

Approved April 20, 1976.

CHAPTER 321—S.F.No.855

[Coded in Part]

An act relating to metropolitan government; standards and guidelines for determining matters of metropolitan significance; allocation of costs among agencies; establishing a committee to study governmental structure; amending Minnesota Statutes, 1975 Supplement, Section 474.173 and Chapter 473, by adding a section.

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

Section 1. **METROPOLITAN GOVERNMENT; COMMITTEE TO STUDY GOVERNMENTAL STRUCTURE.** A joint committee, consisting of members of the house local and urban affairs committee, the senate metropolitan and urban affairs committee, and the governmental operations committees of house and senate, is established to study governmental structure in the seven county metropolitan area.

The study shall include responsibility of city and county government, and the role and function of these units of government in relation to the metropolitan council.

The joint committee shall make a report to the 1977 session of the legislature.

Sec. 2. Minnesota Statutes, 1975 Supplement, Section 473.173, is amended to read:

473.173 COUNCIL REVIEW; METROPOLITAN SIGNIFICANCE. Subdivision 1. The council shall review all proposed matters of metropolitan significance to be undertaken by any private organization, independent commission, board or agency, local governmental unit, or any state agency in accordance with the regulations adopted pursuant to this section and the provisions of any other relevant statute.

Subd. 2. ~~Within 12 months following April 12, 1974~~ By September 1, 1976, the council shall adopt and put into effect regulations pursuant to the administrative procedures act, chapter 15, establishing standards and, guidelines and procedures for determining whether any proposed matter is of metropolitan significance, and establishing a procedure for the review of all proposed matters required to be considered and reviewed by the council and final determination on such matters in accordance with the powers and requirements set forth in this section. ~~These regulations shall take effect on July 1, 1975.~~ The purpose of these regulations shall be to promote the orderly and economic development, public and private, of the metropolitan area. ~~The metropolitan council shall submit the regulations adopted pursuant to this section to~~

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the session of the legislature in 1975 for approval. The council shall establish an advisory committee, consisting of elected officials of local governmental units and representing all council districts equally; to provide advice and make recommendations in the preparation of these regulations and may thereafter review and make recommendations to the council concerning the metropolitan significance of any proposed matter considered by the council. The regulations adopted shall provide for a public hearing prior to the determination that an action is of metropolitan significance.

Subd. 3. In developing the ~~above~~ regulations ~~establishing standards and guidelines for determining metropolitan significance~~ the council and the advisory metropolitan land use committee, as defined in Laws 1976, Chapter 127, Section 2, shall give consideration to all factors deemed relevant ~~to that determination~~ including but not limited to the following:

(1) The impact a proposed matter will have on the orderly, economic development, public and private, of the metropolitan area and its consistency with the metropolitan development guide;

(2) The relationship a proposed matter will have to the policy statement goals, standards, programs and other applicable provisions of the development guide;

(3) The impact a proposed matter will have on policy plans adopted by the council and on the development programs and functions performed and to be performed by ~~the~~ a metropolitan commission;

(4) Functions of municipal governments in respect to control of land use as provided for under the municipal planning act;

~~(5) Such other factors as are deemed relevant.~~

Subd. 4. The regulations ~~establishing a procedure for the review of proposed matters~~ shall include, ~~among other provisions, the following~~ without limitation, provisions to effectuate and comply with the following powers and requirements :

(1) No applicant shall be required to submit a proposed matter for review more than once unless it is materially altered.

(1a) A public hearing shall be held prior to the final determination with regard to a proposed matter.

(2) The council shall be empowered to suspend action on a proposed matter during the period of review and for a period not to exceed 12 months following the issuance of its recommendation or final determination. In its final determination, the council may prescribe appropriate conditions with regard to a proposed matter which, if incor-

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porated or complied with, would cause the council to remove the suspension.

(3) The council's recommendation or determination concerning a proposed matter, including the determination as to its metropolitan significance, shall be issued within 90 days following its receipt of ~~an adequately supported and documented~~ a proposal accompanied by adequate supporting information. To avoid duplication, the review may be suspended for not more than 90 days to await completion of review of a matter by another public agency .

(4) The council shall be required to review a proposed matter upon request of an affected local governmental unit or metropolitan commission. The regulations shall include a procedure for review of a proposed matter upon petition by a specified number of residents of the metropolitan area 18 years of age or older .

(5) The council shall be empowered to review all proposed matters of metropolitan significance regardless of whether the council has received a request from an affected body to conduct that review.

(6) The council shall review all proposed matters determined to be of metropolitan significance as to their consistency with the comprehensive development guide and, if appropriate, an applicable policy plan and effect upon metropolitan system plans as defined in Laws 1976, Chapter 127, Section 2 and their adverse effects on other local governmental units .

~~(7) Any major alteration or amendment to the regulations adopted by the council shall be developed and promulgated by the council in the same manner as the original regulations.~~

~~(8)-(7)~~ Previously approved policy plans and development programs and areas of operational authority of the metropolitan commissions shall not be subject to review under this section, except as specifically provided in section 473.171.

Subd. 5. The regulations and any major alteration or amendment thereto shall be developed and promulgated by the council in accordance with the provisions of this section and, to the extent not inconsistent or at variance with this section, in accordance with the administrative procedures act, Minnesota Statutes, Chapter 15, and regulations pursuant to thereto. Once the development of all of the regulations has been completed by the council and the committee, and no later than 30 days prior to the date specified for their adoption, the council shall hold a public hearing for the purpose of considering the developed regulations and receiving comments and recommendations thereon. Notice of the hearing ; ~~containing the developed regulations and such other comments as are deemed appropriate,~~ shall be published in a newspaper or appropriate newspapers circulated throughout of general circulation in the metropolitan area and mailed to all

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persons who have registered for that purpose under Minnesota Statutes, Chapter 15, appropriate state and regional agencies and all local governmental units which may be affected by these regulations—cities, counties, towns, school districts, and watershed districts within the metropolitan area no later than 30 days prior to the hearing. In adopting or amending the regulations the enactment of this section shall be deemed to establish or show the need for and to provide evidence in support of the regulations or amendments as required in Minnesota Statutes, Chapter 15, and regulations pursuant thereto, but the council shall prepare for distribution a written summary describing the basis for the composition of the draft regulations or amendments submitted for hearing and shall afford to all interested persons an opportunity at the hearing to question and make suggestions concerning their composition. Following the hearing, the council may revise the proposed regulations, giving consideration to all comments received, and thereafter the council shall finally adopt these regulations.

Subd. 6. The council and the advisory metropolitan land use committee shall review and assess the regulations following their effective date and at least every two years thereafter. On or before January 15 of each year, the council shall report to the legislature concerning metropolitan significance. No major alteration or amendments to standards for determining the necessity for a comprehensive review shall be put into effect by the council until 90 days have elapsed following the report to the legislature in which the alteration or amendment was proposed and recommended by the council.

Sec. 3. Minnesota Statutes, 1975 Supplement, Chapter 473, is amended by adding a section to read:

[473.164] PAYMENT OF METROPOLITAN COUNCIL COSTS.

Subdivision 1. The metropolitan parks and open space commission, the metropolitan transit commission, the metropolitan waste control commission, and the metropolitan airports commission shall annually reimburse the council for costs incurred by the council in the discharge of its responsibilities relating to the commission. The costs may be charged against any revenue sources of the commission as determined by the commission.

Subd. 2. On or before May 1 of each year, the council shall transmit to each commission an estimate of the costs which the council will incur in the discharge of its responsibilities related to the commission in the next budget year including, without limitation, costs in connection with the preparation, review, implementation and defense of plans, programs and budgets of the commission. Each commission shall include the estimates in its budget for the next budget year and may transmit its comments concerning the estimated amount to the council during the budget review process. Prior to December 15 of each year, the amount budgeted by each commission for the next budget year may be changed following approval by the council. During each budget year, the commission shall transfer budgeted funds to the

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council in advance when requested by the council.

Subd. 3. At the conclusion of each budget year, the council, in co-operation with each commission, shall adopt a final statement of costs incurred by the council for each commission. Where costs incurred in the budget year have exceeded the amount budgeted, each commission shall transfer to the council the additional moneys needed to pay the amount of the costs in excess of the amount budgeted, and shall include a sum in its next budget. Any excess of budgeted costs over actual costs may be retained by the council and applied to the payment of budgeted costs in the next year. Costs incurred during 1976 shall be reimbursed to the council by each commission on or before December 31, 1976 following receipt and in accordance with a statement of costs transmitted by the council.

Sec. 4. This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.

Sec. 5. This act is effective the day following final enactment.

Approved April 20, 1976.

CHAPTER 322—S.F.No.1615

[Coded in Part]

An act relating to natural resources; prohibiting, except in national emergencies, the leasing of state minerals and the use of state natural resources in connection with mining in the boundary waters canoe area; for mineland reclamation purposes; appropriating money.

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

Section 1. [84.523] **MANAGEMENT OF STATE MINERALS AND RELATED RESOURCES IN THE BOUNDARY WATERS CANOE AREA OF THE SUPERIOR NATIONAL FOREST.** Subdivision 1. **DEFINITION.** For the purposes of this section, the term "boundary waters canoe area" means that area of lands and waters included within the boundaries designated in federal regulation REG U-3, 36 Code of Federal Regulations 293.16, as that regulation provided on January 1, 1975.

Subd. 2. **LEGISLATIVE FINDINGS AND PURPOSE.** The legislature finds that a combination of state legislative and administrative actions and court decisions have established a public policy of primarily wilderness management for state lands and waters within the boundary waters canoe area. This state policy, together with a similar federal policy and international actions consistent with these state and federal policies, has created an area of hundreds of thousands of acres of land

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