

Bond Case Briefs

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Jennissen v. City of Bloomington

Supreme Court of Minnesota - June 20, 2018 - N.W.2d - 2018 WL 3040547

Group of city residents opposed to city's efforts to implement organized collection of solid waste brought action against the city, seeking to compel the city to place proposed charter amendment, requiring city to seek voter approval before establishing system of organized collection of solid waste, on next general-election ballot.

The District Court granted summary judgment in favor of city. Residents appealed, and the Court of Appeals affirmed. The Supreme Court granted review.

The Supreme Court of Minnesota held that:

- For purposes of determining whether state law occupied the field, subject matter legislature intended to regulate was the process a city must follow before it can organize waste collection, and
- Subject matter was not fully covered by state law.

In determining whether a state law has pre-empted a field so as to invalidate local legislation on the same subject, one must consider whether the subject matter has been fully covered by state law, whether legislature indicated that subject is a matter solely of state concern, and whether the subject matter itself is of such nature that local regulation would have unreasonably adverse effects.

For purposes of determining whether state law "occupied the field" in proposal by city to change from a system of open collection of mixed solid waste to a system of organized collection, subject matter legislature intended to regulate was the process a city must follow before it can organize waste collection; plain language of statute outlined procedures related to the process of implementing organized collection of solid waste.

For purposes of determining whether state law "occupied the field" in proposal by city to change from a system of open collection of mixed solid waste to a system of organized collection, subject matter was not fully covered by state law so as to have become solely a matter of state concern; state statute's process for organized collection did not include a municipality's actual decision to organize collection, statute described only the minimum steps that a municipality must take to organize collection, and Legislature intended, not to preempt, but to provide municipalities with considerable flexibility.