

# HOUSE RESEARCH

## Bill Summary

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### Overview

In 1995, the legislature enacted Minnesota Statutes, section 15.99, commonly referred to as "the 60-day rule." The 60-day rule requires governmental entities to approve or deny a written request for certain actions within 60 days or the request is approved. More specifically, "failure of an agency to deny a request within 60 days is approval of the request. If an agency denies the request, it must state in writing the reasons for the denial at the time that it denies the request." The law applies to all executive branch agencies and political subdivisions.

This bill modifies provisions related to the 60-day rule. Among them, it provides that failure of a motion to approve a request means the request is denied as long as reasons are provided on the record at the time of the vote on the motion. Also, it exempts subdivision regulation review process and plat review process from the 60-day rule.

### Section

#### **1 Time deadline for agency action.**

**Subd. 1. Definitions.** Adds definitions of "request" and "applicant."

- ▶ "Request" means a written application. Provides that it must be submitted to the agency on a form provided by the agency. Permits an application even if the agency does not have any forms.
- ▶ "Applicant" means a person submitting a request under this section. Allows the person to designate another to act on his or her behalf.

## Section

**Subd. 2. Deadline for response.** (a) Provides that the time for response in the laws governing subdivision regulations review and platting govern those actions (and therefore the "60-day rule" does not apply).

(b) Provides that failure of a resolution or motion to approve a request constitutes denial if those voting against the resolution or motion state their reasons on the record. (Under current case law, to deny a request, an agency must affirmatively deny it and provide written reasons for denial at the time of denial. Failure of a motion to grant a request does not constitute denial, as it would in other matters. *Demolition Landfill, Inc. v. City of Duluth*, 609 N.W.2d 278, 281-82 (Minn. App. 2000))

(c) Provides that if an agency other than a multimember governing body denies a request, it must state in writing the reasons for the denial at the time it denies the request. A denial by a multimember governing body must state the reasons for the denial on the record and provide the applicant in writing a statement of the reasons for the denial. The written statement may be provided after the denial, but before the expiration of the time period allowed for making a decision and must be consistent with the reasons stated on the record

**Subd. 3. Application extensions.** Provides that the application fee, if any, is one of the items that must be paid before an application is complete and the time for action begins to run. Extends the time the governmental entity has to inform an applicant that the application is missing some required element from ten business days to 15 business days. Adds a provision for the applicant to request an extension of time in writing.

**2 Effective date.** Effective for requests submitted on or after June 1, 2003.