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CITIZENS LEAGUE REPORT

No. 132

**Proposed Legislation on Local Consent**

**May 1961**

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BOARD OF DIRECTORS

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Citizens League  
545 Mobil Oil Bldg.  
Minneapolis 2, Minn.

(Staff draft of a proposed Board report)

PROPOSED LEGISLATION ON LOCAL CONSENT REQUIRED ON SPECIAL ACTS OF THE LEGISLATURE

The so-called "home rule amendment" to the Minnesota constitution adopted by the voters in November 1958 defines special laws as those applying to a single local government unit or a group of such units in a single county or a number of contiguous counties. The amendment further provides that, unless otherwise provided by general law, such special laws may become effective only upon approval by the affected unit.

The latter provision, known as the "local consent policy" provision, becomes of special concern in connection with legislative acts creating, or amending a special law creating, a single or multi-purpose district constituting a separate governmental unit affecting two or more local units.

The Citizens League Board of Directors has already stated its general position with respect to local consent required on this type of Act. On March 8, 1961, acting on recommendation of the League's Forms and Structure Committee, the Board stated its support for the general principle that such special acts should not require approval of all of the local government units affected.

The Board endorsed the Forms and Structure Committee's belief that "requirement of unanimous approval gives an absolute veto to each local unit affected, no matter how small the effect may be, and that such a check is not consistent with the need for adapting local governmental structures to handle the increasing number of problems that are taking on area-wide characteristics," and that "requiring less than unanimous approval is not inconsistent with protecting home rule in the metropolitan area."

In the regular session of the 1961 Legislature a bill was introduced to provide by general law for a different consent requirement for special acts involving a separate governmental unit and affecting two or more local units. It was precipitated particularly by the efforts to draft and pass a bill for a Twin Cities Metropolitan Sanitary District, which would include the territory of 80-some municipalities.

As it passed the Senate in the regular session the bill provided that special acts affecting three or more local units would require the approval of the governing bodies of a majority of the units affected, and that such approving units should contain at least a majority of the population of all the units affected.

The Senate bill was amended in the House to be limited to acts affecting nine or more units, and then was passed. It was too late in the session, however, to get the Senate and House to agree, so the bill expired with the session.

The house version of the bill, drafted in terms of nine local units, has been introduced in the special session in both houses. Special acts to which the bill pertains would have to receive local approval within six months of passage by the Legislature to be effective. Also, in computing the majorities required, only those units would be counted which took action to approve or disapprove within the six-month period.

The bill provides that it will expire on December 31, 1962, which will force the Legislature in its 1963 session to review experience under the bill and determine whether it wishes to re-enact the same bill or a modification of it.

#### CONCLUSION AND RECOMMENDATION

The Board of Directors of the Citizens League believes that the proposed local consent policy bill carries out the general principles the Board stated earlier: It avoids the impasse of giving an absolute veto to each local unit affected on matters of area-wide concern, and yet preserves the principle of home rule by requiring approval of a majority of local governing bodies representing a majority of the people affected.

The League believes that six months is sufficient time for governing bodies of affected municipalities to take deliberate action to approve or disapprove a special act, and that it is fair and reasonable to count only those units taking action in computing the necessary majority.

The League has previously declared its belief in the great urgency of passing a bill in the 1961 Legislature which would expand the Minneapolis-St. Paul Sanitary District into a Twin Cities Metropolitan Sanitary District. It appears extremely unlikely that if such a bill is passed it would go into effect unless the proposed local

consent policy bill is enacted.

The Board of Directors of the Citizens League therefore strongly urges the Minnesota Legislature to pass the bill modifying the local consent requirement for special acts affecting nine or more local units.