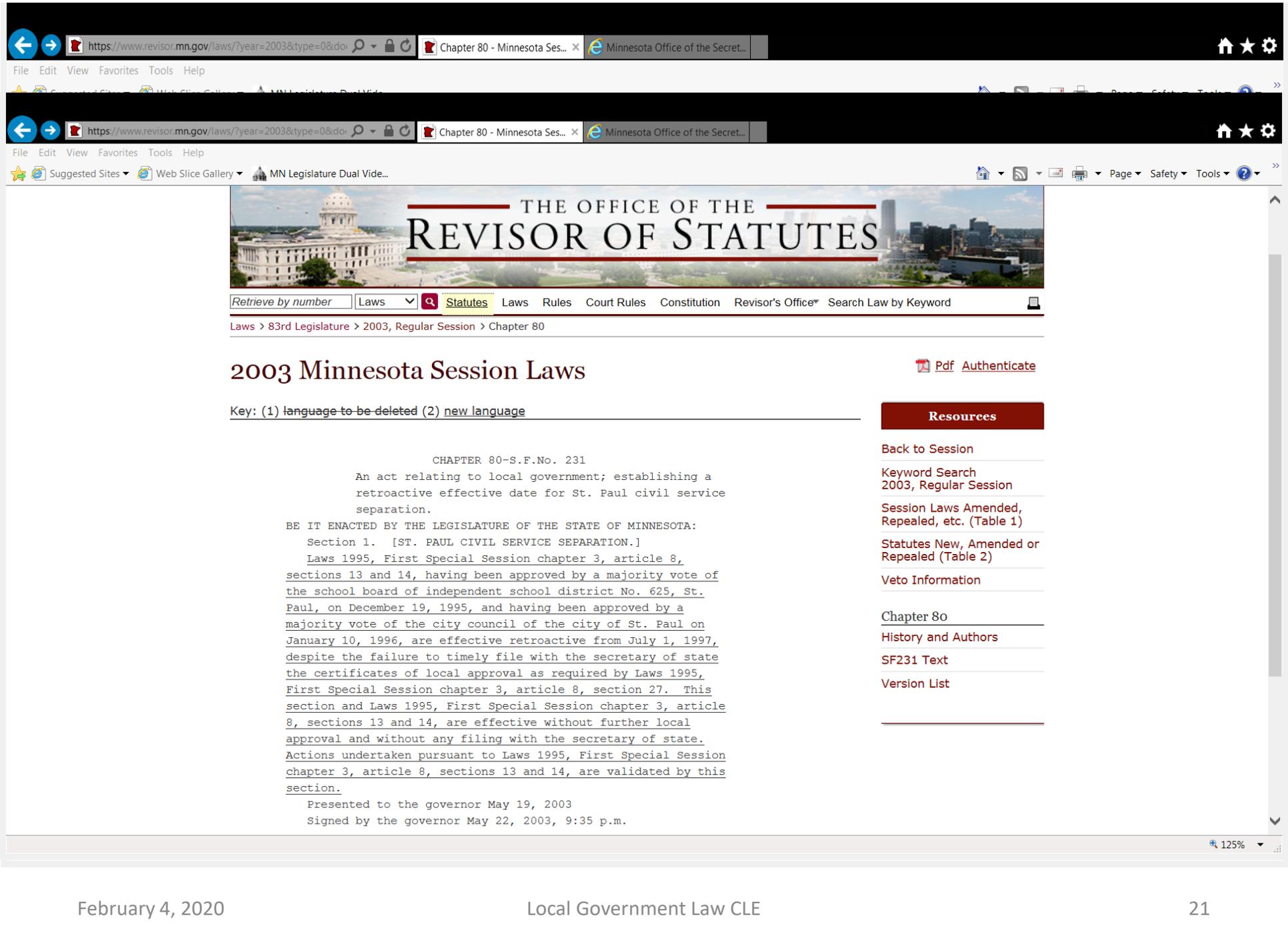
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Hours: 8 a.m. to 4 p.m.

Email: business.services@state.mn.us
UCC Email: ucc.dept@state.mn.us
Notary Email: notary_sos@state.mn.us

Cautionary Tales & Drafting Issues

- Central Iron Range Sanitary Sewer District – 2009 c 122
- St. Paul Civil Service Separation – 2003 c 80
- Cedar Lake Area Water & Sewer – 2015 c 19
- New special law or amend existing?
- Laws 1982, chapter 506 – 1939 class legislation amended – a Hibbing special law.



Retrieve by number | Laws | Statutes | Laws | Rules | Court Rules | Constitution | Revisor's Office | Search Law by Keyword

Laws > 83rd Legislature > 2003, Regular Session > Chapter 80

2003 Minnesota Session Laws

Pdf [Authenticate](#)

Key: (1) language to be deleted (2) new language

Resources

- [Back to Session](#)
- [Keyword Search](#)
- [2003, Regular Session](#)
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- [Chapter 80](#)
- [History and Authors](#)
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CHAPTER 80-S.F.No. 231

An act relating to local government; establishing a retroactive effective date for St. Paul civil service separation.

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

Section 1. [ST. PAUL CIVIL SERVICE SEPARATION.]

Laws 1995, First Special Session chapter 3, article 8, sections 13 and 14, having been approved by a majority vote of the school board of independent school district No. 625, St. Paul, on December 19, 1995, and having been approved by a majority vote of the city council of the city of St. Paul on January 10, 1996, are effective retroactive from July 1, 1997, despite the failure to timely file with the secretary of state the certificates of local approval as required by Laws 1995, First Special Session chapter 3, article 8, section 27. This section and Laws 1995, First Special Session chapter 3, article 8, sections 13 and 14, are effective without further local approval and without any filing with the secretary of state. Actions undertaken pursuant to Laws 1995, First Special Session chapter 3, article 8, sections 13 and 14, are validated by this section.

Presented to the governor May 19, 2003
Signed by the governor May 22, 2003, 9:35 p.m.



2015 Minnesota Session Laws

Pdf Authenticate

Key: (1) ~~language to be deleted~~ (2) [new language](#)

CHAPTER 19--S.F.No. 1499

An act relating to local government; extending the time period to file certificate of approval of a special law for the Cedar Lake area water and sanitary sewer district.

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

Section 1. CEDAR LAKE AREA WATER AND SANITARY SEWER DISTRICT; FILING OF APPROVED LAW.

Notwithstanding the time limits of Minnesota Statutes, section 645.021, subdivision 3, the chief clerical officer of the Cedar Lake area water and sanitary sewer district may file with the secretary of state a certificate of approval of Laws 2014, chapter 308, article 2, section 16, by June 30, 2015. If the certificate is filed as required by this section, Laws 2014, chapter 308, article 2, section 16, is effective retroactively from May 21, 2014.

EFFECTIVE DATE. This section is effective the day following final enactment.

Presented to the governor May 6, 2015

Signed by the governor May 7, 2015, 9:24 a.m.

Resources
Back to Session
Keyword Search 2015, Regular Session
Session Index (Topics)
Session Laws Amended, Repealed, etc. (Table 1)
Statutes New, Amended or Repealed (Table 2)
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Chapter 19
History and Authors
SF1499 Text
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Laws 1939, Chapter 329, Section 1, is amended to read:

Section 1. **HIBBING; MAYOR'S CONTINGENT FUND.** The village Hibbing city council of any village now or hereafter having a population of more than 10,000 inhabitants may appropriate from the general fund of the village city from time to time, an amount not exceeding ~~\$2,500~~ \$5,000 in the aggregate in any one year to be known as the Village President's mayor's contingent fund, from which fund the Village President mayor may pay such sums as ~~he~~ the mayor may deem necessary in case of necessity, to secure information and evidence of crime, and to arrest convicts and to relieve distress in the event of public calamity in this state, and for ~~such other purpose~~ purposes for the welfare of the village city as ~~he~~ may deem advisable.

Sec. 2. **EFFECTIVE DATE; LOCAL APPROVAL.**

This act is effective the day after compliance with Minnesota Statutes, Section 645.021, Subdivision 3, by the governing body of the city of Hibbing.

Approved March 22, 1982



Other Drafting Issues

- Contiguous counties
- Using local approval when not required
- Default effective date: August 1 if no local approval required
 - Minn. Stat. § 645.023, subd. 2

Other Drafting Issues, cont.

- Multiple local units
 - Make clear if separately effective or after last one. See Minn. Stat. § 645.02
- “City” – Minn. Stat. § 410.015

Researching Local Laws

Revisor's Website

- Keyword search of laws and statutes
- Table 1 – has a local law been amended?
- Topical index



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Document Search

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Keyword(s)

- All of the words
- Any of the words
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Note: Use asterisk (*) for various word endings, e.g. road* for road, or roads, or roadbed, or roadway, etc.

Search

Minnesota Statutes

From: 2019 Minnesota Statutes To: 2019 Minnesota Statutes

Chapter No. (s)

Blank for all, dash for range (e.g. 301-303), comma for list (e.g. 301,303,305)

Minnesota Laws

From: 91st Legislature (2019-2020) To: 91st Legislature (2019-2020)

Chapter No. (s)

Blank for all, dash for range (e.g. 301-303), comma for list (e.g. 301,303,305)

Minnesota Rules

From: Current Minnesota Rules To: Current Minnesota Rules

Chapter No. (s)



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Minnesota Session Laws Amended or Repealed

This page allows you to search for citations to uncoded laws enacted from 1945 through 2017 that were amended, repealed, or the subject of other action subsequent to their enactment. Uncoded laws are found only in Laws of Minnesota and are not assigned statutory coding in [Minnesota Statutes](#). They include special laws, local laws, proposed constitutional amendments, appropriation laws, curative and validating laws, and temporary laws. The data is a compilation of entries found in Table 1 at the end of the 1945 to 2017 printed versions of [Laws of Minnesota](#). Legislative action specifically affecting a prior session law that does not fit the categories "Amended" or "Repealed" is designated "Other Action" or "Effective date amended." Effective date amended refers only to effective dates that appear with a headnote in bold type immediately following the section.

Laws Amended

Search for Laws that have been amended by other Laws.

91st Legislature, 2019

chp. art. sec. subd Filter

Laws Amending

Search for Laws that amend other Laws.

Choose a session...

Amended Law						Amending Law				
Session	Chapter	Article	Section	Subd	Action	Session	Chapter	Article	Section	Subd
2019	12		1		Effective date amended	2019, 1Sp	9	6	74	
2019	12		2		Effective date amended	2019, 1Sp	9	6	75	
2019	64	1	3	3	Amended	2019, 1Sp	12		1	

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Researching, cont.

- Session Laws – **print** version
- Tables 4, 5, and in odd-numbered years, 6 – approved?
- Topical index

MINNESOTA LAWS 2019

TABLE 4

SPECIAL LAWS ENACTED IN THE 2017 REGULAR AND FIRST SPECIAL SESSIONS RELATING TO LOCAL GOVERNMENT UNITS

This table lists special laws enacted in 2017 relating to local government units if there is an express statement in the special law that local approval is required or not required or if for any reason the local government unit has filed a certificate of local approval with the Secretary of State.

If the special law expressly states that local approval is not required, the term "Not required" appears to the right of the chapter citation. All other laws listed in the table contain express requirements of local approval or are laws for which local approval certificates were filed regardless of whether the filing was required.

If a local approval certificate has been filed with the Secretary of State in compliance with Minnesota Statutes, section 645.021, by June 18, 2019, the approval and filing dates are indicated. A blank space after a chapter citation indicates that a local approval certificate had not been filed by June 18, 2019.

For any special law enacted in 2017 or 2018 that requires local approval, the certificate of approval must be filed with the Secretary of State before January 8, 2019, the first day of the legislative session in 2019, or, pursuant to Minnesota Statutes, section 645.021, subdivision 3, the law is deemed to be disapproved by the local government unit unless otherwise provided in a special law.

Please refer to the index to this publication for citations to special laws not listed in this table and for other laws relating to local government units.

SPECIAL LAWS	Chapter	Approval Date	Filing Date
ALBERT LEA, CITY OF Sales and use tax; amended	1Sp1, art 5, s 12-13	8/28/17	9/6/17

MINNESOTA LAWS 2019

TABLE 5

SPECIAL LAWS ENACTED IN THE 2018 REGULAR SESSION RELATING TO LOCAL GOVERNMENT UNITS

This table lists special laws enacted in 2018 relating to local government units if there is an express statement in the special law that local approval is required or not required or if for any reason the local government unit has filed a certificate of local approval with the Secretary of State.

If the special law expressly states that local approval is not required, the term "Not required" appears to the right of the chapter citation. All other laws listed in the table contain express requirements of local approval or are laws for which local approval certificates were filed regardless of whether the filing was required.

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For any special law enacted in 2018 that requires local approval, the certificate of approval must be filed with the Secretary of State before January 8, 2019, the first day of the legislative session in 2019, or, pursuant to Minnesota Statutes, section 645.021, subdivision 3, the law is deemed to be disapproved by the local government unit unless otherwise provided in a special law.

Please refer to the index to this publication for citations to special laws not listed in this table and for other laws relating to local government units.

SPECIAL LAWS	Chapter	Approval Date	Filing Date
ALEXANDRIA LAKE AREA SANITARY DISTRICT			
Management activities; Lake Winona and Lake Agnes	214, art 4, s 8	9/12/18	10/2/18
AUSTIN CITY OF			

MINNESOTA LAWS 2019

TABLE 6

SPECIAL LAWS ENACTED IN THE 2019 REGULAR AND FIRST SPECIAL SESSIONS RELATING TO LOCAL GOVERNMENT UNITS

This table lists special laws enacted in 2019 relating to local government units if there is an express statement in the special law that local approval is required or not required or if for any reason the local government unit has filed a certificate of local approval with the Secretary of State.

If the special law expressly states that local approval is not required, the term "Not required" appears to the right of the chapter citation. All other laws listed in the table contain express requirements of local approval or are laws for which local approval certificates were filed regardless of whether the filing was required.

If a local approval certificate has been filed with the Secretary of State in compliance with Minnesota Statutes, section 645.021, by June 18, 2019, the approval and filing dates are indicated. A blank space after a chapter citation indicates that a local approval certificate had not been filed by June 18, 2019.

For any special law enacted in 2018 or 2019 that requires local approval, the certificate of approval must be filed with the Secretary of State before the first day of the legislative session in 2021, or, pursuant to Minnesota Statutes, section 645.021, subdivision 3, the law is deemed to be disapproved by the local government unit unless otherwise provided in a special law.

Please refer to the index to this publication for citations to special laws not listed in this table and for other laws relating to local government units.

SPECIAL LAWS	Chapter	Approval Date	Filing Date
ALEXANDRIA, CITY OF			
Tax-increment financing district; extension	1Sp6, art 7, s 4		

TABLE I. 1849-2018 LOCAL SPECIAL ACTS

Laws relating to particular local government units or local courts enacted from 1849 to 2018, and not coded in Minnesota Statutes are shown in this table. Many laws have been superseded by later general or special laws.

NOTE: This table does not show whether a local unit of government ever approved a local law for which local approval was required. Approval of a local law is filed by the local unit of government with the office of the Secretary of State who keeps the official records. To determine if a local unit of government approved a local law using publications of the Revisor of Statutes Office, see Table 4 of Laws of Minnesota for the year the law was enacted and in subsequent years check Tables 5 and 6 of Laws of Minnesota. If the law is not approved before the beginning of the next session in an odd-numbered year, the law is deemed to be disapproved unless otherwise provided by a special law.

ACOMA, TOWN OF (McLeod County)			AIKEN COUNTY (now Aitkin County)		
Animals, restraint	SL1881	310	Attachment, election	SL1860	36
Bridges, construction	1901	309	Repealed	G.S.1866	122
ACTON, TOWN OF (Meeker County)			Boundary		
Animals, restraint	SL1877	197	Establishment	Ex1857	5
Fishing	1876	183	Redefinition	SL1861	24
Incorporation	SL1858	208	Repealed	G.S.1866	122
Lake Haruld drainage	1891	61	Redefinition	SL1862	28
ADA, CITY OF (Polk County)			Repealed		
Bridges Medical Services pensions ...	1Sp2005	8	Repealed	G.S.1866	122
Northwest multicounty HRA bonding ...	1997	219	Redefinition	SL1871	96
ADA, VILLAGE OF (Polk County)			Redefinition		
Incorporation	SL1881	1	Name change to Aitkin	SL1872	145
Amended	SL1889	46	Removal of seat, election	SL1871	97
Amended	SL1891	67	AITKIN, CITY OF (Aitkin County)		
School districts			Mineral taxes, release of funds to Saint Louis		
No. 8, transfer to Norman County district No. 78	SL1891	301	County		
No. 22, transfer to Norman County district			2014		
			AITKIN, TOWN OF (Aitkin County)		
			Funds, transfer of fire to road and		
			bridge		
			1959		
			435		
			Liquor store profits transfer to hospital ...		
			1951		
			40		

More Resources

- Revisor's Drafting Manual, section 3.5 – <https://www.revisor.mn.gov>
- William Anderson, *Special Legislation in Minnesota*, 7 Minn. L. Rev. 133 (1923)
- Mary Jane Morrison, *The Minnesota State Constitution: A Reference Guide*, (2002)

Local Government Organization

- Counties – administrative arm of the state but also in some areas general purpose
- Cities – general purpose, representative government
- Towns – limited general purpose, direct democracy with the annual town meeting
- Special purpose units of government (e.g., Met Council, MAC, school districts, watershed districts, special taxing districts like HRAs)

Special Districts

- Enabling law may be special or general, and determines financing.
- Perform a single function (or several functions) as distinguished from general purpose governments.
- Governance depends on the enabling law.
- Examples are hospital, sanitary, and watershed districts, and housing redevelopment authorities (HRAs).
- 230 special taxing districts levied for taxes payable in 2014. There are other special taxing districts that do not levy.
- Examples of other special purpose districts that do not levy include subordinate service districts, special service districts, and districts established by joint powers agreements.

Counties

- 87 Counties in MN
- Different organization options
- Act through county board and department heads
- Same core powers, duties
- Operate under chapters 370 to 403

Population/Land Size?

- 2018 population estimates
- Traverse County smallest at 3,316
- Hennepin County largest at 1,261,104

- Ramsey County smallest at 155 sq. mi.
- St. Louis County largest at 7,092 sq. mi.

Powers

- Federal and State Laws
- County ordinances and resolutions
- Act through County Board and department heads
- Common powers: social services, corrections, elections and property tax administration, planning and zoning, parks and recreation, etc.
- Not unlimited power...

Options in County Gov't Structure

- Statute allows counties to adopt different county government structures, including board size, whether certain positions are elected or appointed
- Most counties have adopted changes to certain offices to make an elected office appointed
- Other options not used

Cities

- 853 Cities
- **Statutory Cities (746)** are organized and operate under the options provided in the statutory city code and other laws.
- **Home Rule Charter Cities (107)** are organized and operate under their individual charters and other laws.
- City boundaries may cross county lines (46).

Statutory Cities

- Operate under chapter 412 and other laws that apply to all cities, plus any special law
- All have same basic powers
- Choose one of three plans of government
 - standard plan (96 cities)
 - plan A (633 cities)
 - plan B (17 cities)
- Dependent cities

Home Rule Charter Cities

- 107 Charter Cities
- “Local constitution”
- Any city may adopt
- More discretion and local control
- Adopt any powers not in conflict with state law
- Charters vary between charter cities
- Operate under chapter 410 and other laws that apply to all cities

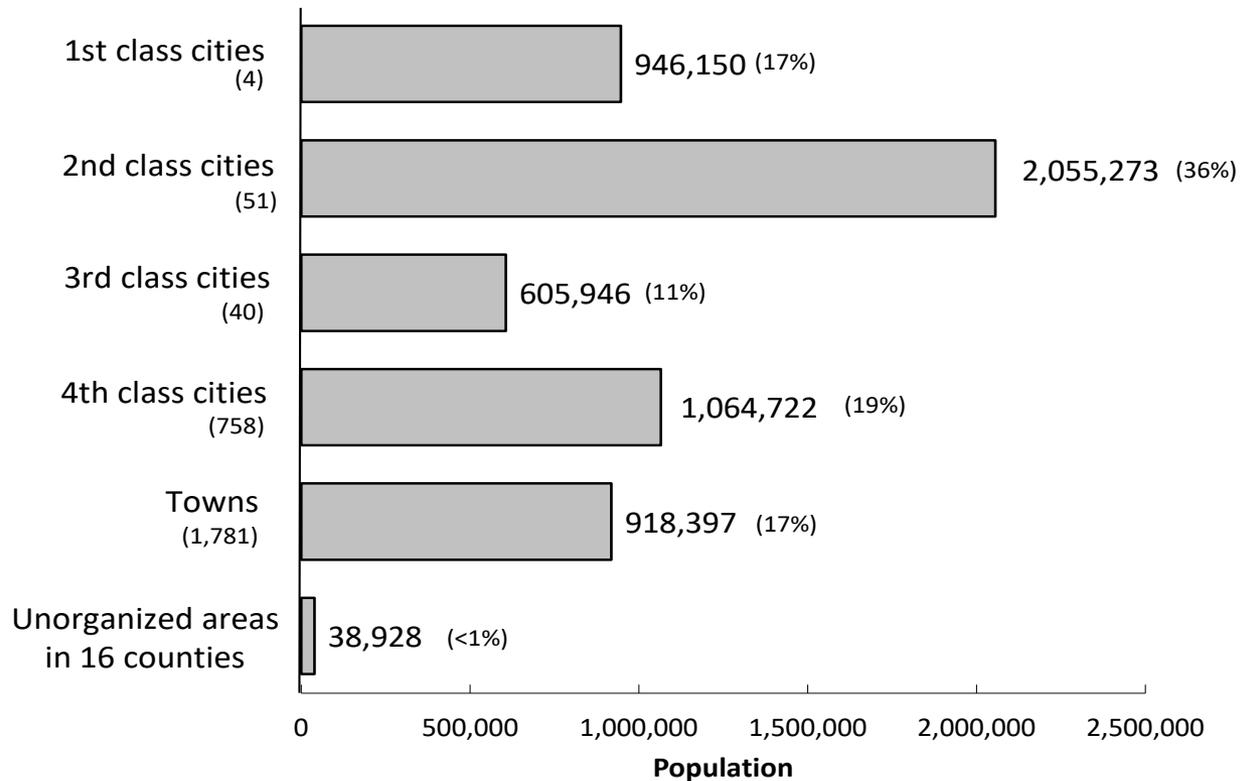
Powers

- Federal and state laws
- City ordinances and charters
- Ordinances vary from city to city
- City acts through council, not individual
- Examples: taxing, zoning and land use, licensing and permitting, conducting elections, public safety, etc.

Population by Type of Local Government and Class

As of the state demographer's 2018 estimates, the state's total population is 5,629,416 and is distributed among these classifications of cities, and in towns or unorganized areas as shown on the following slide.

Population by Type of Local Government and Class, Cont.



Note: Based on 2010 census and 2018 estimates data from the state demographer's website, <http://mn.gov/admin/demography>

Towns

- 1,781 organized towns in MN
- 2 components to consider
 - Unorganized, organized, or urban
 - Organizational plan
- Act through town board and town electors
- Operate under chapters 365 to 368A

Towns, Cont.

- Hold annual town meetings at which the electors exercise powers granted in law, such as setting the levy, electing supervisors
- Governed by a three- or five-member elected board of supervisors
- May exercise “urban” town powers if population is at least 1,000 or the town is within 20 miles of Minneapolis or St. Paul city hall
- Do not cross county lines; town names overlap

Further Resources

- Association of MN Counties
 - <http://www.mncounties.org/>
- League of MN Cities
 - <https://www.lmc.org>
- MN Association of Townships
 - <http://www.mntownships.org/>
- House Research Publications
 - <http://www.house.leg.state.mn.us/hrd>
- MN Attorney General Opinions
 - <http://www.ag.state.mn.us/Office/Opinions/Default.asp>
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