

HOUSE RESEARCH

Bill Summary

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H.F. 510 allows Hennepin County to fix a clerical error in approving a law enacted for the county in 2009 and, with the fix provides that the actions of the county pursuant to the law are effective retroactively.

Background on Special Legislation for Local Governments and Local Approval

Under the state constitution, “[t]he 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.

Minnesota Statutes, section 645.021, implements the constitutional requirement that special legislation relating to local government be approved by the affected unit of government. It requires approval by resolution adopted by a majority vote of all members of the governing body of the unit unless another method of approval is specified by the particular special law. The chief clerical officer of a local government unit then files with the secretary of state a certificate stating the essential facts necessary to valid approval, including a copy of the resolution of approval or, if submitted to the voters, the number of votes cast for and against approval at the election. Generally, the law is effective after the local government files the required certificate with the secretary of state.

If a local government unit fails to file a certificate of approval before the first day of the next regular session of the legislature (i.e., before the first Tuesday after the first Monday in January of odd-numbered years), the law is deemed to be disapproved by the local government unless otherwise provided in the special law. This has caught a few local governments, which have then had to return to the legislature for enactment of the same special legislation or to otherwise fix the problem.

Exceptions to the Local Approval Requirement

The constitution permits the legislature to provide by general law exception to the local approval requirement. Currently, under general law there are three instances in which local approval is not required:

- (1) The law enables one or more local government units to exercise authority not granted by general law. That is, the law is permissive, not mandatory.
- (2) The law brings a local government unit within the general law by repealing a special law, by removing an exception to the applicability of a general statutory provision, by extending the applicability of a general statutory provision, or by reclassifying local government units.
- (3) The law applies to a single unit or a group of units with a population of more than one million people.