

Metropolitan Areas

CHAPTER 473

METROPOLITAN GOVERNMENT

- 473.01 Purpose.
473.02 Definitions.
473.03 Regional planning and development commission.
473.04 Duties and officers of commission.
473.05 Plans.
473.06 Government units to cooperate.
473.07 Director, employees.
473.08 Budget, financial aid.
473.09 Annual report; legislative report.
473.10 Depositories.
473.11 Borrowing money; certificates of indebtedness.
- DEFINITIONS
- 473.121 Definitions.
METROPOLITAN COUNCIL
- 473.122 Purpose.
473.123 Metropolitan council.
473.127 Advisory committees.
473.128 Metropolitan planning.
473.129 Administration of metropolitan council.
473.141 Membership, procedures, officers and employees of metropolitan commissions.
473.145 Development guide.
473.146 Policy plans for metropolitan commissions.
473.147 Regional recreation open space system policy plan.
473.149 Solid waste comprehensive planning.
473.151 Disclosure.
473.153 Comprehensive disposal facilities plan for sewage sludge and solid waste from sewage treatment.
473.161 Development programs of metropolitan commissions.
473.163 Metropolitan commission budget preparation; review and approval.
473.164 Payment of metropolitan council costs.
473.165 Council review; independent commissions, boards, and agencies.
473.167 Highway projects.
473.168 Freeway exclusive lanes.
473.171 Council review; applications for federal and state aid.
473.173 Council review; metropolitan significance.
473.175 Council review; comprehensive plans, school district capital improvement programs.
473.181 Additional council review powers.
473.191 Local planning assistance.
473.193 Metropolitan housing and redevelopment authority; findings and declaration of policy.
473.194 Definitions.
473.195 Powers.
473.199 Effect upon municipal and county housing and redevelopment authorities.
473.201 Finances.
473.203 Legislative policy.
473.204 Standards and criteria.
473.206 Local ordinances.
473.208 Cooperation.
473.215 New major airport; airport development area.
473.216 Aircraft noise zones.
473.217 Control measure involving taking; condemnation by metropolitan airports commission.
473.218 Relation to airport hazard zoning.
473.219 Government units in airport development area; tax sharing.
473.223 Federal aid.
473.241 Data collection.
473.242 Urban research.
473.243 Emergency services.
473.244 Special studies and reports.
473.245 Reports.
473.249 Tax levy.
- METROPOLITAN PARKS AND OPEN SPACE COMMISSION
- 473.301 Definitions.
473.302 Regional recreation open space system; purpose.
473.303 Metropolitan parks and open space commission.
473.313 Master plans.
473.315 Grants.
473.325 Sales of bonds.
473.326 Como Park zoo; bonds.
473.331 Local acquisition.
473.333 Council acquisition.
473.341 Tax equivalents.
- METROPOLITAN TRANSIT COMMISSION
- 473.401 Definitions.
473.402 Policy; goals.
473.403 Metropolitan transit area, establishment.
473.404 Metropolitan transit commission; creation and composition.
473.405 Operation.
473.406 Certain procurement contracts.
473.408 Fare policy.
473.409 Agreements with commission; encouragement of transit use.
473.411 Transportation development program.
473.413 Commission; special provisions.
473.415 Labor provisions.
473.416 Commission; taking over personnel and contracts of joint powers transit commission.
473.417 Additional employer obligation to amortize unfunded accrued liabilities.
473.418 Disability and survivorship coverage.
473.419 Mandatory retirement age.
473.42 Employer contributions for certain employees.
473.435 Budget preparation; submission.
473.436 Commission; borrowing money.
473.438 Bonds.
473.445 Commission; annual reports.
473.446 Transit tax levies.
473.448 Commission; exemption from taxation.
473.449 Act exclusive.
473.451 Citation.
- METROPOLITAN WASTE CONTROL COMMISSION
- 473.501 Definitions.
473.502 Legislative purpose and policy.
473.503 Metropolitan waste control commission; establishment.
473.504 General powers of council and commission.
473.511 Sewer service function.
473.512 Pension coverage exclusion for certain labor service employees.
473.513 Municipal plans and programs.
473.515 Sewage collection and disposal; powers.
473.516 Waste facilities; sewage sludge disposal.
473.517 Allocation of current costs.
473.519 Federal water pollution control act amendments of 1972; system of charges.
473.521 Payments to commission.
473.523 Contracts for construction materials, supplies, and equipment.
473.535 Waste control commission budget.
473.541 Debt obligations.
473.542 Depositories.
473.543 Moneys, accounts and investments.
473.545 Property exempt from taxation.
473.547 Tax levies.
473.549 Relation to existing laws.

- METROPOLITAN SPORTS FACILITIES
- 473.551 Definitions.
- 473.552 Legislative policy; purpose.
- 473.553 Commission; membership; administration.
- 473.556 Powers of commission.
- 473.561 Exemption from council review.
- 473.564 Metropolitan sports area.
- 473.565 Retirement; administration; purchases of prior service credit.
- 473.568 Telecast of games; restrictive agreements prohibited.
- 473.571 Location and design selection.
- 473.572 Revised final determination.
- 473.581 Debt obligations.
- 473.592 Tax revenues.
- 473.595 Commission finances.
- 473.596 Access streets and highways, highway user tax distribution fund.
- 473.597 Jurisdiction, validity of Laws 1979, Chapter 203.
- METROPOLITAN AIRPORTS COMMISSION
- 473.601 Definitions.
- 473.602 Declaration of purposes.
- 473.603 Metropolitan airports commission; creation.
- 473.604 Membership, government.
- 473.605 Organization; corporate seal; bylaws.
- 473.606 Officers.
- 473.608 Powers of corporation.
- 473.609 Intermediate airports; acquisition, construction, improvement.
- 473.611 Plans to be consistent with metropolitan council development guide.
- 473.612 Noise abatement plan.
- 473.621 Powers of corporation.
- 473.622 Existing airports; control, jurisdiction.
- 473.625 Detachment of certain major airports land from cities and school districts.
- 473.626 Valuation and assessment of taxable property in detached area.
- 473.627 Certification of amount to be raised on taxable properties in area; imposition and collection of tax.
- 473.629 Valuation of properties for purpose of bond issues by school districts.
- 473.631 Boundaries of major airport.
- 473.641 New airport; public hearing.
- 473.651 Rentals fixed.
- 473.652 Construction work.
- 473.655 Public and governmental purposes.
- 473.661 Budget.
- 473.662 Earnings, how applied.
- 473.665 Bonds, issuance.
- 473.666 Bonds, legal investments for public funds.
- 473.667 General obligation revenue financing.
- 473.668 Municipalities to guarantee bonds of commission.
- 473.671 Limit of tax levy.
- 473.672 Metropolitan area tax levy.
- 473.675 Legal proceedings.
- 473.679 Construction of law.
- MOSQUITO CONTROL
- 473.701 Definitions.
- 473.702 Establishment of district; purpose; area; governing body.
- 473.703 Commission.

- 473.704 Powers and duties.
- 473.705 Contracts for materials, supplies and equipment.
- 473.706 Adverse interest of commissioners.
- 473.711 Financing.
- 473.714 Compensation of commissioners.
- 473.715 Contiguous counties; membership.
- 473.716 Cooperation with other agencies; advisors.
- METROPOLITAN SOLID AND HAZARDOUS WASTE
- 473.801 Definitions.
- 473.802 Legislative purpose and policy.
- 473.803 Metropolitan county planning.
- 473.811 Counties and local units of government; waste management.
- 473.813 Cities, counties, towns; solid waste contracts.
- 473.823 Regulations and permits.
- 473.827 Council designation of solid waste facility; required use.
- 473.831 Debt obligations; solid waste disposal.
- 473.833 Solid waste disposal sites and buffer areas.
- 473.834 Debt service; solid waste bonds.
- METROPOLITAN LAND USE PLANNING
- 473.851 Legislative findings and purpose.
- 473.852 Definitions.
- 473.853 Advisory committee.
- 473.854 Guidelines.
- 473.855 Metropolitan system statement.
- 473.856 Metropolitan system statements; amendments.
- 473.857 System statements; reconciliation procedures.
- 473.858 Comprehensive plans; local governmental units.
- 473.859 Comprehensive plan content.
- 473.86 Cities.
- 473.861 Towns.
- 473.862 Counties.
- 473.863 School districts; capital improvement programs.
- 473.864 Plans and programs; adoption; amendment.
- 473.865 Implementation of plans.
- 473.866 Contested cases; administrative and judicial review.
- 473.867 Planning assistance; grants; loans.
- 473.868 Housing.
- 473.869 Extension.
- 473.87 Exemption from levy limit.
- 473.871 New municipal sewer systems.
- 473.872 Application.
- METROPOLITAN SURFACE WATER MANAGEMENT
- 473.875 Surface water management program; purposes.
- 473.876 Definitions.
- 473.877 Watershed management organization.
- 473.878 Watershed plans.
- 473.879 Local water management plans.
- 473.881 Exemption from levy limit.
- 473.882 Special tax district.
- 473.883 Watershed management organization; capital improvements; payment by county.

473.01 PURPOSE.

The legislature finds that because of urban growth and development in metropolitan areas of the state, problems have arisen and will arise which so transcend the boundary lines of local government units that no single unit can make plans for their solution without affecting other units in the area; that under existing legislation no planning agency of sufficient territorial scope exists or can be created to provide an area-wide approach in planning solutions to problems which demand coordinated and cooperative action by affected governmental units; and that comprehensive planning for the orderly and economical growth of entire metropolitan areas consistent with the general welfare requires the establishment of regional planning commissions.

History: 1957 c 468 s 1

473.02 DEFINITIONS.

Subdivision 1. For the purpose of this chapter the terms defined in this section shall have the meanings ascribed to them.

Subd. 2. "Governmental unit" means a county, city, town, school district, or other political subdivision.

Subd. 3. "Commission" or "the commission" means a regional planning and development commission created by this chapter.

Subd. 4. "Central city" means a city of more than 100,000 population contiguous to any other city of more than 100,000 population.

Subd. 5. "Metropolitan area" means the combined area of counties containing any land within five miles of the boundary of a central city and, in addition, the area of any contiguous county made part of the metropolitan area under section 473.03, subdivision 4.

History: 1957 c 468 s 2; 1973 c 123 art 5 s 7

473.03 REGIONAL PLANNING AND DEVELOPMENT COMMISSION.

Subdivision 1. There is hereby established in each metropolitan area a regional planning and development commission consisting of the following members:

(1) Two members representing each central city in the area. One shall be the mayor or a representative appointed by him and one shall be a member of the governing body or some other resident of the city appointed in either case by the governing body.

(2) Seven members representing cities in the metropolitan area other than central cities. No more than two such members shall reside in any one county. Such members shall be officials or other residents of such municipalities and shall be appointed by a majority vote of the mayors of such municipalities voting at a joint meeting, or adjourned meeting, called on at least ten days mailed notice by the mayor of the most populous of such municipalities. The number of such members shall be increased or decreased only when terms of incumbent members expire, except that if the number of members to which such municipalities are entitled is increased by the expansion of the metropolitan area under subdivision 4, the members of the commission chosen under this clause shall appoint the required number of such additional members for a term expiring at the time when the terms of other such members expire.

(3) One member to represent each county in the area. He shall be a member of the board of county commissioners or some other resident of the county appointed in either case by the county board.

(4) One member to represent the school districts in the area, including special districts. He shall be a school board member or other resident of the area appointed by a majority vote of the chairmen of the boards of such districts voting at a joint meeting, or adjourned meeting, called on at least ten days mailed notice by the chairman of the board of the most populous of such districts.

(5) Two members to represent the towns in the area. Each shall be a member of the board of supervisors or other resident of a town in the area and shall be appointed by a majority vote of the chairmen of the boards of supervisors of such towns voting at a joint meeting, or adjourned meeting, called on at least ten days mailed notice by the chairman of the board of the most populous of such towns.

(6) One member for each public corporation created by law to perform a service within two or more cities or towns in the metropolitan area. He shall be appointed by the governing body of the corporation from its own membership, or from persons residing in the territory under the jurisdiction of the corporation.

MINNESOTA STATUTES 1982

473.03 METROPOLITAN GOVERNMENT

7964

(7) Seven members representative of private citizens and groups interested in regional planning and development. They shall be appointed by the governor from residents of the metropolitan area who hold no public office other than that of notary public. At least four of the members so appointed shall be residents of the central cities, and not more than four shall be members of the same political party.

Subd. 2. The mayor of each central city in the area or his representative shall serve for a term expiring upon the qualification of the mayor's successor. Each of the other members shall serve for a term of five years and until the qualification of his successor. The term of office of each member holding office on the effective date of Laws 1963, Chapter 866, is extended to and terminates on May 31 next following the date on which his term of office would otherwise expire. Except an appointment to fill an unexpired term, the term of each member shall begin on June 1 next following the date on which the term of the next preceding incumbent expired. Any vacancy occurring before the expiration of the term shall be filled by the appointing authority for the remainder of the term except that a vacancy occurring among the members representing school districts, town, or municipalities other than central cities shall be filled by the commission for the remainder of the term.

Subd. 3. Initial members shall be appointed in the case of a metropolitan area hereafter established, within 30 days after the effective date of the decennial census by which the area becomes a metropolitan area; and the mayor of each central city, the county auditor of each county, the secretary of each public corporation, and the mayor, school board chairman, and town board chairman responsible for the calling of meetings to make appointments under subdivision 1 shall notify the governor of appointments made by him or the appointing authority to which he is responsible. At the end of such 30-day period, or as soon thereafter as the governor has been informed that a majority of the commission members have been appointed, he shall call a meeting of the commission at which the commission may be organized and commence its operations notwithstanding the existence of vacancies on the commission.

Subd. 4. Any county contiguous to a county in a metropolitan area shall be added to the metropolitan area whenever (a) the county board of the county finds by resolution that there is need for a regional planning commission to function in the county under this chapter and that the adjoining metropolitan area should be expanded to include such county, and (b) the commission by resolution gives its consent to the expansion.

History: 1957 c 468 s 3; Ex1961 c 39 s 1; 1963 c 866 s 1,2; 1973 c 123 art 5 s

7

473.04 DUTIES AND OFFICERS OF COMMISSION.

Subdivision 1. The commission shall elect its own officers, and shall establish its own rules governing its internal organization, its meetings, and its procedure. It shall keep a record of its resolutions, transactions, findings, and reports, and these shall be public records.

Subd. 2. Members of the commission shall receive no compensation for their services; but they may be reimbursed for actual expenses incurred in carrying on their duties.

History: 1957 c 468 s 4

473.05 PLANS.

Subdivision 1. The commission shall make plans for the physical, social, and economic development of its metropolitan area with the general purpose of

guiding and accomplishing a coordinated and harmonious development of the area and of public facilities, improvements, and utilities which do not begin and terminate within the boundaries of any single governmental unit or which do not relate exclusively to the development of any single governmental unit. Such plans may include, among other things, suggestions as to highways and other transportation facilities, parks and recreational facilities, methods for protection and assuring access to direct sunlight for solar energy systems, drainage and water supply facilities, public buildings, utilities and services, as well as suggested standards for the subdivision of land and for control over the construction, height, bulk, location and use of buildings and premises. The commission may adopt by resolution of a majority of its full membership any such plan or portion of any plan as its official recommendation for the development of the area.

Subd. 2. The commission may conduct research studies, collect and analyze data, prepare maps, charts and tables, and conduct all necessary studies for the accomplishment of its other duties; it may publicize and advertise its purposes, objectives, and findings, and may distribute reports thereon; it may advise and assist the legislature and other governmental units and the public in its area on planning matters within the scope of its duties and objectives and may act as a coordinating agency for programs and activities of governmental units affecting metropolitan area planning.

History: 1957 c 468 s 5; 1963 c 866 s 3; 1978 c 786 s 19

473.06 GOVERNMENT UNITS TO COOPERATE.

Subdivision 1. Each governmental unit, its officers and employees, shall cooperate with the commission in its metropolitan area in accomplishing the purposes of this chapter. Such unit may aid the commission by furnishing staff, services, property, or financial support to the commission.

Subd. 2. The commission shall promote the cooperation of the planning commissions of governmental units within its metropolitan area, the coordination of the plans of such units, and the coordination of such plans with plans adopted by the commission; it shall confer with and advise with officers and employees of such governmental units and all other public and private agencies that can be helpful in promoting a coordinated and desirable development of the metropolitan area.

Subd. 3. Whenever requested by the governing body of a governmental unit in the area, the commission may, at the expense of the governmental unit concerned, prepare studies or plans relating to the future growth and development of the governmental unit; but such local planning shall not be done if it handicaps or delays the commission's primary objective of regional studies and plans.

Subd. 4. Each constituent governmental unit shall give the commission access to all its studies, reports, surveys, records, and other information and material as are requested by the commission for the accomplishment of its purposes. All such material belonging to the commission shall also be made available to each governmental unit within its metropolitan area.

Subd. 5. Any constituent governmental unit having authority to adopt a master plan or official map may adopt all or any part of any plan prepared and adopted by the commission of its metropolitan area by following the procedure for the adoption of a master plan or official map.

Subd. 6. Before a governmental unit in the metropolitan area makes a final decision on any matter which, in the sole discretion of its governing body, is not predominantly local but has a substantial effect on regional development, the tentative proposal or plans shall be presented to the commission for its recommendation, and the governing body shall take no binding action on the matter

thereafter until the commission has made its recommendations or until 30 days have elapsed from the time of submission to the commission without a report from the commission. Failure to present the proposal or plans to the commission shall be a finding by the governing body that the matter is predominantly local. The recommendations of the commission shall be advisory only.

History: 1957 c 468 s 6

473.07 DIRECTOR, EMPLOYEES.

The commission may appoint a director and such employees as it may deem necessary for its work and may hire such experts and consultants as may be necessary in performing its duties. It shall provide for the bonding of its treasurer and may make necessary contracts in the name of the commission, provide for office space, purchase supplies and equipment, and do anything necessary and proper to the performance of its duties. It shall be considered an employer under chapters 176 and 353, and may purchase insurance covering its liability under the workers' compensation law. It shall be considered a political subdivision within the meaning of section 471.59.

History: 1957 c 468 s 7; 1975 c 359 s 23

473.08 BUDGET, FINANCIAL AID.

Subdivision 1. On or before October 1 of each year the commission shall adopt, after a public hearing, a budget covering its anticipated receipts and disbursements for the ensuing year and shall decide upon the total amount necessary to be raised from ad valorem tax levies to meet its budget. After adoption of the budget and no later than October 1, the secretary of the commission shall certify to the auditor of each county within its metropolitan area the county share of such tax, which shall be an amount bearing the same proportion to the total levy agreed on by the commission as the assessed valuation of the county bears to the assessed valuation of the metropolitan area. The maximum amount of any levy made for the purpose of this chapter shall not exceed $13/300$ of a mill on each dollar of assessed valuation of all taxable property in the metropolitan area, provided however a maximum levy of one-fifteenth of a mill may be made for the years 1965 and 1966.

Subd. 2. The auditor of each county in a metropolitan area shall add the amount of any levy made by the commission within the limits imposed by subdivision 1 to other tax levies of the county for collection by the county treasurer with other taxes. When collected the county treasurer shall make settlement of such taxes with the treasurer of the commission in the same manner as other taxes are distributed to political subdivisions. The levy authorized by this section shall be in addition to any other county taxes authorized by law.

Subd. 3. The commission may accept financial aid from governmental units within its metropolitan area, from the state or federal government, and from private donors, if the conditions under which it is offered are not incompatible with the provisions of this chapter.

Subd. 4. The commission shall keep an accurate account of its receipts and disbursements. Disbursements of funds of the commission shall be made by check signed by the chairman or vice chairman or secretary of the commission and countersigned by the director or assistant director or administrative assistant thereof after such auditing and approval of the expenditure as may be provided by rules of the commission. The state auditor shall audit the books and accounts of the commission once each year, or as often as funds and personnel of the state auditor permit. The commission shall pay to the state the total cost and expenses of such examination, including the salaries paid to the auditors while actually

engaged in making such examination. The revolving fund of the state auditor shall be credited with all collections made for any such examination.

Subd. 5. Every contract of the commission for the purchase of merchandise, materials, or supplies which requires an expenditure of \$1,000 or more shall be let to the lowest responsible bidder after notice has been published once in a legal newspaper of general circulation in the metropolitan area at least ten days in advance of the last day for the submission of bids.

History: 1957 c 468 s 8; 1963 c 866 s 4.5; 1965 c 501 s 1; 1973 c 492 s 7; 1973 c 773 s 1

473.09 ANNUAL REPORT; LEGISLATIVE REPORT.

Subdivision 1. The commission shall make an annual report of its activities to the governing bodies of the governmental units and to the public in its metropolitan area.

Subd. 2. The commission shall make a report of its finances and activities biennially to the legislature. The report shall include a copy of the commission's expenditures by category for the preceding two years and shall include detailed budget projections, including an outline of its work program, for the current year and for the following year.

History: 1957 c 468 s 9; 1963 c 866 s 6; 1965 c 501 s 2

473.10 DEPOSITORIES.

The commission shall from time to time designate one or more national or state banks, or trust companies authorized to do a banking business, as official depositories for money of the commission, and thereupon shall require the treasurer to deposit all or part of such money in such bank or banks. Such designation shall be in writing and set forth all the terms and conditions upon which the deposits are made, and shall be signed by the chairman and secretary, and made a part of the minutes of the commission. Any bank or trust company so designated shall qualify as a depository by furnishing a corporate surety bond or collateral as required by section 118.01, and shall thereafter, as long as money of the commission is on deposit therein, maintain such bond or collateral in the amounts required by said section. However, no bond or collateral shall be required to secure any deposit, insofar as it is insured under federal law, as provided in section 118.10.

History: Ex1961 c 39 s 2

473.11 BORROWING MONEY; CERTIFICATES OF INDEBTEDNESS.

Subdivision 1. At any time after a tax has been levied by the commission and certified to the county auditors to be spread on the next tax roll for collection, the commission may borrow money and in evidence thereof issue and sell its certificates of indebtedness in anticipation of the collection of such levy.

Subd. 2. The aggregate principal amount of such certificates then remaining outstanding, issued in anticipation of any levies whatsoever, plus the then unpaid accrued interest and interest to accrue to maturity on all such certificates, shall not exceed 50 percent of all taxes certified to the county auditors to be spread and collected which are not delinquent, less the amount thereof received by the commission before the latest certificates were issued.

Subd. 3. All certificates shall mature not later than April 1 following the close of the year of collection of the taxes in anticipation of which they were issued, and may be made subject to redemption before maturity.

Subd. 4. The commission shall, by the resolution authorizing each issue of certificates, fix the amount, date, maturity or maturities, prepayment provisions, form, denominations, interest rate or rates, and other details of the certificates, and also pledge the full faith and credit of the commission for the payment thereof. In and by such resolution, the commission shall also irrevocably appropriate to a special fund such amount, stated in dollars, of the levy anticipated as will be required to pay the principal of and interest on the certificates when due.

Subd. 5. If, due to delinquencies in collection thereof, the levy is not received at the times and in the amounts sufficient to meet principal of and interest on certificates payable therefrom, the commission may levy and cause to be extended, assessed and collected upon all taxable property within the metropolitan area, such ad valorem taxes as may be required to pay such principal and interest and to restore to other funds advances made for that purpose.

Subd. 6. All such certificates may be negotiated and sold in such manner as may be determined by the commission.

History: *Ex1961 c 39 s 3*

DEFINITIONS

473.121 DEFINITIONS.

Subdivision 1. For the purposes of this chapter, the terms defined in this section have the meanings given them in this section, except as otherwise expressly provided or indicated by the context.

Subd. 2. "Metropolitan area" or "area" means the area over which the metropolitan council has jurisdiction, including only the counties of Anoka, Carver, Dakota excluding the city of Northfield, Hennepin, Ramsey, Scott excluding the city of New Prague, and Washington.

Subd. 3. "Metropolitan council" or "council" means the metropolitan council established by section 473.123.

Subd. 4. "Metropolitan county" means any one of the following counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott or Washington.

Subd. 5. "State agency" means the state of Minnesota or any agency, board, commission, department or educational institution thereof.

Subd. 6. "Local governmental unit" means any county, city, town, school district, special district or other political subdivisions or public corporation, other than a metropolitan commission, lying in whole or part within the metropolitan area.

Subd. 7. "Metropolitan commission" means the metropolitan waste control commission, the metropolitan transit commission, and other such commissions as the legislature may hereafter designate.

Subd. 8. "Metropolitan significance" means a status determined by the metropolitan council pursuant to the regulations and procedures established by section 473.173.

Subd. 9. "Development program" means the detailed technical program of each metropolitan commission adopted pursuant to section 473.161.

Subd. 10. "Policy plan" means the long-range comprehensive plans of each metropolitan commission adopted pursuant to section 473.146.

Subd. 11. "Independent commission, board or agency" means governmental entities with jurisdictions lying in whole or in part within the metropolitan area but not including the metropolitan commissions referred to herein.

Subd. 12. "Metropolitan parks and open space commission" means the commission established in sections 473.302 to 473.401.

MINNESOTA STATUTES 1982

7969

METROPOLITAN GOVERNMENT 473.121

Subd. 13. "Park district" means a park district created under chapter 398.

Subd. 14. "Regional/recreation open space" means land and water areas, or interests therein, and facilities determined by the metropolitan council to be of regional importance in providing for a balanced system of public outdoor recreation for the metropolitan area, including but not limited to park reserves, major linear parks and trails, large recreation parks, and conservatories, zoos, and other special use facilities.

Subd. 15. "Metropolitan transit commission" or "transit commission" means the metropolitan transit commission created in section 473.404.

Subd. 16. "Metropolitan transit area" or "transit area" or "MTA" means the metropolitan transit area established in section 473.403.

Subd. 17. [Repealed, 1977 c 454 s 49]

Subd. 18. "Operator" means any person engaged or seeking to engage in the business of providing public transit.

Subd. 18a. "Paratransit" has the meaning given in section 174.22, subdivision 6.

Subd. 19. "Public transit" or "transit" means transportation of passengers for hire within the transit area by means of a motor vehicle or other means of conveyance by any person operating as a common carrier on fixed routes and schedules. "Public transit" shall not include transportation of children to or from school or of passengers between a common carrier terminal station and a hotel or motel, transportation by a common carrier railroad or common carrier railroads or by taxi, transportation furnished by a person solely for his or its employees or customers, or paratransit.

Subd. 20. "Public transit system" or "transit system" means, without limitation, a combination of property, structures, improvements, equipment, plants, parking or other facilities, and rights, or any thereof, used or useful for the purposes of public transit.

Subd. 21. "Metropolitan waste control commission" means the commission established in sections 473.501 to 473.549.

Subd. 22. "Acquisition" and "betterment" shall have the meanings given to them in chapter 475.

Subd. 23. "Interceptor" means any sewer and necessary appurtenances thereto, including but not limited to mains, pumping stations, and sewage flow regulating and measuring stations, which is designed or used to conduct sewage originating in more than one local government unit, or which is designed or used to conduct all or substantially all of the sewage originating in a single local government unit from a point of collection in that unit to an interceptor or treatment works outside that unit.

Subd. 24. "Metropolitan disposal system" means any or all of the interceptors or treatment works owned or operated by the metropolitan waste control commission.

Subd. 25. "Pollution", "sewer system", "treatment works", "disposal system", and "waters of the state" shall have the meanings given them in section 115.01.

Subd. 26. "Sewage" means all liquid or water-carried waste products from whatever source derived, together with such ground water infiltration and surface water as may be present.

Subd. 27. [Repealed, 1980 c 564 art 13 s 2]

Subd. 28. [Repealed, 1980 c 564 art 13 s 2]

Subd. 29. [Repealed, 1980 c 564 art 13 s 2]

Subd. 30. MS 75 Supp [Repealed, 1976 c 179 s 20]

Subd. 31. [Repealed, 1980 c 564 art 13 s 2]

Subd. 31a. [Repealed, 1980 c 564 art 13 s 2]

Subd. 31b. [Repealed, 1980 c 564 art 13 s 2]

Subd. 31c. [Repealed, 1980 c 564 art 13 s 2]

Subd. 32. "Metropolitan airports commission" means the commission established in sections 473.601 to 473.679.

Subd. 33. "Major airport" means any airport now or which may hereafter be operated by the metropolitan airports commission as a terminal for regular, scheduled air passenger service.

Subd. 34. "Aeronautics" means the transportation by aircraft, the operation, construction, repair, or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing and maintenance of parachutes; the design, establishment, construction, operation, improvement, repair, or maintenance of airports, restricted landing areas, or other air navigation facilities and air instruction, and powers incidental thereto.

Subd. 35. "Airport" means any locality, either of land or water, including intermediate landing fields, which is used or intended to be used for the landing and take off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo, and also includes any facility used in, available for use in, or designed for use in, aid of air navigation, including, but without limitation, landing areas, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio-directional finding, or for radio or other electrical communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and take off of aircraft, and also includes, but without limitation, access roads, parking areas, railroad siding facilities, such land contiguous or not as may be required for installations necessary for safe and efficient operation, buildings, structures, hangars, shops and any personal property usually used in connection with the operations of such airports, including specifically, but not exclusively, snow removal or impacting equipment, fire and ambulance equipment, motor vehicles and equipment for buildings, structures, hangars, and shops. It includes any area heretofore in the statutes of this state termed an "airport" or a "flying field."

Subd. 36. The definitions of terms relating to waste in chapter 116 and section 115A.03, also apply to the same terms relating to waste used in this chapter.

History: 1975 c 13 s 1; 1976 c 127 s 24; 1976 c 179 s 1-6; 1977 c 347 s 68; 1977 c 421 s 6; 1977 c 454 s 29-32; 1978 c 543 s 1; 1980 c 378 s 1; 1980 c 564 art 10 s 1

METROPOLITAN COUNCIL

473.122 PURPOSE.

In order to coordinate the planning and development of the metropolitan area comprising the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington, it is in the public interest to create an administrative agency for that purpose.

History: 1975 c 13 s 2

473.123 METROPOLITAN COUNCIL.

Subdivision 1. **Creation.** A metropolitan council with jurisdiction in the metropolitan area is created. It shall be under the supervision and control of 17 members, all of whom shall be residents of the metropolitan area.

Subd. 2. **Terms.** Commencing the first Monday in January, 1975, the council members shall be appointed by the governor from each of the districts described in subdivision 3. The terms of the members shall be as follows: members representing even numbered districts for terms ending the first Monday in January, 1977; members representing odd numbered districts for terms ending the first Monday in January, 1979. Thereafter the term of each member shall be for a term of four years and until his successor is appointed and qualified.

Members of the council serving as of the first Monday in January, 1975 shall continue to serve the district described in subdivision 3 in which they reside for the term herein prescribed for that district, provided that if more than one such member resides in the same district the governor shall designate one of them to serve as the council member from the district and the terms of the other members are thereupon terminated. The governor shall appoint as members of the council one resident of each district described in subdivision 3 in which no present member of the council resides to serve for the term herein defined. For the purpose of this subdivision the residence of present members of the council serving as of the first Monday in January, 1975 shall be their residence as of July 1, 1974.

Subd. 3. **Membership.** Sixteen members of the metropolitan council shall be appointed by the governor on a nonpartisan basis, after consulting with all members of the legislature from the area composing the council district for which the member is to be appointed, by and with the advice and consent of the senate. Each such council member shall reside in the council district which he represents. Each council district shall be represented by one member of the council. Council districts are hereby created as follows:

(1) The first council district consists of that part of the city of St. Paul described as follows: commencing at the intersection of the center line of University avenue with the west city limits, extending easterly along the center line of University avenue to the center line of Rice street, extending southerly along the center line of Rice street to the center line of Interstate 94, extending easterly along the center line of Interstate 94 to the center line of Summit avenue extended, extending southwesterly along the center line of Summit avenue extended and Summit avenue to the center line of Kellogg boulevard, extending southeasterly along the center line of Kellogg boulevard to the center line of Eagle street, extending southeasterly along the center line of Eagle street to the main channel of the Mississippi river, extending southwesterly, westerly, and northerly along the main channel of the Mississippi river to the west city limits, and extending northerly along the west city limits to the point of origin.

(2) The second council district consists of that part of the county of Ramsey consisting of the cities of Lauderdale, Falcon Heights, and Roseville; and that part of the city of St. Paul described as follows: commencing at the intersection of the center line of University avenue with the west city limits, extending easterly along the center line of University avenue to the center line of Rice street, extending northerly along the center line of Rice street to the Burlington Northern railroad right of way, extending easterly along the Burlington Northern railroad right of way to the center line of Sylvan street, extending northerly along the center line of Sylvan street to the center line of Magnolia avenue west, extending easterly along the center line of Magnolia avenue west to the center line of Agate street, extending northerly along the center line of Agate street to the center line of Jessamine avenue west extended, extending easterly along the center line of Jessamine avenue west extended to the center line of Interstate 35E, extending

northerly along the center line of Interstate 35E to the north city limits, and extending westerly, southerly, westerly, southerly, westerly, northerly, westerly, and southerly along the city limits to the point of origin.

(3) The third council district consists of that part of the city of St. Paul described as follows: commencing at the intersection of the center line of Interstate 35E with the north city limits, extending southerly along the center line of Interstate 35E to the center line of Jessamine avenue west extended; extending westerly along the center line of Jessamine avenue west extended to the center line of Agate street, extending southerly along the center line of Agate street to the center line of Magnolia avenue west, extending westerly along the center line of Magnolia avenue west to the center line of Sylvan street, extending southerly along the center line of Sylvan street to the Burlington Northern railroad right of way, extending westerly along the Burlington Northern railroad right of way to the center line of Rice street, extending southerly along the center line of Rice street to the center line of Interstate 94, extending easterly along the center line of Interstate 94 to the center line of Summit avenue extended, extending southwesterly along the center line of Summit avenue extended and Summit avenue to the center line of Kellogg boulevard, extending southeasterly along the center line of Kellogg boulevard to the center line of Eagle street, extending southeasterly along the center line of Eagle street to the main channel of the Mississippi river, extending southwesterly along the main channel of the Mississippi river to the south city limits, extending easterly, northerly, easterly, southerly, easterly, southeasterly, easterly, northerly, and westerly along the city limits to the point of origin.

(4) The fourth council district consists of that part of the county of Ramsey consisting of the town of White Bear; the cities of Arden Hills, Gem Lake, Little Canada, Moundsview, New Brighton, North Oaks, North St. Paul, Shoreview, and Vadnais Heights; that part of the city of White Bear Lake lying in the county of Ramsey; and that part of the city of Maplewood lying north of the center line of Larpenteur Avenue.

(5) The fifth council district consists of that part of the county of Hennepin consisting of the city of Robbinsdale; that part of the city of Golden Valley described as follows: commencing at the intersection of the center line of trunk highway No. 100 with the north city limits, extending southerly along the center line of trunk highway No. 100 to the Minnesota Western railroad right of way, extending easterly along the Minnesota Western railroad right of way to the east city limits, and extending northerly, westerly, northerly, and westerly along the city limits to the point of origin; and that part of the city of Minneapolis described as follows: commencing at the intersection of the main channel of the Mississippi river with the north city limits, extending southerly along the main channel of the Mississippi river to the Burlington Northern railroad right of way, extending southwesterly along the Burlington Northern railroad right of way to the center line of Sixth street north extended, extending southeasterly along the center line of Sixth street north extended and Sixth street north to the center line of Hennepin avenue, extending southwesterly along the center line of Hennepin avenue to the center line of Franklin avenue west, extending westerly along the center line of Franklin avenue west to the center line of Lake of the Isles boulevard east, extending southerly along the center line of Lake of the Isles boulevard east to the center line of Lake Calhoun boulevard east, extending southerly along the center line of Lake Calhoun boulevard east to the center line of Lake street west, extending westerly along the center line of Lake street west to the west city limits, and extending northerly, easterly, northerly, and easterly along the city limits to the point of origin.

(6) The sixth council district consists of that part of the county of Hennepin consisting of that part of the city of St. Anthony lying in the county of Hennepin; and that part of the city of Minneapolis described as follows: commencing at the intersection of the main channel of the Mississippi river with the north city limits, extending southerly along the main channel of the Mississippi river to the Burlington Northern railroad right of way, extending southwesterly along the Burlington Northern railroad right of way to the center line of Sixth street north extended, extending southeasterly along the center line of Sixth street north extended and Sixth street north to the center line of Hennepin avenue, extending southwesterly along the center line of Hennepin avenue to the center line of Lincoln avenue extended, extending easterly along the center line of Lincoln avenue extended to the center line of Lyndale avenue south, extending southerly along the center line of Lyndale avenue south to the center line of Twenty-fourth street east, extending easterly along the center line of Twenty-fourth street east to the center line of Stevens avenue south, extending southerly along the center line of Stevens avenue south to the center line of Twenty-fifth street east, extending easterly along the center line of Twenty-fifth street east to the center line of Fifteenth avenue south, extending northerly along the center line of Fifteenth avenue south to the center line of Twenty-fourth street east, extending easterly along the center line of Twenty-fourth street east to the center line of Cedar avenue south, extending northerly along the center line of Cedar avenue south to the center line of Sixth street south; extending easterly along the center line of Sixth street south to the center line of Twenty-seventh avenue south extended, extending northerly along the center line of Twenty-seventh avenue south extended to the main channel of the Mississippi river, extending southeasterly along the main channel of the Mississippi river to the east city limits, and extending northerly, westerly, northerly, westerly, northerly, and westerly to the point of origin; and that part of the county of Ramsey consisting of that part of the city of St. Anthony lying in the county of Ramsey.

(7) The seventh council district consists of that part of the city of Minneapolis described as follows: commencing at the intersection of the center line of Lake street west with the west city limits, extending easterly along the center line of Lake street west to the center line of Lake Calhoun boulevard east, extending northerly along the center line of Lake Calhoun boulevard east to the center line of Lake of the Isles boulevard east, extending northerly along the center line of Lake of the Isles boulevard east to the center line of Franklin avenue west, extending easterly along the center line of Franklin avenue west to the center line of Hennepin avenue, extending northeasterly along the center line of Hennepin avenue to the center line of Lincoln avenue extended, extending easterly along the center line of Lincoln avenue extended to the center line of Lyndale avenue south, extending southerly along the center line of Lyndale avenue south to the center line of Twenty-fourth street east, extending easterly along the center line of Twenty-fourth street east to the center line of Stevens avenue south, extending southerly along the center line of Stevens avenue south to the center line of Twenty-fifth street east, extending easterly along the center line of Twenty-fifth street east to the center line of Chicago avenue south, extending southerly along the center line of Chicago avenue south to the center line of Thirty-eighth street east, extending westerly along the center line of Thirty-eighth street east to the center line of Fourth avenue south, extending southerly along the center line of Fourth avenue south to the center line of Forty-second street east, extending westerly along the center line of Forty-second street east to the center line of Interstate 35W, extending southerly along the center line of Interstate 35W to the center line of Forty-eighth street east extended, extending westerly along the center line of Forty-eighth street east extended and Forty-eighth street east to the center line of Nicollet avenue south, extending southerly along the center line of Nicollet

avenue south to the center line of Fifty-seventh street east, extending easterly along the center line of Fifty-seventh street east and Fifty-seventh street east extended to the center line of Interstate 35W, extending southerly along the center line of Interstate 35W to the south city limits, and extending westerly, northerly, westerly, and northerly to the point of origin.

(8) The eighth council district consists of that part of the city of Minneapolis described as follows: commencing at the intersection of the main channel of the Mississippi river with the east city limits, extending northwesterly along the main channel of the Mississippi river to the center line of Twenty-seventh avenue south extended, extending southerly along the center line of Twenty-seventh avenue south extended to the center line of Sixth street south, extending westerly along the center line of Sixth street south to the center line of Cedar avenue south, extending southerly along the center line of Cedar avenue south to the center line of Twenty-fourth street east, extending westerly along the center line of Twenty-fourth street east to the center line of Fifteenth avenue south, extending southerly along the center line of Fifteenth avenue south to the center line of Twenty-fifth street east, extending westerly along the center line of Twenty-fifth street east to the center line of Chicago avenue south, extending southerly along the center line of Chicago avenue south, to the center line of Thirty-eighth street east, extending westerly along the center line of Thirty-eighth street east to the center line of Fourth avenue south, extending southerly along the center line of Fourth avenue south to the center line of Forty-second street east, extending westerly along the center line of Forty-second street east to the center line of Interstate 35W, extending southerly along the center line of Interstate 35W to the center line of Forty-eighth street east extended, extending westerly along the center line of Forty-eighth street east extended and Forty-eighth street east to the center line of Nicollet avenue south, extending southerly along the center line of Nicollet avenue south to the center line of Fifty-seventh street east, extending easterly along the center line of Fifty-seventh street east and Fifty-seventh street east extended to the center line of Interstate 35W, extending southerly along the center line of Interstate 35W to the south city limits, and extending easterly, northerly, easterly, and northerly to the point of origin.

(9) The ninth council district consists of that part of the county of Hennepin consisting of the Fort Snelling area; the city of Richfield; and that part of the city of Bloomington described as follows: commencing at the intersection of the center line of France avenue south with the north city limits, extending southerly along the center line of France avenue south to the center line of One Hundred Second street west, extending westerly along the center line of One Hundred Second street west to the center line of Johnson avenue, extending southerly along the center line of Johnson avenue to the Minneapolis, Northfield, and Southern railroad right of way, extending southwestward along the Minneapolis, Northfield, and Southern railroad right of way to the center line of Normandale boulevard, extending southerly along the center line of Normandale boulevard to the south city limits, extending easterly, northeasterly, westerly, northerly, and westerly along the city limits to the point of origin.

(10) The tenth council district consists of that part of the county of Hennepin consisting of the cities of New Hope, Crystal and St. Louis Park; and that part of the city of Golden Valley described as follows: commencing at the intersection of the center line of trunk highway No. 100 and the north city limits, extending southerly along the center line of trunk highway No. 100 to the Minnesota Western railroad right of way, extending easterly along the Minnesota Western railroad right of way to the east city limits, extending southerly, westerly, southerly, westerly, and northerly along the city limits to the center line of Olson Memorial highway, extending easterly along the center line of Olson Memorial

highway to the center line of Winnetka avenue north, extending northerly along the center line of Winnetka avenue north to the north city limits, and extending easterly along the north city limits to the point of origin.

(11) The eleventh council district consists of that part of the county of Hennepin consisting of the cities of Edina, Medicine Lake, Minnetonka, Plymouth, Hopkins and Wayzata; and that part of the city of Golden Valley described as follows: commencing at the intersection of the center line of Winnetka avenue north and the north city limits, extending southerly along the center line of Winnetka avenue north to the center line of Olson Memorial highway; extending westerly along the center line of Olson Memorial highway to the west city limits, and extending northerly and easterly along the city limits to the point of origin.

(12) The twelfth council district consists of that part of the county of Anoka consisting of the towns of Burns, Grow, Oak Grove, and Ramsey; the cities of Anoka, Bethel and St. Francis; and that part of the county of Hennepin consisting of the town of Hassan; the cities of Corcoran, Champlin, Dayton, Greenfield, Independence, Loretto, Maple Grove, Maple Plain, Medina, Minnetrista, Osseo, Rogers, St. Bonifacius, Brooklyn Center and Brooklyn Park; and that part of the cities of Hanover and Rockford lying in the county of Hennepin.

(13) The thirteenth council district consists of that part of the county of Anoka consisting of the town of Ham Lake; the cities of East Bethel, Hilltop, Columbia Heights, Coon Rapids, and Fridley; and that part of the city of Spring Lake Park and the city of Blaine lying in Anoka county; and that part of the county of Ramsey consisting of that part of the cities of Spring Lake Park and Blaine lying in the county of Ramsey.

(14) The fourteenth council district consists of the county of Washington; that part of the county of Anoka consisting of the towns of Columbus and Linwood; and the cities of Centerville, Circle Pines, Lexington, and Lino Lakes; that part of the county of Dakota consisting of the towns of Marshan, Nininger, and Ravenna; the city of Hastings; and that part of the county of Ramsey consisting of that part of the city of Maplewood lying south of the center line of Larpenteur avenue.

(15) The fifteenth council district consists of that part of the county of Dakota consisting of the towns of Castle Rock, Douglas, Eagan, Empire, Eureka, Greenvale, Hampton, Randolph, Sciota, Vermillion, and Waterford, excluding the city of Northfield; the cities of Apple Valley, Burnsville, Coates, Farmington, Hampton, Inver Grove Heights, Lilydale, Mendota, Mendota Heights, Miesville, New Trier, Randolph, Rosemount, Sunfish Lake, Vermillion, South St. Paul and West St. Paul.

(16) The sixteenth council district consists of the counties of Carver and Scott, excluding the city of New Prague; that part of the county of Dakota consisting of the city of Lakeville; and that part of the county of Hennepin consisting of the cities of Deephaven, Eden Prairie, Excelsior, Greenwood, Long Lake, Minnetonka Beach, Mound, Orono, Shorewood, Spring Park, Tonka Bay, and Woodland; that part of the city of Chanhassen lying in the county of Hennepin; and that part of the city of Bloomington described as follows: commencing at the intersection of the center line of France avenue south with the north city limits, extending southerly along the center line of France avenue south to the center line of One Hundred Second street west, extending westerly along the center line of One Hundred Second street west to the center line of Johnson avenue south, extending southerly along the center line of Johnson avenue south to the Minneapolis, Northfield, and Southern railroad right of way, extending southwestward along the Minneapolis, Northfield and Southern railroad right of way to the center line of Normandale boulevard, extending southerly along the center line of Normandale boulevard to the south city limits, and extending westerly, northerly, and easterly, along the city limits to the point of origin.

Subd. 4. **Chairman; appointment, duties.** (a) The chairman of the metropolitan council shall be appointed by the governor as the 17th voting member thereof by and with the advice and consent of the senate to serve at his pleasure. He shall be a person experienced in the field of municipal and urban affairs with administrative training and executive ability.

(b) The chairman of the metropolitan council shall preside at the meetings of the metropolitan council and shall act as principal executive officer. He shall organize the work of the metropolitan council, appoint all officers and employees thereof, subject to the approval of the metropolitan council, and be responsible for carrying out all policy decisions of the metropolitan council. His salary shall be as provided in section 15A.081, and he shall be eligible for expenses in the same manner and amount as state employees.

Subd. 5. **Metropolitan council; duties and compensation.** The metropolitan council shall elect such officers as it deems necessary for the conduct of its affairs other than the chairman. A secretary and treasurer need not be members of the metropolitan council. Meeting times and places shall be fixed by the metropolitan council and special meetings may be called by a majority of the members of the metropolitan council or by the chairman thereof. Each metropolitan council member other than the chairman shall be paid a per diem compensation of \$50 for each meeting and for such other services as authorized by the metropolitan council, and shall be reimbursed for his reasonable expenses.

In the performance of its duties the metropolitan council may promulgate rules governing its operation, establish committees, divisions, departments and bureaus and staff the same as necessary to carry out its duties and when specifically authorized by law make appointments to other governmental agencies and districts. All officers and employees of the metropolitan council shall serve at the pleasure of the appointing authority in the unclassified service of the state civil service. Rules promulgated by the metropolitan council shall be in accordance with the administrative procedure provisions contained in chapter 14.

Subd. 6. **Executive director.** Upon the recommendation of the chairman the metropolitan council may appoint an executive director to serve at his pleasure as the principal operating administrator for the metropolitan council. He may be chosen from among the citizens of the nation at large, and shall be selected on the basis of his training and experience in the field of municipal and urban affairs.

History: 1975 c 13 s 3; 1977 c 35 s 6; 1978 c 543 s 2.3; 1980 c 378 s 2; 1982 c 424 s 130

473.127 ADVISORY COMMITTEES.

The metropolitan council may establish and appoint persons to advisory committees to assist the metropolitan council in the performance of its duties. Members of the advisory committees shall serve without compensation but shall be reimbursed for their reasonable expenses as determined by the metropolitan council.

History: 1975 c 13 s 4

473.128 METROPOLITAN PLANNING.

Subdivision 1. All the powers, duties, obligations and property now vested in or imposed upon the commission established under section 473.03, for the metropolitan area, are hereby transferred to, imposed upon, and vested in the metropolitan council as the successor of such commission. At the time of such transfer the commission established under such laws is abolished.

Subd. 2. All employees of the commission shall be employees of the metropolitan council without interruption of salaries and employee benefits.

History: 1975 c 13 s 5

473.129 ADMINISTRATION OF METROPOLITAN COUNCIL.

Subdivision 1. **General powers.** The metropolitan council shall have and exercise all powers which may be necessary or convenient to enable it to perform and carry out the duties and responsibilities now existing or which may hereafter be imposed upon it by law. Such powers include the specific powers enumerated in this section.

Subd. 2. **Officers and employees.** The metropolitan council may prescribe all terms and conditions for the employment of its officers, employees, and agents including but not limited to the fixing of compensation, their classification, benefits, and the filing of performance and fidelity bonds and such policies of insurance as it may deem advisable, the premium for which, however, shall be paid for by the district. Officers and employees of the metropolitan council, however, are public employees. The compensation and other conditions of employment of such officers and employees shall not be governed by any rule applicable to state employees in the classified service nor to any of the provisions of chapter 15A, unless the council so provides. Those employed by the metropolitan council are members of the Minnesota state retirement system. Those employed by a predecessor of the metropolitan council and transferred to it may at their option become members of the Minnesota state retirement system or may continue as members of the public retirement association to which they belonged as employees of the predecessor of the metropolitan council. The metropolitan council shall make the employer's contributions to pension funds of its employees.

Subd. 3. **Consulting contracts.** The metropolitan council may contract for the services of consultants who perform engineering, legal, or services of a professional nature. Such contracts shall not be subject to the requirements of any law relating to public bidding.

Subd. 4. **Gifts and appropriations.** The metropolitan council may accept gifts, apply for and use grants or loans of money or other property from the United States, the state, or any person for any metropolitan council purpose and may enter into agreements required in connection therewith and may hold, use, and dispose of such moneys or property in accordance with the terms of the gift, grant, loan, or agreement relating thereto. All moneys of the metropolitan council received pursuant to this subdivision or any other provision of law shall be deposited in the state treasury and the amount thereof is appropriated annually to the metropolitan council for the purposes of carrying out its duties and responsibilities.

Subd. 5. **Local governmental participation.** The metropolitan council may (1) participate as a party in any proceedings originating before the Minnesota municipal board under chapter 414, if the proceedings involve the change in a boundary of a governmental unit in the metropolitan area, (2) conduct studies of the feasibility of annexing, enlarging, or consolidating units in the metropolitan area, (3) furnish space and other necessary assistance to a metropolitan expeditor assigned to the metropolitan area or any part thereof under the Federal Demonstration City Act of 1966, on condition that such expeditor files monthly reports with the metropolitan council concerning his activities.

Subd. 6. **Participation in special district activity.** The metropolitan council shall appoint from its membership a member to serve with the metropolitan airports commission, a member to serve with the mosquito control commission, a member to serve on the Minneapolis-St. Paul sanitary district or any successor thereof, and may appoint a member to serve on any metropolitan area commission or board authorized by law. Each member of the metropolitan council so appointed on each of such commissions shall serve without a vote.

History: 1975 c 13 s 6; 1975 c 271 s 6

473.141 MEMBERSHIP, PROCEDURES, OFFICERS AND EMPLOYEES OF METROPOLITAN COMMISSIONS.

Subdivision 1. **General.** Metropolitan commissions shall be organized, structured and administered as prescribed in this section.

Subd. 2. **Membership.** Each commission shall consist of eight members, plus a chairman appointed as provided in subdivision 3. The eight members shall be appointed by the metropolitan council. One member shall be appointed from each of the following precincts:

- (1) Precinct A, consisting of council districts 1 and 2;
- (2) Precinct B, consisting of council districts 3 and 14;
- (3) Precinct C, consisting of council districts 4 and 13;
- (4) Precinct D, consisting of council districts 5 and 6;
- (5) Precinct E, consisting of council districts 7 and 8;
- (6) Precinct F, consisting of council districts 9 and 11;
- (7) Precinct G, consisting of council districts 10 and 12; and
- (8) Precinct H, consisting of council districts 15 and 16.

Subd. 3. **Chairman.** The chairman of each commission shall be appointed by the governor with the advice and consent of the senate and shall be the ninth voting member of the commission and shall meet all qualifications established for members, except the chairman need only reside within the metropolitan area. The chairman shall preside at all meetings of the commission, if present, and shall perform all other duties and functions assigned to him by the commission or by law. Each commission may appoint from among its members a vice-chairman to act for the chairman during his temporary absence or disability.

Subd. 4. **Qualifications.** Each member shall be a resident of the precinct for which he is appointed and shall not during his term of office hold the office of metropolitan council member, or be a member of another metropolitan commission, the metropolitan airports commission or the metropolitan sports facilities commission or hold any judicial office. Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, Article 5, Section 5. Such oath, duly certified by the official administering the same, shall be filed with the executive director of the metropolitan council.

Subd. 5. **Terms, removal.** Commencing the first Monday in January, 1975 the terms of members of each commission shall be as follows: members representing precincts A, B, C, and D for terms ending the first Monday in January, 1977, members representing precincts E, F, G, and H and the chairman for terms ending the first Monday in January, 1979. Thereafter the term of each member and chairman shall be for a term of four years and until his successor is appointed and qualified. Members, other than the chairman, may be removed by the council only for cause in the manner specified in chapter 351. The chairman may be removed at the pleasure of the governor.

Members of any commission serving as of the first Monday in January, 1975 shall continue to serve the precinct described in subdivision 2 in which they reside for the term herein prescribed for that precinct, provided that if more than one such member resides in the same precinct the council shall designate one of them to serve as the commission member from the precinct and the terms of the other members are thereupon terminated. The council shall appoint as members of the commission, in the manner prescribed by subdivision 2, one resident of each precinct described in said subdivision in which no present member of the commission resides to serve for the term herein defined. For the purpose of this subdivision the residence of present members of the commissions serving as of the first Monday in January, 1975 shall be their residence as of July 1, 1974.

Subd. 6. **Vacancies.** If the office of any commission member becomes vacant, the vacancy shall be filled in the same manner in which the last regular appointment for that precinct was made. An office shall be deemed vacant under the conditions specified in chapter 351.

Subd. 7. **Compensation.** Each commission member shall be paid a per diem compensation of \$50 for each meeting and for such other services as authorized by the commission, and shall be reimbursed for all actual and necessary expenses incurred in the performance of his duties in the same manner and amount as state employees. The chairman shall receive a salary in an amount fixed by section 15A.081 and shall be reimbursed for reasonable expenses to the same extent as a member; provided that the chairman of the metropolitan sports facilities commission shall receive, unless otherwise provided by other law, a salary in an amount fixed by the members of the commission and shall be reimbursed for reasonable expenses to the same extent as a member.

Subd. 8. **Regular and special meetings.** Each commission shall meet regularly at least once each month, at such time and place as the commission shall by resolution designate. Special meetings may be held at any time upon the call of the chairman or any two other members, upon written notice sent by certified mail to each member at least three days prior to the meeting, or upon such other notice as the commission may by resolution provide, or without notice if each member is present or files with the secretary a written consent to the meeting either before or after the meeting. Unless otherwise provided, any action within the authority of the commission may be taken by the affirmative vote of a majority of the members. A majority of all of the members of the commission shall constitute a quorum, but a lesser number may meet and adjourn from time to time and compel the attendance of absent members.

Subd. 9. **Personnel code; merit system.** (a) The council shall by resolution adopt guidelines for a personnel code relating to the employees of the commissions, except that nothing in Laws 1974, Chapter 422 shall impair the rights of any commission or employee under sections 473.405 and 473.415. After adoption of the guidelines, each commission shall by resolution adopt a personnel code in general conformance therewith. The code shall include a job classification plan, procedures for employment and promotion of personnel based on merit, procedures for the demotion, suspension or discharge of employees, procedures for hearing grievances, procedures for salary administration, and such other provisions as the council deems appropriate. In addition, the code shall provide for the development by each commission of affirmative action plans, which shall be submitted for approval to the appropriate agency or office of the state. The plans shall include a yearly progress report to the agency or office. The chief administrator of each commission shall administer the code, and no commission shall take any action inconsistent with the personnel code.

(b) All employees of the commission except those expressly designated for the unclassified service, shall serve in the classified service. The unclassified service shall include: members of the commission, the chief administrator of the commission, all officers of the commission, any employee of the commission who is determined by the commission to have a confidential relationship to the commission or the council; and any employee of the commission expressly exempted from the classified service by law. Each code shall also include procedures for open competitive examinations to test the relative skill or ability of all applicants for positions in the classified service. Such examinations may consist of written or oral tests of the subjective or objective type, physical tests, and practical or demonstration tests for the evaluation of past training and experience. Oral tests may be used to test the applicant's knowledge of the position applied for or his personal fitness for the position. Where there is more than one applicant for a

position, each code shall provide for the employment of one of the three applicants best qualified for it.

(c) When a commission employee has been demoted, suspended or dismissed by the chief administrator, he may, within 30 days after such action becomes effective, file with the commission a written request for a hearing showing the position from which he was dismissed, the date of dismissal, and the reason for requesting the hearing, his full name and his present mailing address. Upon receipt of a request for a hearing the commission shall appoint three of its members to act as an appeal committee and preside at a hearing on the action of the administrator. The hearing shall be held within 30 days after the request is received by the commission, upon written notice mailed or delivered to the employee at his present mailing address, not less than seven days before the hearing. The appeal committee shall approve or disapprove the action of the administrator, and in the case of approval the action of the administrator shall be final. In the case of disapproval the appeal committee may reinstate the employee under such conditions as it deems proper, and may order the payment to the employee of compensation lost as a result of the demotion, suspension or dismissal.

Subd. 10. Secretary and treasurer. At its first regular meeting each year each commission shall appoint a secretary and a treasurer or, in the alternative, a secretary-treasurer. The secretary and treasurer, or secretary-treasurer, may, but need not be, members of the commission, and shall hold office at the pleasure of the commission, subject to the terms of any contract of employment which the commission may enter into with the secretary or treasurer. The secretary shall record the minutes of all meetings of the commission and shall be the custodian of all books and records of the commission except such as the commission shall entrust to the custody of a designated employee. The treasurer shall be the custodian of all moneys received by the commission except such as the commission shall entrust to the custody of a designated employee. The commission may appoint a deputy to perform any and all functions of either the secretary or the treasurer.

Subd. 11. Chief administrator. The chairman of each commission shall, subject to the approval of the commission, appoint a chief administrator who shall be chosen solely on the basis of his training, experience, and other qualifications, and who shall serve at the pleasure of the commission. The administrator shall attend all meetings of the commission, but shall not vote, and shall have the following powers and duties:

(a) He shall see that all resolutions, rules, regulations, or orders of the commission are enforced.

(b) He shall appoint and remove, subject to the provisions of the personnel code adopted pursuant to subdivision 9, upon the basis of merit and fitness, all subordinate officers and regular employees of the commission.

(c) He shall present to the commission plans, studies, and reports prepared for commission purposes and recommend to the commission for adoption such measures as he deems necessary to enforce or carry out the powers and duties of the commission, or to the efficient administration of the affairs of the commission.

(d) He shall keep the commission fully advised as to its financial condition, and he shall prepare and submit to the commission its annual budget and such other financial information as it may request.

(e) He shall recommend to the commission for adoption such rules and regulations as he deems necessary for the efficient operation of the commission's functions.

(f) He shall perform such other duties as may be prescribed by the commission.

Subd. 12. **Public employees.** All persons employed by the chief administrator shall be public employees, and shall have all rights and duties conferred on public employees under sections 179.61 to 179.76. The compensation and other conditions of employment of such employees shall not be governed by any rule applicable to state employees in the classified service nor to any of the provisions of chapter 15A, unless the council so provides. All employees of the commission shall be members of the Minnesota state retirement system, except that employees, who by reason of their prior employment belonged to another public retirement association in the state of Minnesota, may at their option continue membership in that public retirement association, and all other rights to which they are entitled by contract or law. Tradesmen employed by the metropolitan waste control commission with trade union pension coverage pursuant to a collective bargaining agreement who elected exclusion from coverage pursuant to section 473.512 or who are first employed after July 1, 1977 shall not be covered by the Minnesota state retirement system. The commission shall make the employer's contributions to pension funds of its employees. Employees shall perform such duties as may be prescribed by the commission. Nothing in Laws 1974, Chapter 422 shall impair the rights of any commission or employee under sections 473.405 and 473.415.

Subd. 13. **Commission operating procedures.** (a) The commission shall adopt resolutions and bylaws, an administrative code establishing procedures for commission action, keeping records, approving claims, authorizing and making disbursements, authorizing contracts, safekeeping funds and audit of all financial operations of the commission.

(b) The commission and the council may enter into contracts with each other and with other commissions and governmental units for the joint exercise of powers in the manner provided by section 471.59; provided that no commission shall enter into any contract with the council which would assign any operations authority, responsibility or function, other than planning or making studies, from the commission to the council.

Subd. 14. **Relocation payment standards.** In all acquisitions the commissions shall provide as a cost of acquisition the relocation assistance, services, payments and benefits required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84 Stat. 1894 (1971), 42 United States Code, Section 4601, et seq.

History: 1975 c 13 s 7; 1976 c 2 s 172; 1977 c 35 s 7; 1977 c 98 s 2; 1977 c 305 s 43; 1977 c 454 s 47

473.145 DEVELOPMENT GUIDE.

The metropolitan council shall prepare and adopt, after appropriate study and such public hearings as may be necessary, a comprehensive development guide for the metropolitan area. It shall consist of a compilation of policy statements, goals, standards, programs, and maps prescribing guides for an orderly and economic development, public and private, of the metropolitan area. The comprehensive development guide shall recognize and encompass physical, social, or economic needs of the metropolitan area and those future developments which will have an impact on the entire area including but not limited to such matters as land use, parks and open space land needs, the necessity for and location of airports, highways, transit facilities, public hospitals, libraries, schools, and other public buildings.

History: 1975 c 13 s 8

473.146 POLICY PLANS FOR METROPOLITAN COMMISSIONS.

Subdivision 1. Within 12 months after April 12, 1974, the council shall adopt after appropriate study and such public hearings as may be necessary, as a

part of its development guide, long-range comprehensive policy plans for each metropolitan commission and when adopted, the policy plans shall be followed by the council and the affected commissions. The plans shall substantially conform to all policy statements, purposes, goals, standards, and maps in development guide sections and comprehensive plans as developed and adopted by the council pursuant to the chapters of the Minnesota Statutes directly relating to the council and the metropolitan commissions. In preparing or amending a policy plan the council shall consult with and make maximum use of the expertise of the affected commission, and each such commission shall cooperate with and make its employees, records, studies, plans and other information available to the council. Each such policy plan shall include, to the extent appropriate to the functions covered thereby, the following:

(a) A statement of the needs of the metropolitan area with respect to the functions covered and the objective of and the policies to be forwarded by the policy plan;

(b) A general description of the physical facilities and services to be developed by the metropolitan commission in performing its functions;

(c) A statement as to the general location of physical facilities and service areas;

(d) A general statement of timing and priorities in the development by the metropolitan commission of those physical facilities and service areas;

(e) A general statement on the level of public expenditure both capital and operating appropriate to the facilities and a statement of the relationship of the policy plan to other policy plans and chapters of the metropolitan development guide;

(f) A statement of the relationships to any current local comprehensive plans and any related development programs on file with the council;

(g) Such additional general information as may be necessary to develop the policy plan or as may be required by the laws relating to the metropolitan commission and function covered by the policy plan; and

(h) A general statement relating to future population, employment levels, and land use in the metropolitan area and in the individual local governmental units located therein, including population densities and anticipated rates of change in such densities.

Subd. 2. Before adopting a policy plan, the council shall submit the proposed plan to the affected metropolitan commission for its review, and the commission shall report its comments to the council within 60 days and may, within that period request the council to hold a special public hearing for the purpose of receiving the commission's report and comments. Within 60 days after the submission of the proposed plan to the commission, any local governmental unit may request a public hearing for the purpose of receiving testimony from local governmental units and the general public concerning the proposed policy plan prior to the adoption of a policy plan. Within a reasonable time, not to exceed 60 days, after receiving a request for a hearing, the council shall hold a public hearing on the proposed policy plan at such time and place in the metropolitan area as it shall determine. Not less than 15 days before the hearing, the council shall publish notice thereof in a newspaper or newspapers having general circulation in the metropolitan area, stating the date, time and place of hearing, and the place where the proposed policy plan and commission comments may be examined by any interested person. At any hearing interested persons shall be permitted to present their views on the policy plan, and the hearing may be continued from time to time. After receipt of the commission's report and such hearing, if any, the council may revise the proposed plan giving appropriate

consideration to all comments received, and thereafter shall adopt the plan by resolution. An amendment to a policy plan may be initiated by the council or by an affected commission. At least every four years the council shall engage in a comprehensive review of the policy plan. Development guide sections, comprehensive plans, capital improvement programs and other plans in substantial conformance with the requirements of subdivision 1 which have been adopted by the council pursuant to Minnesota Statutes 1971, Chapters 473A, 473B and 473C, shall continue in force and effect until expressly superseded by a policy plan adopted pursuant to this subdivision. The council shall not amend a policy plan except in accordance with the procedures herein established.

Subd. 3. The council shall adopt a transportation policy plan as a part of its comprehensive development guide as in subdivisions 1 and 2, which shall include policies, relating to all transportation forms. The plan shall be designed to promote the legislative determinations, policies and purposes set forth in section 473.402 to the end of providing the transit area an integrated and efficient transportation system. In addition to the requirements of subdivisions 1 and 2 regarding the use of the expertise of the metropolitan transit commission, the state transportation department and affected counties and municipalities may provide such technical assistance as may be requested by the council.

Subd. 4. The metropolitan council shall be the designated planning agency for any long-range comprehensive transportation planning required by Section 134 of the Federal Highway Act of 1962, Section 4 of Urban Mass Transportation Act of 1964 and Section 112 of Federal Aid Highway Act of 1973 and such other federal transportation laws as may hereinafter be enacted. The council shall assure administration and coordination of transportation planning with appropriate state, regional and other agencies, counties, and municipalities, and together with the metropolitan transit commission shall establish such an advisory body consisting of citizen representatives, commission, municipality, county and appropriate state agency representatives in fulfillment of the planning responsibilities of the council and the commission.

History: 1975 c 13 s 9; 1976 c 166 s 7

473.147 REGIONAL RECREATION OPEN SPACE SYSTEM POLICY PLAN.

Subdivision 1. The metropolitan council after consultation with the parks and open space commission, municipalities, park districts and counties in the metropolitan area, and after appropriate public hearings, shall prepare and adopt a long-range system policy plan for regional recreation open space as part of the council's metropolitan development guide. The plan shall substantially conform to all policy statements, purposes, goals, standards, and maps in development guide sections and comprehensive plans as developed and adopted by the council pursuant to the chapters of the Minnesota Statutes directly relating to the council. The policy plan shall identify generally the areas which should be acquired by a public agency to provide a system of regional recreation open space comprising park district, county and municipal facilities which, together with state facilities, reasonably will meet the outdoor recreation needs of the people of the metropolitan area and shall establish priorities for acquisition and development. In preparing or amending the policy plan the council shall consult with and make maximum use of the expertise of the commission. The policy plan shall include a five year capital improvement program, which shall be revised periodically, and shall establish criteria and priorities for the allocation of funds for such acquisition and development.

Subd. 2. Before adopting the policy plan, the council shall submit the proposed plan to the parks and open space commission for its review, and the commission shall report its comments to the council within 60 days. The council

shall hold a public hearing on the proposed policy plan at such time and place in the metropolitan area as it shall determine. Not less than 15 days before the hearing, the council shall publish notice thereof in a newspaper or newspapers having general circulation in the metropolitan area, stating the date, time and place of hearing, and the place where the proposed policy plan and commission comments may be examined by any interested person. At any hearing interested persons shall be permitted to present their views on the policy plan, and the hearing may be continued from time to time. After receipt of the commission's report and hearing, the council may revise the proposed plan giving appropriate consideration to all comments received, and thereafter shall adopt the plan by resolution. An amendment to the policy plan may be proposed by the council or by the parks and open space commission. At least every four years the council shall engage in a comprehensive review of the policy plan, development guide sections, comprehensive plans, capital improvement programs and other plans in substantial conformance with the requirements of subdivision 1 which have been adopted by the council.

History: 1975 c 13 s 10

473.149 SOLID WASTE COMPREHENSIVE PLANNING.

Subdivision 1. **Policy plan; general requirements.** The metropolitan council shall prepare and by resolution adopt as part of its development guide a long range policy plan for solid waste management in the metropolitan area. When adopted, the plan shall be followed in the metropolitan area. The plan shall address the state policies and purposes expressed in section 115A.02. The plan shall substantially conform to all policy statements, purposes, goals, standards, maps and plans in development guide sections and plans adopted by the council, provided that no land shall be thereby excluded from consideration as a solid waste facility site except land determined by the agency to be intrinsically unsuitable for such use. The plan shall include goals and policies for solid waste management in the metropolitan area and, to the extent appropriate, statements and information similar to that required under section 473.146, subdivision 1. The plan shall include criteria and standards for solid waste facilities and solid waste facility sites respecting the following matters: general location; capacity; operation; processing techniques; environmental impact; effect on existing, planned, or proposed collection services and waste facilities; and economic viability. The plan shall, to the extent practicable and consistent with the achievement of other public policies and purposes, encourage ownership and operation of solid waste facilities by private industry. For solid waste facilities owned or operated by public agencies or supported primarily by public funds or obligations issued by a public agency, the plan shall include additional criteria and standards to protect comparable private and public facilities already existing in the area from displacement unless the displacement is required in order to achieve the waste management objectives identified in the plan. In developing the plan the council shall consider the orderly and economic development, public and private, of the metropolitan area; the preservation and best and most economical use of land and water resources in the metropolitan area; the protection and enhancement of environmental quality; the conservation and reuse of resources and energy; the preservation and promotion of conditions conducive to efficient, competitive, and adaptable systems of waste management; and the orderly resolution of questions concerning changes in systems of waste management. Criteria and standards for solid waste facilities shall be consistent with regulations adopted by the pollution control agency pursuant to chapter 116 and shall be at least as stringent as the guidelines, regulations, and standards of the federal environmental protection agency.

Subd. 2. MS1975 Supp [Repealed, 1976 c 179 s 20]

Subd. 2. **Disposal capacity estimate.** By July 1, 1980, the council shall adopt by resolution an estimate of the added solid waste disposal capacity needed in appropriate sectors of the metropolitan area in annual increments through the year 1990 and thereafter in five year increments through the year 2000. The council's estimate shall be based upon existing and projected solid waste generation rates without regard to potential waste reduction, separation, and recovery activity except that provided by services and facilities in operation or under construction.

Subd. 2a. **Disposal abatement report.** By January 1, 1981, the council shall prepare and submit a report to metropolitan counties on potentials for abating the need for and practice of land disposal of mixed municipal solid waste in the metropolitan area, for use by the counties in developing land disposal abatement plans pursuant to section 473.803, subdivision 1b. The report shall contain an analysis of abatement achievable through waste reduction, waste separation, waste processing, and resource recovery. The report shall contain specific and quantifiable alternative abatement objectives and degrees of abatement, along with solid waste management methods and technologies, private and government actions, facilities and services, development schedules, revenue-raising measures, and levels of public and private expenditure and effort necessary to the achievement of those alternative objectives and degrees of abatement. The report shall recommend priorities and objectives for abating, immediately and over specified time periods, the disposal of mixed municipal solid waste in the metropolitan area. During the preparation of the report, the council shall encourage public debate and discussion of the issues relating to land disposal abatement and shall hold a public meeting on the issues in each metropolitan county.

Subd. 2b. **Inventory of solid waste disposal sites.** By February 1, 1982, the council shall adopt by resolution an inventory of eligible solid waste disposal sites and buffer areas within the metropolitan area. The council's inventory shall be composed of the sites and buffer areas proposed by the counties and reviewed and approved by the council pursuant to section 473.803, subdivision 1a. If a county does not have an approved inventory, the council shall adopt the required inventory for the county, following investigations by the council and public hearings as the council deems appropriate. The council's inventory shall satisfy all requirements and standards described in section 473.803, subdivision 1a, for sites and buffer areas proposed by counties. For sites and buffer areas included in the council's inventory, the moratorium imposed under section 473.803, subdivision 1a, shall extend until October 1, 1983.

Subd. 2c. **Report on local effects of solid waste disposal facilities; report to legislature.** By August 15, 1982, the council shall report to the legislative commission on methods of mitigating and compensating for the local risks, costs, and other adverse effects of solid waste disposal facilities and on methods of financing mitigation and compensation measures. The methods of mitigating and compensating to be considered shall include but not be limited to the following: payment outside of levy limitations in lieu of taxes for all property taken off the tax rolls; preference for the city or town containing a facility in federal A-95 reviews conducted by the council; payment of all costs to service the facilities including the costs of roads, monitoring, inspection, enforcement, police and fire, and litter clean up costs; payment for buffer zone amenities and improvements; city or town control over buffer zone design; elimination of the tipping charge for solid waste collected in the city or town; a guarantee against any and all liability that may occur; payment for reclamation of closed sites to local design specifications.

Subd. 2d. **Land disposal abatement plan.** By January 1, 1983, after considering county land disposal abatement proposals submitted pursuant to section 473.803, subdivision 1b, the council shall amend its policy plan to include specific

and quantifiable objectives for abating the land disposal of mixed municipal solid waste. The plan shall include a reduced estimate, based on the council's abatement objectives, of the added solid waste disposal capacity needed in appropriate sectors of the metropolitan area, stated in annual increments through the year 1990 and thereafter in five year increments through the year 2000. The objectives in the plan shall be based upon standards for county resource recovery and waste reduction and separation programs and activities. The plan shall include standards and procedures to be used by the council in determining that metropolitan counties have not implemented the council's land disposal abatement plan and have not met the standards for county abatement programs and activities. The council shall report to the legislative commission on its abatement plan and on legislation that may be required to implement the plan.

Subd. 2e. Solid waste disposal facilities development schedule. By January 1, 1983, after requesting and considering recommendations from the counties, cities, and towns, the council as part of its policy plan shall determine the number of sites to be acquired within each metropolitan county for solid waste disposal facilities in accordance with section 473.833. The council shall adopt a schedule for development of disposal facilities by each such county through the year 2000. The schedule shall be based upon the council's reduced estimate of the disposal capacity needed because of the council's land disposal abatement plan. The schedule may include procedures to be used by counties in selecting sites for acquisition pursuant to section 473.833. The schedule shall include standards and procedures for council certification of need pursuant to section 473.823. The schedule shall include a facility closure schedule and plans for post-closure management and disposition, for the use of property after acquisition and before facility development, and for the disposition of property and development rights, as defined in section 473.833, no longer needed for disposal facilities. The schedule shall also include a closure schedule and plans for post-closure management for facilities in existence prior to January 1, 1983.

Subd. 3. Preparation and adoption. The solid waste policy plan shall be prepared, adopted, and amended in accordance with section 473.146, subdivision 2, provided that the procedural duties and responsibilities established therein for the affected metropolitan commission shall extend to the metropolitan counties and the pollution control agency. In addition to the requirements of section 473.146, subdivision 2, the council shall send notice of any hearing to the pollution control agency and the governing body of each metropolitan county and each local governmental unit, as defined in section 473.801, wherein a solid waste facility is or may be located in accordance with the plan. Any comprehensive plan adopted by the council shall remain in force and effect while new or amended plans are being prepared and adopted by the council. By October 1, 1976, the council shall adopt either interim policies or amendments to the existing comprehensive plan establishing standards and criteria for the review under section 473.823 of permit applications for solid waste facilities used primarily for resource recovery. For permit applications received by the council prior to October 1, 1976, the council may extend the time period provided for review under section 473.823 until 60 days after the adoption of the interim policies or amendments. No metropolitan county, local government unit, commission, or person shall acquire, construct, improve or operate any solid waste facility in the metropolitan area except in accordance with the council's plan and section 473.823, provided that no solid waste facility in use when a plan is adopted shall be discontinued solely because it is not located in an area designated in the plan as acceptable for the location of such facilities.

Subd. 4. Advisory committee. The council shall establish an advisory committee to aid in the preparation of the policy plan, the performance of the council's

responsibilities under subdivisions 2 to 2e, the review of county master plans and reports and applications for permits for waste facilities, under sections 473.151 and 473.801 to 473.823 and sections 473.827, 473.831 and 473.833, and other duties determined by the council. The committee shall consist of one-third citizen representatives, one-third representatives from metropolitan counties and municipalities, and one-third representatives from private waste management firms. From October 1, 1981 to January 1, 1983, for the purpose only of participating in the preparation of the legislative report required by subdivision 2c and the land disposal abatement plan required by subdivision 2d, additional members shall be included on the advisory committee sufficient to assure that at least one-third of the members of the committee are residents of cities or towns containing eligible solid waste disposal sites included in the council's disposal site inventory, and that counties containing three sites have at least two additional members and counties containing one or two sites have at least one additional member. A representative from the pollution control agency, one from the waste management board established under section 115A.04, and one from the Minnesota health department shall serve as ex officio members of the committee.

Subd. 5. **Right of access.** Whenever the council deems it necessary to the evaluation of a disposal site or buffer area under chapter 473, the council or any member, employee, or agent thereof, when authorized by it, may enter upon any public or private property for the purpose of obtaining information or conducting surveys or investigations if the entrance and activity are undertaken after reasonable notice and during normal business hours. The council shall compensate for any damage to the property caused by the entrance and activity.

History: 1975 c 13 s 11; 1976 c 179 s 7-9; 1980 c 564 art 10 s 2; 1981 c 352 s 31-34; 1982 c 569 s 22

473.151 DISCLOSURE.

For the purpose of the regulations, plans, and reports required or authorized by sections 473.149, 473.516, 473.801 to 473.823 and this section, each generator of hazardous waste and each owner or operator of a collection service or waste facility annually shall make the following information available to the agency, council, and metropolitan counties: a schedule of rates and charges in effect or proposed for a collection service or the processing of waste delivered to a waste facility and a description, in aggregate amounts indicating the general character of the solid and hazardous waste collection and processing system, of the types and the quantity, by types, of waste generated, collected, or processed. The county, council, and agency shall act in accordance with the provisions of section 116.075, subdivision 2, with respect to information for which confidentiality is claimed.

History: 1976 c 179 s 18

473.153 COMPREHENSIVE DISPOSAL FACILITIES PLAN FOR SEWAGE SLUDGE AND SOLID WASTE FROM SEWAGE TREATMENT.

Subdivision 1. **Facilities required.** Except as provided in subdivision 7 and section 115A.33, all sewage sludge disposal facilities and facilities for the disposal of solid waste generated by the metropolitan waste control commission shall be established and operated in accordance with this section and section 473.516. The council and the commission shall establish the facilities needed for the disposal of sewage sludge and solid waste generated by the commission. The council and the commission shall establish at least one facility.

Subd. 2. **Candidate site selection.** By December 15, 1981, the council shall select six candidate sites for the disposal of the commission's sewage sludge and solid waste, together with appropriate surrounding buffer areas. The council shall

evaluate sites for candidacy on the basis of at least the following factors: local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation facilities, distance from the points of generation, and the intrinsic suitability of sites compared with other potential sites. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of the council, counties, or local units of government, no land shall be excluded from consideration for candidacy except land determined by the agency to be intrinsically unsuitable. No site shall be selected for candidacy unless the agency certifies its intrinsic suitability for the use intended, based on preliminary environmental analysis and on-site surveys and investigations conducted by the council. The council shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed as candidate sites as soon as available but no later than August 15, 1981. By September 1, 1981, the council shall propose at least six locations as candidate sites and the director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable. The director shall publish notice of a consolidated hearing on the recommendation. Notice shall be published in the state register and newspapers of general circulation in the metropolitan area and shall be sent by mail to local government units containing a proposed candidate site. The hearing shall be conducted by the state office of administrative hearings in a manner consistent with the completion of the proceedings and the hearing examiner's report to the agency in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the council and additional information on the proposed sites which is relevant to the agency's decision on intrinsic suitability. The rulemaking and contested case procedures of chapter 14 shall not apply to this hearing. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify them accordingly by December 1, 1981. The agency shall not be required to promulgate rules pursuant to chapter 14 on criteria and standards to govern its certification of intrinsic suitability under this section. No action of the agency shall be held invalid by reason of the agency's failure to notify any of the entities listed in this subdivision. In selecting candidate sites, the council shall prefer land which is capable of being returned to its existing use or the use anticipated in a plan of a metropolitan agency, county, or local unit of government use after closure of a disposal facility.

Subd. 3. **Moratorium.** In order to permit the comparative evaluation of sites and the participation of affected localities in decisions about the use of sites, a moratorium is hereby imposed as provided in this subdivision on development within the area of each candidate site and buffer area selected by the council. The moratorium shall extend until six months following the council's decision under subdivision 6. No development shall be allowed to occur within the area of a site or buffer area during the period of the moratorium without the approval of the council. No county, city, or town land use control shall permit development which has not been approved by the council, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow development to occur which has not been approved by the council. The council shall not approve actions which would jeopardize the availability of a candidate site for use as a solid waste facility. The council may establish guidelines for reviewing requests for approval under this subdivision. Requests for approval shall be submitted in writing to the chairman of the council and shall be deemed to be approved by the council unless the chairman otherwise notifies the submitter in writing within 15 days.

Subd. 4. **Advisory committee.** For the purposes only of advising the council on decisions under this section, additional members shall be added to the advisory committee established by section 473.149, subdivision 4, sufficient to assure that each city and town containing a candidate site has at least one representative on the committee.

Subd. 5. **Environmental and permit review.** An environmental impact statement meeting the requirements of chapter 116D shall be completed on each candidate site, provided that the statement shall be finally accepted or rejected within 280 days of the selection of candidate sites. Within 90 days following the acceptance of the statement, the agency shall indicate the conditions and terms of approval of all permits needed at each candidate site.

Subd. 6. **Council site selection.** Within 90 days following the agency's decision on permit conditions and terms, the council shall select at least one of the candidate sites for acquisition and development by the commission. Before its selection the council shall consult with the advisory committee and affected counties, cities, and towns.

Subd. 6a. **Suspension of siting during study.** After the certifications required by subdivision 2, there is imposed a suspension until December 31, 1982 on the site evaluation and selection procedure required by subdivisions 1 to 4 and 6. During the period of suspension the council shall evaluate:

(a) methods of reducing to the greatest feasible and prudent extent the introduction of hazardous materials in sewage flows; and

(b) uses for the commission's waste which will reduce to the greatest feasible and prudent extent the need for commission disposal facilities.

Subd. 6b. **Certification of need.** No new facility for disposing of sludge, ash, and other waste generated by the commission shall be permitted in the metropolitan area without a certification of need issued by the council indicating the council's determination:

(a) that the disposal of waste with concentrations of hazardous materials is necessary; and

(b) that the additional disposal capacity planned for the facility is needed.

The council shall certify need only to the extent that there are no feasible and prudent methods of reducing the concentrations of hazardous materials in the waste and no feasible and prudent alternatives to the disposal facility which would minimize adverse impact upon natural resources. Methods and alternatives that are speculative or conjectural shall not be deemed to be feasible and prudent. Economic considerations alone shall not justify the certification of need or the rejection of methods or alternatives.

Subd. 7. **Exemptions.** Nothing in this section shall be construed to preclude the commission from continuing to use existing sewage sludge disposal facilities. In addition, to the same extent and upon the same conditions as sewage sludge may be applied on private property pursuant to section 473.516, subdivisions 3 and 4, the commission may use any site owned by the commission for the purpose of landspreading sewage sludge for a period no longer than four years. Any property currently used by the commission and permitted by the agency for disposing of the commission's solid waste may continue to be used for that purpose by the commission, as permitted by the agency, for a period not to exceed four years.

History: 1980 c 564 art 10 s 3; 1981 c 352 s 35-38; 1982 c 424 s 130; 1982 c 569 s 23.24

473.161 DEVELOPMENT PROGRAMS OF METROPOLITAN COMMISSIONS.

Subdivision 1. **Preparation of development programs.** Each metropolitan commission shall prepare a development program covering the detailed technical

planning, engineering, financing, scheduling and other information necessary to the development of the program elements to be performed by the commission in implementing the policy plan adopted by the council pursuant to section 473.146. The program may include such other technical information as the metropolitan commission deems necessary. The program shall prescribe and delineate the functions to be performed and activities to be undertaken by the metropolitan commission and shall cover at least the five year period commencing with the first calendar year beginning after its approval or such longer period as the council may prescribe. The program shall describe all capital improvements to be undertaken in such period and with respect to each improvement shall include the following:

(a) A description of the improvement, its location, function and estimated cost;

(b) The proposed manner of financing the capital costs of the improvement, and the sources of revenue available for payment of such costs;

(c) A schedule showing on a yearly basis the timing of land acquisition, construction and capital expenditures for the improvements;

(d) A review and description of the public need for the improvement, alternatives to the improvement, (including alternatives not involving capital expenditures), the environmental and social effects of the improvement and all actions and steps theretofore taken by the commission with respect to the improvement;

(e) An estimate of the probable impact of the improvement on the responsibilities of the other metropolitan commissions;

(f) An estimate of the annual operating costs of the improvement and the sources of revenue available for payment of such costs;

(g) An evaluation of the relative priority of the improvement taking into consideration other capital improvements described in the program;

(h) Each program shall include such additional information as the council or commission may deem appropriate.

Upon a request from any local governmental unit, the commission shall hold a public hearing for the purpose of receiving testimony from local governmental units and the public prior to submission to the council as provided in subdivision 2.

Subd. 2. Submission to and approval by council. The development program prepared by the metropolitan commission shall be submitted to the council for review and approval or disapproval. The council shall complete its review within 90 days after receipt of the proposed development program. If the council determines that the program is consistent with the policy plan it shall approve the program as submitted. If it determines that the program is inconsistent with the policy plan, it shall disapprove it and return it to the submitting commission with comments and the commission shall make appropriate revisions in the program and resubmit it to the council for review and approval or disapproval. Before approving a program or returning it to the submitting commission, the council shall hold a public hearing for the purpose of considering the program and the council's comments thereon, if requested to do so by the affected commission. The council may approve or disapprove a development program in whole or in part. Within two years of the approval of its first development program by the council and at least biennially thereafter each commission shall review the program, make such revisions as are necessary, including an updating of the five year capital improvement program, and submit the program to the council for its review and approval or disapproval as herein provided.

Subd. 3. Effect of development program. After approval by the council of a development program the commission shall implement the program. No capital

improvements shall be undertaken by the metropolitan commission unless authorized by the program or specifically approved by the council. The council shall not approve any improvement not in substantial conformance with the appropriate policy plan.

History: 1975 c 13 s 12

473.163 METROPOLITAN COMMISSION BUDGET PREPARATION; REVIEW AND APPROVAL.

Subdivision 1. Each metropolitan commission shall prepare a proposed budget for calendar year 1976 and each calendar year thereafter. The proposed budget shall be prepared on or before August 1, 1975 and each year thereafter. The budget shall show for each such year:

(a) The estimated operating revenues from all sources including funds on hand at the beginning of the year, and estimated expenditures for costs of operation, administration, maintenance, and debt service; and

(b) Capital improvement funds estimated to be on hand at the beginning of the year and estimated to be received during the year from all sources and estimated cost of capital improvements to be paid out or expended during the year; all in such detail and form as the council may prescribe.

Subd. 2. Between August 1 and September 1 of each year, the commission shall hold a public hearing on the proposed budget. Not less than 14 days before the hearing, the commission shall publish notice thereof in a newspaper having general circulation in the metropolitan area, stating the date, time and place of hearing, and the place where the proposed budget may be examined by any interested person. Those parts of the budget relating to revenues and expenditures for capital improvements shall be submitted to the council on or before August 1 of each year and shall be subject to approval by the council. The council shall act to approve or disapprove by October 1 of each year. Before December 15 of each year the commission, after obtaining approval of the council for any changes in the capital improvements budget, shall by resolution adopt a final budget. Each commission shall file its final budget with the council on or before December 20 of each year. Except in an emergency, for which procedures shall be established by the commission, the commission and its officers, agents and employees shall not spend money for any purpose, other than debt service, without an appropriation by the commission or in excess of the amount appropriated therefor, and no obligation to make such an expenditure shall be enforceable except as the obligation of the person or persons incurring it. The creation of any debt obligation or the receipt of any federal or state grant is a sufficient appropriation of the proceeds for the purpose for which it is authorized, and of the tax or other revenues pledged to pay the obligation and interest on it whether or not specifically included in any annual budget. The commission may, after obtaining approval of the council, amend the capital improvements budget at any time by transferring any appropriation from one purpose to another, except appropriations of the proceeds of bonds issued for a specific purpose. The council shall file the budgets of all commissions with the secretary of the senate and the clerk of the house of representatives not later than January 15 of each year.

Subd. 3. The council may in consultation with the metropolitan commissions adopt regulations providing for program budgeting, as defined in Minnesota Statutes 1974, Section 16.141, Subdivision 1, by each of the commissions. Upon adoption of such regulations, each metropolitan commission shall submit program budgets to the council in the form established by the regulations, subject to the provisions of subdivision 1. Within three years after January 1, 1975, the council and all commissions shall adopt budgets in program budget form.

Subd. 4. Thirty days prior to the establishment of or change in any user charges or fees or schedule of user charges or fees the metropolitan commission shall forthwith submit proposed charges or fees or schedule to the council. The council shall review and comment upon the charges, fees, or schedule with particular reference to (1) their consistency with the development guide and policy plan, and (2) their fiscal impact on the metropolitan area, especially their impact on future debt service requirements, the financing of future capital improvements, and on the various local governmental units and classes of users. Upon a request from any local governmental unit, the council shall hold a public hearing for the purpose of receiving testimony from local governmental units and the public prior to commenting upon the establishment or change in any user charges, fees, or schedules. On or before January 15 of each year, the council shall transmit the charges, user fees or schedules of all commissions and its comments thereon to the secretary of the senate and chief clerk of the house of representatives.

History: 1975 c 13 s 13; 1980 c 509 s 171

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 council in advance when requested by the council.

Subd. 3. At the conclusion of each budget year, the council, in cooperation 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. Notwithstanding the provisions of this section, after July 1, 1981, the metropolitan council shall not charge the metropolitan transit commission for any costs incurred by the council for the study of light rail transit unless the study plan and budget have been approved by the metropolitan transit commission.

History: 1976 c 321 s 3; 1981 c 363 s 50

NOTE: Laws 1976, Chapter 321, Section 4, reads:

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

473.165 COUNCIL REVIEW; INDEPENDENT COMMISSIONS, BOARDS, AND AGENCIES.

(1) The metropolitan council shall review all long-term comprehensive plans of each independent commission, board, or agency prepared for its operation and development within the metropolitan area but only if such plan is determined by the council to have an area-wide effect, a multi-community effect, or to have a substantial effect on metropolitan development. Each plan shall be submitted to the council before any action is taken to place the plan or any part thereof, into effect.

(2) No action shall be taken to place any plan or any part thereof, into effect until 60 days have lapsed after the date of its submission to the council, or until the council finds and notifies the submitting commission, board, or agency that the plan is consistent with its comprehensive guide for the metropolitan area and the orderly and economic development of the metropolitan area, whichever first occurs. If, within 60 days after the date of submission, the council finds that a plan, or any part thereof, is inconsistent with its comprehensive guide for the metropolitan area or detrimental to the orderly and economic development of the metropolitan area, or any part thereof, it may direct that the operation of the plan, or such part thereof, be indefinitely suspended; provided that the council shall not direct the suspension of any plan or part thereof of any sanitary sewer district operating within the metropolitan area which pertains to the location and construction of a regional sewer plant or plants or the expansion or improvement of the present Minneapolis-St. Paul sanitary district treatment plant. An affected commission, board, or agency may appeal the decision of the metropolitan council suspending a plan, or part thereof, to the entire membership of the metropolitan council for public hearing. If the metropolitan council and the affected commission, board, or agency are unable to agree as to an adjustment of the plan, so that it may receive the council's approval, then a record of the disagreeing positions of the metropolitan council and the affected commission, board, or agency shall be made and the metropolitan council shall prepare a recommendation in connection therewith for consideration and disposition by the next regular session of the legislature.

History: 1975 c 13 s 14

473.167 HIGHWAY PROJECTS.

Subdivision 1. **Controlled access highways; council approval.** Before acquiring land for or constructing a controlled access highway in the area, hereinafter a project, the state transportation department or local government unit proposing such acquisition or construction shall submit to the council a statement describing the proposed project. The statement shall be in the form and detail required by the council. Immediately upon receipt of the statement, the council shall transmit a copy to the metropolitan transit commission, which shall review and evaluate the project in relationship to the development program and report its recommendations and comments to the council. The council shall also review the statement to ascertain its consistency with its policy plan and the development guide. No such project may be undertaken unless the council determines that it is consistent with the policy plan and development program. This approval shall be in addition to the requirements of any other statute, ordinance or regulation.

Subd. 2. **Loans for acquisition.** The council may make loans to counties, towns, and statutory and home rule charter cities within the metropolitan area for the purchase of property within the right-of-way of a state trunk highway shown on an official map adopted pursuant to section 394.361 or 462.359 or for the purchase of property within the proposed right-of-way of a principal or intermediate arterial highway designated by the council as a part of the metropolitan

highway system plan and approved by the council pursuant to subdivision 1. The loans shall be made by the council, from the fund established pursuant to this subdivision, for purchases approved by the council. The loans shall bear no interest. The council shall make loans only to avert the imminent conversion or the granting of approvals which would allow the conversion of property to uses which would jeopardize its availability for highway construction. The council shall not make loans for the purchase of property at a price which exceeds the fair market value of the property or which includes the costs of relocating or moving persons or property. A private property owner may elect to receive the purchase price either in a lump sum or in not more than four annual installments without interest on the deferred installments. If the purchase agreement provides for installment payments, the council shall make the loan in installments corresponding to those in the purchase agreement. The recipient of an acquisition loan shall convey the property for the construction of the highway at the same price which the recipient paid for the property. Upon notification by the council that the plan to construct the highway has been abandoned or the anticipated location of the highway changed, the recipient shall sell the property at market value in accordance with the procedures required for the disposition of the property. All rents and other money received because of the recipient's ownership of the property and all proceeds from the conveyance or sale of the property shall be paid to the council. The proceeds of the tax authorized by subdivision 3, all money paid to the council by recipients of loans, and all interest on the proceeds and payments shall be maintained as a separate fund. For administration of the loan program the council may expend from the fund each year an amount no greater than three percent of the amount that a metropolitan area tax levy of five one-hundredths of a mill would raise in that year.

Subd. 3. Tax. The council may levy a tax on all taxable property in the metropolitan area, as defined in section 473.121, to provide funds for loans made pursuant to subdivision 2. The tax shall be certified by the council, levied, and collected in the manner provided by section 473.08. The tax shall be in addition to that authorized by section 473.249 and any other law and shall not affect the amount or rate of taxes which may be levied by the council or any metropolitan agency or local governmental unit. The amount of the levy shall be as determined and certified by the council, except as otherwise provided in this subdivision. The tax shall not be levied at a rate higher than five one-hundredths of one mill. The tax shall not be levied at a rate higher than that determined by the council to be sufficient, considering the other anticipated revenues of and disbursements from the loan fund, to produce a balance in the loan fund at the end of the next calendar year equal to twice the amount that a tax levy of five one-hundredths of a mill would raise in that year.

History: 1975 c 13 s 15; 1976 c 166 s 7; 1982 c 520 s 4

473.168 FREEWAY EXCLUSIVE LANES.

Subdivision 1. For the purpose of this section, "freeway" means a completely controlled access highway where ingress and egress is allowed only at certain designated points as determined by the road authority having jurisdiction over the highway.

Subd. 2. The metropolitan council in consultation with the metropolitan transit commission may require that any freeway constructed in the metropolitan area on which actual construction has not been commenced by April 12, 1974 shall include provisions for exclusive lanes for buses and, as the council may determine, other forms of multi-passenger transit. The council, in making its determination, must demonstrate that the exclusive lanes are necessary to implement the transportation policy plan of the development guide.

History: 1975 c 13 s 16

473.171 COUNCIL REVIEW; APPLICATIONS FOR FEDERAL AND STATE AID.

Subdivision 1. The council shall review all applications of a metropolitan commission, independent commission, board or agency, and local governmental units for funds, grants, loans or loan guarantees from the United States of America or agencies thereof submitted in connection with proposed matters of metropolitan significance, all other applications by commissions and local governmental units for grants, loans, or loan guarantees from the United States of America or any agency thereof if review by a regional agency is required by federal law or the federal agency, and all applications of the commissions for grants, loans, or allocations from funds made available by the United States of America to the metropolitan area for regional facilities pursuant to a federal revenue sharing or similar program requiring that the funds be received and granted or allocated or that the grants and allocations be approved by a regional agency.

Subd. 2. The council shall review all applications or requests of a metropolitan commission, independent commission, board or agency, and local governmental units for state funds allocated or granted for proposed matters of metropolitan significance, and all other applications by metropolitan commissions, independent commissions, boards, agencies, and local governmental units for state funds if review by a regional agency is required by state law or the granting state agency.

History: 1975 c 13 s 17

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. By September 1, 1976, the council shall adopt and put into effect regulations establishing standards, guidelines and procedures for determining whether any proposed matter is of metropolitan significance, and establishing a procedure for the review of and final determination on such matters in accordance with the powers and requirements set forth in this section. The purpose of these regulations shall be to promote the orderly and economic development, public and private, of the metropolitan area.

Subd. 3. In developing the regulations the council and the advisory metropolitan land use committee, as defined in section 473.852, shall give consideration to all factors deemed relevant 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 a metropolitan commission;

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

Subd. 4. The regulations shall include, 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 final determination. In its final determination, the council may prescribe appropriate conditions with regard to a proposed matter which, if incorporated 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 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 and effect upon metropolitan system plans as defined in section 473.852 and their adverse effects on other local governmental units.

(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, chapter 14, 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 shall be published in appropriate newspapers of general circulation in the metropolitan area and mailed to all persons who have registered for that purpose under chapter 14, appropriate state and regional agencies and all 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 chapter 14, 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.

History: 1975 c 13 s 18; 1976 c 321 s 2; 1982 c 424 s 130

NOTE: Laws 1976, Chapter 321, Section 4, reads:

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

473.175 COUNCIL REVIEW; COMPREHENSIVE PLANS, SCHOOL DISTRICT CAPITAL IMPROVEMENT PROGRAMS.

Subdivision 1. The council shall review the comprehensive plans of local governmental units and the capital improvement programs of school districts, prepared and submitted pursuant to Laws 1976, Chapter 127, Sections 1 to 23, to determine their compatibility with each other and conformity with metropolitan system plans. The council shall review and comment on the apparent consistency of the comprehensive plans and capital improvement programs with other adopted chapters of the metropolitan development guide. The council may require a local governmental unit to modify any comprehensive plan or part thereof which may have a substantial impact on or contain a substantial departure from metropolitan system plans.

Subd. 2. Within 120 days following receipt of a capital improvement program of a school district, unless a time extension is mutually agreed to, the council shall return to the school district a statement containing its comments. Within 120 days following receipt of a comprehensive plan of a local governmental unit, unless a time extension is mutually agreed to, the council shall return to the local governmental unit a statement containing its comments and, by resolution, its decision, if any, to require modifications to assure conformance with the metropolitan system plans.

No action shall be taken by any local governmental unit or school district to place any such comprehensive plan, capital improvement program or part thereof into effect until the council has returned the statement to the unit or district and until the local governmental unit has incorporated any modifications in the plan required by a final decision, order, or judgment made pursuant to section 473.866. Promptly after submission, the council shall notify each city, town, county, or special district which may be affected by the plans or programs submitted, of the general nature of the plans or programs, the date of submission, and the identity of the submitting unit or district. Political subdivisions contiguous to or within the submitting unit or district shall be notified in all cases. Within 30 days after receipt of such notice any governmental unit or district so notified or the local governmental unit or district submitting the plan or program may request the council to conduct a hearing at which the submitting unit or district and any other governmental unit or subdivision may present its views. The council may attempt to mediate and resolve differences of opinion which exist among the participants in the hearing with respect to the plans or programs submitted. If within 120 days, unless a time extension is mutually agreed to, the council fails to complete its written statement the plans or programs shall be deemed approved and may be placed into effect. Any amendment to a plan or program subsequent to the council's review shall be submitted to and acted upon by the council in the same manner as the original plan or program. The written statement of the council shall be filed with the plan of the local government unit or the program of the school district at all places where the plan or program is required by law to be kept on file.

Subd. 3. If a local governmental unit fails to adopt a comprehensive plan in accordance with Laws 1976, Chapter 127, Sections 1 to 23 or if the council after a

public hearing by resolution finds that a plan substantially departs from metropolitan system plans and that the local governmental unit has not adopted a plan with modifications required pursuant to section 473.866 within nine months following a final decision, order, or judgment made pursuant to section 473.866, the council may commence civil proceedings to enforce the provisions of Laws 1976, Chapter 127, Sections 1 to 23 by appropriate legal action in the district court where the local governmental unit is located.

History: 1975 c 13 s 19; 1976 c 127 s 14; 1977 c 347 s 68

473.181 ADDITIONAL COUNCIL REVIEW POWERS.

Subdivision 1. **Trunk highways.** The council shall review proposed trunk highway construction pursuant to sections 161.171 et seq.

Subd. 2. **Parks.** The council shall review local government park master plans pursuant to section 473.313. The metropolitan council shall approve the use of moneys made available for land acquisition to local units of government from the land and conservation fund, the open space program of HUD, the natural resources account in the state treasury, if the use thereof conforms with the system of priorities established by law as part of a comprehensive plan for the development of parks; otherwise it shall disapprove of the use thereof.

Subd. 3. **Metropolitan transit commission.** The council shall review acquisition of public transit systems and the issuance of revenue bonds by the metropolitan transit commission pursuant to sections 473.405, subdivision 1, and 473.438, subdivision 7.

Subd. 4. **Solid waste.** The council shall review county solid waste reports, and solid waste facility permit applications pursuant to sections 473.803 and 473.823.

Subd. 5. **Airports.** The council shall review metropolitan airports commission capital projects pursuant to section 473.621, subdivision 6. The plans of the metropolitan airports commission and the development of the metropolitan airports system by the commission shall, as provided in sections 473.611, subdivision 5, and 473.655, be consistent with the development guide of the council.

History: 1975 c 13 s 20

473.191 LOCAL PLANNING ASSISTANCE.

Subdivision 1. The metropolitan council may, at the request of local governmental units, enter into contracts or make other arrangements with local governmental units and others for the provision of services for and assistance with comprehensive community planning. This may include:

(a) Assistance in the preparation, as a guide for long-range development, of general physical plans with respect to the pattern and intensity of land use and the provision of public facilities together with long-range fiscal plans for such development;

(b) Programming of capital improvements based on a determination of relative urgency, together with definitive financing plans for the improvements to be constructed in the earlier years of the program;

(c) Coordination of all related plans of the departments or subdivision of the government concerned;

(d) Intergovernmental coordination of all related planned activities among the state and local governmental agencies concerned; and

(e) Preparation of regulatory and administrative measures in support of the foregoing.

Subd. 2. The metropolitan council may provide technical assistance to cities, counties and towns to expedite adoption and enforcement of local ordinances under sections 104.04, 105.485 and 473.203 to 473.208.

History: 1975 c 13 s 21

473.193 METROPOLITAN HOUSING AND REDEVELOPMENT AUTHORITY; FINDINGS AND DECLARATION OF POLICY.

It is hereby found and determined that: The conditions found to exist by the municipal housing and redevelopment act as amended continue to exist throughout the state and in the area in which the metropolitan council established by this chapter has jurisdiction; substandard, slum and blighted areas exist in the metropolitan area which cannot be redeveloped without government assistance; there is a shortage of decent, safe and sanitary dwelling accommodations available to persons of low and moderate income at rentals or prices they can afford; many municipalities in the metropolitan area are unable adequately to provide the financing and staff necessary to an effective municipal housing and redevelopment authority; for each such municipality to establish a separate authority would result in an inefficient use of manpower and services; and there is therefore a need to enable the metropolitan council to make available to the municipalities in the metropolitan area those services provided for in the municipal housing and redevelopment act.

History: 1975 c 13 s 22

473.194 DEFINITIONS.

For the purposes of sections 473.193 to 473.201, the terms defined in the municipal housing and redevelopment act shall have the meanings given them in that act.

History: 1975 c 13 s 23

473.195 POWERS.

Subdivision 1. In addition to, and not in limitation of, all other powers invested in it by law, the council, and the members thereof, shall have, throughout the metropolitan area, the same functions, rights, powers, duties, privileges, immunities and limitations as are provided for housing and redevelopment authorities created for municipalities, and for the commissioners of such authorities. The provisions of sections 462.411 to 462.705 and of all other laws relating to housing and redevelopment authorities shall be applicable to the council when functioning as an authority, except as herein provided or as clearly indicated otherwise from the context of such laws. Section 462.425 shall have no application to the council nor to any municipality or county within which the council undertakes a project. Any municipality or county, and the governing bodies of any municipality or county, within and for which the council undertakes a project shall have all the powers, authority and obligations granted to municipalities and counties by the provisions of sections 462.411 to 462.705 and all other laws relating to housing and redevelopment authorities. The council may plan and propose projects within the boundaries of any municipality, and may otherwise exercise the powers of an authority at any time; provided, however, that the council shall not implement any housing project, housing development project, redevelopment project or urban renewal project within the boundaries of any municipality or county without the prior approval of the governing body of the municipality or county in which any such project is to be located; and provided further that the council shall not propose any project to the governing body of a municipality or county having an active authority created pursuant to section 462.425, or pursuant

to special legislation, without first submitting the proposed project to the municipal or county authority for its review and recommendations; and provided further that as to any project proposed by the council and approved by the municipality or county, the council shall not undertake the project if within 60 days after it has been proposed, the municipality or county agrees to undertake the project. All plans and projects of the council shall be consistent with the comprehensive development guide.

Subd. 2. The council may provide technical assistance to existing municipal or county housing and redevelopment authorities at the request of such authorities.

Subd. 3. The council may cooperate with or act as agent for the federal government, the state government, or any agencies or instrumentalities thereof, in carrying out the provisions of any federal or state legislation relating to the general purposes of the municipal housing and redevelopment act.

Subd. 4. The council shall, as part of any project proposal to a municipality, propose a means for citizens substantially affected by the proposed project to participate in the formulation and carrying out of projects undertaken by the council pursuant to the terms of sections 473.193 to 473.201.

History: 1975 c 13 s 24; 1982 c 424 s 109

473.199 EFFECT UPON MUNICIPAL AND COUNTY HOUSING AND RE-DEVELOPMENT AUTHORITIES.

Nothing in sections 473.193 to 473.201 shall be construed to impair the powers and obligations of municipal, county or multi-county housing and redevelopment authorities within the metropolitan area.

History: 1975 c 13 s 25

473.201 FINANCES.

Subdivision 1. The council shall allocate the net unreimbursed costs of any project which it undertakes to the municipality or group of municipalities or county for which the project is undertaken. The governing body of each such municipality or county shall impose taxes or other revenue measures to provide funds necessary to pay the allocated costs, and the governing body of each such municipality or county shall have all the powers, authority and obligation granted to authorities by section 462.545 and all other provisions of law regarding the financing of such projects, provided that the council shall have the powers of an authority for purposes of applying for and receiving federal grants in connection with all projects which it undertakes.

Subd. 2. The council may expend for the purposes of sections 473.193 to 473.201 any revenues derived pursuant to section 473.249.

History: 1975 c 13 s 26

473.203 LEGISLATIVE POLICY.

The legislature finds and declares that the rapid spread of urban development in the metropolitan area presents major problems in the management and use of the natural resources of the area. The effects of development policies extend beyond municipal and county boundaries, requiring coordination throughout the metropolitan area and assistance from the state. It is the policy of the state and the purpose of sections 473.203 to 473.208 to provide for the protection of the health, safety and welfare of the people of the area and the conservation of natural resources by encouraging local governmental units to adopt and enforce sound policies regulating the subdivision, use and development of the limited land and water resources of the metropolitan area, and to provide the assistance of metropolitan and state agencies in achieving that objective.

History: 1975 c 13 s 27

473.204 STANDARDS AND CRITERIA.

Subdivision 1. Before January 1, 1976, the metropolitan council shall, after public hearings, promulgate standards and criteria and suggested model ordinances for the regulation of the use and development of the land and water within the metropolitan area which will provide for:

(a) the protection and preservation of those wetlands and lowlands permanently or intermittently covered with waters, such as marshes, swamps, bogs, meadows, potholes and sloughs which are essential to hydrological or ecological systems or for flood control;

(b) the protection of groundwater recharge areas which contribute significantly to the recharge of groundwater aquifers;

(c) the minimum erosion of those slopes which are subject to severe or moderate erosion because of their degree of slope and soil type;

(d) the maximum retention of existing forests and woodlands, the minimum removal of trees for development, and the encouragement of replanting where removal is unavoidable;

(e) the determination of the suitability of soils or bedrock for development, design and construction measures for development which would compensate for existing soil or bedrock problems, and the prevention of the type of development for which such soils or bedrock are unsuitable;

(f) the protection and preservation of the natural watercourses, intermittent or permanent, and minimizing the discharge of pollutants into water bodies and watercourses by storm runoff and otherwise;

(g) the protection and preservation of areas containing unique or endangered species of plants and animals;

(h) the prevention of premature development for nonagricultural use of prime agricultural lands where such land is essential for agricultural purposes;

(i) the regulation of the extraction of minerals, including sand and gravel, to minimize undesirable environmental effects and provide for future utilization of the lands involved;

(j) the preservation of natural resource areas of particular historical significance.

Subd. 2. In preparation of these standards, criteria and model ordinances, described in subdivision 1, clauses (a), (b), (d), (f), (g) and (i) and in order to assure consistency with regulations, standards, criteria and model ordinances promulgated by other state agencies, the metropolitan council shall seek the assistance and approval of the department of natural resources; in preparation of these standards, criteria and model ordinances, described in subdivision 1, clauses (c) and (e), the metropolitan council shall seek the assistance and approval of the state soil and water conservation board; in preparation of these standards, criteria and model ordinances, described in subdivision 1, clause (h), the metropolitan council shall seek the assistance and approval of the department of agriculture. In addition, the metropolitan council shall, where appropriate, seek the assistance of the commissioner of energy, planning and development, the Minnesota pollution control agency, soil and water conservation districts, the University of Minnesota, the department of agriculture, and other appropriate agencies.

History: 1975 c 13 s 28; 1975 c 271 s 6; 1976 c 149 s 59; 1976 c 239 s 116; 1981 c 356 s 239

473.206 LOCAL ORDINANCES.

Each county, city or town in the metropolitan area shall be provided with standards, criteria and suggested model ordinances and may, after review and

comment by the metropolitan council, adopt ordinances which provide for the protection of the resources described in section 473.204.

History: 1975 c 13 s 29

473.208 COOPERATION.

In adopting and enforcing the ordinances for which standards and criteria are provided by sections 473.203 to 473.208, counties, cities and towns shall consult and cooperate with affected soil and water conservation districts, watershed districts, and lake conservation districts on matters of common concern.

History: 1975 c 13 s 30

473.215 NEW MAJOR AIRPORT; AIRPORT DEVELOPMENT AREA.

Subdivision 1. **Metropolitan council; land use criteria and guidelines.** Within 120 days after the selection by the metropolitan airports commission of a site in the metropolitan area for a new major airport to serve as a terminal for regular, scheduled air passenger service and the approval thereof by the metropolitan council, the council shall adopt criteria and guidelines for the regulation of use and development of all or a portion of the property in the metropolitan area extending out three miles from the proposed boundaries of the site, or out five miles from the boundaries in any direction the council determines is necessary to protect natural resources of the metropolitan area, which property shall be known as an airport development area. The criteria and guidelines shall establish the boundaries of the airport development area and shall include a statement of goals and policies to be accomplished by regulation of the use and development of property in the area. They may relate to all types of land use and development control measures, including zoning ordinances, building codes, subdivision regulations, and official maps. The criteria and guidelines shall encourage controls for the use and development of property and the planning of public facilities for the purposes of protecting inhabitants of the airport development area from aircraft noise and preserving natural underground water reservoirs and other natural resources of the metropolitan area, and such purposes are hereby declared to be public purposes upon which land use and development control measures adopted by any government unit pursuant to law may be based. The criteria and guidelines shall be a part of the metropolitan development guide when it is adopted, and a copy of the criteria and guidelines and any amendment thereto shall be mailed to the governing body of each government unit having authority to adopt land use and development control measures applicable to the airport development area under sections 360.061 to 360.073, chapter 394, or chapter 462, or any other law, to the metropolitan airports commission, and to the state commissioner of transportation. The council may amend the criteria and guidelines from time to time, and shall reestablish the airport development area whenever the airport site boundaries are altered.

Subd. 2. **Local zoning and land use and development controls.** Upon the selection and approval of a site for a new major airport in the metropolitan area, all land within its airport development area which is not then zoned for other use is zoned for use exclusively for agricultural purposes, except that a prior nonconforming use established with reference to any lot or parcel of land may be continued and all land zoned by this subdivision for agricultural purposes may be rezoned by the appropriate government unit upon compliance with this subdivision. Thereafter the governing body of each government unit proposing to adopt a land use and development control measure applicable to the airport development area, or any amendment thereto, shall submit it to the metropolitan council for review, and within 120 days after receipt of the council's criteria and guidelines shall make and submit to the council for review such changes in its existing land

use and development control measures as it deems necessary to make them consistent with the criteria and guidelines. The council or a committee designated by it shall hold a hearing on the control measures submitted by each government unit within 60 days after they are submitted, on written notice mailed to the governing body of the government unit not less than 15 days before the hearing. At the hearing the government unit shall be allowed to present all data and information which support the control measures submitted to the council. The council shall approve each such measure or amendment within 120 days after it is received, with such changes as it deems necessary to make it consistent with the criteria and guidelines, and the government unit submitting it shall take all actions necessary to put it into effect within 60 days after it is approved. If the council amends its criteria and guidelines, the procedures set forth in this subdivision shall be followed to insure that applicable land use and development control measures are consistent with the amendment.

Subd. 3. Enforcement of local measures. After the selection and approval of a site for a new major airport in the metropolitan area, no public or private use contrary to subdivision 2 or any land use and development control measure then in effect shall be made of the property to which it applies within an airport development area, and no government unit shall issue a permit for the use, construction, alteration or planting of any property, building, structure or tree not in accordance with its general provisions, except for minor footage variances, until the council has approved changes or variances in such control measure pursuant to subdivision 2. After the council has approved a land use and development control measure pursuant to subdivision 2, no public or private use contrary to its provisions shall be made of the property to which it applies, and no government unit shall issue a permit for the use, construction, alteration or planting of any property, building, structure or tree not in accordance with its general provisions; and no special use permit or variance may be granted which authorizes a use or development which is contrary to the council's criteria and guidelines.

Subd. 4. Control measure review before site selection. After the metropolitan airports commission has called a hearing for the selection of a site for a new major airport in the metropolitan area pursuant to section 473.641, and until the commission has determined not to use the site described in the notice of hearing for a new major airport, the governing body of each government unit in the metropolitan area shall submit to the council for review and comment in accordance with and submit to the provisions of section 473.175, any land use and development control measure applicable to or proposed for the site described in the notice of hearing or to any property within five miles thereof, and any proposed amendment or variance thereto. During the period described above, no government unit shall construct a public building or facility on the proposed airport site or within five miles thereof until it has submitted its plan therefor to the metropolitan council for review and comment as provided in this subdivision.

History: 1975 c 13 s 31; 1976 c 166 s 7

473.216 AIRCRAFT NOISE ZONES.

Within 120 days after the selection and approval of a site for a new major airport in the metropolitan area, the metropolitan council shall determine the probable levels of noise which will result in various parts of the metropolitan area from the operation of aircraft using the site, shall establish aircraft noise zones based thereon applicable to property affected by such noise, and shall establish acceptable levels of perceived noise decibels for each land use, using the composite noise rating method and tables or the noise exposure forecast method and tables. Each government unit having power to adopt land use and development control measures applicable to property included in any aircraft noise zone, shall adopt or

incorporate in existing land use and development control measures the applicable acceptable level of perceived noise decibels established by the council, and shall adopt such other control measures as may be necessary to prevent the use, construction or improvement of property and buildings under its jurisdiction so that persons using the property and buildings are subjected to a level of perceived noise decibels in excess of the acceptable level established for that land use. A map showing the aircraft noise zones and a copy of the applicable acceptable levels of perceived noise decibels shall be mailed to the governing body of each government unit having authority to adopt land use and development control measures applicable to property in each aircraft noise zone, to the metropolitan airports commission, and to the state commissioner of transportation. The control measures adopted by a government unit to comply with this section shall be submitted to and reviewed, changed and approved by the council, and placed into effect by the government unit, in the manner prescribed in section 473.215, subdivision 2. The council may make changes in the aircraft noise zones and the applicable acceptable levels of perceived noise decibels to conform with the actual levels of noise produced by aircraft using the airport site when it is in operation, and may require changes in control measures applicable to airport noise zones to conform with changes made by it. No property shall be used, and no building or other structure shall be constructed or improved, within any aircraft noise zone, so that persons using the property and buildings are subjected to a level of perceived noise decibels in excess of the acceptable level established by the council for that land use.

History: 1975 c 13 s 32; 1976 c 166 s 7

473.217 CONTROL MEASURE INVOLVING TAKING; CONDEMNATION BY METROPOLITAN AIRPORTS COMMISSION.

Subdivision 1. If either the provisions or the application of section 473.215, subdivision 2, or any land use and development control measure applicable to public or private property in an airport development area is determined by a court of competent jurisdiction to constitute a taking, the metropolitan airports commission in the exercise of its power to acquire lands for the airport shall have the power to acquire the property or any similar property or to acquire an interest therein to the extent needed for the application of such measure, by eminent domain exercised in accordance with chapter 117. The right of eminent domain shall be exercised if the commission has or will have funds to pay the condemnation award and the council determines that it is necessary to protect the airport from encroachment or hazards, or to protect residents in the area, or to encourage the most appropriate use of property in the airport development area, or to protect and conserve the natural resources of the metropolitan area.

Subd. 2. The commission may retain any property now owned by it or acquired pursuant to subdivision 1 and use it for a lawful purpose, or it may provide for the sale or other disposition of the property in accordance with a redevelopment plan in the same manner and upon the same terms as the housing and redevelopment authority and governing body of a municipality under the provisions of section 462.525, all subject to the provisions of section 473.215, subdivision 2, or existing land use and development control measures approved by the council.

Subd. 3. The metropolitan airports commission and any other government unit in the metropolitan area may enter into an agreement whereby the cost of acquiring any property and the proceeds from the sale or other disposition thereof pursuant to subdivision 2 are to be shared by the commission and such government unit. The commission, the metropolitan council, or any government unit may also enter into any agreements with the United States or the state of

Minnesota, or any agency or subdivision thereof, and do all acts and things required by state or federal law or regulations as a condition or consideration, for the loan or grant of funds or property for the purpose of land acquisition or improvement pursuant to subdivisions 1 and 2.

History: 1975 c 13 s 33

473.218 RELATION TO AIRPORT HAZARD ZONING.

Sections 473.215 and 473.216 and any criteria, guidelines or land use and development control measure approved by the council pursuant thereto shall in no way supersede or limit the powers conferred on a municipality to do airport hazard zoning or the commissioner of transportation by sections 360.061 to 360.073, and shall be consistent with any exercise of such powers by the commissioner.

History: 1975 c 13 s 34; 1976 c 166 s 7

473.219 GOVERNMENT UNITS IN AIRPORT DEVELOPMENT AREA; TAX SHARING.

The legislature determines that the location of a new major airport in the metropolitan area will increase the value and rate of development of land in the airport development area; that the airport development area may comprise property located in several government units; that the exercise of the powers and duties conferred on government units by sections 473.215 to 473.217 to control development of land in an airport development area may result in greater development of such land within one government unit than another; that the control of such development will be of benefit to the entire airport development area; and that the assessed value of taxable property and the tax resources in the government unit where the most development takes place may be significantly greater than in other government units in the area. Therefore, to encourage the protection of inhabitants of the area and natural resources of the metropolitan area, to increase the likelihood of orderly development in an airport development area, and to provide a way for all government units in the area to share in the tax resources generated by growth of the area, the governing bodies of all government units located wholly or partly in an airport development area shall jointly study and decide upon a plan for the sharing of property tax revenues derived from property located in an airport development area. If 80 percent of the government units having territory within the airport development area agree upon a plan, such plan shall be put into effect and all government units shall enter into such agreements as may be necessary for this purpose, provided that the plan shall not impair the existing contract obligations of any government unit. This section shall not apply to the metropolitan airports commission or the council.

History: 1975 c 13 s 35

473.223 FEDERAL AID.

For the purposes of this section the term "governmental subdivision" includes municipalities, counties and other political subdivisions generally. If federal aid for transportation programs and projects is otherwise unavailable to an existing agency or governmental subdivision, the metropolitan council may cooperate with the government of the United States and any agency or department thereof and the affected agency or other governmental subdivision in establishing metropolitan area eligibility to receive federal aid, and may comply with the provisions of the laws of the United States and any rules and regulations made thereunder for the expenditure of federal moneys upon such projects as are proposed for federal assistance. If necessary to meet federal requirements, the council and the metro-

politan transit commission may be considered a single eligible unit to carry out their respective responsibilities. The metropolitan council may accept federal aid and other aid, either public or private, for and in behalf of the metropolitan area or any governmental subdivision of the state, for transportation programs and projects within the metropolitan area upon such terms and conditions as are or may be prescribed by the laws of the United States and any rules or regulations made thereunder, and is authorized to act as agent of any governmental subdivision of the state with jurisdiction in the metropolitan area upon request of such subdivision in accepting the aid in its behalf for such programs or projects financed either in whole or in part by federal aid. The governing body of any such subdivision is authorized to designate the metropolitan council as its agent for such purposes and to enter into an agreement with the council prescribing the terms and conditions of the agency relationship in accordance with state and federal laws, rules and regulations. The metropolitan council is authorized to designate an appropriate state agency as its agent for such purposes and to enter into an agreement with such agency prescribing the terms and conditions of the agency relationship in accordance with state and federal laws, rules and regulations.

Nothing contained herein shall limit any separate authority of agencies or governmental subdivisions of the state to contract for and receive federal aid.

History: 1975 c 13 s 36; 1980 c 509 s 172

473.241 DATA COLLECTION.

The metropolitan council in cooperation with other departments and agencies of the state and the regents of the University of Minnesota may develop a center for data collection and storage to be used by it and other governmental users and may accept gifts as otherwise authorized in this section for the purposes of furnishing information on such subjects as population, land use, governmental finances, and the like.

History: 1975 c 13 s 37

473.242 URBAN RESEARCH.

Where studies have not been otherwise authorized by law the metropolitan council may study the feasibility of programs relating but not limited to water supply, refuse disposal, surface water drainage, communication, transportation, and other subjects of concern to the peoples of the metropolitan area, may institute demonstration projects in connection therewith, and may accept gifts for such purposes as otherwise authorized in this section.

History: 1975 c 13 s 38

473.243 EMERGENCY SERVICES.

The metropolitan council may coordinate emergency services, community shelter planning within the metropolitan area, accept gifts for such purposes as otherwise authorized in section 473.129 and contract with local governmental agencies and consultants in connection therewith.

History: 1975 c 13 s 39

473.244 SPECIAL STUDIES AND REPORTS.

Subdivision 1. The metropolitan council shall engage in a continuous program of research and study concerning the matters enumerated in this section.

Subd. 2. The control and prevention of air pollution.

Subd. 3. The acquisition and financing of suitable major parks and open spaces within and adjacent to the metropolitan area.

Subd. 4. The control and prevention of water pollution in the metropolitan area in conformity with applicable federal and state laws.

Subd. 5. The development of long-range planning in the metropolitan area but not for the metropolitan area.

Subd. 6. The acquisition of necessary facilities for the disposal of solid waste material for the metropolitan area and the means of financing such facilities.

Subd. 7. The examination of the tax structure in the metropolitan area and consideration of ways to equalize the tax resources therein.

Subd. 8. Assessment practices in the metropolitan area.

Subd. 9. The acquisition of necessary storm water drainage facilities for the metropolitan area and the means of financing such facilities.

Subd. 10. The necessity for the consolidation of common services of local governmental units and the kind of consolidation most suitable in the public interest.

Subd. 11. Advance land acquisition for development purposes in the metropolitan area and the role of the public in connection therewith.

Subd. 12. All studies shall include recommendations as to the governmental organization, governmental subdivision, or governmental district best suited to discharge the powers recommended.

History: 1975 c 13 s 40

473.245 REPORTS.

On or before January 15, of each year the metropolitan council shall report to the legislature. The report shall include:

(1) A statement of the metropolitan council's receipts and expenditures by category since the preceding report;

(2) A detailed budget for the year in which the report is filed and the following year including an outline of its program for such period;

(3) An explanation of any policy plan and other comprehensive plan adopted in whole or in part for the metropolitan area and the review comments of the affected commission;

(4) Summaries of any studies and the recommendations resulting therefrom made by the metropolitan council, and a listing of all applications for federal moneys made by governmental units within the metropolitan area submitted to the metropolitan council;

(5) A listing of plans of local governmental units and proposed matters of metropolitan significance submitted to the metropolitan council;

(6) A detailed report on the progress of any project undertaken by the council pursuant to sections 473.193 to 473.201; and

(7) Recommendations of the metropolitan council for metropolitan area legislation, including the organization and functions of the metropolitan council and the commissions.

History: 1975 c 13 s 41

473.249 TAX LEVY.

Subdivision 1. The metropolitan council may levy a tax on all taxable property in the metropolitan area defined in section 473.121 to provide funds for the purposes of sections 473.121 to 473.249 and for the purpose of carrying out other responsibilities of the council as provided by law. The tax shall not exceed eight-thirtieths of one mill on the total assessed valuation of all such taxable property located in the metropolitan area, and shall be levied and collected in the manner provided by section 473.08.

Subd. 2. The commissioner of revenue shall annually determine whether the ad valorem property tax certified by the metropolitan council for levy following the adoption of its budget is within the levy limitation imposed by this section. To the extent practicable, the determination shall be completed prior to December 1 of each year. If current information regarding assessed valuation in any county is not transmitted to the commissioner in a timely manner, the commissioner may estimate the current assessed valuation within that county for purposes of making the calculation.

History: 1975 c 13 s 42; 1976 c 179 s 19; 1978 c 543 s 4; 1978 c 766 s 17,18

METROPOLITAN PARKS AND OPEN SPACE COMMISSION

473.301 DEFINITIONS.

Subdivision 1. As used in sections 473.302 to 473.341, the terms defined in this section have the meanings given them.

Subd. 2. "Policy plan" means a plan adopted by the council pursuant to section 473.147, generally describing the extent, type and location of regional recreation open space needed for the metropolitan area and the timing of its acquisition and development.

Subd. 3. "Master plan" means a plan describing the boundaries of specific parks or other regional recreation open space and the nature of their development and use.

Subd. 4. "Commission" means the metropolitan parks and open space commission created by section 473.303.

Subd. 5. "Municipality" means any city or town exercising municipal powers located in the metropolitan area, except where there exists in a city of the first class an elected park and recreation board having control of parks, parkways, playgrounds, and trees, for purposes of sections 473.302 to 473.341, that board shall be considered a municipality.

History: 1975 c 13 s 43

473.302 REGIONAL RECREATION OPEN SPACE SYSTEM; PURPOSE.

The legislature finds that the pressure of urbanization and development threatens valuable recreational open space areas in the metropolitan area at the same time as the need for such areas is increased. Immediate action is therefore necessary to provide funds to acquire, preserve, protect and develop regional recreational open space for public use.

History: 1975 c 13 s 44; 1977 c 421 s 7

473.303 METROPOLITAN PARKS AND OPEN SPACE COMMISSION.

Subdivision 1. **General.** A metropolitan parks and open space commission is established as an agency of the council and shall be organized and structured as provided in this section.

Subd. 2. **Membership.** The commission shall consist of eight members, plus a chairman appointed as provided in subdivision 3. The eight members shall be appointed by the council. One member shall be appointed from each of the following commission precincts:

- (1) Precinct A, consisting of council districts 1 and 2;
- (2) Precinct B, consisting of council districts 3 and 14;
- (3) Precinct C, consisting of council districts 4 and 13;
- (4) Precinct D, consisting of council districts 5 and 6;

- (5) Precinct E, consisting of council districts 7 and 8;
- (6) Precinct F, consisting of council districts 9 and 11;
- (7) Precinct G, consisting of council districts 10 and 12; and
- (8) Precinct H, consisting of council districts 15 and 16.

Subd. 3. **Chairman.** The chairman of the commission shall be appointed by the council and shall be the ninth member of the commission and shall meet all qualifications established for members, except the chairman need only reside within the metropolitan area. The commission chairman shall serve at the pleasure of the council for a four year term. The chairman shall preside at all meetings of the commission, if present, and shall perform all other duties and functions assigned to him by the commission or by law. The commission may appoint from among its members a vice-chairman to act for the chairman during his temporary absence or disability.

Subd. 4. **Qualifications.** Each member shall be a resident of the precinct for which he is appointed and shall not during his terms of office as a commission member hold the office of metropolitan council member, or be a member of the metropolitan transit commission, metropolitan waste control commission, or metropolitan airports commission; or any other metropolitan agency, board, or commission hereafter established by the legislature or hold any judicial office.

Subd. 5. **Terms, removal.** Commencing in April 1974 the terms of members of the commission shall be as follows: members representing precincts A, B, C and D for terms ending the first Monday in January 1977, members representing precincts E, F, G and H, and the chairman, for terms ending the first Monday in January 1979. Thereafter the term of each member and the chairman shall be for a term of four years and until his successor is appointed and qualified. If the office of any commission member or the chairman becomes vacant, the vacancy shall be filled by appointment in the same manner the original appointment was made.

Subd. 6. **Compensation.** Members and the chairman shall be compensated as provided for members of metropolitan commissions.

History: 1975 c 13 s 45; 1977 c 421 s 8

473.313 MASTER PLANS.

Subdivision 1. **Adoption.** Each park district located wholly or partially within the metropolitan area, and each county in the metropolitan area not wholly within a park district, shall prepare, after consultation with all affected municipalities, and submit to the metropolitan council, and from time to time revise and resubmit to the council, a master plan and annual budget for the acquisition and development of regional recreation open space located within the district or county, consistent with the council's policy plan.

Subd. 2. **Council review.** The metropolitan council shall review with the advice of the commission, each master plan to determine whether it is consistent with the council's policy plan. If it is not consistent, the council shall return the plan with its comments to the municipalities, park district or county for revision and resubmittal.

History: 1975 c 13 s 46

473.315 GRANTS.

Subdivision 1. The metropolitan council with the advice of the commission may make grants, from any funds available to it for recreation open space purposes, to any municipality, park district or county located wholly or partially within the metropolitan area to cover the cost, or any portion of the cost, of

acquiring or developing regional recreation open space in accordance with the policy plan; and all such agencies may enter into contracts for this purpose or rights or interests therein. The cost of acquisition shall include any payments required for relocation pursuant to sections 117.50 to 117.56.

Subd. 2. In order to avoid further delays in acquisition and development of regional recreational open spaces heretofore identified by the council and within existing metropolitan development guidelines, the metropolitan council is authorized to immediately make grants to acquire or develop such areas. The existing development guide sections on regional recreation open space shall continue in force and effect and shall constitute the policy plan until the adoption of revisions or modifications pursuant to section 473.147.

History: 1975 c 13 s 47; 1977 c 421 s 9

473.325 SALES OF BONDS.

Subdivision 1. The metropolitan council may by resolution authorize the issuance of general obligation bonds of the council such that the amount outstanding and undischarged at any time shall not exceed \$40,000,000, for which its full faith and credit and taxing powers shall be pledged, for the acquisition and betterment of regional recreation open space in accordance with sections 473.301 to 473.341. The metropolitan council may also issue general obligation bonds for the purpose of refunding outstanding obligations issued hereunder. The amount of refunding bonds that may be issued from time to time shall not be subject to the dollar limitation contained in this subdivision nor shall such refunding bonds be included in computing the amount of bonds that may be issued within such dollar limitation.

Subd. 2. The metropolitan council shall sell and issue such bonds in the manner provided in chapter 475, and shall have the same powers and duties as a municipality issuing bonds under that law, except that the approval of a majority of the electors shall not be required and the net debt limitations therein shall not apply. The terms of each series of such bonds shall be fixed so that the amount of principal and interest on all outstanding and undischarged bonds, together with the bonds proposed to be issued, due in any year shall not exceed .5 mills times the assessed value of all taxable property in the metropolitan area as last finally equalized prior to a proposed issue. The bonds shall be secured in accordance with section 475.61, subdivision 1, and any taxes required for their payment shall be levied by the council, shall not affect the amount or rate of taxes which may be levied by the council for other purposes, shall be spread against all taxable property in the metropolitan area and shall not be subject to limitation as to rate or amount. Any taxes certified by the council to the county auditors for collection shall be reduced by the amount received by the council from the commissioner of finance or the federal government for the purpose of paying the principal and interest on bonds to which the levy relates. The council shall certify the fact and amount of all money so received to the county auditors, and the auditors shall reduce the levies theretofore made for such bonds in the manner and to the extent provided in section 475.61, subdivision 3.

Subd. 3. The metropolitan council shall have the power, after the authorization of bonds pursuant to this section, to provide funds immediately required for the purposes of sections 473.301 to 473.341, by effecting temporary loans upon such terms as it shall by resolution determine, evidenced by notes due in not exceeding 24 months from the date thereof, payable to the order of the lender or to the bearer, to be repaid with interest from the proceeds of such bonds when issued and delivered to the purchaser thereof. Such temporary loans may be made without public advertisement.

Subd. 4. In the event that the full faith and credit pledge of the metropolitan council for the payment of principal and interest on the bonds issued under this section is superseded and replaced by the full faith and credit pledge of the state of Minnesota, by binding and irrevocable legislation, such action shall extinguish the full faith and credit pledge theretofore made for all bonds and the interest thereon issued pursuant to this section.

Subd. 5. From the funds appropriated by Laws 1973, Chapter 720, Section 43, Subdivision 2, Paragraph h, which could be used for grants in aid for recreational and natural areas located within the jurisdiction of the council, not committed for such purposes on April 1, 1974, the amount needed but not to exceed \$2,000,000 is hereby reappropriated to the council for the fiscal year commencing July 1, 1974, to pay principal and interest coming due in such fiscal year on bonds issued pursuant to this section.

History: 1975 c 13 s 48

473.326 COMO PARK ZOO; BONDS.

Subdivision 1. Subject to the provisions of subdivision 2, the metropolitan council shall by resolution authorize the issuance of general obligation bonds of the council in an aggregate principal amount not exceeding \$2,300,000, in addition to the amount authorized under the provisions of section 473.325. The proceeds shall be used by the council for grants to the city of St. Paul for the repair, construction, reconstruction, improvement, and rehabilitation of the Como Park zoo owned and operated by the city. The bonds shall be sold, issued, and secured as provided in section 473.325, and the terms of each series thereof shall be fixed so that the annual principal and interest payments thereon, together with those on all outstanding and undischarged bonds issued pursuant to section 473.325, will not exceed the limit provided in that section.

Subd. 2. The city council shall cause to be prepared, approve, and submit to the metropolitan council plans for any work for which a grant is requested. The metropolitan council shall determine whether the plans are consistent with Ramsey county's master plan and the metropolitan council's policy plan for regional recreation open space. If not, or if the determination cannot be made on the basis of the plans as submitted, they shall be returned with comments to the city council for revision and resubmission. No bonds shall be issued under this section until the plans for the work to be financed thereby are approved by the metropolitan council.

Subd. 3. Of any state funds reappropriated to the metropolitan council for use for the acquisition and betterment of regional recreation open space, at least \$1,400,000 shall be used by the council for grants to the city of St. Paul for the repair, construction, reconstruction, improvement, and rehabilitation of the Como Park zoo.

Subd. 4. No grant made under this section shall affect the city's ownership of or power to manage and operate the zoo, in a manner consistent with the master plan and policy plan.

History: 1977 c 436 s 1

473.331 LOCAL ACQUISITION.

Any park district or municipality wholly or partially within the metropolitan area, and any county in the metropolitan area not wholly within a park district, may acquire, develop and manage any land or water area, or any interests, easements or other rights therein, comprising regional recreation open space in the same manner as it is authorized to do for other park and recreation purposes, and such area or other rights shall constitute a part of the park and recreation system of the acquiring agency.

History: 1975 c 13 s 49

473.333 COUNCIL ACQUISITION.

The metropolitan council shall have the same powers as a county under section 398.32, subdivision 1, to acquire any land or water area, or any interests, easements or other rights therein, which are included in the policy plan whenever such areas have not been acquired for recreation open space purposes within the period of time hereinafter specified; provided that the council shall not have the power of eminent domain. Before proceeding with the acquisition of any such area or other rights, the council shall by resolution offer a grant covering the full cost of acquisition to the municipality, park district or county in which the area or other rights are situated. If the acquisition process has not been initiated within 60 days or if the area or other rights have not been acquired within 12 months after the adoption of the resolution, the council may by resolution offer such a grant to another park district or county or to a municipality in the metropolitan area. If the acquisition process has not been initiated within 60 days or if the area or other rights have not been acquired within six months after the adoption of the resolution, the council may direct the commission to proceed with acquisition. The council may, in its discretion, direct the commission to contract with a municipality, park district or county for such services as may be needed to complete such acquisition. The council shall direct the commission to manage such areas so as to preserve them for future recreation open space purposes and may contract with a municipality, park district or county for such management. The council shall convey such areas to a municipality, park district or county for development and operation consistent with an approved recreation open space master plan.

History: 1975 c 13 s 50

473.341 TAX EQUIVALENTS.

In each of the four years after the metropolitan council or park district, county or municipality acquires fee simple title to any real property included in the regional recreation open space system, the metropolitan council shall pay to the municipality or township in which the property is situated an amount equal to the total amount of the taxes levied thereon for municipal or township purposes for collection in the year in which title passed, diminished by 20 percent for each subsequent year to and including the year of payment; provided that for any year in which taxes on the property, or on the privilege of using or possessing it, are paid this tax equivalent shall not be paid. All amounts paid pursuant to this section are costs of acquisition of the property with respect to which they are paid.

History: 1975 c 13 s 51

METROPOLITAN TRANSIT COMMISSION**473.401 DEFINITIONS.**

Subdivision 1. The definitions given in this section shall obtain for the purposes of sections 473.401 to 473.451 except as otherwise expressly provided or indicated by the context.

Subd. 2. "Commission" means the Twin Cities area metropolitan transit commission hereinafter created.

Subd. 3. "Transit commissioner" or "commissioner" means a member of the commission.

Subd. 4. "Municipality" or "municipal corporation" means any city or town.

Subd. 5. "Elected chief executive" means the mayor of a city, chairman of a town board, or other corresponding chief elected officer of a municipality.

History: 1975 c 13 s 52

473.402 POLICY; GOALS.

Subdivision 1. The legislature finds and determines that, for the protection and advancement of the public health, safety, and welfare of the metropolitan area and the entire state, and in order to provide for adequate public transit and paratransit within the area to increase vehicle occupancy, and to reduce the use of vehicles occupied by only one person and the congestion, energy consumption, highway damage, pollution, waste, and other costs associated with such use, there is need for the establishment of the transit area herein defined, for the creation of a metropolitan transit commission therefor with the powers and duties herein prescribed, for the implementation of a comprehensive transportation policy plan for the area and for the other measures herein provided.

Subd. 2. The metropolitan transit commission, in addition to other duties and purposes, shall have the following performance goals:

(a) To increase the number of persons riding and the rate at which persons are diverted from driving to riding.

(b) To achieve the fullest and most efficient use of public resources and investments in public transit and paratransit;

(c) To increase service levels within geographic areas and on routes and route segments characterized by high density of demand for service, transit dependent population, and little or no subsidy per passenger.

History: 1975 c 13 s 53; 1977 c 454 s 33

473.403 METROPOLITAN TRANSIT AREA, ESTABLISHMENT.

There is hereby established a metropolitan transit area comprising the counties of Hennepin, Ramsey, Anoka, Washington, Dakota excluding the city of Northfield, Scott excluding the city of New Prague, and Carver.

History: 1975 c 13 s 54; 1978 c 543 s 5; 1980 c 378 s 3

473.404 METROPOLITAN TRANSIT COMMISSION; CREATION AND COMPOSITION.

There is hereby created a metropolitan transit commission for the metropolitan area, composed of nine members, herein called commissioners or members, which commission shall be organized, structured and administered as provided in sections 473.141 and 473.401 to 473.451.

History: 1975 c 13 s 55

473.405 OPERATION.

Subdivision 1. **Legal status; general powers.** (a) The transit area, with the commission as its governing body, shall be a public corporation and a political subdivision of the state. All the powers vested and obligations or duties imposed upon the commission and acts of the commission by sections 473.401 to 473.451 shall be deemed to be those of the transit area wherever necessary or appropriate, and shall be exercised, performed, and discharged in behalf of the area by the commission in its name as a public corporation and with like force and effect as if done in the name of the area, and for all such purposes, the commission shall have the same status and powers as the area, all subject to the provisions of section 473.449. The chairman and secretary of the commission shall have such powers as are delegated to them by the commission.

(b) The commission shall have the power to plan, engineer, construct, equip, and operate transit and paratransit systems, projects, or any parts thereof, including road lanes or rights of way, terminal facilities, maintenance and garage facilities, ramps, parking areas, and any other facilities useful for or related to any

public transit or paratransit system or project. The commission may acquire by purchase, lease, gift, or condemnation proceedings any real or personal property, franchises, easements, or other rights of any kind for such purposes, or which may be necessary or proper for the discharge of its powers and duties. The commission shall have the power to acquire by purchase, lease, gift, or condemnation proceedings any existing public transit system or any part thereof, including all or any part of the plant, equipment, shares of stock, property, real, personal, or mixed, rights in property, reserve funds, special funds, franchises, licenses, patents, permits and papers, documents and records belonging to any operator of a public transit system within the transit area, and may in connection therewith assume any or all liabilities of any operator of a public transit system. The commission may not acquire any existing public transit system until such acquisition has been approved by a majority of the metropolitan council. The commission may hold, use, improve, operate, maintain, lease, exchange, transfer, sell, or otherwise dispose of any of its property or rights to others and may contract with any operator or other persons for the use by any such operator or person of any such property or facilities under its control.

The commission, if it proceeds to acquire any existing public transit system or any part thereof by condemnation, shall have the power to take control of and operate such system immediately following the filing and approval of the initial petition for condemnation, if the commission, in its discretion, determines such action to be necessary. This power shall include the possession of all right, title and other powers of ownership in all properties and facilities described in the petition. Such action shall be taken by resolution which shall be effective upon service of a copy thereof on the condemnee and the filing of the resolution in the condemnation action. In the determination of the fair value of the existing public transit system, there shall not be included any value attributable to expenditures for improvements made by the transit commission.

The commission may continue or terminate within three months of acquisition any advertising contract in existence by and between any advertiser and a transit system that the commission has acquired. If the commission determines to terminate such advertising contract, it shall acquire all of the advertiser's rights under the contract by purchase or eminent domain proceedings as provided by law.

The commission may sue and be sued and may enter into contracts which may be necessary or proper. The commission may accept gifts, grants, or loans of money or other property from the United States, the state, or any person or entity for such purposes, may enter into any agreement required in connection therewith, may comply with any federal or state laws or regulations applicable thereto, and may hold, use, and dispose of such money or property in accordance with the terms of the gift, grant, loan, or agreement relating thereto. The commission may establish an executive committee, a finance committee, and such other committees of its members as it deems necessary or proper in furtherance of the provisions of sections 473.401 to 473.451, and may authorize them to exercise in the intervals between commission meetings any powers of the commission except those expressly required by law to be exercised by the commission.

Subd. 2. Management contracts. Notwithstanding any of the other provisions of sections 473.401 to 473.451, the commission shall have powers, in lieu of directly operating any public transit system, or any part thereof, to enter into management contracts with any persons, firms, or corporations for the management of said system for such period or periods of time, and under such compensation and other terms and conditions as shall be deemed advisable and proper by the commission and such persons, firms, or corporations.

Such persons, firms, or corporations entering into management contracts with the commission may employ necessary personnel for the operation and maintenance of said system as well as perform consulting and supervisory services for the commission. An incentive fee may be included in any management contract that is negotiated. The employees of any public transit system operated pursuant to the provisions of this subdivision shall, in case of any dispute arising under any existing or new collective bargaining agreement relating to the terms or conditions of their employment, have the right, for the purpose of resolving such dispute, either to engage in a concerted refusal to work or to invoke the processes of final and binding arbitration as provided by chapter 572, subject to any applicable provisions of the agreement not inconsistent with law.

Whenever the commission shall directly operate any public transit system, or any part thereof, or enter into any management contract or other arrangement for the operation thereof, the commission shall take such action as may be necessary to extend to employees of affected public transit systems in the area, in accordance with seniority, the first opportunity for reasonably comparable employment in any available non-supervisory jobs in respect to such operations for which they can qualify after a reasonable training period. Such employment shall not result in any worsening of the employee's position in his former employment nor any loss of wages, hours, working conditions, seniority, fringe benefits, and rights and privileges pertaining thereto.

The commission may enter into an agreement specifying fair and equitable arrangements to protect the interests of employees who may be affected if the commission should acquire any interest in or purchase any facilities or other property of a privately owned and operated transit system, or construct, improve, or reconstruct any such facilities or other such property acquired from any such system, or provide by contract or otherwise for the operation of transportation facilities or equipment in competition with, or supplementary to, the service provided by an existing transit system. Such agreement, specifying the terms and conditions of the protective arrangements, shall comply with any applicable requirements of sections 473.401 to 473.451, and with the requirements of any federal law or regulation if federal aid is involved. Such an agreement may provide for final and binding arbitration of any dispute.

Subd. 3. **Rules and regulations.** The commission may prescribe and promulgate rules and regulations as it deems necessary or expedient in furtherance of the purposes of sections 473.401 to 473.451 upon like procedure and with like force and effect as provided for state agencies by sections 14.02, 14.04 to 14.36, 14.38, 14.44 to 14.45, and 14.57 to 14.62, and acts amendatory thereof and supplementary thereto.

History: 1975 c 13 s 56; 1977 c 454 s 34.35; 1982 c 424 s 130

473.406 CERTAIN PROCUREMENT CONTRACTS.

Subdivision 1. **Definitions.** For purposes of this section the following terms have the meanings given to them, except where the context clearly indicates a different meaning is intended:

(a) "Socially or economically disadvantaged person" means a person who has been deprived of the opportunity to develop and maintain a competitive position in the economy because of social or economic disadvantage. This disadvantage may arise from cultural, social or economic circumstances or background, physical location if the person resides or is employed in an area declared as a labor surplus area by the United States department of commerce, physical handicap, or other similar cause.

(b) "Award" means the granting of a contract in accordance with all applicable laws, regulations and rules governing competitive bidding except as hereinafter specially modified.

(c) "Contract" means an agreement entered into between a business entity and the metropolitan transit area, by its governing body, the metropolitan transit commission, including construction contracts.

(d) "Subcontractor" means a business entity which enters into a legally binding agreement with another business entity which is a party to a contract as defined in clause (c).

(e) "Business entity" means an entity organized for profit, including an individual, partnership, corporation, joint venture, association or cooperative.

Subd. 2. Set-asides. The metropolitan transit commission may, on a fiscal year basis, designate and set aside for awarding to business entities controlled by socially or economically disadvantaged persons or handicapped persons, or for awarding to business entities which guarantee the use of subcontractors controlled by socially or economically disadvantaged persons or handicapped persons, approximately five percent of the value of its anticipated total procurement of goods and services, including construction. The failure of the commission to set aside particular procurements shall not be deemed to prohibit or discourage business entities controlled by socially or economically disadvantaged persons or handicapped persons from seeking the procurement award through the normal solicitation and bidding processes.

Subd. 3. Negotiated price or bid contract. The commission may elect to use either a negotiated price or bid contract procedure in the awarding of a procurement contract under the set-aside program established in this section. The amount of an award based on a negotiated price shall not exceed by more than five percent the commission's estimated price for the goods or services if they were purchased on the open market and not under the set-aside program.

Subd. 4. Determination of ability to perform. Before announcing a set-aside award, the commission shall evaluate whether the business entity controlled by socially or economically disadvantaged persons or handicapped persons scheduled to receive the award is able to perform the set-aside contract. This determination may include consideration of production and financial capacity and technical competence.

Subd. 5. Recourse to other businesses. If this section does not operate to extend a contract award to a business entity controlled by socially or economically disadvantaged persons or handicapped persons, the award shall be placed pursuant to the normal solicitation and award procedures set forth in section 471.345.

Subd. 6. Rules. The commission shall promulgate by rule standards and procedures for certifying that business entities eligible to participate in the set-aside program authorized in this section are controlled by socially or economically disadvantaged persons or handicapped persons. The commission shall promulgate other rules as may be necessary or advisable to carry out the provisions of this section.

Subd. 7. Other laws superseded. In the event of conflict with other laws, regulations or rules, the provisions of this section and rules promulgated pursuant to it shall govern.

History: 1980 c 462 s 3

473.408 FARE POLICY.

Subdivision 1. Definition. "Off-peak hours" means the time from 9:00 a.m. to 3:30 p.m. and 6:30 p.m. until the last bus on Monday through Friday of each week and all day Saturday, Sunday, and holidays designated by the commission.

Subd. 2. **Fare policy.** Fares and fare collection systems shall be established and administered to accomplish the following purposes:

(a) To encourage and increase transit and paratransit ridership with an emphasis on regular ridership;

(b) To restrain increases in the average operating subsidy per passenger;

(c) To ensure that no riders on any route pay more in fares than the average cost of providing the service on that route;

(d) To ensure that operating revenues are proportioned to the cost of providing the service so as to reduce any disparity in the subsidy per passenger on routes in the transit system; and

(e) To implement the social fares as set forth in subdivision 3.

Subd. 3. **Special fares.** In off-peak hours the commission and other operators shall charge the following reduced fares for transit service:

(a) not more than 20 cents plus any zone charges for all persons under the age of 18 holding an identification card issued by the commission;

(b) not more than ten cents for all persons 65 years of age and over holding a medicare card or other identification card authorized or approved by the commission; and

(c) not more than one-half of the full fare for all handicapped persons, as defined by the commission.

Subd. 4. **Downtown circulation fares.** The commission and other operators may charge not less than ten cents for service on any route providing circulation service in a downtown area or community activity center. The commission and other operators shall not contribute more than 50 percent of the operating deficit of any such route that is confined to a downtown area or community activity center.

Subd. 5. **Other reduced fares prohibited; exception.** Except for the advance sale of service through special passes or for other special promotional efforts, and except as provided in subdivisions 3 and 4, the commission and other operators shall not grant any reduced fares for regular route bus service.

Subd. 6. **Monthly passes.** The commission may offer monthly passes for regular route bus service for sale to the general public.

Subd. 7. **Employee plan.** The commission may offer monthly passes for regular route bus service for sale to employers at a special discount subject to the provisions of this subdivision. An employer may be eligible to purchase passes at a special discount if the employer agrees to establish a payroll deduction plan as a means for its employees to purchase the passes at a price at or below the amount charged by the commission. The special discount on passes sold pursuant to this subdivision shall be determined by the commission.

History: 1977 c 454 s 36; Ex1979 c 1 s 48,49; 1980 c 614 s 152; 1981 c 363 s 51.52; 3Sp1981 c 2 art 1 s 70

473.409 AGREEMENTS WITH COMMISSION; ENCOURAGEMENT OF TRANSIT USE.

A state department or agency, including the legislative branch, any local governmental unit, the metropolitan council, or other metropolitan commission may enter into an agreement with the transit commission and other operators for the purpose of encouraging the use of transit by its employees residing in the metropolitan area. The agreement may provide for, among other things: (a) the advance purchase of tokens, tickets or other devices from the commission or other operator for use in lieu of fares on vehicles operated by the commission or other operator; and (b) special transit service for employees to and from their place of

employment, at fares to be agreed upon by the contracting parties. The tokens, tickets, or other devices or services may be made available to employees at reduced rates. Any such agreement and arrangement by a state department or agency shall be submitted to the commissioner of administration for approval before execution. Any operating deficits or subsidy resulting from such agreements shall be assumed by the contracting department, agency, governmental unit, council, or other commission, unless otherwise provided in the agreement.

History: 1977 c 454 s 37

473.411 TRANSPORTATION DEVELOPMENT PROGRAM.

Subdivision 1. **Development program.** The commission shall prepare and submit in the manner provided in and satisfying the requirements of section 473.161, a development program, providing for the implementation of the policy plan adopted by the council. In preparing the program, the commission shall consult with counties and municipalities in the metropolitan area, the state transportation department and the commissioner of energy, planning and development, and for that purpose may create such advisory committees as may be necessary.

The program shall provide for coordination of routes and operations of all publicly and privately owned transit and paratransit facilities within the transit area to the end that combined efficient and rapid transit and paratransit may be provided for the use of the public in the entire area. The commission may designate a segment of the system planned as a pilot or demonstration transit or paratransit project using, without limitation, new technology including airborne systems, or traditional systems of evolved or modern form. The development program shall include the general alignment and profile, approximate points of access, facility classification, approximate cost, relation to other existing and planned transit and paratransit routes and facilities, and a statement of the expected general effect on present and future use of the property within the corridor. The program shall be accompanied with a statement of need for the proposed construction or improvement, a description of alternate routes which were considered, and an explanation of the advantages and disadvantages in the selection of any route considered. The development program shall also contain a description of the type of right-of-way or routes required; the type of transit service to be provided in each portion of the system; designation of transit mode; and appropriate general operating criteria. The program shall also contain an operational improvement program which shall at least describe performance objectives and standards which the commission proposes to achieve in satisfying policies, purposes, and goals established by the legislature and the council; identify performance indicators by which to monitor and assess progress in achieving the objectives and standards; and establish a route deficit limit as provided in section 174.28, subdivision 5. The program may include such other information as the council or the commission deems necessary.

Subd. 2. [Repealed, 1977 c 454 s 49]

Subd. 3. **Combination of public transit and highway systems; services of department of transportation.** The public transit system shall be designed and operated, as far as practicable, so as to provide, in combination with public highways, adequate means and facilities of maximum attainable efficiency for public transportation to, from, and within the metropolitan transit area, and to relieve the congestion, traffic hazards, and other objectionable conditions aforesaid on the public highways caused by lack of adequate provisions for public transit. The commission may make use of engineering and other technical and professional services, including regular staff and qualified consultants, which the commis-

sioner of transportation can furnish, upon fair and reasonable reimbursement for the cost thereof; provided, that the commission shall have final authority over the employment of any services from other sources which it may deem necessary for such purposes. The commissioner of transportation may furnish all engineering, legal, and other services, if so requested by the commission and upon fair and reasonable reimbursement for the cost thereof by the commission, which the commission requests for the purposes stated in this subdivision, including the acquisition by purchase, condemnation, or otherwise in the name of the commission of all lands, waters, easements, or other rights or interests in lands or waters required by the commission.

Subd. 4. State highways; joint use for transit and highway purposes. Whenever the joint construction or use of a state highway is feasible in fulfilling the purposes of sections 473.401 to 473.451, the commission shall enter into an agreement with the commissioner of transportation therefor, evidenced by a memorandum setting forth the terms of the agreement. Either the commission or the commissioner of transportation may acquire any additional lands, waters, easements or other rights or interests therein required for such joint use in accordance with said agreement, or joint acquisition may be made by condemnation as provided by section 117.016 and the provisions of sections 473.401 to 473.451. Under any such agreement each party shall pay to the other party reasonable compensation for the costs of any services performed at the request of the other party which may include any costs of engineering, design, acquisition of property, construction of the facilities, and for the use thereof so far as attributable to and necessary for said purposes.

Subd. 5. Use of public roadways and appurtenances. The commission shall have the right to use for the purposes of sections 473.401 to 473.451 upon the conditions hereinafter stated any state highway or other public roadway or lane thereof, or any bridge or tunnel or other appurtenance of such roadway, without payment of any compensation therefor, provided such use does not interfere unreasonably with the public use or maintenance of the roadway or appurtenance or entail any substantial additional costs for maintenance thereof; provided further, that the provisions of this subdivision shall not apply to the property of any common carrier railroad or common carrier railroads. The consent of the public agency in charge of such state highway or other public highway or roadway or appurtenance shall not be required, but if such agency objects to the proposed use or claims reimbursement from the commission for additional cost of maintenance, it may commence an action against the commission in the district court of the county wherein such highway, roadway, or appurtenance, or major portion thereof, is located. The proceedings in such action shall conform to the rules of civil procedure applicable to the district courts. The court shall sit without jury. If the court determines that the use in question interferes unreasonably with the public use or maintenance of the roadway or appurtenance, it shall enjoin such use by the commission. If the court determines that the use in question does not interfere unreasonably with the public use or maintenance of the roadway or appurtenance, but that it entails substantial additional maintenance costs, the court shall award judgment to the agency for the amount of such additional costs. Otherwise the court shall award judgment to the commission. An aggrieved party may appeal from the judgment of the district court in the same manner as is provided for such appeals in other civil actions. The commission may also use land within the right of way of any state highway or other public roadway for the erection of traffic control devices, other signs, and passenger shelters upon the conditions hereinafter stated and subject only to the approval of the commissioner of transportation where required by statute, and subject to the express provisions

of other applicable statutes and to federal requirements where necessary to qualify for federal aid.

History: 1975 c 13 s 57; 1976 c 166 s 7; 1977 c 454 s 38,39; Ex1979 c 1 s 50; 1981 c 356 s 240; 1981 c 363 s 53

473.413 COMMISSION; SPECIAL PROVISIONS.

Subdivision 1. **Condemnation of public property or property of public service corporations.** The commission may exercise the right of eminent domain as provided by chapter 117, and acts amendatory thereof or supplementary thereto for the purpose of acquiring any land, waters, easements, or other rights or interests therein which it is herein authorized to acquire by condemnation. The fact that any such property is owned by or is in charge of a public agency or a public service corporation organized for a purpose specified in section 300.03, or is already devoted to a public use or to use by such a corporation or was acquired therefor by condemnation shall not prevent its acquisition by the commission by condemnation; provided, that in the case of such property in actual public use or in actual use by such a corporation for any purpose of interest or benefit to the public, the taking thereof by the commission by condemnation shall not be authorized unless the court shall find and determine that there is greater public necessity for the proposed use by the commission than for the existing use thereof. Except in case of property in actual public use or in actual use by such a public service corporation for a purpose of interest or benefit to the public, the commission may take possession of any property for which condemnation proceedings have been commenced at any time after the filing of the petition describing the property in the proceedings.

Subd. 2. **Voluntary transfer of public property to the commission.** Any state department or other agency of the state government or any county, municipality, or other public agency may sell, lease, grant, transfer, or convey to the commission, with or without consideration, any facilities or any part or parts thereof or any real or personal property or interest therein which may be useful to the commission for any authorized purpose. In any case where the construction of any such facilities has not been completed, the public agency concerned may also transfer, sell, assign, and set over to the commission, with or without consideration, any existing contract for the construction of the facilities.

Subd. 3. **Commission; investigation of need for changes in existing systems.** Notwithstanding the provisions of any law or municipal charter or ordinance to the contrary, the commission, on its own motion or on petition of any operator, municipality, or other public agency, may investigate the need for changes in existing routes, schedules, and stops in effect in any public transit system now or hereafter operating in the transit area. In conducting such investigation, the commission shall consider recommendations as to the subject matter made by any affected municipality or other public agency, and shall give due consideration to street surfaces, traffic conditions, cost of operations, and the planning programs of such municipalities or agencies. In connection with any such investigation, the commission may hold hearings on any matter under consideration, affording all parties concerned an opportunity to appear and be heard thereat. If upon any such investigation or hearing the commission finds that there is no need for any change in existing conditions or operations, it shall make an order so determining and discontinuing the investigation. If the commission finds that there is need for any such change, it shall proceed as provided in subdivision 4.

Subd. 4. **Commission; proceedings for changes before department of public service.** If the transit commission, upon investigation or hearing as provided in subdivision 3, finds that any change in routes, schedules, or stops will be in the public interest, the commission shall file a petition for the proposed change or

changes with the secretary of the department of public service and serve copies thereof on the affected operator and the clerk, secretary, or other recording officer of each municipality and other public agency affected. Upon receiving such a petition, the department of public service shall set a hearing thereon at the earliest convenient date. If any operator, municipality, or other public agency affected is opposed to the petition, it may, within 30 days after the filing and service of the petition, file with the secretary of the department of public service an answer stating the grounds of such opposition and serve a copy thereof on the secretary of the transit commission. If no such answers are so filed and served within such 30 day period, the department of public service shall, upon finding that the change proposed in the petition is in the public interest, order such change. If any answer opposing the petition is received by the department of public service within such 30 day period, it shall hold a hearing and make a determination in the matter as provided by applicable laws and regulations. An appeal from the action of the department of public service in any such matter may be taken as provided by sections 216.24 and 216.25 and acts amendatory thereof or supplementary thereto.

Subd. 5. Transit commission; proceedings before department of public service and other authorities. The transit commission may petition the department of public service for changes in rates of operators of public transit systems serving the transit area. Upon receipt of such petition, the department of public service shall order a hearing and conduct further proceedings thereon as provided by section 221.041, and other applicable laws and regulations. The transit commission may appear in behalf of the public interest in any such proceedings or in any other proceeding before the department of public service, the interstate commerce commission, the courts, or other public authorities involving any matter relating to public transit within or affecting the transit area.

Subd. 6. Succession to powers of department of public service. There shall be transferred to and vested in the transit commission all of the powers and functions of the Minnesota department of public service with respect to any public transit system or part thereof which has been or is acquired or constructed by and is owned and operated by or under the authority of the transit commission. The department of public service shall not have authority to exercise the powers and functions so transferred.

Subd. 7. Relocation of displaced persons. The commission may plan for and assist in the relocation of individuals, families, business concerns, nonprofit organizations, and others displaced by operations of the commission, and may make relocation payments in connection therewith in accordance with federal regulations.

Subd. 8. Commission; insurance. The commission may provide for self-insurance or may otherwise provide for the insurance of any of its property, rights, or revenue, workers' compensation, public liability, or any other risk or hazard arising from its activities, and may provide for insuring any of its officers or employees against any such risk or hazard at the expense of the commission. If the commission provides for self-insurance against its liability and the liability of its officers, employees and agents for damages resulting from its torts and those of its officers, employees and agents, including its obligation to pay basic economic loss benefits under sections 65B.41 to 65B.71, it shall be entitled to deduct from such damages and basic economic loss benefits all money paid or payable to the persons seeking damages and benefits from all governmental entities providing medical, hospital and disability benefits.

Subd. 9. Entry on premises for investigations. The commission may enter in a reasonable manner upon any lands, waters, or premises for the purpose of making any reasonably necessary or proper surveys, soundings, drillings, and examinations. No such entry shall be deemed a trespass, except that the commis-

sion shall be liable for any actual and consequential loss, injury, or damage therefrom.

Subd. 10. **Inspection of books and papers.** The commission or its authorized agents may require the production of accounts, books, records, memoranda, correspondence, and other documents and papers of any operator relating to his or its public transit operations in the transit area, may inspect and copy any thereof at the operator's place of business, and shall have access to and may inspect any of the lands, buildings, facilities, or equipment of any such operator used for such operations.

Subd. 11. **Commission; auditor of finances.** The commission shall employ a certified public accountant or firm thereof to make an annual audit of the commission's financial accounts and affairs for the last fiscal year on or before November 30 of each year, and copies of the report thereof shall be filed and kept open to public inspection in the offices of the secretary of the commission and the secretary of state. The information in the audit shall be contained in the annual report and distributed in accordance with section 473.445.

History: 1975 c 13 s 58; 1975 c 359 s 23; 1977 c 454 s 40,41

473.415 LABOR PROVISIONS.

Subdivision 1. If the commission acquires an existing transit system, the commission shall assume and observe all existing labor contracts and pension obligations. All employees of such system except executive and administrative officers who are necessary for the operation thereof by the commission shall be transferred to and appointed as employees of the commission for the purposes of the transit system, subject to all the rights and benefits of sections 473.401 to 473.451. Such employees shall be given seniority credit and sick leave, vacation, insurance, and pension credits in accordance with the records or labor agreements from the acquired transit system. The commission shall assume the obligations of any transit system acquired by it with regard to wages, salaries, hours, working conditions, sick leave, health and welfare and pension or retirement provisions for employees. The commission and the employees, through their representatives for collective bargaining purposes, shall take whatever action may be necessary to have pension trust funds presently under the joint control of the acquired system and the participating employees through their representatives transferred to the trust fund to be established, maintained and administered jointly by the commission and the participating employees through their representatives. No employee of any acquired system who is transferred to a position with the commission shall by reason of such transfer be placed in any worse position with respect to workers' compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefits than he enjoyed as an employee of such acquired system.

Subd. 2. For any employees of the commission who were transferred to and appointed as employees of the commission upon completion of acquisitions of transit systems which occurred prior to the effective date of Laws 1978, Chapter 538, the provisions of Laws 1978, Chapter 538 shall replace the provisions of subdivision 1 relating to the pension obligations which the commission is required to assume, and the pension or retirement plan and pension trust funds which the commission is required to establish, maintain and administer. Upon compliance with the applicable provisions of Laws 1978, Chapter 538, the commission shall not be deemed to have placed any employee of the commission who was transferred to and appointed as an employee of the commission upon completion of acquisitions of transit systems which occurred prior to the effective date of Laws 1978, Chapter 538 in any worse position with respect to pension and related benefits than the employee of the commission enjoyed as an employee of the acquired existing transit system.

Subd. 3. For any employees of the commission who are transferred to and appointed as employees of the commission upon completion of acquisitions of transit systems which occur subsequent to the effective date of Laws 1978, Chapter 538, those employees shall be governed by the provisions of Laws 1978, Chapter 538 unless the acquisition of the transit system which employed them immediately preceding the acquisition included the acquisition of a pension trust fund under the joint control of the acquired system and the participating employees through their representatives.

History: 1975 c 13 s 59; 1975 c 359 s 23; 1977 c 454 s 42; 1978 c 538 s 7

473.416 COMMISSION; TAKING OVER PERSONNEL AND CONTRACTS OF JOINT POWERS TRANSIT COMMISSION.

The commission, upon commencing operations under sections 473.401 to 473.451, shall, so far as deemed practicable and advisable in the discretion of the commission and subject to the provisions hereof, take over and employ in corresponding positions or other suitable positions the professional, technical, and other personnel employed by the existing metropolitan transit commission, hereinafter called the joint powers transit commission, created by the joint and cooperative agreement heretofore made between certain governmental units of the transit area pursuant to section 471.59. The transit commission created by sections 473.401 to 473.451 shall upon like conditions take over any contracts made by the joint powers transit commission and in force on July 1, 1967 for professional or technical services, rental of office space or other facilities, or other contracts relating to any matter within the purposes of sections 473.401 to 473.451. The joint powers transit commission shall execute all instruments which may be necessary to effectuate the provisions of this section.

History: 1975 c 13 s 60

473.417 ADDITIONAL EMPLOYER OBLIGATION TO AMORTIZE UNFUNDED ACCRUED LIABILITIES.

In order to amortize the additional unfunded accrued liability incurred by the Minnesota state retirement system as a result of the consolidation of the metropolitan transit commission-transit operating division employees retirement fund, and to place the metropolitan transit commission on an equivalent basis with the other employing units and agencies having employees covered by the Minnesota state retirement system, the metropolitan transit commission shall make an annual contribution to the Minnesota state retirement system in addition to the employer contribution specified in section 352.04, subdivision 3. The additional contribution shall be an amount equal to 3-8/10 percent of the salaries of employees of the transit operating division on each payroll abstract, commencing July 1, 1978, and payable until the unfunded accrued liability amount of \$7,307,545 plus compound interest from July 1, 1978 at the rate of six percent per annum on the average unpaid balance is amortized, as determined by the executive director of the Minnesota state retirement system.

History: 1978 c 538 s 12; 1980 c 342 s 16; 1980 c 600 s 10

473.418 DISABILITY AND SURVIVORSHIP COVERAGE.

From and after the effective date of Laws 1978, Chapter 538, the metropolitan transit commission shall provide for all active employees of the transit operating division of the metropolitan transit commission disability and survivorship coverage which, when added to the disability benefit or the survivorship benefit payable from the Minnesota state retirement system pursuant to sections 352.113 or 352.12, subdivision 2, will at least equal the disability benefit or the survivorship benefit

which that employee at the time of disability or the employee's surviving spouse at the time of the death of the employee while on active duty would have been entitled to receive under the disability benefit or survivor of active employee deceased while on active duty benefit provisions of the metropolitan transit commission-transit operating division employees retirement fund plan document in effect on December 31, 1977. The metropolitan transit commission shall not be required to provide any supplementary disability benefit coverage or benefit amount to replace the amount of any reduction in any disability payable from the Minnesota state retirement system due to the receipt of benefits under the workers' compensation law unless no offset of the amount of workers' compensation benefits from the amount of a disability benefit was required pursuant to the provisions of article 10 of the metropolitan transit commission-transit operating division employees retirement fund plan document in effect on December 31, 1977. The metropolitan transit commission may elect to provide the additional disability and survivorship coverage either through contract with an insurance carrier or through self insurance. If the commission elects to provide the coverage through an insurance contract, the chairman of the metropolitan transit commission is authorized to request bids from, or to negotiate with, insurance carriers and to enter into contracts with carriers which in the judgment of the commission are best qualified to underwrite and service this insurance benefit coverage. The commission shall consider factors such as the cost of the contracts as well as the service capabilities, character, financial position and reputation with respect to carriers under consideration, as well as any other factors which the commission deems appropriate. The disability and survivorship insurance contract with the particular insurance carrier shall be for a uniform term of at least one year, but may be made automatically renewable from term to term in absence of notice of termination by either party. The disability and survivorship insurance contract shall contain a detailed statement of benefits offered, maximums, limitations and exclusions. A summary description of the essential terms of the contract shall be provided by the commission to the labor organization which is the exclusive bargaining agent representing employees of the transit operating division of the metropolitan transit commission and to each active employee of the transit operating division. The determination of whether the disability or survivorship insurance coverage meets the minimum requirements of this section shall be made by the commission upon consultation with the executive director of the Minnesota state retirement system. If the disability or survivorship coverage provided by the metropolitan transit commission fails at any time after the effective date of Laws 1978, Chapter 538 to meet the requirements of this section as to the level of disability or survivorship coverage to be provided, the deficiency in the actual benefits provided shall continue to be an obligation of the commission. Notwithstanding any provisions of chapter 179 to the contrary, the labor organization which is the exclusive bargaining agent representing employees of the transit operating division of the metropolitan transit commission may meet and bargain with the commission on an increase in the level of disability or survivor of active employee deceased while on active duty coverage to be provided by the commission at the same time that wages and other terms and conditions of employment are considered.

History: 1978 c 538 s 13; 1980 c 342 s 17

473.419 MANDATORY RETIREMENT AGE.

An employee of the transit operating division of the metropolitan transit commission and an employee on leave of absence from the transit operating division of the metropolitan transit commission who is employed by the labor organization which is the exclusive bargaining agent representing employees of the

transit operating division shall terminate employment on the first day of the month next following the month in which the employee reaches the age of 70.

History: 1978 c 538 s 14; 1979 c 40 s 12

473.42 EMPLOYER CONTRIBUTIONS FOR CERTAIN EMPLOYEES.

Notwithstanding any contrary provisions of section 352.029, the metropolitan transit commission shall make the employer contributions required pursuant to section 352.04, subdivision 3, for any employee on authorized leave of absence from the transit operating division of the metropolitan transit commission who is employed by the labor organization which is the exclusive bargaining agent representing employees of the transit operating division and who is covered by the Minnesota state retirement system in addition to all other employer contributions the commission is required to make.

History: 1978 c 538 s 16

473.421 [Repealed, 1977 c 454 s 49]

473.422 [Repealed, 1977 c 454 s 49]

473.423 [Repealed, 1977 c 454 s 49]

473.424 [Repealed, 1977 c 454 s 49]

473.425 [Repealed, 1977 c 454 s 49]

473.435 BUDGET PREPARATION; SUBMISSION.

The commission shall prepare, submit and adopt a budget in the manner provided in, and otherwise comply with, the provisions of sections 174.03 and 473.163.

History: 1975 c 13 s 66; 1980 c 614 s 153

473.436 COMMISSION; BORROWING MONEY.

Subdivision 1. **General authority.** The commission, if authorized by vote of at least two-thirds of all its members, may borrow money on terms, in amounts, and in the manner it deems proper. Borrowing for the purposes of acquisition or betterment of property or other improvements of a capital nature shall be subject to the provisions of subdivision 4. Any loan made under this section and interest thereon shall be payable from collections of any funds of the commission not otherwise appropriated by law and not otherwise pledged by resolution of the commission. The loans may be evidenced by certificates of indebtedness, bonds, or other obligations, to which the commission may pledge moneys received upon collection of any tax authorized by sections 473.401 to 473.451 or received as proceeds of bonds issued pursuant to sections 473.401 to 473.451. The loans may also be secured by a security interest in property acquired in whole or in part from their proceeds. Except as herein otherwise provided, the obligations shall not constitute a charge, lien or encumbrance upon and shall not be enforced against any property of the commission except tax collections and bond proceeds specifically pledged by the commission and security interests granted by the commission. In the enforcement or collection of the obligations, exercise of the taxing power of the commission may not be required unless the commission shall have specifically pledged tax levies or tax collections authorized by sections 473.401 to 473.451 to the payment of the obligations. The obligations shall not be considered a debt of the state or any municipality or political subdivision thereof within the meaning of any debt limitation or requirement pertaining to those entities. Neither the state nor any municipality or political subdivision thereof except the commission, nor any commissioner or officer or employee of the commission shall be liable on the obligations.

Subd. 2. **Legal investments.** Certificates of indebtedness, bonds, or other obligations issued by the commission to which tax levies have been pledged pursuant to section 473.446, subdivision 1 shall be proper for investment of any funds by any bank, savings bank, savings and loan association, credit union, trust company, insurance company or public or municipal corporation, and may be pledged by any bank, savings bank, savings and loan association, credit union, or trust company as security for the deposit of public moneys.

Subd. 3. **Tax exempt.** Certificates of indebtedness, bonds, or other obligations of the commission shall be deemed and treated as instrumentalities of a public government agency and as such, together with interest thereon, exempt from taxation.

Subd. 4. **Limitations.** The commission shall not issue any certificates of indebtedness, bonds, or other obligations for purposes of acquisition or betterment of property or other improvements of a capital nature in excess of amounts from time to time expressly permitted by law.

Subd. 5. **Bus purchases and other improvements.** In addition to obligations outstanding on January 1, 1980, the commission may issue certificates of indebtedness, bonds or other obligations in an amount not exceeding \$9,000,000 for the purposes of purchasing buses and related equipment, and constructing maintenance and other buildings, bus shelters and road related improvements.

History: 1979 c 46 s 1; 1980 c 462 s 2

473.437 [Repealed, 1977 c 454 s 49]

473.438 BONDS.

Subdivision 1. **Authority to issue, purposes.** The commission shall have authority to issue negotiable revenue bonds for any one or more of its powers and purposes, including the following: To construct and equip terminal facilities, maintenance and garage facilities, ramps, parking areas, or similar facilities used or useful in connection with a public transit system or part thereof; to acquire, improve, extend, or reconstruct any public transit system or any part thereof; to acquire any property or equipment useful for the construction, reconstruction, extension, improvement, or operation of any public transit system or any part thereof; to acquire any other real or personal property, franchises, easements, transit lanes, rights of way or other rights used or useful in connection with a public transit system or any part thereof; and to refund bonds issued for any such purposes.

Subd. 2. **Revenue bonds, resolution, terms, sales.** Revenue bonds under this section shall be issued in such amounts, times and series as the commission by resolution shall determine and shall mature within 40 years from their date. No election shall be necessary to authorize the issuance of revenue bonds by the commission. Such revenue bonds may be sold at public or private sale or may be issued in exchange for bonds refunded thereby or property acquisitions or contract obligations funded thereby. Except as otherwise provided by this section, the maturities, any right of prior redemption, execution, paying agency, provision for interest and other terms of the bonds shall be subject to the provisions of sections 475.54 to 475.56.

Subd. 3. **Revenue bonds, payment.** Revenue bonds issued under this section shall not constitute a debt of the state or of any municipal corporation or political subdivision and no ad valorem tax levy may be compelled for their payment, but they shall be payable only from the revenues of the commission pledged by the commission to payment of principal thereof and interest thereon, and they shall so recite. At or before the issuance of revenue bonds, the commission shall pledge and appropriate to the payment of principal and interest the gross or net revenues

of the public transit system or some part thereof, and may pledge and appropriate other revenues of the commission, as described and defined in the authorizing resolution.

Subd. 4. **Revenue bond covenants, trust indenture.** By the authorizing resolution, the commission may provide covenants for the protection of the bondholders relating to disposition of bond proceeds and revenues; reserves and investment thereof; construction, acquisition, repair, replacement, operation and insurance of the public transit system facilities; accounting and reports; issuance of parity or subordinate lien bonds; rates and charges to be established or maintained; competing public transit systems and such other covenants as the commission shall find to be usual and reasonably necessary for the protection of transit system revenue bondholders. Among other covenants, the commission is authorized to covenant on behalf of the state that the state will not limit or alter the power and obligation of the commission to establish, increase and collect pledged moneys sufficient to pay expenses of operation and maintenance and provide debt service on the bonds and to covenant on behalf of the state and each municipality or other political subdivision that no franchise, license, or permit shall be granted or renewed for any public transit system or part thereof which would compete with the public transit system or part thereof the revenues of which are pledged. The commission may also define the event or events of default and other requisites for suit by bondholders or their representatives, conditions of bond registration or replacement, and conditions upon which any covenant may be amended. Any terms, covenants, or conditions of revenue bonds to be provided by resolution of the commission may instead be set forth in a trust indenture with a corporation having trust powers appointed by the commission to represent and act for bondholders and to hold and disburse pledged moneys and to perform such other duties as may be provided in the trust indenture, but no such trust indenture shall confer or authorize any mortgage lien on the real or operating properties or general funds of the commission.

Subd. 5. [Repealed, 1979 c 46 s 3]

Subd. 6. [Repealed, 1979 c 46 s 3]

Subd. 7. **Metropolitan council approval.** The commission shall not issue revenue bonds under this section without the approval of the metropolitan council. Such approval may be general or limited to specific issues or series of revenue bonds. Approval may be withdrawn or modified by the metropolitan council except as to revenue bonds then actually issued and outstanding and as to additional revenue bonds to be issued to comply with covenants of the commission made with the approval of the metropolitan council for the protection of holders of outstanding revenue bonds.

History: 1975 c 13 s 68; 1Sp1981 c 4 art 1 s 176

473.443 [Repealed, 1977 c 454 s 49]

473.445 COMMISSION; ANNUAL REPORTS.

Subdivision 1. The commission on or before November 30 of each year shall prepare a report for the preceding fiscal year, also, so far as practicable, for the further time up to the preparation of the report, containing, in addition to such other matters as the commission may deem proper, the following:

(a) the activities of the commission during the period covered by the report;

(b) the financial condition of public transit systems under the control of the commission;

(c) a complete financial accounting of the financial accounts and affairs of the commission during the fiscal year;

(d) recommendations for improvements of or additions to the transit and paratransit facilities of the area to provide adequate, speedy, and efficient means of transporting people therein;

(e) recommendations for any needed legislation in furtherance of the aforesaid purposes.

Subd. 2. [Repealed, 1977 c 454 s 49]

Subd. 3. Each report shall be filed with the secretary of the commission and a copy shall be filed with the secretary of state. Copies shall also be submitted to the legislature by November 15 of each even numbered year and shall be distributed annually to the governor and to each member of the legislature, county commission, and elected chief executive of each municipality in the transit area.

History: 1975 c 13 s 70; 1977 c 454 s 43

473.446 TRANSIT TAX LEVIES.

Subdivision 1. **Taxation within transit taxing district.** For the purposes of sections 473.401 to 473.451 and the metropolitan transit system, except as otherwise provided in this subdivision the metropolitan transit commission shall levy each year upon all taxable property within the metropolitan transit taxing district, defined in subdivision 2, a transit tax consisting of:

(a) An amount equal to two mills times the assessed value of all such property, the proceeds of which shall be used for payment of the expenses of operating transit and paratransit service;

(b) An additional amount, if any, as the commission determines to be necessary to provide for the full and timely payment of its certificates of indebtedness and other obligations outstanding on July 1, 1977, to which property taxes under this section have been pledged; and

(c) An additional amount necessary to provide full and timely payment of certificates of indebtedness, bonds, or other obligations issued pursuant to section 473.436 for purposes of acquisition and betterment of property and other improvements of a capital nature and to which the commission has specifically pledged tax levies under this clause.

In any statutory or home rule charter city or town in the metropolitan transit taxing district which is receiving financial assistance under section 174.265, the commission shall levy a tax equal to ten percent of the sum of levies provided for in clauses (a) to (c), plus a levy sufficient to yield the amounts of available local transit funds transferred pursuant to section 174.265 from the state assistance available to the commission, less any amount paid to the commission by the city or town under a contract for service entered into pursuant to subdivision 2.

Subd. 1a. **Taxation within transit area.** For the purposes of sections 473.401 to 473.451, and the metropolitan transit system, the metropolitan transit commission shall levy upon all taxable property within the metropolitan transit area but outside of the metropolitan transit taxing district, defined in subdivision 2, a transit tax, which shall be equal to ten percent of the sum of the levies provided in subdivision 1, clauses (a) to (c). The proceeds of this tax shall be used only for paratransit services or ride sharing programs designed to serve persons located within the transit area but outside of the transit taxing district.

Subd. 2. **Transit taxing district.** The metropolitan transit taxing district is hereby designated as that portion of the metropolitan transit area lying within the following named cities, towns, or unorganized territory within the counties indicated:

(a) Anoka county. Anoka, Blaine, Centerville, Columbia Heights, Coon Rapids, Fridley, Circle Pines, Hilltop, Lexington, Lino Lakes, Spring Lake Park;

(b) Carver county. Chanhassen, the city of Chaska;

(c) Dakota county. Apple Valley, Burnsville, Eagan, Inver Grove Heights, Lillydale, Mendota, Mendota Heights, Rosemount, South St. Paul, Sunfish Lake, West St. Paul;

(d) Ramsey county. All of the territory within Ramsey county;

(e) Hennepin county. Bloomington, Brooklyn Center, Brooklyn Park, Champlin, Chanhassen, Crystal, Deephaven, Eden Prairie, Edina, Excelsior, Golden Valley, Greenwood, Hopkins, Long Lake, Maple Grove, Medicine Lake, Minneapolis, Minnetonka, Minnetonka Beach, Mound, New Hope, Orono, Osseo, Plymouth, Richfield, Robbinsdale, St. Anthony, St. Louis Park, Shorewood, Spring Park, Tonka Bay, Wayzata, Woodland, the unorganized territory of Hennepin county;

(f) Scott county. Prior Lake, Savage, Shakopee;

(g) Washington county. Baytown, the city of Stillwater, White Bear Lake, Bayport, Birchwood, Cottage Grove, Dellwood, Lake Elmo, Landfall, Mahtomedi, Newport, Oakdale, Oak Park Heights, Pine Springs, St. Paul Park, Willernie, Woodbury.

The commission in its sole discretion may provide transit service by contract beyond the boundaries of the metropolitan transit taxing district or to cities and towns within the taxing district which are receiving financial assistance under section 174.265, upon petition therefor by an interested city, township or political subdivision within the metropolitan transit area. The commission may establish such terms and conditions as it deems necessary and advisable for providing the transit service, including such combination of fares and direct payments by the petitioner as will compensate the commission for the full capital and operating cost of the service and the related administrative activities of the commission. The amount of the levy made by any municipality to pay for the service shall be disregarded when calculation of levies subject to limitations is made, provided that cities and towns receiving financial assistance under section 174.265 shall not make a special levy under this subdivision without having first exhausted the available local transit funds as defined in section 174.265. The commission shall not be obligated to extend service beyond the boundaries of the taxing district, or to cities and towns within the taxing district which are receiving financial assistance under section 174.265, under any law or contract unless or until payment therefor is received.

Subd. 2a. Protection of rights of holders of outstanding indebtedness. The provisions of subdivisions 1 and 2 or any other law changing the boundaries of the metropolitan transit taxing district or reducing the levy otherwise required to be levied within the district shall not be deemed to impair the rights of holders of outstanding indebtedness of the commission to require the levy of property taxes, if necessary to provide for any deficiency in accordance with the conditions of such indebtedness, on all property within the limits of the metropolitan transit taxing district as such limits were in effect at the date of issuance of such indebtedness.

Subd. 3. Certification and collection. On or before October 10 in each year the commission shall certify the total amount of the tax levied pursuant to subdivision 1 to the auditor of each metropolitan county. Each county auditor shall then assess and extend upon the tax rolls in his county that proportion of the tax which the assessed value of taxable property in his county bears to the assessed value of all taxable property in the metropolitan area. Each county treasurer shall collect and make settlement of such taxes with the treasurer of the commission. The levy of transit taxes pursuant to this section shall not affect the amount or rate of taxes which may be levied by any county or municipality or by the commission for other purposes authorized by law and shall be in addition to any other property tax authorized by law.

Subd. 4. [Repealed, 1977 c 454 s 49]

Subd. 5. [Repealed, 1977 c 454 s 49]

History: 1975 c 13 s 71; 1975 c 203 s 4-8; 1976 c 166 s 7; 1977 c 454 s 44; 1979 c 46 s 2; 1980 c 607 art 13 s 1; 1980 c 614 s 190; 1981 c 363 s 54; 3Sp1981 c 2 art 1 s 71

473.447 [Repealed, 1977 c 454 s 49]

473.448 COMMISSION; EXEMPTION FROM TAXATION.

Notwithstanding any other provision of law to the contrary, the properties, moneys, and other assets of the commission, all revenues or other income of the commission, and all bonds, certificates of indebtedness, or other obligations issued by the commission, and the interest thereon, shall be exempt from all taxation, licenses, fees, or charges of any kind imposed by the state or by any county, municipality, political subdivision, taxing district, or other public agency or body of the state.

History: 1975 c 13 s 73

473.449 ACT EXCLUSIVE.

The exercise by the commission of the powers provided in sections 473.401 to 473.451 shall not be subject to regulation by or the jurisdiction or control of any other public body or agency, either state, county, or municipal, except as specifically provided in sections 473.401 to 473.451, and Laws 1974, Chapter 422, Article 1.

History: 1975 c 13 s 74

473.451 CITATION.

Sections 473.401 to 473.451 may be cited as the metropolitan transit commission act of 1974.

History: 1975 c 13 s 75

**METROPOLITAN WASTE CONTROL
COMMISSION**

473.501 DEFINITIONS.

Subdivision 1. The terms defined in this section shall have the meanings given them for the purposes of sections 473.501 to 473.549 unless otherwise provided or indicated by the context.

Subd. 2. "Waste control commission" or "commission" means the commission established as provided in section 473.503.

Subd. 3. "Local government unit" or "government unit" means any municipal or public corporation or governmental subdivision or agency located in whole or in part in the metropolitan area, authorized by law to provide for the collection and disposal of sewage.

History: 1975 c 13 s 76

473.502 LEGISLATIVE PURPOSE AND POLICY.

The legislature determines that in the metropolitan area there are serious problems of water pollution and processing and disposal of sewage and waste resulting from sewage treatment, which cannot be effectively or economically dealt with by existing local government units in the area under existing laws. The legislature therefore declares that for the protection of the public health, safety,

and welfare of the area, for the preservation and best use of waters and other natural resources of the state in the area, for the prevention, control and abatement of water pollution in the area, and for the efficient and economic collection, treatment and disposal of sewage and waste resulting from sewage treatment it is necessary to assign to the metropolitan council the responsibility of carrying on a continuous, long-range program of planning with respect thereto and to establish a waste control commission, which, together with the council, can take over, acquire, construct, operate, and maintain all interceptors and treatment works and waste facilities necessary for the collection, treatment and disposal of sewage and waste resulting from sewage treatment in the metropolitan area, and can take over, acquire, construct, operate, and maintain waste facilities in the metropolitan area.

History: 1975 c 13 s 77; 1980 c 564 art 10 s 4

473.503 METROPOLITAN WASTE CONTROL COMMISSION; ESTABLISHMENT.

A metropolitan waste control commission is established and shall be organized, structured and administered as provided in section 473.141.

History: 1975 c 13 s 78

473.504 GENERAL POWERS OF COUNCIL AND COMMISSION.

Subdivision 1. The metropolitan council and the commission shall each have all powers which may be necessary or convenient to discharge the duties imposed upon them by law. Such powers shall include those hereinafter specified, but the express grant or enumeration of powers shall not be deemed to limit the generality or scope of the grant of power contained in this subdivision. The exercise of any of its powers by the commission shall be consistent with the exercise by the metropolitan council of any of its powers. The council may delegate to the commission any powers conferred on the council under sections 473.503 to 473.547.

Subd. 2. The council or the commission may sue or be sued.

Subd. 3. The council or the commission may enter into any contract necessary or proper for the exercise of its powers or the accomplishment of its purposes.

Subd. 4. The commission shall have the power to adopt rules and regulations relating to the operation of any interceptors or treatment works operated by it, and may provide penalties for the violation thereof not exceeding the maximum which may be specified for a misdemeanor. Any rule or regulation prescribing a penalty for violation shall be published at least once in a newspaper having general circulation in the metropolitan area.

Subd. 5. The council or commission with the consent of the council may accept gifts, may apply for and accept grants or loans of money or other property from the United States, the state, or any person for any of its purposes, including any grant available under the federal water pollution act amendments of 1972, whether for construction, research or pilot project implementation, may enter into any agreement required in connection therewith, and may hold, use, and dispose of such money or property in accordance with the terms of the gift, grant, loan or agreement relating thereto. The commission with the consent of the council shall have all powers necessary to comply with the federal water pollution control act amendments of 1972 and any grant offered to it thereunder including, but not limited to, the power to enter into such contracts with, or to impose such charges upon, persons using the metropolitan disposal system as it shall determine to be necessary for the recovery of treatment works and interceptor costs paid with

federal grant funds. Insofar as possible these costs shall be recovered by local government units on behalf of the commission.

Subd. 6. The council or commission may act under the provisions of section 471.59, or any other appropriate law providing for joint or cooperative action between government units.

Subd. 7. The commission may conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and conduct all necessary hearings and investigations in connection with the design, construction and operation of the metropolitan disposal system; and may advise and assist the metropolitan council and other government units on system planning matters within the scope of its powers, duties, and objectives.

Subd. 8. The commission may employ on such terms as it deems advisable, persons or firms performing engineering, legal or other services of a professional nature; require any employee to obtain and file with it an individual bond or fidelity insurance policy; and procure insurance in such amounts as it deems necessary against liability of the commission or its officers and employees or both, for personal injury or death and property damage or destruction, with the force and effect stated in chapter 466, and against risks of damage to or destruction of any of its facilities, equipment, or other property as it deems necessary.

Subd. 9. The commission may acquire by purchase, lease, condemnation, gift, or grant, any real or personal property including positive and negative easements and water and air rights, and it may construct, enlarge, improve, replace, repair, maintain, and operate any interceptor or treatment works determined to be necessary or convenient for the collection and disposal of sewage in the metropolitan area. Any local government unit and the commissioners of transportation and natural resources are authorized to convey to or permit the use of any such facilities owned or controlled by it by the council or the commission, subject to the rights of the holders of any bonds issued with respect thereto, with or without compensation, without an election or approval by any other government agency. All powers conferred by this subdivision may be exercised both within or without the metropolitan area as may be necessary for the exercise by the council or commission of its powers or the accomplishment of its purposes. The commission may hold such property for its purposes, and may lease any such property so far as not needed for its purposes, upon such terms and in such manner as it shall deem advisable. Unless otherwise provided, the right to acquire lands and property rights by condemnation shall be exercised in accordance with chapter 117, and shall apply to any property or interest therein owned by any local government unit; provided, that no such property devoted to an actual public use at the time, or held to be devoted to such use within a reasonable time, shall be so acquired unless a court of competent jurisdiction shall determine that the use proposed by the board is paramount to such use. Except in case of property in actual public use, the commission may take possession of any property for which condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation.

Subd. 10. The commission may construct or maintain its systems or facilities in, along, on, under, over, or through public streets, bridges, viaducts, and other public rights of way without first obtaining a franchise from any local government unit having jurisdiction over them; but such facilities shall be constructed and maintained in accordance with the ordinances and resolutions of any such government unit relating to construction, installation, and maintenance of similar facilities in such public properties and shall not obstruct the public use of such rights of way.

Subd. 11. The commission may sell or otherwise dispose of any real or personal property acquired by it which is no longer required for accomplishment

of its purposes. Such property may be sold in the manner provided by section 458.196, insofar as practical. The commission may give such notice of sale as it shall deem appropriate. When the commission determines that any property or any interceptor or treatment works or any part thereof which has been acquired from a local government unit without compensation is no longer required, but is required as a local facility by the government unit from which it was acquired, the commission may by resolution transfer it to such government unit.

Subd. 12. The commission may contract with the United States or any agency thereof, any state or agency thereof, or any local government unit or governmental agency or subdivision, for the joint use of any facility owned by the commission or such entity, for the operation by such entity of any system or facility of the commission, or for the performance on the commission's behalf of any service, on such terms as may be agreed upon by the contracting parties.

History: 1975 c 13 s 79; 1976 c 166 s 7

473.511 SEWER SERVICE FUNCTION.

Subdivision 1. **Duty of commission; acquisition of existing facilities; new facilities.** At any time after January 1, 1970 the waste control commission shall assume ownership of all existing interceptors and treatment works which will be needed to implement the council's comprehensive plan for the collection, treatment, and disposal of sewage in the metropolitan area, in the manner and subject to the conditions prescribed in subdivisions 2 and 4, and shall thereafter acquire, construct, equip, operate and maintain all additional interceptors and treatment works which will be needed for such purpose. The commission shall assume ownership of all treatment works owned by a local government unit if any part of such treatment works will be needed for such purpose.

Subd. 2. **Method of acquisition; existing debt.** The commission, with the approval of the council, may require any local government unit to transfer to the commission, all of its right, title and interest in any interceptors or treatment works and all necessary appurtenances thereto owned by such local government unit which will be needed for the purpose stated in subdivision 1. Appropriate instruments of conveyance for all such property shall be executed and delivered to the commission by the proper officers of each local government unit concerned. All persons regularly employed by a local government unit to operate and maintain any treatment works so transferred to the commission, on the date on which the transfer becomes effective, shall be employees of the commission, in the same manner and with the same options and rights as are reserved to employees of sanitary districts and joint boards under subdivision 3. The commission, upon assuming ownership of any such interceptors or treatment works, shall become obligated to pay to such local government unit amounts sufficient to pay when due all remaining principal of and interest on bonds issued by such local government unit for the acquisition or betterment of the interceptors or treatment works taken over. Such amounts may be offset against any amount to be paid to the commission by the local government unit as provided in section 473.517.

Subd. 3. **Existing sanitary districts and joint sewer boards.** Effective January 1, 1971, the corporate existence of the Minneapolis-St. Paul Sanitary District, the North Suburban Sanitary Sewer District, and any joint board created by agreement among local government units pursuant to section 471.59, to provide interceptors and treatment works for such local government units, shall terminate. All persons regularly employed by such sanitary districts and joint boards on that date or on any earlier date on which the waste control commission pursuant to subdivisions 1 and 2 assumes ownership and control of any interceptors or treatment works owned or operated by such sanitary districts and joint boards, shall be employees of the commission, and may at their option become members

of the Minnesota state retirement system or may continue as members of a public retirement association under chapter 422A or any other law, to which they belonged before such date, and shall retain all pension rights which they may have under such latter laws, and all other rights to which they are entitled by contract or law. Tradesmen employed by the metropolitan waste control commission with trade union pension coverage pursuant to a collective bargaining agreement who elected exclusion from coverage pursuant to section 473.512 or who are first employed after July 1, 1977 shall not be covered by the Minnesota state retirement system. The waste control commission shall make the employer's contributions to pension funds of its employees. Such employees shall perform such duties as may be prescribed by the commission. All funds of such sanitary districts and joint boards then on hand, and all subsequent collections of taxes, special assessments or service charges levied or imposed by or for such sanitary districts or joint boards shall be transferred to the waste control commission. The local government units otherwise entitled to such cash, taxes, assessments or service charges shall be credited with such amounts, and such credits shall be offset against any amounts to be paid by them to the waste control commission as provided in section 473.517. The waste control commission shall succeed to and become vested with all right, title and interest in and to any property, real or personal, owned or operated by such sanitary districts and joint boards; and prior to that date the proper officers of such sanitary districts and joint boards shall execute and deliver to the board all deeds, conveyances, bills of sale, and other documents or instruments required to vest in the commission good and marketable title to all such real or personal property. The waste control commission shall become obligated to pay or assume all bonded or other debt and contract obligations incurred by such sanitary districts and joint boards, or incurred by local government units for the acquisition or betterment of any interceptors or treatment works owned or operated by such sanitary districts or joint boards.

Subd. 4. Current value of existing facilities. When the commission assumes the ownership of any existing interceptors or treatment works as provided in subdivision 2 or 3, the local government unit or units which paid part or all of the cost of such facility, directly or pursuant to contracts for reimbursement of costs, shall be entitled to receive a credit against amounts to be allocated to them under section 473.517, which may be spread over such period not exceeding 30 years as the commission shall determine, and an additional credit equal to interest on the unused credit balance from time to time at the rate of four percent per annum. The amount of such credit shall equal the current value of the facility computed by the commission in the manner provided in this subdivision at the time the commission acquires it. The original cost of a facility shall be computed as the total actual costs of constructing it, including engineering, legal, and administrative costs, less any part of it paid from federal or state funds and less the principal amount of any then outstanding bonds which were issued to finance its construction. The original cost shall be multiplied by a factor equal to a current cost index divided by the same cost index at the time of construction, to determine replacement cost. The cost indices used shall be the Engineering News Record Construction Cost Indices for facilities or parts thereof completed before 1930, and the United States Public Health Service Federal Water Pollution Control Values for Sewer and Treatment Plant Construction, as applied to facilities or parts thereof completed in or after 1930. The current value of the facility shall be the replacement cost depreciated by 2.50 percent per annum from the date of construction of treatment works and 1.25 percent per annum from the date of construction of interceptors; and decreased further by a reasonable allowance for obsolescence if the board determines that the facility or any part thereof will not be useful for board purposes for at least the remaining period required to depreciate it fully, assuming no salvage value. The current value of each such

facility shall be credited to each local government unit in proportion to the amount of the construction cost paid by that unit, as determined by the commission, taking into account reimbursements previously made under contracts between any of the local government units. The commission shall prepare an itemized statement of the amount of credit each local government unit is entitled to receive under this subdivision, and the years and amounts of installments of principal and interest thereon, and shall cause it to be mailed or delivered to the governing body of each local government unit concerned. The amount of the annual credits of principal and interest made under this subdivision to each local government unit shall be paid for as current costs of operation and maintenance of the facilities for which the credits were made. All credits allowed under this subdivision shall be used to finance current costs allocated to the local government unit by the commission or for other sewer costs, and the credits shall not be considered as proceeds from the sale of municipal property so as to permit their use for other purposes.

Subd. 5. **Contracts between local government units.** On January 1, 1971, or on such earlier date or dates as the council shall by resolution determine, all contracts between or among local government units requiring payments by a local government unit to any other local government unit, for the use of a disposal system, or as reimbursement of capital costs of a disposal system, are terminated.

History: 1975 c 13 s 80; 1977 c 98 s 3

473.512 PENSION COVERAGE EXCLUSION FOR CERTAIN LABOR SERVICE EMPLOYEES.

Subdivision 1. A tradesman employed by the metropolitan waste control commission on a permanent basis with trade union pension plan coverage pursuant to a collective bargaining agreement shall be excluded from coverage by the Minnesota state retirement system if the tradesman was first employed on or after June 1, 1977 or, if the tradesman was first employed prior to June 1, 1977, has elected to be excluded from coverage by the Minnesota state retirement system pursuant to subdivision 2 and has accepted a refund of contributions pursuant to subdivision 3.

Subd. 2. A tradesman entitled under subdivision 1 to make an election of exclusion from pension coverage by the Minnesota state retirement system may make the election of exclusion no later than August 1, 1977 on forms provided by the executive director of the Minnesota state retirement system. The election of exclusion from coverage shall be a one time election irrevocable while employed in such capacity and shall have retroactive application to the first day of membership in the Minnesota state retirement system.

Subd. 3. Upon electing to be excluded from coverage as provided in subdivision 2 and making a valid application, a tradesman shall be entitled to a refund of both the accumulated employee and the employer contributions made pursuant to Minnesota Statutes 1976, Section 352.04, Subdivision 3, on behalf of the tradesman plus interest at the rate of three and one-half percent per annum compounded annually from the date of commencement of coverage, computed to the first day of the month in which the refund is processed and shall be based on fiscal year balances. The application for the refund may be made without the waiting period provided for in section 352.22, subdivision 1. No repayment of a refund made under this section shall be permitted.

History: 1977 c 98 s 4

473.513 MUNICIPAL PLANS AND PROGRAMS.

As soon as practicable after the adoption of the first policy plan by the council as provided in section 473.146, and before undertaking the construction of

any extensions or additions to its disposal system or the substantial alteration or improvement of its existing disposal system, each local government unit shall adopt a similar policy plan for the collection, treatment and disposal of sewage for which the local government unit is responsible, coordinated with the council's plan, and may revise the same as often as it deems necessary. Each such plan shall be submitted forthwith to the waste control commission for review and shall be subject to the approval of the commission as to those features affecting the commission's responsibilities as determined by the commission. Any such features disapproved by the commission shall be modified in accordance with the commission's recommendations. No construction of new sewers or other disposal facilities, and no substantial alteration or improvement of any existing sewers or other disposal facilities involving such features, shall be undertaken by any local government unit unless its governing body shall first find the same to be in accordance with its comprehensive plan and program as approved by the commission. At the time each local government unit makes application to the Minnesota pollution control agency for a permit to alter or improve its disposal system it shall file with the commission a copy of the application together with design data and a location map of the project.

History: 1975 c 13 s 81

473.515 SEWAGE COLLECTION AND DISPOSAL; POWERS.

Subdivision 1. **Identification of powers.** In addition to all other powers conferred upon or delegated to the commission hereunder, it shall have the powers specified in this section.

Subd. 2. **Right to discharge treated sewage.** The commission shall have the right to discharge the effluent from any treatment works operated by it into any waters of the state in accordance with any effluent or water quality standards lawfully adopted by the pollution control agency.

Subd. 3. **Connections with metropolitan system.** The commission may require any person or local government unit in the metropolitan area to provide for the discharge of its sewage, directly or indirectly, into the metropolitan disposal system, or to connect any disposal system or part thereof with the metropolitan disposal system wherever reasonable opportunity therefor is provided; may regulate the manner in which such connections are made; may require any person or local government unit discharging sewage into the metropolitan disposal system to provide preliminary treatment therefor; may prohibit the discharge into the metropolitan disposal system of any substance which it determines will or may be harmful to the system or any persons operating it; and may require any local government unit to discontinue the acquisition, betterment, or operation of any facility for its disposal system wherever and so far as adequate service is or will be provided by the metropolitan disposal system.

History: 1975 c 13 s 82

473.516 WASTE FACILITIES; SEWAGE SLUDGE DISPOSAL.

Subdivision 1. **Acquisition and operation.** Without limiting the grant or enumeration of any of the powers conferred on the council or commission under sections 473.501 to 473.549, the commission shall have the specific power to acquire by purchase, lease, condemnation, gift or grant any real or personal property including development rights as defined in section 473.833, positive and negative easements and water and air rights, and it may construct, enlarge, improve, replace, repair, maintain and operate waste facilities in the metropolitan area deemed to be necessary or convenient in connection with the processing or disposal of waste resulting from sewage treatment, and the commission may

MINNESOTA STATUTES 1982

8037

METROPOLITAN GOVERNMENT 473.517

contract for the maintenance and operation of such waste facilities, subject to the bidding requirements of section 473.523. The commission may accept for processing waste derived from outside the metropolitan area in the state, as well as waste derived from within the metropolitan area, and may fix and collect fees and charges for the acceptance of waste as the commission determines to be reasonable.

Subd. 2. General requirements. With respect to its activities under this section, the commission shall be subject to and comply with the applicable provisions of this chapter. Property acquired by the commission under this section shall be subject to the provisions of section 473.545. Any site or facility owned or operated for or by the commission shall conform to the policy plan adopted by the council under section 473.149 and shall be authorized in accordance with the commission's development program and capital budget approved by the council. The commission shall contract with private persons for the construction, maintenance, and operation of waste facilities, subject to the bidding requirements of section 473.523, where the facilities are adequate and available for use and competitive with other means of providing the same service.

Subd. 3. Local restrictions. Counties and local units of government may impose conditions respecting the construction, operation, inspection, monitoring, and maintenance of a waste facility of the commission and conditions respecting the sale, gift, delivery, storage, use, and disposal of sewage sludge of the commission on private property as a soil conditioner or amendment, but only in the manner and only to the extent authorized and approved by the council and the agency as being consistent with the establishment and use of the commission's waste facilities and the disposal of the commission's sewage sludge on private property in accordance with the council's plan, adopted under section 473.153, and agency permits and rules. Counties may exercise the enforcement powers granted under section 473.811, subdivision 5c, in the manner and to the extent authorized and approved in accordance with this subdivision.

Subd. 4. Technical monitoring; sewage sludge disposal. Each sewage sludge disposal facility of the waste control commission, or site used for the disposal of sewage sludge of the commission, shall be required to have an agency permit issued pursuant to agency rules for permitting sewage sludge disposal facilities and sites. Each permit shall require a regular monitoring and testing program to be carried out by the waste control commission. A regular inspection program shall be conducted by the agency or a county under contract to the agency. The commission shall reimburse the agency quarterly for the cost of the program, and the amounts reimbursed are hereby appropriated to the agency for the purposes of the program. The commission shall attempt to the greatest practical extent to provide a sludge quality that permits desired nutrient loadings and minimizes elements not essential for plant growth when sludge is disposed of on private property as a soil conditioner or amendment. The commission shall provide recipients with information on the facility generating the sludge and the content of the sludge taken from its various treatment facilities.

History: 1976 c 179 s 10; 1980 c 564 art 10 s 5; 1981 c 352 s 39

473.517 ALLOCATION OF CURRENT COSTS.

Subdivision 1. Current costs defined. The estimated costs of operation, maintenance, and debt service of the metropolitan disposal system to be paid by the commission in each fiscal year, and the costs of acquisition and betterment of the system which are to be paid during the year from funds other than bond proceeds, including all expenses incurred by the council pursuant to sections 473.501 to 473.545, are referred to in this section as current costs, and shall be allocated in the budget for that year to the respective local government units in the metropolitan area as provided in subdivisions 2 to 6.

Subd. 2. Allocation of metropolitan treatment works costs; adjusted volume. Except as provided in subdivision 3, the current costs of all treatment works in the metropolitan disposal system shall be allocated among and paid by all local government units which will discharge sewage, directly or indirectly, into the metropolitan disposal system during the budget year, in proportion to the total volume estimated to be so discharged by each local government unit, adjusted as follows:

(a) Increased or decreased, as the case may be, to the extent the commission determines, on the basis of such historical and reasonably projected data as may be available, that the sewage discharged by one unit will require more or less treatment to produce a suitable effluent than that discharged by others;

(b) Decreased by any amount of surface water estimated by the commission to be discharged by a local government unit from a combined storm and sanitary sewer system;

(c) Increased by that volume of normal sanitary sewage which is equivalent for treatment purposes to the volume of surface water referred to in (b) above, as determined by the commission from available engineering data; and

(d) Increased or decreased, as the case may be, by the amount of any substantial and demonstrable error in a previous estimate.

Subd. 3. Allocation of metropolitan treatment works costs; reserved capacity. In preparing each budget the commission shall estimate the current costs of acquisition, betterment, and debt service, only, of each treatment works in the metropolitan disposal system which will not be used to total capacity during the budget year, and the percentage of such capacity which will not be used, and shall deduct the same percentage of such costs from the current costs allocated under subdivision 2. The total amount so deducted with respect to all treatment works in the system shall be allocated among and paid by the respective local government units in the metropolitan area for which capacity unused each year is reserved for future use, in proportion to the amounts of such capacity reserved for each of them.

Subd. 4. Allocation of service area interceptor costs; volume and reserved capacity. Except as provided in subdivision 5, the current costs of all interceptors in each sewer service area established pursuant to subdivision 7 shall be allocated among and paid by all local government units in the sewer service area which will discharge sewage into them, directly or indirectly, during the budget year, in proportion to the volume estimated to be so discharged by each local government unit, adjusted as provided in subdivision 2, clauses (b) and (d), after deduction and allocation of current costs of acquisition, betterment, and debt service, only, for estimated unused capacity in the service area interceptors among local government units in the service area for which unused capacity therein has been reserved, in the same manner as that provided in subdivision 3.

Subd. 5. Allocation of metropolitan interceptor costs; assessed value and population. When the council determines that a particular interceptor or some part thereof is of substantial benefit to the metropolitan area as a whole, each year the commission shall deduct all of the current costs thereof allocable to such benefit from the current costs to be allocated under subdivision 4. The total amount so deducted shall be allocated among and paid by all local government units in the metropolitan area which will discharge sewage, directly or indirectly, into the metropolitan disposal system in the next budget year, as follows: (a) one-half in the proportion that the assessed value of all taxable property within each such local government unit in the metropolitan area bears to the assessed value of the taxable property in all such local government units, as last finally equalized before October 1 in the year in which the budget is adopted; and (b) one-half in the proportion that the population of each such local government unit

in the metropolitan area bears to the total population in all such local government units, as estimated by the council from the most recent data available to it.

Subd. 6. Deferment of payments. The council may by resolution provide for the deferment of payment of all or part of the current costs of acquisition, betterment, and debt service of estimated unused capacity which are allocated by the commission to a local government unit in any year pursuant to subdivisions 3 and 4, repayable at such time or times as the council shall specify in the resolution, with interest at the approximate average annual rate borne by council bonds outstanding at the time of the deferment, as determined by the council. Such costs may be deferred only when the council determines that a substantial portion of the territory of a local government unit has not been connected to the metropolitan disposal system, and that the amount of such costs or some portion thereof is disproportionate to the available economic resources of the unit at the time. Such deferred costs shall be allocated to and paid by all local government units in the metropolitan area which will discharge sewage, directly or indirectly, into the metropolitan disposal system in the budget year for which the deferment is granted, in the same manner and proportions as current costs are allocated under subdivision 5. When such deferred costs are repaid they shall be applied in reduction of the total amount of costs thereafter allocated to each of the local government units to which such deferred costs were allocated in the year of deferment, in proportion to their allocations thereof that year.

Subd. 7. Establishment of service areas. The commission with the approval of the council, after public hearing, shall by resolution establish sewer service areas, designated by name or number, each comprising that part of the metropolitan area primarily served or to be served by a particular interceptor or group of interceptors, or part thereof, situated within the sewer service area. At least 60 days before the hearing on the establishment of each service area, notice shall be published in a newspaper or newspapers having general circulation in the metropolitan area and in the service area and mailed to the governing body of each local government unit situated wholly or partly within the service area, stating the date, time, and place of the hearing and the local government units to be included in whole or in part, and describing in a general way the interceptors, existing or proposed, which will serve the area. Any hearing or adjourned hearing may be adjourned to a time and place stated at the hearing or adjourned hearing, or to a time and place stated in a notice mailed at least three days in advance to the governing bodies of all local government units in the proposed service area. No error or omission in the description in any notice of a service area or the interceptors designated therefor shall invalidate the establishment of the area as defined in the resolution approved by the council.

Subd. 8. Alternative methods of allocating costs. When it shall appear that the costs established pursuant to the provisions of subdivisions 1 to 7 shall result in an increased cost to a municipality or service area which is now being serviced by the facilities of the Minneapolis-St. Paul Sanitary District or by the facilities of any other municipality or sewer district is unreasonable or inequitable, the commission is hereby authorized and directed to adopt such other means and methods of allocating costs, as to each of them, as may be fair, reasonable and equitable.

Subd. 9. Sewer service area advisory boards. Whenever the board establishes a sewer service area pursuant to subdivision 7, the government units located in whole or in part in such area may establish a sewer service area advisory board for such area, comprising not more than five members, one each to be appointed by each of the five most populous municipalities in such area as determined by the most recent decennial or special federal census. The advisory board shall meet with the waste control commission member or members representing such area, not less often than quarterly, to consult with such members concerning the

acquisition, betterment, operation and maintenance of interceptors and treatment works in the service area, and the allocation of costs therefor.

History: 1975 c 13 s 83

473.519 FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972; SYSTEM OF CHARGES.

Each local government unit shall adopt a system of charges for the use and availability of the metropolitan disposal system which will assure that each recipient of waste treatment services within or served by the unit will pay its proportionate share of the current costs allocated to the unit by the commission under section 473.517, as required by the federal water pollution control act amendments of 1972, and any regulations issued pursuant thereto. Each system of charges shall be adopted as soon as possible and shall be submitted to the commission. The commission shall review each system of charges to determine whether it complies with the federal law and regulations. If it determines that a system of charges does not comply, the adopting unit shall be notified and shall change its system to comply, and shall submit the changes to the commission for review. All subsequent changes in a system of charges proposed by a local government unit shall also be submitted to the commission for review. Each local government unit may appeal the determination of the commission to the council for review and determination.

History: 1975 c 13 s 84

473.521 PAYMENTS TO COMMISSION.

Subdivision 1. **Amounts due commission, when payable.** Charges payable to the commission by local government units may be made payable at such times during each year as the commission determines, but such dates shall be fixed with reference to the dates on which tax, assessment, and revenue collections become available to the government units required to pay such charges.

Subd. 2. **Component municipalities, obligations to commission.** Each government unit shall pay to the commission all sums charged to it as provided in section 473.517, at the times and in the manner determined by the commission. The governing body of each such government unit shall take all action that may be necessary to provide the funds required for such payments and to make the same when due.

Subd. 3. **Powers of government units.** To accomplish any duty imposed on it by the council or commission, the governing body of every government unit in the metropolitan area may exercise the powers granted any municipality by chapters 117, 412, 429, 475, sections 115.46, 444.075 and 471.59.

Subd. 4. **Deficiency tax levies.** If the governing body of any local government unit fails to meet any payment to the commission hereunder when due, the metropolitan council may certify to the auditor of the county in which the government unit is located the amount required for payment of such amount with interest at six percent per annum. The auditor shall levy and extend such amount as a tax upon all taxable property in the government unit for the next calendar year, free from any existing limitations imposed by law or charter. Such tax shall be collected in the same manner as the general taxes of the government unit, and the proceeds thereof, when collected, shall be paid by the county treasurer to the treasurer of the commission and credited to the government unit for which the tax was levied.

History: 1975 c 13 s 85

473.523 CONTRACTS FOR CONSTRUCTION MATERIALS, SUPPLIES, AND EQUIPMENT.

Subdivision 1. No contract for any construction work, or for the purchase of materials, supplies, or equipment, costing more than \$5,000 shall be made by the commission without publishing once in a legal newspaper or trade paper published in a city of the first class not less than two weeks before the last day for submission of bids, notice that bids or proposals will be received. Such notice shall state the nature of the work or purchase and the terms and conditions upon which the contract is to be awarded, and a time and place where such bids will be received, opened, and read publicly. After such bids have been duly received, opened, read publicly, and recorded, the commission shall award such contract to the lowest responsible bidder or it may reject all bids and readvertise. Each contract shall be duly executed in writing and the party to whom the contract is awarded shall give sufficient bond or security to the board for the faithful performance of the contract as required by law. The commission shall have the right to set qualifications and specifications and to require bids to meet all such qualifications and specifications before being accepted. If the commission by an affirmative vote of two-thirds of its members declares that an emergency exists requiring the immediate purchase of materials or supplies at a cost in excess of \$5,000 or in making emergency repairs, it shall not be necessary to advertise for bids.

Subd. 2. The administrator may, without prior approval of the commission and without advertising for bids, enter into any contract of the type referred to in subdivision 1 which is not in excess of \$5,000.

Subd. 3. The commission shall prepare and submit to the council for review and comment, plans and specifications for the acquisition or betterment of interceptors or treatment works authorized by the council's policy plan and the commission's development program, and after review and comment by the council, and approval by the agency if required, may advertise for bids for all work and materials called for by such plans and specifications, and award a contract to the lowest responsible bidder.

History: 1975 c 13 s 86

473.535 WASTE CONTROL COMMISSION BUDGET.

The waste control commission shall prepare, submit to the council and adopt a budget at the time and in the manner provided in and otherwise comply with section 473.163.

History: 1975 c 13 s 87

473.541 DEBT OBLIGATIONS.

Subdivision 1. **Certificates of indebtedness.** At any time or times after approval of an annual budget, and in anticipation of the collection of tax and other revenues appropriated in the budget, the council may by resolution authorize the issuance, negotiation, and sale, in such form and manner and upon such terms as it may determine, of general obligation certificates of indebtedness in aggregate principal amounts not exceeding 50 percent of the total amount of such appropriations, and maturing not later than April 1 following the close of the budget year. All receipts of tax and other revenues included in the budget, after the expenditure of appropriated funds, shall be irrevocably appropriated to a special fund to pay the principal of and the interest on the certificates when due. If for some reason the anticipated revenues are insufficient to pay the certificates and interest thereon when due, the council shall levy a tax in the amount of the deficiency on all taxable property in the metropolitan area, and shall appropriate this amount to the

special fund, to be credited thereto from the first tax and other revenues received in the following budget year.

Subd. 2. **Emergency certificates of indebtedness.** If in any budget year the receipts of tax and other revenues should from some unforeseen cause become insufficient to pay the commission's current expenses, or if any calamity or other public emergency should subject it to the necessity of making extraordinary expenditures, the council may make an emergency appropriation of an amount sufficient to meet the deficiency and may authorize the issuance, negotiation, and sale of certificates of indebtedness in this amount in the same manner and upon the same conditions as provided in subdivision 1, except that the council shall forthwith levy on all taxable property in the metropolitan area a tax sufficient to pay the certificates and interest thereon, and shall appropriate all collections of such tax to a special fund created for that purpose. The certificates may mature not later than April in the year following the year in which the tax is collectible.

Subd. 3. **General obligation bonds.** The council may by resolution authorize the issuance of general obligation bonds for the acquisition or betterment of any interceptors or treatment works determined to be necessary or desirable for the metropolitan disposal system, or for the refunding of outstanding bonds, certificates of indebtedness, or judgments. The council shall provide for the issuance and sale and for the security of such bonds in the manner provided in chapter 475, and shall have the same powers and duties as a municipality issuing bonds under that law, except that no election shall be required and the net debt limitations in chapter 475 shall not apply to such bonds. The council may also pledge for the payment of such bonds any revenues receivable under section 473.517.

History: 1975 c 13 s 88

473.542 DEPOSITORIES.

The commission shall from time to time designate one or more national or state banks, or trust companies authorized to do a banking business, as official depositories for moneys of the commission, and thereupon shall require the treasurer to deposit all or a part of such moneys in such institutions. Such designation shall be in writing and shall set forth all the terms and conditions upon which the deposits are made, and shall be signed by the chairman and treasurer, and made a part of the minutes of the board. Any bank or trust company so designated shall qualify as a depository by furnishing a corporate surety bond or collateral in the amounts required by section 118.01. However, no bond or collateral shall be required to secure any deposit insofar as it is insured under federal law.

History: 1975 c 13 s 89

473.543 MONEYS, ACCOUNTS AND INVESTMENTS.

Subdivision 1. All moneys received by the commission shall be deposited or invested by the treasurer and disposed of as the commission may direct in accordance with its budget; provided that any moneys that have been pledged or dedicated by the metropolitan council to the payment of obligations or interest thereon or expenses incident thereto, or for any other specific purpose authorized by law, shall be paid by the treasurer into the fund to which they have been pledged.

Subd. 2. The commission's treasurer shall establish such funds and accounts as may be necessary or convenient to handle the receipts and disbursements of the commission in an orderly fashion.

Subd. 3. The moneys on hand in said funds and accounts may be deposited in the official depositories of the commission or invested as hereinafter provided.

The amount thereof not currently needed or required by law to be kept in cash on deposit may be invested in obligations authorized for the investment of municipal sinking funds by section 475.66. Such moneys may also be held under certificates of deposit issued by any official depository of the commission.

Subd. 4. The use of proceeds of all bonds issued by the council for the acquisition and betterment of interceptors or treatment works, and the use, other than investment, of all moneys on hand in any sinking fund or funds of the council, shall be governed by the provisions of chapter 475, and the provisions of resolutions authorizing the issuance of such bonds. Such bond proceeds when received shall be transferred to the treasurer of the commission for safe-keeping, investment and payment of capital costs.

Subd. 5. The state auditor shall audit the books and accounts of the commission at least once each year. The commission shall pay to the state the total cost and expenses of such examination, including the salaries paid to the examiners while actually engaged in making such examination. The revolving fund of the state auditor shall be credited with all collections made for any such examination. The council may also require the commission to have an independent audit made by a certified public accountant to be paid for by the commission, and may examine the commission's books and accounts at any time.

History: 1975 c 13 s 90

473.545 PROPERTY EXEMPT FROM TAXATION.

Any properties, real or personal, owned, leased, controlled, used, or occupied by the waste control commission for any purpose referred to in section 473.502 are declared to be acquired, owned, leased, controlled, used and occupied for public, governmental, and municipal purposes, and shall be exempt from taxation by the state or any political subdivision of the state, provided that such properties shall be subject to special assessments levied by a political subdivision for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from such improvement. No possible use of any such properties in any manner different from their use as part of the metropolitan disposal system at the time shall be considered in determining the special benefit received by such properties. All such assessments shall be subject to final confirmation by the metropolitan council, whose determination of the benefits shall be conclusive upon the political subdivision levying the assessment. All bonds, certificates of indebtedness or other obligations of the council, and the interest thereon, shall be exempt from taxation by the state or any political subdivision of the state.

History: 1975 c 13 s 91

473.547 TAX LEVIES.

The council shall have power to levy taxes for debt service of the metropolitan disposal system upon all taxable property within the metropolitan area, without limitation of rate or amount and without affecting the amount or rate of taxes which may be levied by the council for other purposes or by any local government unit in the area. The council shall also have power to levy taxes as provided in section 473.521. Each of the county auditors shall annually assess and extend upon the tax rolls in his county the portion of the taxes levied by the council in each year which is certified to him by the council. Each county treasurer shall collect and make settlement of such taxes with the treasurer of the commission in the same manner as with other political subdivisions.

History: 1975 c 13 s 92

473.549 RELATION TO EXISTING LAWS.

The provisions of sections 473.501 to 473.549 shall be given full effect notwithstanding the provisions of any law not consistent therewith. The powers conferred on the council and the commission under sections 473.501 to 473.545 shall in no way diminish or supersede the powers conferred on the pollution control agency by chapters 115 and 116.

History: 1975 c 13 s 93

METROPOLITAN SPORTS FACILITIES**473.551 DEFINITIONS.**

Subdivision 1. For the purposes of sections 473.551 to 473.595, the following terms shall have the meanings given in this section.

Subd. 2. "Cities" means the cities of Minneapolis, Bloomington, and Richfield.

Subd. 3. "Commission" means the metropolitan sports facilities commission.

Subd. 4. "Debt service" means the principal and interest due each year on all bonds or revenue anticipation certificates issued by the council under section 473.581 or assumed by the council or for which the council is obligated under section 473.564.

Subd. 5. "Metropolitan sports area" means the real estate in the city of Bloomington described in the ownership and operations agreement, and all buildings, structures, improvements and equipment thereon, now owned by the cities.

Subd. 6. "Metropolitan sports area commission" means that commission established by an ownership and operations agreement made and entered into as of August 13, 1954, validated by Laws 1955, Chapter 445, to which the cities are now parties.

Subd. 7. "Multipurpose sports facility" means a single unit sports facility suitable for university or major league professional baseball, football, and soccer.

Subd. 8. "Sports facility" or "sports facilities" means real or personal property comprising a stadium or stadiums suitable for university or major league professional baseball or for university or major league professional football and soccer, or for both, together with adjacent parking facilities.

History: 1977 c 89 s 1

473.552 LEGISLATIVE POLICY; PURPOSE.

The legislature finds that the population in the metropolitan area has a need for sports facilities and that this need cannot be met adequately by the activities of individual municipalities, by agreements among municipalities, or by the private efforts of the people in the metropolitan area. It is therefore necessary for the public health, safety and general welfare to establish a procedure for the acquisition and betterment of sports facilities and to create a metropolitan sports facilities commission.

History: 1977 c 89 s 2

473.553 COMMISSION; MEMBERSHIP; ADMINISTRATION.

Subdivision 1. **General.** The metropolitan sports facilities commission is established and shall be organized, structured, and administered as provided in this section and section 473.141, subdivisions 6 to 11, 13, and 14.

Subd. 2. **Membership.** The commission shall consist of six members, appointed by the governor during the period before substantial completion of

construction of sports facilities pursuant to sections 473.551 to 473.595 and thereafter as hereinafter provided, plus a chairman appointed as provided in subdivision 3. Initial appointments of members shall be made within 30 days of May 17, 1977. One member shall be appointed from each of the following combinations of metropolitan commission precincts defined in section 473.141, subdivision 2: A and B; C and G; D and E; F and H. Two members shall be appointed from outside the metropolitan area. Upon substantial completion of construction of the sports facility, vacancies occurring on the commission, whether at the completion of or prior to the completion of a member's term, shall be filled by the city council of the city in which the stadium is located.

Subd. 3. Chairman. The chairman shall be appointed by the governor as the seventh voting member and shall meet all of the qualifications of a member, except the chairman need only reside outside the metropolitan area. The chairman shall preside at all meetings of the commission, if present, and shall perform all other duties and functions assigned to him by the commission or by law. The commission may appoint from among its members a vice-chairman to act for the chairman during his temporary absence or disability.

Subd. 4. Qualifications. Each member appointed prior to substantial completion of construction of a sports facility constructed pursuant to sections 473.551 to 473.595 shall be a resident of the precincts or area of the state for which he is appointed. A member appointed at any time shall not during his term of office hold the office of metropolitan council member or be a member of another metropolitan commission or hold any judicial office or office of state government. Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, Article V, Section 6. The oath, duly certified by the official administering it, shall be filed with the chairman of the metropolitan council.

Subd. 4a. Additional qualification. None of the members appointed by the city council of the city in which the stadium is located shall be an elected public official of that city or of another political subdivision any part of whose territory is shared with that city.

Subd. 5. Terms. The terms of the members representing precincts A and B and C and G and the term of one of the members from outside the metropolitan area shall end the first Monday in January, 1981. The terms of the other members and the chairman shall end the first Monday in January, 1983. After the initial term provided for in this subdivision, the term of each member and the chairman shall be four years. The terms shall continue until a successor is appointed and qualified. Members and the chairman may be removed in the manner specified in chapter 351.

History: 1977 c 89 s 3; 1979 c 203 s 2,3; 1982 c 625 s 15

473.556 POWERS OF COMMISSION.

Subdivision 1. General. The commission shall have all powers necessary or convenient to discharge the duties imposed by law, including but not limited to those specified in this section.

Subd. 2. Actions. The commission may sue and be sued, and shall be a public body within the meaning of chapter 562.

Subd. 3. Acquisition of property. The commission may acquire by lease, purchase, gift, or devise all necessary right, title, and interest in and to real or personal property deemed necessary to the purposes contemplated by sections 473.551 to 473.595 within the limits of the metropolitan area.

Subd. 4. Exemption of property. Any real or personal property acquired, owned, leased, controlled, used, or occupied by the commission for any of the

purposes of sections 473.551 to 473.595 is declared to be acquired, owned, leased, controlled, used and occupied for public, governmental, and municipal purposes, and shall be exempt from taxation by the state or any political subdivision of the state, provided that such properties shall be subject to special assessments levied by a political subdivision for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from the improvement. No possible use of any such properties in any manner different from their use under sections 473.551 to 473.595 at the time shall be considered in determining the special benefit received by the properties. All assessments shall be subject to final confirmation by the council, whose determination of the benefits shall be conclusive upon the political subdivision levying the assessment. The provisions of this subdivision, insofar as they require exemption or special treatment, shall not apply to any real property at the metropolitan sports area which is leased by the commission for development pursuant to subdivision 6.

Subd. 5. **Facility operation.** The commission may equip, improve, operate, manage, maintain, and control the metropolitan sports area and sports facilities constructed or remodeled under the provisions of sections 473.551 to 473.595.

Subd. 6. **Disposition of property.** The commission may sell or otherwise dispose of any real or personal property acquired by it which is no longer required for accomplishment of its purposes. The property shall be sold in the manner provided by section 458.196, insofar as practical and consistent with sections 473.551 to 473.595. Real property at the metropolitan sports area (not including the indoor public assembly facility and adjacent parking facilities) which is no longer needed for sports facilities shall be sold or leased for commercial or industrial development in accordance with the procedures in section 458.196 within two years to a private, for-profit entity, and thereafter the property shall be subject to all applicable taxes and assessments and all government laws, regulations and ordinances bearing on use and development as if the property were privately owned. The proceeds from the sale of any real property at the metropolitan sports area shall be paid to the council and used for debt service.

Subd. 7. **Contracts.** The commission may contract for materials, supplies, and equipment in accordance with section 471.345, except that the commission may employ persons, firms, or corporations to perform one or more or all of the functions of architect, engineer, construction manager, or contractor for both design and construction, with respect to all or any part of a project to build or remodel sports facilities. Contractors shall be selected through the process of public bidding, provided that it shall be permissible for the commission to narrow the listing of eligible bidders to those which the commission determines to possess sufficient expertise to perform the intended functions. Any construction manager or contractor shall certify, before the contracts are finally signed, a construction price and completion date to the commission and shall post a bond in an amount at least equal to 100 percent of the certified price, to cover any costs which may be incurred over and above the certified price, including but not limited to costs incurred by the commission or loss of revenues resulting from incomplete construction on the completion date. The commission shall secure surety bonds as required in section 574.26, securing payment of just claims in connection with all public work undertaken by it. Persons entitled to the protection of the bonds may enforce them as provided in sections 574.28 to 574.32, and shall not be entitled to a lien on any property of the commission under the provisions of sections 514.01 to 514.16.

Subd. 8. **Employees; contracts for services.** The commission may employ persons and contract for services necessary to carry out its functions. The commission may employ on such terms as it deems advisable persons or firms for the purpose of providing traffic officers to direct traffic on property under the control of the commission and on the city streets in the general area of the

property controlled by the commission. The traffic officers shall not be peace officers and shall not have authority to make arrests for violations of traffic regulations.

Subd. 9. Gifts and grants. The commission may accept gifts of money, property, or services, may apply for and accept grants or loans of money or other property from the United States, the state, any subdivision of the state, or any person for any of its purposes, may enter into any agreement required in connection therewith, and may hold, use, and dispose of such money, property, or services in accordance with the terms of the gift, grant, loan or agreement relating thereto. Except for the acquisition, clearance, relocation, and legal costs referred to in section 473.581, subdivision 3, clauses (d) and (e), the commission shall not accept gifts, grants, or loans valued in excess of \$2,000,000 without the prior approval of the council. In evaluating proposed gifts, grants, loans, and agreements required in connection therewith, the council shall examine the possible short-range and long-range impact on commission revenues and commission operating expenditures.

Subd. 10. Research. The commission may conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and conduct all necessary hearings and investigations in connection with its functions.

Subd. 11. Agreements with university. The commission and the board of regents of the university of Minnesota may enter into agreements and do all other acts necessary to further the functions prescribed in sections 473.551 to 473.595.

Subd. 12. Use agreements. The commission may lease, license, or enter into agreements and may fix, alter, charge, and collect rentals, fees, and charges to all persons for the use, occupation, and availability of part or all of any premises, property, or facilities under its ownership, operation, or control for purposes that will provide athletic, educational, cultural, commercial or other entertainment, instruction, or activity for the citizens of the metropolitan area. Any such use agreement may provide that the other contracting party shall have exclusive use of the premises at the times agreed upon.

Subd. 13. Insurance. The commission may require any employee to obtain and file with it an individual bond or fidelity insurance policy. It may procure insurance in the amounts it deems necessary against liability of the commission or its officers and employees for personal injury or death and property damage or destruction, with the force and effect stated in chapter 466, and against risks of damage to or destruction of any of its facilities, equipment, or other property.

Subd. 14. Small business contracts. In exercising its powers to contract for the purchase of services, materials, supplies, and equipment, pursuant to subdivisions 5, 7, 8 and 10, the commission shall designate and set aside each fiscal year for awarding to small businesses approximately ten percent of the value of anticipated contracts and sub-contracts of that kind for that year, in the manner required of the commissioner of administration for state procurement contracts pursuant to sections 16.081 to 16.084. The commission shall follow the rules promulgated by the commissioner of administration pursuant to section 16.085, and shall submit reports of the kinds required of the commissioners of administration and economic development by section 16.086.

Subd. 15. MS1980 [Repealed, 1981 c 356 s 377]

History: 1977 c 89 s 4; 1979 c 203 s 4-6

473.561 EXEMPTION FROM COUNCIL REVIEW.

The acquisition and betterment of sports facilities by the commission shall be conducted pursuant to sections 473.551 to 473.595 and shall not be affected by the provisions of sections 473.161, 473.165, and 473.173.

History: 1977 c 89 s 5

473.564 METROPOLITAN SPORTS AREA.

Subdivision 1. **Transfer of ownership.** Thirty days after May 17, 1977, or at such later date as the council and the commission determine is advisable and consistent with the purposes of sections 473.551 to 473.595, the ownership of the metropolitan sports area shall be transferred to the commission. The cities and the metropolitan sports area commission shall cause all conveyances and other instruments to be executed, delivered, and recorded on their behalf which the commission, upon advice of counsel, deems necessary or desirable to transfer and convey to it all of the cities' right, title, and interest in and to the metropolitan sports area and all parts thereof and appurtenances thereto. The comptroller-treasurer of the city of Minneapolis shall remit, endorse, assign and transfer to the treasurer or secretary-treasurer of the commission all moneys and securities credited to the metropolitan sports area fund on the city's official books and records under the provisions of the ownership and operations agreement, except the metropolitan sports area bond sinking fund.

Subd. 2. **Assumption of obligations.** Upon transfer of ownership of the metropolitan sports area to the commission, the council shall be and become obligated and shall provide for the payment of the principal and interest thereafter due and payable with respect to the general obligation bonds and revenue bonds issued by the city of Minneapolis under the provisions of the ownership and operations agreement among the cities and amendments thereto. The council shall provide to Minneapolis funds sufficient to meet the payments and to maintain the sinking fund pursuant to the agreement. When the balance in the sinking fund is sufficient to pay all remaining bonds and interest to their maturity dates, or to an earlier date on which they have been called for redemption, the obligation of the council shall be discharged. When the principal and interest on the bonds have been paid in full, any balance remaining in the sinking fund, including interest earnings, shall be remitted to the council and used by the council for debt service. Upon transfer of ownership of the metropolitan sports area to the commission, the commission shall assume all of the cities' obligations and those of the metropolitan sports area commission under the provision of all use agreements now in effect, entered into by the metropolitan sports area commission on behalf of the cities, providing for the use of the metropolitan sports area or any part thereof by any person. The cities and the metropolitan sports area commission shall cause to be executed all assignments and other documents as the commission, upon advice of counsel, shall deem necessary or desirable and appropriate to vest all their rights and privileges under the agreements in the commission. Nothing herein shall be construed as imposing upon the council or commission an obligation to compensate the cities or the metropolitan sports area commission for all or any part of the metropolitan sports area or to continue to operate and maintain the metropolitan sports area facilities taken over by the commission.

Subd. 3. **Employees.** Upon transfer of ownership all persons then employed by the metropolitan sports area commission shall be transferred to the metropolitan sports facilities commission without loss of right or privilege. Nothing in this section shall be construed to give any such person the right or privilege to continue in the same level or classification of employment previously held. The metropolitan sports facilities commission may assign any such person to an employment level and classification which it deems appropriate and desirable in accordance with its personnel code.

History: 1977 c 89 s 6

473.565 RETIREMENT; ADMINISTRATION; PURCHASES OF PRIOR SERVICE CREDIT.

Subdivision 1. All employees of the commission shall be members of the Minnesota state retirement system with respect to service rendered on or after May 17, 1977, except as provided in this section.

Subd. 2. Temporary employees hired for a period of less than six months and part time employees hired to work less than 30 hours per week shall be excluded from membership in the retirement system if the commission certifies them to the executive director of the retirement system as being temporary or part time employees.

Subd. 3. Any employee of the commission who was an employee of the metropolitan sports area commission on May 17, 1977 and who was a member of the public employees retirement association on account of that employment may elect no later than 30 days following transfer of employment to the commission to remain a member of the public employees retirement association. The election shall be made on forms provided by the commission, and the commission shall give immediate notice of any such elections to the executive directors of the public employees retirement association and the Minnesota state retirement system. Any person who makes such an election shall be excluded from membership in the Minnesota state retirement system with respect to employment by the commission. The commission shall make the required employer contributions to the public employees retirement association.

Subd. 4. Any permanent full time employee of the commission who was a permanent full time employee of the metropolitan sports area commission on May 17, 1977, for whom the prior employment was not covered by the public employees retirement association, may obtain allowable service credit in the Minnesota state retirement system by paying to the retirement system (a) an amount equal to four percent of his or her current salary rate multiplied by the days and months of such prior service for which he or she desires to obtain allowable service credit plus (b) a matching amount representing the employer's required contributions, except that the commission may agree to pay the matching amount on behalf of its employees. Proof of prior permanent full time service and the duration thereof shall be established by the certification of the commission to the executive director of the retirement system. The payments shall be made either in a lump sum or by payroll deduction arranged for on or before July 1, 1978.

History: 1977 c 89 s 7

473.568 TELECAST OF GAMES; RESTRICTIVE AGREEMENTS PROHIBITED.

Subdivision 1. No major league professional baseball, football, or soccer organization which is a tenant at a sports facility constructed or remodeled pursuant to sections 473.551 to 473.595 shall be a party to or benefit from an agreement, contract, arrangement, or other understanding which would prevent the telecast within the state or any part of the state of any game of the organization under the following conditions: (a) if the game is to be telecast pursuant to an agreement by which any league of the professional sports organizations sells or otherwise transfers all or part of the rights of the league's member organizations in the sponsored telecasting of games of the organizations and (b) if 90 percent of the tickets of admission for seats at the game, which were available for purchase by the general public 120 hours or more before the scheduled beginning time of the game either at the sports facility where the game is to be played or at the box office closest to the sports facility, have been purchased 72 hours or more before the beginning time of the game. The right to telecast any such game in the state

shall be made available, by the person or persons having such right, to a television broadcast licensee on reasonable terms and conditions, including adequate compensation to the commission for the resulting reduction in revenue from tickets and concessions, unless the telecasting would be a telecasting which Title 15 U.S.C. Section 1293 is intended to prevent.

Subd. 2. The provisions of this section may be enforced by means of a civil suit for injunctive relief brought in the district court of the county in which the sports facility is located.

Subd. 3. Should the provisions of this section be found to be in conflict with legislation enacted by the Congress of the United States, the commission may then establish alternative standards for telecasting as a precondition of the execution of a lease agreement with any major league professional baseball, football, or soccer organization to be a tenant at the sports facility.

Subd. 4. If this section is found to be unconstitutional and void, the remaining provisions of Laws 1977, Chapter 89 shall remain valid.

History: 1977 c 89 s 8

473.571 LOCATION AND DESIGN SELECTION.

Subdivision 1. **Commission responsibility.** The commission shall determine the location and design specifications for new or remodeled sports facilities in the metropolitan area.

Subd. 2. [Repealed, 1981 c 356 s 247]

Subd. 3. [Repealed, 1981 c 356 s 247]

Subd. 4. [Repealed, 1981 c 356 s 247]

Subd. 5. **Permits.** Within 60 days following the acceptance of the environmental impact statements by the environmental quality board, the pollution control agency and any other department, agency, or unit of government shall take final action to approve or deny any permits necessary for the sports facilities and locations under consideration.

Subd. 6. **Commission proposal.** On December 1, 1978, following the acceptance of the environmental impact statements by the environmental quality board, the commission shall make a final determination on design and location and shall submit to the metropolitan council a proposal to bond for and construct or remodel the sports facility or facilities. The commission's proposal shall contain all information deemed appropriate or necessary by the council to its determinations pursuant to section 473.581. The commission, in preparing the proposal for the council, may require of the potential lessee professional teams any and all relevant corporate financial data, including, but not limited to, profit and loss statements, annual audit statements, and balance sheets. The commission may keep the corporate financial data confidential except for members of the commission, the council, and designated staff. In evaluating the alternatives, the commission shall consider, among other factors, (a) access to the locations from the rest of the metropolitan area and the state, (b) access to parking and public transit, (c) environmental impact, (d) total capital and operating costs to the commission and total commission revenues over the expected life of the facility, including the sale of land by the commission and any contributions by local units of government or other organizations, (e) the report of the council, (f) the availability of land and utilities, (g) the total governmental costs associated with the construction and operation of the commission's facilities, including the cost to all units and agencies of government as well as the cost to the commission, (h) the net gain or loss of property taxes to all local governmental units, (i) the feasibility of funding a portion of the total cost through a grant or grants from the economic development

administration of the federal government, (j) the feasibility of constructing a waste facility or a solar energy system to provide energy for heating and ventilating the sports facility, and (k) the needs of the university of Minnesota for athletic facilities for a prospective 20 year period. Before submitting its proposal to the metropolitan council the commission shall hold hearings at locations both within and without the metropolitan area after appropriate notice to receive public testimony on location and design.

History: 1977 c 89 s 9

473.572 REVISED FINAL DETERMINATION.

Subdivision 1. Notwithstanding any final determination reached by the commission on or before December 1, 1978, pursuant to section 473.571, subdivision 6, the commission shall make a revised determination on a sports facility or sports facilities which facility or facilities (1) may be covered, (2) may include use of the existing or a remodeled metropolitan stadium for baseball, and (3) shall be located in Hennepin County. The decision shall be made within 30 days after May 26, 1979. In making its decision the commission may rely on data previously submitted and reviewed pursuant to section 473.571 and need not require new data even if modifications are made in an alternative previously considered. The commission shall give full consideration to the needs of the University of Minnesota when making its revised determination.

Subd. 2. Except as provided in this section, the council shall make all determinations required by section 473.581, subdivision 3, before it authorizes the issuance of bonds.

Subd. 3. It is the intent of the legislature that the commission shall, to the maximum extent possible consistent with the provisions of section 473.581, subdivision 3, impose rates, rentals and other charges in the operation of the sports facility which will make the sports facility self supporting so that the taxes imposed under section 473.592 will be at the lowest possible rate consistent with the obligations of the political subdivision levying those taxes as provided in sections 473.551 to 473.595.

History: 1979 c 203 s 1

473.581 DEBT OBLIGATIONS.

Subdivision 1. **Bonds.** The council may by resolution authorize the sale and issuance of its bonds for any or all of the following purposes:

(a) To provide funds for the acquisition or betterment of sports facilities by the commission pursuant to sections 473.551 to 473.595;

(b) To refund bonds issued hereunder and bonds upon which the council is obligated under section 473.564; and

(c) To fund judgments entered by any court against the commission or against the council in matters relating to the commission's functions.

Subd. 2. **Procedure.** The bonds shall be sold, issued, and secured in the manner provided in chapter 475 for bonds payable solely from revenues, except as otherwise provided in sections 473.551 to 473.595, and the council shall have the same powers and duties as a municipality and its governing body in issuing bonds under that chapter. The bonds may be sold at any price and at public or private sale as determined by the council. They shall be payable solely from tax and other revenues referred to in sections 473.551 to 473.595, shall not be a general obligation or debt of the council or of the commission, and shall not be included in the net debt of any city, county, or other subdivision of the state for the purpose of any net debt limitation, provided that nothing herein shall affect the obligation of any political subdivision to levy a tax pursuant to an agreement made under the

provisions of section 473.592. No election shall be required. The principal amount shall not be limited except as provided in subdivision 3.

Subd. 3. **Limitations.** The principal amount of the bonds issued pursuant to subdivision 1, clause (a), shall not exceed the amounts hereinafter authorized. If the commission's proposal and the construction contracts referred to in clause (g) of this subdivision provide for the construction of a covered multipurpose sports facility, the total cost of constructing the facility under the construction contracts, not including costs paid from funds provided by others, and the principal amount of bonds issued pursuant to subdivision 1, clause (a), shall be limited to \$55,000,000. If the commission's proposal and the construction contracts do not provide for the construction of a cover on a proposed multipurpose sports facility and the commission does not otherwise contract for the construction or acquisition of a cover for the sports facility, the principal amount shall be limited to \$42,000,000. If the commission's proposal and the construction contracts provide for the construction of a new sports facility for football and soccer and for remodeling the existing metropolitan stadium for baseball, the principal amount shall be limited to \$37,500,000. If the commission's proposal and the construction contracts provide for the reconstruction and remodeling of the existing metropolitan stadium as an uncovered multipurpose sports facility, the principal amount shall be limited to \$25,000,000. The bonds issued pursuant to subdivision 1, clause (a), shall bear an average annual rate of interest, including discount, not in excess of 7-1/2 percent. The proceeds of the bonds issued pursuant to subdivision 1, clause (a), shall be used only for the acquisition and betterment of sports facilities suitable for baseball, football and soccer, with a seating capacity for football and soccer of approximately 65,000 persons. The council shall issue its bonds and construction of sports facilities may commence when the council has made the following determinations:

(a) The commission has executed agreements with major league professional baseball and football organizations to use its sports facilities for all scheduled regular season home games and play-off home games and, in the case of the football organization, for at least one-half of its exhibition games played each season. The agreements shall be for a period of not more than 30 years nor less than the term of the longest term bonds that in the council's judgment it may find it necessary to issue to finance the acquisition and betterment of the commission's sports facilities. The agreements may contain provisions negotiated between the organizations and the commission which provide for termination upon conditions related and limited to the bankruptcy, insolvency, or financial capability of the organization. The agreements shall provide that, in the event of breach of the agreements, the defaulting organization shall pay damages annually to the commission. The annual payment shall be in an amount equal to the annual average of all revenue derived by the commission from attendance at events and activities of the defaulting organization during the years prior to default, provided that the damages shall not exceed in any year an amount sufficient, with other revenues of the commission but excluding proceeds of the taxes under section 473.592, to pay all expenses of operation, maintenance, administration, and debt service for the facilities used by the defaulting organization during the same year. The damages shall be payable during the period from the occurrence of the default to the date on which another major league professional baseball or football organization, replacing the defaulting organization, enters into a use agreement with the commission for not less than the then remaining term of the original agreement. The agreements with the teams shall provide that no closed circuit or pay television broadcasting of events in the sports facility may be allowed without the approval of the commission. The agreements shall include provisions protecting the commission and the council in the event of change in ownership of the professional teams.

(b) The commission has executed agreements with professional baseball and football major leagues which guarantee the continuance of franchises in the metropolitan area for the period of the agreements referred to in clause (a).

(c) The proceeds of bonds provided for in this subdivision will be sufficient, together with other capital funds that may be available to the commission, to construct or remodel and to furnish the sports facilities proposed by the commission, including the appropriate professional fees and charges but excluding, except as otherwise provided in this subdivision, the acquisition, clearance, relocation, and legal costs referred to in clauses (d) and (e).

(d) The commission has acquired, without cost to the commission or the council except as provided in this subdivision, title to all real property including all easements and other appurtenances needed for the construction and operation of any proposed sports facilities or has received a grant of funds or has entered into an agreement or agreements sufficient in the judgment of the council to assure the receipt of funds, at the time and in the amount required, to make any payment upon which the commission's acquisition of title and possession of the real property is conditioned.

(e) The commission has received a grant of funds or entered into an agreement or agreements sufficient in the judgment of the council to assure the receipt of funds, at the time and in the amount required, to pay all costs, except as provided in this subdivision, of clearing the real property needed for the construction and operation of any proposed sports facilities of all buildings, railroad tracks and other structures, including without limitation all relocation costs, all utility relocation costs, and all legal costs.

(f) The commission has executed agreements with appropriate labor organizations and construction contractors which provide that no labor strike or management lockout will halt, delay or impede construction.

(g) The commission has executed agreements which will provide for the construction of its sports facilities for a certified construction price and completion date and which include performance bonds in an amount at least equal to 100 percent of the certified price to cover any costs which may be incurred over and above the certified price, including but not limited to costs incurred by the commission or loss of revenues resulting from incomplete construction on the completion date.

(h) The environmental impact statement for the sports facility or facilities has been accepted by the environmental quality board, and the pollution control agency and any other department, agency, or unit of government have taken the actions necessary to permit the construction of the sports facility or facilities.

(i) At least 50 percent of the private boxes provided for in the commission's proposal for the sports facility or facilities are sold or leased for at least five years.

(j) The anticipated revenue from the operation of the sports facility or facilities plus any additional available revenue of the commission and the revenue from the taxes under section 473.592 will be an amount sufficient to pay when due all debt service plus all administration, operating and maintenance expense.

(k) The commission has studied and considered the needs of the University of Minnesota for athletic facilities for a prospective 20 year period.

(l) The municipality where the facility is to be constructed has entered into an agreement as contemplated in section 473.592.

(m) The commission has entered into an agreement or agreements with a purchaser or purchasers of tickets of admission for a period of not less than 20 years which will assure that, if the professional football organization cannot comply with the provisions of section 473.568, whenever more than 90 and less than 100 percent of the tickets of admission for seats at any professional football

game, which were available for purchase by the general public 120 hours or more before the scheduled beginning time of the game either at the sports facility where the game is to be played or at the box office closest to the sports facility, have been purchased 72 hours or more before the beginning time of the game, then all of such tickets which remain unsold will be purchased in sufficient time to permit the telecast to areas within the state which otherwise would not receive the telecast because of the terms of an agreement in which the professional football league has sold or otherwise transferred all or part of the rights of the league's member organizations in the sponsored telecasting of games of the organizations. The party or parties agreeing to the purchase of such unsold tickets shall be obligated for a period of at least 20 years in an amount determined by the council to be sufficient to assure the purchase of all such unsold tickets. An agreement or agreements satisfying the requirements of this clause shall free the professional football organization from the prohibition otherwise imposed on it by section 473.568.

(n) The council has entered into an agreement with the brokerage firm or brokerage firms to be used in connection with the issuance and sale of the bonds guaranteeing that fees and charges payable to the brokerage firm or firms in connection therewith, including any underwriting discounts, shall not exceed fees and charges customarily payable in connection with the issuance and sale of bonds secured by the pledge of the full faith and credit of the municipality in which any new sports facility is to be located.

The validity of any bonds issued under subdivision 1, clause (a), and the obligations of the council and commission related thereto, shall not be conditioned upon or impaired by the council's determinations made pursuant to this subdivision. For purposes of issuing the bonds the determinations made by the council shall be deemed conclusive, and the council shall be and remain obligated for the security and payment of the bonds irrespective of determinations which may be erroneous, inaccurate, or otherwise mistaken.

Subd. 4. **Security.** To the extent and in the manner provided in sections 473.592 and 473.595, the taxes described in section 473.592, the tax and other revenues of the commission described in section 473.595, and any other revenues of the commission shall be and remain pledged and appropriated for the payment of all necessary and reasonable expenses of the operation, administration, maintenance, and debt service of the commission's sports facilities until all bonds referred to in section 473.564, subdivision 2, and all bonds and certificates issued pursuant to this section are fully paid or discharged in accordance with law. The revenue bonds and interest thereon referred to in section 473.564, subdivision 2, may be refunded, whether at a lower or a higher rate of interest, by the issuance of new bonds pursuant to subdivision 1, clause (b), for the purpose of pledging revenues of the metropolitan sports area for the payment and security of bonds issued hereunder, and the council may provide that a portion of the new bonds shall be payable solely from the interest earnings derived from the investment of the bond proceeds. Until these revenue bonds are fully paid or the council's obligation thereon is discharged in accordance with law they shall be deemed a first and prior charge on those revenues and shall be secured by all provisions of the revenue bond resolution and the ownership and operations agreement. Bonds issued pursuant to this section and bonds referred to in section 473.564, subdivision 2, may be secured by a bond resolution, or by a trust indenture entered into by the council with a corporate trustee within or outside the state, which shall define the tax and other revenues pledged for the payment and security of the bonds. The pledge shall be a valid charge on the tax and other revenues referred to in sections 473.551 to 473.595 from the date when bonds are first issued or secured under the resolution or indenture and shall secure the payment of principal and interest and

redemption premiums when due and the maintenance at all times of a reserve securing such payments. No mortgage of or security interest in any tangible real or personal property shall be granted to the bondholders or the trustee, but they shall have a valid security interest in all tax and other revenues received and accounts receivable by the commission or council hereunder, as against the claims of all other persons in tort, contract, or otherwise, irrespective of whether such parties have notice thereof, and without possession or filing as provided in the uniform commercial code or any other law. In the bond resolution or trust indenture the council may make such covenants, which shall be binding upon the commission, as are determined to be usual and reasonably necessary for the protection of the bondholders. No pledge, mortgage, covenant, or agreement securing bonds may be impaired, revoked, or amended by law or by action of the council, commission, or city, except in accordance with the terms of the resolution or indenture under which the bonds are issued, until the obligations of the council thereunder are fully discharged.

Subd. 5. **Revenue anticipation certificates.** At any time or times after approval by the council and final adoption by the commission of an annual budget of the commission for operation, administration, and maintenance of its sports facilities, and in anticipation of the proceeds from the taxes under section 473.592 and the revenues of the commission provided for in the budget, but subject to any limitation or prohibition in a bond resolution or indenture, the council may authorize the issuance, negotiation, and sale, in such form and manner and upon such terms as it may determine, of revenue anticipation certificates. The principal amount of the certificates outstanding shall at no time exceed 25 percent of the total amount of the tax and other revenues anticipated. The certificates shall mature not later than three months after the close of the budget year. Prior to the approval and final adoption of the first annual budget of the commission, the council may authorize up to \$300,000 in revenue anticipation certificates under this subdivision. So much of the anticipated tax and other revenues as may be needed for the payment of the certificates and interest thereon shall be paid into a special debt service fund established for the certificates in the council's financial records. If for any reason the anticipated tax and other revenues are insufficient, the certificates and interest shall be paid from the first tax and other revenues received, subject to any limitation or prohibition in a bond resolution or indenture. The proceeds of the certificates may be used for any purpose for which the anticipated revenues or taxes may be used or for any purpose for which bond proceeds under subdivision 1 may be used, provided that the proceeds of certificates issued after May 26, 1979, shall not be used to pay capital costs of sports facilities constructed or remodeled pursuant to sections 473.551 to 473.595.

History: 1977 c 89 s 10; 1979 c 26 s 1; 1979 c 203 s 7-10

473.591 [Repealed, 1979 c 26 s 3]

473.592 TAX REVENUES.

Subdivision 1. **Local sales tax.** Upon designation of a location for a sports facility pursuant to section 473.572, the municipality in which the facility is to be located may enter into an agreement with the metropolitan council and the commission which requires the municipality to impose a sales tax, supplemental to the general sales tax imposed in chapter 297A, for the purposes and in accordance with the requirements specified in sections 473.551 to 473.595. The tax may be imposed on the gross receipts from all retail on-sales of intoxicating liquor and fermented malt beverages when sold at licensed on-sale liquor establishments and municipal liquor stores located within the municipality, or on the gross receipts from the furnishing for consideration of lodging for a period of less than 30 days

at a hotel, motel, rooming house, tourist court, or trailer camp located within the municipality, or on both. The agreement between the municipality, the metropolitan council, and the commission shall require the municipality to impose the tax or taxes at whatever rate or rates may be necessary to produce revenues which are determined by the council from year to year to be required, together with the revenues available to the commission, to pay when due all debt service on bonds and revenue anticipation certificates issued under section 473.581, all debt service on bonds referred to in section 473.564, subdivision 2, and all expenses of operation, administration, and maintenance of the sports facilities. The agreement shall provide for the suspension, reimposition, reduction, or increase in tax collections upon determination by the metropolitan council that such actions are appropriate or necessary for the purposes for which the tax is imposed, provided that the balance in the debt service fund or funds, including any reserve for debt service, shall be maintained at least at an amount sufficient to pay the principal and interest on bonds which will become due within the next succeeding one year period and, except as otherwise provided by agreement, shall not be maintained at an amount greater than that required to pay principal and interest on bonds which will become due within the next succeeding two year period. The agreement shall be executed by the city, after approval by resolution of the city council and before the issuance of the bonds under section 473.581 and commencement of construction, and shall constitute a contract with and for the security of all holders of the bonds and revenue anticipation certificates secured by the tax. A sports facility shall not be constructed or remodeled in a municipality which has not entered into an agreement in accordance with this section. The tax shall be reported and paid to the commissioner of revenue with and as part of the state sales and use taxes, and shall be subject to the same penalties, interest, and enforcement provisions. The collections of the tax, less refunds and a proportionate share of the costs of collection, shall be remitted at least quarterly to the metropolitan council. The commissioner of revenue shall deduct from the proceeds remitted to the council an amount that equals the indirect statewide costs as well as the direct and indirect department costs necessary to administer, audit, and collect this tax. The amount deducted shall be deposited in the general fund of the state. The proceeds remitted shall be placed, together with the net revenues of the commission under section 473.595, into the debt service fund or reserve or special funds, established under section 473.581, and any funds established to secure payment of operating deficits of the commission. The proceeds may be used for payment of debt service on bonds and revenue anticipation certificates issued under section 473.581, debt service on bonds referred to in section 473.564, subdivision 2, and expenses of operation, administration, and maintenance of the sports facilities. The proceeds shall not be used for any capital costs of sports facilities constructed under sections 473.551 to 473.595, except that the proceeds may be used to pay interest on bonds during the construction period.

Subd. 2. Metropolitan liquor tax. All proceeds of the liquor tax collected by the council pursuant to the provisions of Minnesota Statutes 1978, Section 473.591, prior to August 1, 1979, not otherwise expended or applied as provided in this chapter, together with any earnings derived from the investment of such revenues, may be used for any purpose for which the tax revenues under subdivision 1 may be used.

History: 1979 c 203 s 11

473.595 COMMISSION FINANCES.

Subdivision 1. Admission tax. Effective January 1, 1978, the commission shall by resolution impose a three percent admission tax upon the granting, sale, or distribution, by any private or public person, association, or corporation, of the

privilege of admission to activities; except for those activities sponsored at the indoor public assembly facility at the metropolitan sports area known as the metropolitan sports center. Commencing with the operation of sports facilities constructed or remodeled by the commission pursuant to sections 473.551 to 473.595, the commission shall impose an additional seven percent admission tax upon activities conducted at such sports facilities. Effective January 1, 1978, no other tax, except the taxes imposed by chapter 297A, may be levied by any other unit of government upon any such sale or distribution. The admission tax shall be stated and charged separately from the sales price so far as practicable and shall be collected by the grantor, seller, or distributor from the person admitted and shall be a debt from that person to the grantor, seller, or distributor, and the tax required to be collected shall constitute a debt owed by the grantor, seller, or distributor to the commission, which shall be recoverable at law in the same manner as other debts. Every person granting, selling, or distributing tickets for such admissions may be required, as provided in resolutions of the commission, to secure a permit, to file returns, to deposit security for the payment of the tax, and to pay such penalties for nonpayment and interest on late payments, as shall be deemed necessary or expedient to assure the prompt and uniform collection of the tax.

Subd. 2. **Rentals; fees; charges.** Rentals, fees, and charges provided for in use agreements entered into by the commission shall be those estimated by the commission to be necessary and feasible to produce so far as possible, with commission revenues from other sources, the amounts needed for current operation, maintenance, and debt service. The commission shall with respect to all facilities in the metropolitan sports area and any sports facility constructed pursuant to Laws 1977, Chapter 89 meet and confer with any public body, authority, or agency owning or operating an entertainment or sports complex, or indoor sports arena, in the area in which Laws 1977, Chapter 89 is effective, for the purpose of undertaking measures or agreements maximizing revenues and eliminating unnecessary operational expenditures.

Subd. 3. **Budget preparation; review and approval.** The commission shall comply with the provisions of section 473.163, provided that the entire budget, including operating revenues and expenditures for operation, administration, and maintenance, shall be subject to approval by the council, in accordance with the procedures described in section 473.163.

Subd. 4. **Payment of council costs.** The commission shall comply with the provisions of section 473.164.

Subd. 5. **Audit.** The commission once each year shall have an independent audit made of its books and accounts by a certified public accountant. The costs of the audits shall be paid by the commission. Once each year the commission shall prepare and file a written report with the legislative auditor in such form and containing such information as the legislative auditor may prescribe. The council or the legislative auditor may examine the commission's books and accounts at any time.

Subd. 6. **General.** The commission shall receive and account for all tax and other revenue of the commission and from the revenue shall provide, contract, and pay for proper operation, administration, and maintenance of all of its property and facilities and shall maintain, as authorized by resolutions of the council, reserves for major repairs, replacements, and improvements and for working capital. The commission shall remit to the council for deposit in its debt service fund, at the times required by resolution of the council, the net revenue in excess of these requirements.

Subd. 7. **Sale of seats.** The commission may sell seats in any multipurpose sports facility constructed after June 30, 1979 at prices and subject to conditions

consistent with this section. Ownership of a seat shall give the owner first preference for purchase of a season ticket of admission for professional sports exhibitions with a right to be seated in the owned seat. An owner may sell or otherwise transfer his rights on whatever terms he chooses. Rights to a seat may not be divided. No fee may be charged for a transfer of ownership of a seat. The commission may charge a maintenance fee not exceeding \$10 per year for each seat.

History: 1977 c 89 s 12; 1979 c 203 s 12,13; 1979 c 303 art 10 s 14

473.596 ACCESS STREETS AND HIGHWAYS, HIGHWAY USER TAX DISTRIBUTION FUND.

No money derived from the highway user tax distribution fund shall be used to construct, relocate, or improve any streets, highways, or other public thoroughfares, except ones included in the municipal state aid street system established pursuant to article XIV, section 4, of the Minnesota Constitution if such work is done in order to provide or improve access to a new sports facility constructed pursuant to sections 473.551 to 473.595. The commissioner of transportation shall determine whether expenditures are in violation of this section.

History: 1979 c 203 s 14; 1980 c 608 s 2

473.597 JURISDICTION, VALIDITY OF LAWS 1979, CHAPTER 203.

Pursuant to article VI, section 2 of the Minnesota Constitution the supreme court shall have original jurisdiction of any action brought or maintained in which an issue is presented as to the validity of a provision of Laws 1979, Chapter 203, Sections 1 to 14, and may hear and determine the issue as provided in title V of the rules of civil appellate procedure, after notice given as provided in rule 144.

History: 1979 c 203 s 15

NOTE: This section is repealed by Laws 1982, Chapter 501, Section 26 effective August 1, 1983 if the constitutional amendment proposed in Laws 1982, Chapter 501, Section 1 is adopted.

METROPOLITAN AIRPORTS COMMISSION

473.601 DEFINITIONS.

Subdivision 1. The following words, terms and phrases shall, for the purposes of sections 473.601 to 473.679 be given the meanings subjoined to them.

Subd. 2. "Commission" and "corporation" each means a metropolitan airports commission, organized and existing under the provisions of sections 473.601 to 473.679.

Subd. 3. "City council" or "council" means the governing body of each of the cities of Minneapolis and St. Paul.

Subd. 4. "Commissioner" means a person appointed or otherwise selected as, and, after his qualification, acting as, a member of the corporation.

Subd. 5. "The commissioners" means a quorum of the members of the corporation, acting as the governing body of the corporation.

Subd. 6. "City" or "each city" means one of the cities of Minneapolis and St. Paul.

History: 1975 c 13 s 94

473.602 DECLARATION OF PURPOSES.

It is the purpose of sections 473.601 to 473.679 to promote the public welfare and national security; serve public interest, convenience, and necessity; promote air navigation and transportation, international, national, state, and local, in and through this state; promote the efficient, safe, and economical handling of air

commerce; assure the inclusion of this state in national and international programs of air transportation; and to those ends to develop the full potentialities of the metropolitan area in this state as an aviation center, and to correlate that area with all aviation facilities in the entire state so as to provide for the most economical and effective use of aeronautic facilities and services in that area; assure the residents of the metropolitan area of the minimum environmental impact from air navigation and transportation, and to that end provide for noise abatement, control of airport area land use, and other protective measures; and to this end the corporation shall cooperate with and assist the metropolitan council, the Federal government, the commissioner of transportation of this state and others engaged in aeronautics or the promotion and regulation of aeronautics and shall seek to coordinate its activities with the aeronautical activities of these bodies.

History: 1975 c 13 s 95; 1976 c 166 s 7

473.603 METROPOLITAN AIRPORTS COMMISSION; CREATION.

Subdivision 1. For the purposes provided in sections 473.601 to 473.679 the metropolitan airports commission has been created as a public corporation. Except as provided otherwise in Laws 1974, Chapter 455, the existence and the powers, responsibilities, rights, and obligations of this corporation are confirmed and extended in accordance with the provisions of those sections, as they now exist and as they are now and may hereafter be amended and supplemented.

Subd. 2. The commission shall be organized, structured and administered as provided in sections 473.601 to 473.679.

History: 1975 c 13 s 96

473.604 MEMBERSHIP, GOVERNMENT.

Subdivision 1. The following persons and their respective successors shall constitute the members and governing body of the corporation, namely:

(1) All of the members and commissioners in office January 1, 1973, for the remainder of the terms for which they were appointed or otherwise selected, respectively;

(2) The mayor of each of the cities, or a qualified voter appointed by him, for his term of office as mayor;

(3) A member of the council of each of the cities, appointed by the council for a term of four years commencing in July, 1977;

(4) A member of the park board of Minneapolis appointed by that board and a second member of the council of St. Paul, appointed by it, each for a term of two years commencing in July, 1979;

(5) One additional resident of each city, who does not hold any office under the state or any of its political subdivisions except that of notary public, herein termed a "citizen commissioner," such member in St. Paul to be appointed by the mayor, with the approval of the council, and in Minneapolis by the council, with the approval of the mayor; each for a term of two years commencing in July, 1979;

(6) Six additional members, each appointed by the governor on a non-partisan basis, and each holding no other office under the state or any of its political subdivisions except that of notary public; for terms and with residence qualifications as follows:

(a) (1) A resident of the area of the counties of Washington and Ramsey, outside of St. Paul, for a four year term commencing in July, 1974, and his successor for a term ending July 1, 1981;

MINNESOTA STATUTES 1982

(2) A resident of the county of Anoka, for a four year term commencing in July, 1974, and his successor for a term ending July 1, 1981;

(3) Three residents of the area of the counties of Carver, Scott and Hennepin, outside Minneapolis, for a two year term commencing in July, 1974, and their successors for a term ending July 1, 1981;

(4) A resident of the county of Dakota, for a four year term commencing in July, 1974, and his successor for a term ending July 1, 1981;

(b) As successors to all members referred to in paragraphs (2) to (6)(a), whose terms will expire in July, 1981, a number of members appointed from precincts equal or nearest to but not exceeding half the number of districts which are provided by law for the selection of members of the metropolitan council in section 473.123. Each member shall be a resident of the precinct which he represents. The members shall be appointed by the governor as follows: a number as near as possible to one-fourth, for a term of one year; a similar number for a term of two years; a similar number for a term of three years; and a similar number for a term of four years, all of which terms shall commence on July 1, 1981. The successors of each member shall be appointed for four year terms commencing in July of each fourth year after the expiration of the original term;

(7) One member appointed by the governor of the state, who shall be chairman of the corporation, appointed for a six year term commencing in July, 1977 and his successors for six year terms commencing in July in each sixth year thereafter.

Subd. 2. Each mayor, or any voter appointed by him in his stead, shall serve as a commissioner for the term of office of such mayor. The office of any commissioner who is a member of a city council or board shall become vacant when for any reason he ceases to hold the city office to which he was elected, and the office of any commissioner shall become vacant upon the occurrence of any event referred to in section 351.02. Except as provided in the preceding sentences of this subdivision, each commissioner shall serve until his successor is duly appointed and has qualified. Any vacancy in the office of a commissioner shall immediately be filled for the unexpired term, and in such case, or when the term of a commissioner expires, his successor shall be chosen in the same manner as was his predecessor, and his appointment shall be evidenced in the same manner.

Subd. 3. The clerk, secretary, or other appropriate official of each appointing public body shall immediately file with the secretary of state a certified copy of each resolution appointing commissioners. The city clerk of each city, upon the election and qualification of each new mayor thereof, shall file with the secretary of state a certificate stating his full name and address, and that such mayor has elected to act as a commissioner, or, in the event such mayor has appointed some other qualified voter in his place, shall file a certified copy of the order of the mayor appointing such commissioner. The governor shall file his appointments in the same office. Each person selected as a commissioner shall thereupon file in the same office the oath of office prescribed by the State Constitution, Article 5, Section 5, subscribed by him and certified by the officer administering the same.

Subd. 4. Should any of the said appointments not be made within 60 days after the commencement of the term for which it is to be made, the governor shall upon the request of the chairman select and appoint such commissioners as have not been so designated. Any commissioner so appointed by the governor shall be a legal voter of the city, county, or precinct for which he was appointed. Upon his filing the oath of office required by subdivision 3, he shall have all the rights, privileges, and powers of a commissioner duly appointed as provided in subdivision 2. If thereafter any vacancy in the office of a commissioner shall not be promptly filled, the governor may upon request of the chairman proceed as in this subdivision provided.

Subd. 5. The commission shall meet regularly at least once each month, at such time and place as the commission shall by resolution designate. Special meetings may be held at any time upon the call of the chairman or any two other members, upon written notice sent by certified mail to each member at least three days prior to the meeting, or upon such other notice as the commission may by resolution provide, or without notice if each member is present or files with the secretary a written consent to the meeting either before or after the meeting. Unless otherwise provided, any action within the authority of the commission may be taken by the affirmative vote of a majority of all the members. A majority of all of the members of the commission shall constitute a quorum, but a lesser number may meet and adjourn from time to time and compel the attendance of absent members.

History: 1975 c 13 s 97; 1976 c 2 s 172

473.605 ORGANIZATION; CORPORATE SEAL; BYLAWS.

Subdivision 1. The commissioners shall adopt a corporate seal and shall adopt bylaws for the regulation of the affairs of the corporation and rules of procedure governing their actions, not inconsistent with law. The bylaws shall provide for regular meetings of the corporation to be held at least once in each month and for special meetings.

Subd. 2. Each commission member shall be paid a per diem compensation of \$50 for each meeting of the commission, one of its committees, and attendance and participation at a meeting or hearing as a representative of the commission pursuant to state law or rule. Members shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties in the same manner and amount as state employees. The chairman shall receive compensation as determined by the commission and shall be reimbursed for reasonable expenses to the same extent as a member. The mayors and members of the city councils of Minneapolis and St. Paul shall not be eligible for per diem compensation.

Subd. 3. The removal of residence of any commissioner from the area from which he was appointed or otherwise selected as a representative shall operate as a resignation of his office. Any commissioner may be removed from office by the body or person appointing him for misfeasance, malfeasance, or nonfeasance in office, upon written charges and after an opportunity to be heard in his defense.

History: 1975 c 13 s 98; 1977 c 417 s 1,2

NOTE: Section 473.605, Subdivision 2, was also amended by Laws 1977, Chapter 35, Section 8, to read as follows:

"Subd. 2. Each commission member shall be paid a per diem compensation of \$35 for each meeting and for such other services as are specifically authorized by the commission, and shall be reimbursed for all actual and necessary expenses incurred in the performance of his duties in the same manner and amount as state employees. The chairman shall receive a salary as prescribed in section 15A.081 and shall be reimbursed for reasonable expenses to the same extent as a member."

473.606 OFFICERS.

Subdivision 1. The corporation shall elect from its membership a vice-chairman and a secretary, who may or may not be one of the commissioners. The vice-chairman and the secretary shall hold office at the pleasure of the corporation, and the secretary, if not a commissioner, shall receive compensation as determined by the corporation. The state treasurer shall be the treasurer of the corporation, ex officio.

Subd. 2. The chairman, vice-chairman, and secretary shall have such powers and perform such duties as may be given or imposed upon them by sections 473.601 to 473.679, or by the bylaws of the corporation.

Subd. 3. The treasurer shall receive and be responsible for all moneys of the corporation, from whatever source derived, and the same shall be considered public funds. He shall disburse the moneys of the corporation only on orders

made by the executive and operating officer, herein provided for, countersigned by such other officer or such employee of the corporation as may be authorized and directed so to do by the corporation, showing the name of the claimant and the nature of the claim. No disbursement shall be certified by such officers until the same have been approved by said commissioners at a meeting thereof. Whenever the executive director of the corporation shall certify, pursuant to action taken by the commissioners at a meeting thereof, that there are moneys and the amount thereof in the possession of the treasurer not currently needed, then the treasurer may invest said amount or any part thereof in:

(a) Treasury bonds, certificates of indebtedness, bonds or notes of the United States of America, or bonds, notes or certificates of indebtedness of the state of Minnesota; all of which must mature not later than three years from the date of purchase.

(b) Bonds, notes, debentures or other obligations issued by any agency or instrumentality of the United States or any securities guaranteed by the United States government, or for which the credit of the United States is pledged for the payment of the principal and interest thereof, all of which must mature not later than three years from date of purchase.

(c) Commercial paper of prime quality, or rated among the top third of the quality categories, not applicable to defaulted paper, as defined by a nationally recognized organization which rates such securities as eligible for investment in the state employees retirement fund except that any non-banking issuing corporation, or parent company in the case of paper issued by operating utility or finance subsidiaries, must have total assets exceeding \$500,000,000. Such commercial paper may constitute no more than 30 percent of the book value of the fund at the time of purchase, and the commercial paper of any one corporation shall not constitute more than four percent of the book value of the fund at the time of such investment.

(d) Any securities eligible under the preceding provisions, purchased with simultaneous repurchase agreement under which the securities will be sold to the particular dealer on a specified date at a predetermined price. In such instances, all maturities of United States government securities, or securities issued or guaranteed by the United States government or an agency thereof, may be purchased so long as any such securities which mature later than three years from the date of purchase have a current market value exceeding the purchase price by at least five percent on the date of purchase, and so long as such repurchase agreement involving securities extending beyond three years in maturity be limited to a period not exceeding 45 days.

(e) Certificates of deposit issued by any official depository of the commission. The commission may purchase certificates of deposit from a depository bank in an amount exceeding that insured by federal depository insurance to the extent that those certificates are secured by collateral maintained by the bank in a manner as prescribed for investments of the state board of investment.

Whenever it shall appear to the commissioners that any invested funds are needed for current purposes before the maturity dates of the securities held, they shall cause the executive director to so certify to the treasurer and it shall then be the duty of the treasurer to order the sale or conversion into cash of the securities in the amount so certified. All interest and profit on said investments shall be credited to and constitute a part of the funds of the commission. The treasurer shall keep an account of all moneys received and disbursed by him, and at least once a year, at times to be designated by the corporation, file with the secretary a financial statement of the corporation, showing in appropriate and identifiable groupings the receipts and disbursements since the last approved statements; moneys on hand and the purposes for which the same are appropriated; and shall

keep an account of all securities purchased as herein provided, the funds from which purchased and the interest and profit which may have accrued thereon, and shall accompany the financial statement aforesaid with a statement setting forth such account. The corporation may pay to the treasurer from time to time compensation in such amount as it may determine to cover clerk hire to enable the treasurer to carry out the duties thus imposed upon him and those required of him in connection with bonds issued by the corporation as in this act authorized.

Subd. 4. The corporation shall appoint an executive director, who shall be the executive and operating officer of the corporation, shall serve at the pleasure of the corporation, and shall receive compensation as determined by it. He shall have had experience as a business executive, preferably in connection with aviation and in the promotion of business enterprises. Under the supervision of the corporation, he shall be responsible for the operation, management, and promotion of all activities with which the corporation is charged, together with other duties prescribed by the corporation. He shall have the powers necessarily incident to the performance of his duties and those other powers granted by the corporation, but shall not have authority to incur liability or make expenditures on behalf of the corporation without general or specific directions by the corporation, as shown by the bylaws or minutes of a meeting thereof.

Subd. 5. The corporation shall have the power to appoint engineers and other consultants, attorneys, and such other officers, agents, and employees as it may see fit, who shall perform such duties and receive such compensation as the corporation may determine, and be removable at the pleasure of the corporation. The corporation shall adopt an affirmative action plan, which shall be submitted to the appropriate agency or office of the state for review and approval. The plan shall include a yearly progress report to the agency or office. Officers and employees of the corporation who cannot qualify and participate in the municipal employees retirement fund under chapter 422A, shall be separated from service at the retirement age applicable to officers or employees of the state of Minnesota in the classified service of the state civil service as provided in section 43A.34, or as the same may from time to time be amended, regardless of the provisions of the veteran's preference act. Whenever the corporation performs any work within the limits of a city of the first class, or establishes a minimum wage for skilled or unskilled labor in the specifications or any contract for work within one of the cities, the rate of pay to such skilled and unskilled labor shall be the prevailing rate of wage for such labor in that city.

Subd. 6. The corporation may indemnify any commissioner, officer, or employee for loss or expense arising or resulting from any claim made against him because of bodily injury, death or property damage sustained by reason of his performance of his official duties for the corporation, including bodily injury, death or property damage sustained by reason of his operation of a motor vehicle while performing his official duties. It may defend any suit brought against any such commissioner, officer, or employee to enforce any such claim and may settle any such claim or suit and pay the amount of any such settlement or the amount of any final judgment rendered against any such commissioner, officer, or employee on any such claim without first requiring him to pay it. It may pay the premium on any insurance policy which insures any commissioner, officer, or employee of the corporation or any group of such commissioners, officers, or employees against liability for injuries to person or property within the limitations of this paragraph. It may take such action as may be necessary to bring the corporation and its commissioners, officers, and employees within the provisions and limitations of chapter 170.

Subd. 7. Any insurance contract covering such risk shall contain, as a condition precedent, a clause or provision expressly waiving the defense, by the insurer, that the corporation is engaged in a governmental function.

History: 1975 c 13 s 99; 1977 c 417 s 3.4; 1978 c 466 s 1; 1981 c 210 s 54

473.608 POWERS OF CORPORATION.

Subdivision 1. The corporation, subject to the conditions and limitations prescribed by law, shall possess all the powers as a body corporate necessary and convenient to accomplish the objects and perform the duties prescribed by sections 473.601 to 473.679, including but not limited to those hereinafter specified. These powers, except as limited by section 473.622, may be exercised at any place within 35 miles of the city hall of either Minneapolis or St. Paul, and in the metropolitan area.

Subd. 2. It may acquire by lease, purchase, gift, devise, or condemnation proceedings all necessary right, title, and interest in and to lands and personal property required for airports and all other real or personal property required for the purposes contemplated by sections 473.601 to 473.679, within the metropolitan area, pay therefor out of funds obtained as hereinafter provided, and hold and dispose of the same, subject to the limitations and conditions herein prescribed. Title to any such property acquired by condemnation or purchase shall be in fee simple, absolute, unqualified in any way, but any such real or personal property or interest therein otherwise acquired may be so acquired or accepted subject to any condition which may be imposed thereon by the grantor or donor and agreed to by the corporation, not inconsistent with the proper use of the property by the corporation for the purposes herein provided. Any properties, real or personal, acquired, owned, leased, controlled, used, and occupied by the corporation for any of the purposes of sections 473.601 to 473.679, are declared to be acquired, owned, leased, controlled, used, and occupied for public, governmental, and municipal purposes, and shall be exempt from taxation by the state or any of its political subdivisions. Nothing contained in sections 473.601 to 473.679, shall be construed as exempting properties, real or personal, leased from the metropolitan airports commission to a tenant or lessee who is a private person, association, or corporation from assessments or taxes.

Subd. 3. It may exercise the right of eminent domain in the manner provided by chapter 117 for the purpose of acquiring any property which it is herein authorized to acquire by condemnation. The fact that the property so needed has been acquired by the owner under power of eminent domain, or is already devoted to a public use, shall not prevent its acquisition by such corporation by the exercise of the right of eminent domain herein conferred. The corporation may take possession of any such property so to be acquired at any time after the filing of the petition describing the same in condemnation proceedings. It shall not be precluded from abandoning the condemnation of any such property in any case where possession thereof has not been taken. When the airports owned by the affected cities are taken over by the corporation under the provisions of Laws 1943, Chapter 500, all persons who are employees of the public body having the management and control of such airport at the time of the taking of the same, shall preserve their status and be entitled to all the rights and privileges under the provisions of any civil service or pension act contained in any charter of any city under which they had been previously employed, or any applicable law of the state of Minnesota.

Subd. 4. It may sue and be sued.

Subd. 5. It may contract and be contracted within any matter connected with any purpose or activity within the powers of the corporation as specified in sections 473.601 to 473.679.

Subd. 6. It may construct and equip new airports, with all powers of acquisition set out in subdivision 2, pay therefor out of the funds obtained as hereinafter provided, and hold, maintain, operate, regulate, police, and dispose of them or any of them as hereinafter provided.

Subd. 7. In addition to the municipal airports taken over by the corporation under the provisions of Laws 1943, Chapter 500, the corporation may acquire by lease, purchase, gift, devise, or condemnation proceedings any existing airports, equip the same and make additions thereto or improvements thereon, pay therefor out of the funds obtained as hereinafter provided, and hold, maintain, operate, regulate, police, and dispose of them or any of them as hereinafter provided; provided, that said corporation shall have no authority to dispose of nor lease municipally owned airports taken over under the provisions of sections 473.601 to 473.679; and provided further, that the corporation shall not acquire a municipally owned airport without the consent of such municipality.

Subd. 8. It may contract with the owners of existing privately owned airports for the use, equipment, improvement, maintenance, management, and operation by it of such airports, and thereafter use, equip, improve, maintain, manage, operate, regulate, and police them.

Subd. 9. It may acquire such air rights over private property as are necessary to insure safe approaches to the landing areas of all airports controlled by it, in the manner provided in subdivision 2 for the acquisition of airport property.

Subd. 10. It may acquire rights or easements for terms of years, or perpetually, to place, operate, and maintain suitable markings and lights for daytime or nighttime marking of buildings or other structures or obstructions, for the safe operation of aircraft utilizing airports to be acquired or maintained under the provisions of sections 473.601 to 473.679, in the manner provided in subdivision 2 for the acquisition of airport property.

Subd. 11. It may purchase all supplies and materials necessary in carrying out the purposes of sections 473.601 to 473.679.

Subd. 12. It may borrow money and issue bonds for the purposes of acquiring property, the acquisition of which is herein authorized, constructing and equipping new airports, acquiring existing airports, equipping them and making additions thereto or improvements thereon, and making capital improvements to any airport constructed or acquired by the corporation, or for the purpose of making payments on principal or interest of bonds heretofore issued by either of the cities or any board of park commissioners of either thereof to secure funds for the acquisition, establishment, construction, enlargement or improvement of any airport taken over by the corporation pursuant to the provisions of section 473.621, payment of which has been assumed by the corporation, in the manner and within the limitations herein specified, and pledge any and all property and income of the corporation acquired or received as herein provided to secure the payment of such bonds, subject to the conditions and limitations herein prescribed, and redeem any such bonds if so provided therein or in the mortgage or deed of trust accompanying them, and may assume the payment of existing bonded indebtedness as specifically provided in sections 473.601 to 473.679.

Subd. 13. It may use for the following purposes any available moneys received by it from any source as herein provided, in excess of those appropriated, donated, loaned, or otherwise paid over to the corporation for specific purposes, or received from the sale of bonds, and those required for the payment of any bonds issued by the corporation and interest thereon, according to the terms of such bonds or of any mortgage or trust deed accompanying the same: (a) To pay the necessary incidental expenses of carrying on the business and activities of the corporation as herein authorized; (b) to pay the cost of operating, maintaining, repairing, extending, and improving the properties under the control of the corporation; (c) to pay interest and principal of any bonds heretofore issued by either of the cities or any board of park commissioners of either thereof to secure funds for the acquisition, establishment, construction or enlargement of any airport referred to in section 473.621, subdivision 2, payment of which has been

MINNESOTA STATUTES 1982

assumed by it, or by the state of Minnesota; (d) if any further such excess moneys remain, to purchase upon the open market at or above or below the face or par value thereof any bonds issued by the corporation as herein authorized; any bonds so purchased to thereupon be canceled.

Subd. 14. It may accept from the United States or the state of Minnesota, or any of their agencies, moneys or other assistance, whether by gift, loan, or otherwise, for the purpose of carrying out the purposes of sections 473.601 to 473.679, and developing airports and other aeronautic facilities, and may enter into such contracts with the United States or the state of Minnesota, or any of their agencies as it may deem proper and consistent with the purposes of sections 473.601 to 473.679.

Subd. 15. Without limitation upon any other powers in sections 473.601 to 473.679, it may contract with any person for the use by the person of any property and facilities under its control, for such purposes, and to an extent as will, in the opinion of the commissioners, further the interests of aeronautics in this state and particularly within the metropolitan area, including, but not limited to, the right to lease property or facilities, or any part thereof, for a term not to exceed 99 years, to any person, the national government, or any foreign government, or any department of either, or to the state or any municipality. The corporation shall not have the authority to lease, in its entirety, any municipal airport taken over by it under the provisions of sections 473.601 to 473.679. The commission may contract with any person for the use or lease in accordance with this subdivision of any property and facilities under its control for motel, hotel and garage purposes, and for other purposes as, in the opinion of the commissioners, are desirable to furnish goods, wares, services and accommodations to or for the passengers and other users of airports under the control of the corporation. Nothing in this subdivision shall be interpreted to permit the sale of intoxicating liquor upon the property or facilities except as authorized in chapter 340.

Subd. 16. It may generally carry on the business of acquiring, establishing, developing, extending, maintaining, operating, and managing airports, with all powers incident thereto.

Subd. 17. (1) It may from time to time make, adopt and enforce rules, regulations, and ordinances as it may find expedient or necessary for carrying into effect the purposes of sections 473.601 to 473.679, including those relating to the internal operation of the corporation and to the management and operation of airports owned or operated by it, subject to the conditions and limitations set forth in sections 473.601 to 473.679. Any person violating any such rule, regulation or ordinance shall be guilty of a misdemeanor.

(2) The prosecution may be in any municipal court sitting within either the city of Minneapolis or St. Paul, or before a municipal court or justice of the peace having jurisdiction over the place where the violation occurs. Every sheriff, constable, policeman, and other peace officer shall see that all rules, regulations, and ordinances are obeyed, and shall arrest and prosecute offenders. The fines collected shall be paid into the treasury of the corporation. The corporation shall pay and there shall be first deducted and paid over to the office of the clerk of any municipal court processing and prosecuting violations a portion of the fines necessary to cover all costs and disbursements incurred in the matter of the processing and prosecuting of the violations in the court. All persons committed shall be received into any penal institution in the county in which the offense was committed. All persons shall take notice of the rules, regulations, and ordinances without pleading or proof.

(3) A public hearing need not be held on rules, regulations and ordinances relating to the internal operation of the commission or to the management or operation of airports owned or operated by it unless the rule, regulation or ordinance affects substantial rights.

(4) The corporation may adopt and put into effect without a hearing all other rules, regulations or ordinances where deemed immediately necessary by the corporation, but it shall within 30 days thereafter hold a public hearing thereon, after giving at least 15 days notice by publication in appropriate legal newspapers of general circulation in the metropolitan area and by mailing a copy thereof to all interested parties who have registered their names with the corporation for that purpose. If the rules, regulations, or ordinances are not deemed immediately necessary, the corporation shall hold a public hearing thereon, after giving notice as aforesaid, and the rules, regulations, or ordinances shall not be adopted and put into effect until after the hearing.

(5) Notice of the adoption of rules, regulations and ordinances shall, as soon as possible after adoption, be published in appropriate legal newspapers of general circulation in the metropolitan area. Proof of publication shall be filed with the secretary of state, together with a copy of the rule, regulation, or ordinance, which shall thenceforth be in full force and effect.

(6) Any person substantially interested or affected in his rights as to person or property by a rule, regulation or ordinance adopted by the corporation, may petition the corporation for reconsideration, amendment, modification, or waiver of the rule, regulation or ordinance. The petition shall set forth a clear statement of the facts and grounds upon which reconsideration, amendment, modification or waiver is sought. The corporation shall grant the petitioner a public hearing within 30 days after the filing of the petition.

Subd. 18. It shall have the power to conduct investigations, inquiries and hearings concerning matters covered by the provisions of sections 473.601 to 473.679 and orders, rules and regulations of the commission; and shall hold hearings as required by said sections 473.601 to 473.679. Notice of hearings to all interested parties shall be given as specified in said sections 473.601 to 473.679, in the instances specified, and otherwise in accordance with such rules as the commission may adopt. All hearings shall be open to the public, and shall be conducted by the commission itself or a committee or member thereof designated by the commission for such purposes. Where a hearing is conducted by a committee or a member of the commission, such committee or member shall make a full and complete report thereof, together with a transcript of all testimony and evidence taken at the hearing, to the commission and the commission shall proceed to a determination of the subject matter of said hearing and make its findings and conclusions and order with respect thereto. Any member of the commission conducting or participating in the conduct of any hearing shall have the power to administer oaths and affirmations, to issue subpoenas, and compel the attendance and testimony of witnesses, and the production of papers, books and documents. The commission, or its director, shall upon request of any party to a hearing issue subpoenas to compel the attendance and testimony of witnesses, and the production of papers, books and documents. In case of failure of any witness to comply with any subpoena served upon him, the commission may invoke the aid of any court of this state of general jurisdiction. The court may order the witness to comply with the subpoena and any failure so to do may be punished by the court as a contempt thereof. The testimony and other evidence at any and all hearings shall be taken by a reporter employed by the commission, and any party in interest upon payment to said reporter of the going rates therefor shall be entitled to a transcript thereof. Witnesses shall receive the same fees and mileage as in court actions, and a witness before being required to respond to a subpoena shall be given his fees and mileage for one day's attendance.

Subd. 19. The corporation shall construct an acoustical barrier in or along the perimeter of maintenance areas of the Minneapolis-St. Paul International Airport. It also shall construct acoustical barriers along the perimeter of runways

of such airport where it is reasonably necessary, practical and safe to do so according to the standards of the Federal Aviation Administration. All barriers shall conform to specifications approved by the pollution control agency. For purposes of this subdivision, an acoustical barrier is a wall, fence, natural barrier such as an earthen barrier or trees designed to abate noise. The corporation shall also confer and cooperate with any entity which it creates for the purpose of studying and implementing sound abatement programs and with representatives of persons residing in the vicinity of any airport who desire to explore means for relieving the area of the detrimental effects of aircraft noise.

Notwithstanding the provisions of any other law none of the construction authorized by this subdivision shall be subject to review or approval by the metropolitan council.

Subd. 20. Subject to the final enactment of the Airport and Airways Development Act Amendments of 1975 the corporation shall install aircraft noise suppressing equipment at the ground run-up operation sites of the Minneapolis-St. Paul International Airport. All such aircraft noise suppressing equipment shall conform to specifications approved by the pollution control agency. The deadline for design selection shall be no later than March 1, 1983.

Subd. 21. The corporation shall establish one joint airport zoning board for each airport operated under its authority in accordance with section 360.063, subdivision 3, clause (5). Notwithstanding the provisions of section 360.065, subdivision 1, mailed notice to property owners is not required for hearings concerning adoption of zoning regulations by a joint airport zoning board for Minneapolis-St. Paul International Airport.

History: 1975 c 13 s 100; 1976 c 265 s 1; 1977 c 417 s 5-7; 1979 c 302 s 4; 1980 c 450 s 2; 1981 c 27 s 2

473.609 INTERMEDIATE AIRPORTS; ACQUISITION, CONSTRUCTION, IMPROVEMENT.

In any case where the acquisition, construction, improvement, and operation of an airport by a corporation created pursuant to sections 473.601 to 473.679, shall have resulted in conflict with or damage to airport property in existence and in operation at the time of such acquisition and construction, the owner of such airport property may petition the corporation for relief, and upon the filing of such a petition and within 60 days thereof, the corporation shall exercise its power of eminent domain to extinguish such airport operation and take by condemnation the buildings, aeronautical improvements, and otherwise compensate the owner for the cost of the aeronautical improvements made to the land area and for the cost of restoring the land to its original uses, and shall pay therefor out of funds provided pursuant to section 473.665.

History: 1975 c 13 s 101

473.611 PLANS TO BE CONSISTENT WITH METROPOLITAN COUNCIL DEVELOPMENT GUIDE.

Subdivision 1. [Repealed, 1977 c 417 s 14]

Subd. 2. [Repealed, 1977 c 417 s 14]

Subd. 3. [Repealed, 1977 c 417 s 14]

Subd. 4. [Repealed, 1977 c 417 s 14]

Subd. 5. Any plans adopted by the commission for the betterment and enlargement of existing airports, for the acquisition and construction of new airports, and for the categories of use of airports owned or controlled by the commission shall be consistent with the development guide of the metropolitan council.

History: 1975 c 13 s 102; 1977 c 417 s 8

473.612 NOISE ABATEMENT PLAN.

By December 31, 1981 the commission shall submit to the legislature a noise abatement plan for the Minneapolis-St. Paul International Airport, containing annual objectives until December 31, 1987, for reduction of aircraft noise within the metropolitan area. The plan shall contain definite proposals for specific annual reductions in the maximum hourly noise levels, such as defined by Minnesota pollution control agency rules, 6 MCAR 4.2001 (15) and (16), based on the typically worst noise condition on an hourly basis received in populated residential areas. By December 31, 1982, and each year thereafter until December 31, 1987, the commission shall submit to the legislature a report detailing the reduction of aircraft noise in meeting the annual objectives outlined in the above noise abatement plan.

History: 1981 c 27 s 3

473.621 POWERS OF CORPORATION.

Subdivision 1. [Repealed, 1977 c 417 s 14]

Subd. 2. The corporation shall have the use, management, operation, regulation, policing, and control of any or all airports owned by either the city of Minneapolis or St. Paul, whether the airport or title thereto is held in the name of the city, the council, a board of park commissioners, or any other body. Consent by each city, the council, the board of park commissioners, and any other agency, board, or department thereof to the use, management, operation, regulation, policing, and control is conclusively presumed to have been given by the appointment of commissioners pursuant to the provisions of Laws 1943, Chapter 500. Authority is granted to the mayor and council of each city and any board or commission having jurisdiction of airports in either city to give consent in that manner. The corporation may exercise all the powers granted to it with reference to any airport property over which it has jurisdiction pursuant to this subdivision, except the right of leasing or disposing of the fee title to the lands included therein, without the payment of any rental. The title to the fee of the land shall remain in the city, or agency, board, or department of the city. The action to be taken pursuant to this subdivision is declared to be necessary in order to provide an integrated airports system and enable the corporation to carry out the public and governmental purposes of Laws 1943, Chapter 500. The corporation shall not close any existing airport in either city to air freight commerce consigned to or originating in the city unless and until it provides for the city freight airport facilities which are, in the judgment of the corporation and except as they may be restricted by government use, substantially equal to the existing freight airport facilities in safety and convenience to businesses and industries of the city. For the purpose of this subdivision, "airport" shall include only the lands, buildings, and equipment acquired for use primarily for any airport over which the corporation has jurisdiction pursuant to this subdivision.

Subd. 3. The authority in subdivision 2, granted to the corporation is not conditioned upon the receipt of any appropriation provided for in Laws 1943, Chapter 500. Each city involved, or any board or commission of such city, shall pay the balance due on its bonds which have prior to the enactment of Laws 1943, Chapter 500, been issued pursuant to law or charter to secure funds for the acquisition, establishment, construction, enlargement or improvement of the airports to be taken over as provided in subdivision 2, according to the terms of such bonds. The corporation created by Laws 1943, Chapter 500, may, if it shall so determine, assume the payment of part or all of the balance due on such bonds at the time of its taking over the use, management, operation, regulation, policing and control of such airports.

MINNESOTA STATUTES 1982

Subd. 4. The corporation may provide, in addition to airports existing at the time of the passage of Laws 1943, Chapter 500, at least one major or primary metropolitan airport which shall be as nearly equidistant from the city halls of both cities as possible. All other new airports to be constructed shall be so located that the airport system of the corporation as a whole shall be of substantially equal convenience to both cities. It shall put all airports and other facilities to their maximum use for passenger, mail, express, freight, and other air transportation operations as the needs therefor develop, and shall encourage the establishment of related aircraft industries.

Subd. 5. The investment of the cities of Minneapolis and St. Paul in the metropolitan airports system, from the date of the original enactment of this section to January 1, 1973, includes the land comprising airports owned by them and taken over pursuant to subdivision 2, and taxes levied on property within the cities in the years 1944 to 1969, the proceeds of which, together with revenues of the system and federal funds, were expended for the operation, administration, maintenance, improvement, and extension of the system and the service of debt incurred for such improvement and extension, including improvement of the city lands. The aggregate amount of such taxes was \$19,816,873, of which \$7,294,022 would have been assessed and extended against property outside the cities if the entire metropolitan area, which will be taxable by the corporation in 1974 and subsequent years under section 473.661, had been within its taxing jurisdiction when those levies were made. If it should become necessary for the corporation to levy any such taxes for any purpose other than the payment of bonds and interest, they shall be extended and assessed exclusively against taxable property outside the cities until the total amount so assessed and extended equals \$7,294,022. In the event that the airport land owned by either city should no longer be used for airport purposes, the corporation's control thereof shall cease, and title to the land and all improvements shall be and remain in the city, but the city shall become liable to the corporation for the repayment, without interest, of an amount of the taxes so paid which is proportionate to its own share of the cities' original investment, being 60 percent for Minneapolis and 40 percent for St. Paul. In the event that any other land or improvements owned or controlled by the corporation should ever cease to be used for airport purposes, all income therefrom and all proceeds received upon disposal thereof shall continue to be used for purposes of the metropolitan airports system, subject to federal laws and regulations governing such disposal; or if the operation of the system should ever be terminated, all such income and proceeds shall be distributed to the seven counties in the metropolitan area, in amounts proportionate to the assessed valuation of taxable property in each county at the time of such distribution.

Subd. 6. All capital projects of the commission requiring the expenditure of more than \$2,000,000 shall be submitted to the metropolitan council for review. No such project which has a significant effect on the orderly and economic development of the metropolitan area may be commenced without the approval of the metropolitan council.

History: 1975 c 13 s 103; 1977 c 417 s 9-11

473.622 EXISTING AIRPORTS; CONTROL, JURISDICTION.

The corporation shall exercise control and jurisdiction over any other airport within either 35 miles of the city hall of either city or within the metropolitan area. Control and jurisdiction of the corporation over any privately or publicly owned airport shall be limited to control and jurisdiction of the flight and traffic patterns of such airport in the interests of safety of the operation of any airport owned or operated by the corporation. No airport shall be acquired or operated within the metropolitan area without first securing the approval of the corporation, provided,

however, such approval shall not be withheld except after notice to all interested parties and a public hearing held thereon, as provided in section 360.018, subdivision 7, and then only upon a finding by the corporation that the acquisition or operation of such airport would create a flight hazard to any airport or airports owned or operated by it. As to any airport once licensed with the approval of the corporation, approval of the continued operation of such airport shall at no time be withdrawn by the corporation except after notice to all interested parties, a public hearing had, and a finding by the corporation based on substantial evidence that the operation of such airport is inconsistent with the safety of flight to and from an airport owned or operated or presently to be or being constructed to be operated by the corporation, and then only after payment of just compensation to cover the loss sustained by reason of such withdrawal, such just compensation, if not arrived at by agreement, to be ascertained in the condemnation of said airport by the corporation under the power of eminent domain, the commission to institute the condemnation proceedings promptly and to pay in connection with the prosecution thereof all reasonable and necessary expenses incurred not only by it but also by the owner of such airport.

History: 1975 c 13 s 104

473.625 DETACHMENT OF CERTAIN MAJOR AIRPORTS LAND FROM CITIES AND SCHOOL DISTRICTS.

Lands constituting any major airport or a part thereof now and which may hereafter be operated by any public corporation organized under sections 473.601 to 473.679, and embraced within any city or school district organized under the laws of the state, are hereby detached from such city or school district.

History: 1975 c 13 s 105

473.626 VALUATION AND ASSESSMENT OF TAXABLE PROPERTY IN DETACHED AREA.

The county assessor of the county in which the property is situated shall value and assess the taxable property in said area and shall report the same to the county auditor of the county in which such property is situated on or before October 1 of each year.

History: 1975 c 13 s 106; 1Sp1981 c 1 art 8 s 18

473.627 CERTIFICATION OF AMOUNT TO BE RAISED ON TAXABLE PROPERTIES IN AREA; IMPOSITION AND COLLECTION OF TAX.

The said commission shall on or before October 10 of each calendar year certify to the county auditor of said county, the amount determined by the commission to be raised on taxable properties within such territory to provide funds for policing and fire protection at and within said airport, and for the construction, maintenance and repair of streets and motor vehicle parking areas within such airport and the auditor shall extend, spread and include the same with and as a part of the general taxes for state and county purposes, to be collected and enforced therewith, together with penalties and interest and costs, and the county treasurer upon collection of the same, shall transfer the same to the treasurer of said public corporation.

History: 1975 c 13 s 107

473.629 VALUATION OF PROPERTIES FOR PURPOSE OF BOND ISSUES BY SCHOOL DISTRICTS.

As to any lands to be detached from any school district under the provisions hereof, notwithstanding such prospective detachment, the value of such lands and

the assessed value of taxable properties now located therein or thereon shall be and constitute from and after the date of the enactment hereof a part of the value of properties upon the basis of which such school district may issue its bonds, the value of such lands for such purpose to be 33 1/3 percent of the market value thereof as determined and certified by said assessor to said school district, and it shall be the duty of such assessor annually on or before the tenth day of October from and after the passage hereof, to so determine and certify; provided, however, that the value of such detached lands and such taxable properties shall never exceed 20 percent of the value of all properties constituting and making up the basis aforesaid.

History: 1975 c 13 s 108; 1975 c 339 s 8

473.631 BOUNDARIES OF MAJOR AIRPORT.

The western boundary of any major airport located within Hennepin county shall not be extended by said corporation into the city of Richfield beyond Cedar Avenue as laid out as of the date of enactment of Laws 1953, Chapter 715; provided that nothing herein shall be or constitute a limitation upon the power of such corporation, now or hereafter given, to zone said airport and lands adjacent thereto by the enactment of an ordinance or otherwise.

History: 1975 c 13 s 109

473.633 [Repealed, 1977 c 447 art 6 s 13]

473.635 [Repealed, 1977 c 447 art 6 s 13]

473.641 NEW AIRPORT; PUBLIC HEARING.

Subdivision 1. In determining whether a new airport shall be acquired or established or an existing airport expanded by the acquisition of an annexation thereto of additional lands, the corporation shall, before taking any action thereon, hold a public hearing in accordance with the procedure set forth in this act; and in reaching such determination, the corporation shall take into consideration the objectives of the act as set forth in section 473.602; and shall take into consideration the use or uses to be made of the new airport or the use or uses to be made of the lands to be acquired and annexed to an existing airport, and shall take into consideration the effect the acquisition or establishment of the new airport will have upon the residents and properties in the area surrounding such new airport, or, in the case of the acquisition and annexation of lands to an existing airport, the effect such acquisition and annexation will have on residents and properties in the area surrounding such lands; and with respect to the new airport to be acquired or established, the commission shall take into consideration, in addition to the foregoing, the adequacy of present airport facilities in the area over which the corporation has jurisdiction, the nature of the terrain at the site thereof and in the vicinity of such site, whether there are safe areas available for expansion purposes, and whether the adjoining area is free from obstructions based on a proper glide ratio; and to aid the commission in giving consideration to such objectives and factors, and in reaching such determination, evidence may be offered and shall be received as to such objectives and factors at the public hearing herein provided for.

Subd. 2. Except as provided in subdivision 1, public hearings are not required for alterations, improvements or developments, whether or not contracted for, of any airport under the jurisdiction of the corporation, including but not limited to the addition of structures and facilities for use of or lease to others by the corporation.

Subd. 3. The metropolitan airports commission shall not initiate land acquisition for a new major airport without explicit authorization from the legislature.

Subd. 4. Notwithstanding any other law, the metropolitan airports commission shall not use revenue from any source, as described by section 473.608, for construction of air facilities to expand or upgrade the use of an existing metropolitan airport from minor use to intermediate use status as defined by the metropolitan development guide, aviation chapter, adopted pursuant to section 473.145.

History: 1975 c 13 s 112; 1977 c 417 s 12; 1980 c 614 s 154

473.651 RENTALS FIXED.

The corporation shall have the authority to determine the charges for the use of any of the property under its management and control, and the terms and conditions under which such property may be used. Where there is reasonable basis for classification of users as to any use, the corporation may classify users, but charges as to each class shall be reasonable and uniform for such use, and established with due regard to the value of the property and improvements used and the expense of operation to the corporation. The corporation shall have and may enforce liens as provided for in sections 514.18 to 514.22, to enforce the payment of any such charges.

History: 1975 c 13 s 113

473.652 CONSTRUCTION WORK.

Subdivision 1. The provisions of section 471.345, subject to the provisions of subdivision 2, shall apply to all construction work and every purchase of equipment, supplies, or materials necessary in carrying out the provisions of sections 473.601 to 473.679.

Subd. 2. If the executive director of the corporation with the written concurrence of the chairman or vice-chairman declares that an emergency exists requiring immediate purchase of material or supplies or the making of emergency repairs at a cost of no more than \$5,000, or if two-thirds of the members of the corporation declare that an emergency exists requiring immediate purchase of materials or supplies or the making of emergency repairs at a cost in excess of \$5,000, the corporation shall not be required to advertise for bids. The materials or supplies may be purchased in the open market at the lowest price obtainable, or the emergency repairs may be contracted for or performed without securing formal competitive bids.

History: 1975 c 13 s 114; 1977 c 417 s 13

473.655 PUBLIC AND GOVERNMENTAL PURPOSES.

It is hereby determined and declared that the purposes of sections 473.601 to 473.679 are public and governmental; that the development of the metropolitan airports system by the corporation be consistent with the airport chapter of the metropolitan council's development guide and promote the public safety and welfare of the state; and that the development, extension, maintenance, and operation of the system in such a manner as to assure the residents of the metropolitan area of the minimum environmental impact from air navigation and transportation, with provision for noise abatement, control of airport area land use, and other protective measures, is essential to the development of air navigation and transportation in and through this state, and is necessary in order to assure the inclusion of this state in national and international systems of air transportation, benefits the people of the state as a whole, renders a general public service, and provides employment, and is of great public economic benefit.

History: 1975 c 13 s 115

473.661 BUDGET.

Subdivision 1. The commissioner shall, on or before the first day of July of each year, prepare a detailed budget of the needs of the corporation for the next fiscal year, specifying separately in said budget the amounts to be expended for acquisition of property, construction, payments on bonded indebtedness, if any, operation, and maintenance, respectively, subject only to such changes as the commissioners may from time to time approve.

Subd. 2. The commissioners shall on or before October 10th of each calendar year, certify to the county auditor of each county in the metropolitan area the total amount to be raised by the commissioners during the next calendar year through taxation, and each county auditor shall extend and assess against all property in his county which is then taxable by the corporation for the purpose for which the levy is made under the provisions of section 473.621, subdivision 5, that sum which bears the same proportion to the total amount as the assessed valuation of such taxable property bears to the assessed valuation of all property in the metropolitan area which is then taxable by the corporation for the purpose for which the levy is made. The county auditor shall extend, spread, and include the same with and as a part of the general taxes for state, county, and municipal purposes, to be collected and enforced therewith, together with penalties and interest and costs, and the county treasurer, upon collection of the same, shall transfer the same to the treasurer of the corporation.

Subd. 3. In any budget certified by the commissioners, pursuant to any of the provisions of this section, the amount included for operation and maintenance shall not exceed an amount which, when extended against the assessed valuation of property then taxable therefor under the provisions of section 473.621, subdivision 5, will require a levy at the rate of one-third of one mill upon such assessed valuation. Taxes levied by the corporation shall not affect the amount or rate of taxes which may be levied by any other local government unit within the metropolitan area under the provisions of any law or charter.

History: 1975 c 13 s 116

473.662 EARNINGS, HOW APPLIED.

The earnings of the corporation shall be applied as follows: (a) to the payment of interest on its bonds and of any principal of such bonds which is due and payable; (b) to the establishment of a sufficient fund to pay interest and principal on its bonds which will be payable in the following fiscal year; and (c) to the other purposes set out in section 473.608, subdivision 13. If the amount included in the budget for any year, including the sum necessary to make payment of interest on and principal of bonds in the ensuing fiscal year is not sufficient to meet the needs of the corporation for that year, any deficit shall be included in the budget of the corporation for the following year.

History: 1975 c 13 s 117

473.665 BONDS, ISSUANCE.

Subdivision 1. In anticipation of the receipt by the corporation of payments by cities herein provided for, appropriations, rents, and profits, and of income from any other source, and for the purpose of securing funds as needed for the payment of the cost of property acquired, airports constructed and purchased, and other purposes herein authorized, the corporation is hereby authorized to issue its bonds in an aggregate principal amount not exceeding \$125,000,000, bearing interest at a rate not to exceed five percent per annum, payable semi-annually. Notwithstanding any provision to the contrary included within the charter of either city or any general or special law of the state of Minnesota they may be issued and sold without a vote upon said question by electors of either city.

Subd. 2. Such bonds shall be of such date, denominations, place of payment, form, and details as may be determined by such corporation, not inconsistent with the provisions of sections 473.601 to 473.679. They shall mature serially, the first instalment to fall due in not more than three years and the last in not more than 30 years from their date, and no annual maturing instalment shall exceed by five times the amount of the smallest annual maturing instalment; provided, that the amount of such instalments of principal may be such that the increase thereof from year to year shall approximately equal the decrease from year to year in the interest of the bonds remaining unpaid. Any bond may reserve the right of its redemption and prepayment at a date or dates fixed therein at par and accrued interest or at such premium and upon such notice as shall be determined by the corporation prior to the issuance of the bond.

Subd. 3. The bonds shall be signed by the chairman, attested by the secretary and countersigned by the treasurer, of the corporation. The interest coupons to be thereto attached shall be executed and authenticated by the printed, engraved or lithographed facsimile signatures of the chairman and secretary. The signatures of at least one of the officers signing the bonds shall be manual but those of the others may be printed, engraved or lithographed facsimiles. The validity of bonds or coupons so executed shall remain unimpaired by the fact that one or more of such officers shall have ceased to be in office before their delivery to the purchaser or shall not have been in office on the formal date of the bonds. Section 475.60, in so far as applicable, shall apply to the negotiation and sale of the bonds. They shall not impose any personal liability upon any member of the corporation.

Subd. 4. The bonds shall be secured by pledge of the full faith, credit, and resources of the cities in and for which the corporation has been created. The corporation is hereby authorized to pledge such full faith, credit, and resources, and specific consent thereto by each city shall be conclusively presumed from the appointment of commissioners by the council thereof. They shall be paid from tax levies as hereinafter provided, and from earnings of the corporation, or may be secured by mortgage or deed of trust on any of the property owned by the corporation. As to bonds negotiated and sold independent of the original \$15,000,000 authorization plus \$5,000,000, however, the proceeds derived therefrom shall be used by the corporation only for the acquisition of lands, if acquisition of additional lands be necessary, and the construction upon lands, either to be acquired or already acquired, of such revenue producing airport facilities as will be, in the considered judgment of the commissioners of the corporation, self-liquidating over the useful life of such facilities; and such facilities shall be covered by such contracts or by such charges as such commissioners shall establish for the use thereof as will, in the considered judgment of such commissioners, make such facilities self-liquidating; and before the negotiation and sale of any such bonds, such commissioners shall by resolution find, determine and declare that the facilities for which the bonds are to be issued will to the best of their judgment be self-liquidating. The corporation may in like manner issue and sell bonds for the purpose of refunding any bonds theretofore issued in accordance with this section which by their terms are prepayable at the time of such refunding; and such refunding bonds shall not be included in computing the foregoing limits on amounts of bonds issuable by the corporation.

Subd. 5. The corporation, upon issuing any bonds under the provisions of this section, shall, before the issuance thereof, levy for each year, until the principal and interest are paid in full, a direct annual tax on all the taxable property of the cities in and for which the corporation has been created in an amount not less than five percent in excess of the sum required to pay the principal and interest thereof, when and as such principal and interest matures.

After any of such bonds have been delivered to purchasers, such tax shall be irrevocable until all such indebtedness is paid, and after the issuance of such bonds no further action of the corporation shall be necessary to authorize the extensions, assessments, and collection of such tax. The secretary of the corporation shall forthwith furnish a certified copy of such levy to the county auditor or county auditors of the county or counties in which the cities in and for which the corporation has been created are located, together with full information regarding the bonds for which the tax is levied, and such county auditor or such county auditors, as the case may be, shall enter the same in the register provided for in section 475.62, or a similar register, and shall extend and assess the tax so levied. If both cities are located wholly within one county, the county auditor thereof shall annually extend and assess the amount of the tax so levied. If the cities are located in different counties, the county auditor of each such county shall annually extend and assess such portion of the tax levied as the assessed value of the taxable property, not including moneys and credits, located wholly within the city in such county bears to the total assessed value of the taxable property, not including moneys and credits, within both cities. Any surplus resulting from the excess levy herein provided for shall be transferred to a sinking fund after the principal and interest for which the tax was levied and collected has been paid; provided, that the corporation may, on or before October 15 in any year, by appropriate action, cause its secretary to certify to the county auditor, or auditors, the amount on hand and available in its treasury from earnings, or otherwise, including the amount in the sinking fund, which it will use to pay principal or interest or both on each specified issue of its bonds, and the county auditor or auditors shall reduce the levy for that year, herein provided for by that amount. The amount of funds so certified shall be set aside by the corporation, and be used for no other purpose than for the payment of the principal and interest of the bonds. All taxes hereunder shall be collected and remitted to the corporation by the county treasurer or county treasurers, in accordance with the provisions of law governing the collection of other taxes, and shall be used solely for the payment of the bonds where due.

Subd. 6. This section shall not be construed as limiting the power of the corporation to levy taxes to pay its bonds issued hereunder but such corporation shall have the authority and it shall be its duty to levy any taxes necessary to provide revenue to pay such bonds.

Subd. 7. The treasurer may destroy all redeemed bonds and coupons issued by the commission which have been on file in the treasurer's office for more than six years.

History: 1975 c 13 s 118

473.666 BONDS, LEGAL INVESTMENTS FOR PUBLIC FUNDS.

Bonds legally issued pursuant to sections 473.601 to 473.679 or acts amendatory thereof or supplemental thereto, may be purchased by the state board of investment for the permanent school fund, permanent university fund, swamp land fund, internal improvement land funds, or any other trust fund of the state of Minnesota, or for any other fund administered by such board, and shall be deemed authorized securities within the provisions of section 50.14, and shall be proper for the investment of capital, surplus, or deposits of any savings bank or trust company, and for the investment of funds of any insurance company, and for the investment of any sinking funds held by any public or municipal corporation, and may be pledged by any bank or trust company as security for the deposit of public moneys therein in lieu of surety bonds. Such bonds shall be deemed and treated as instrumentalities of a public government agency, and as such shall be exempt from taxation.

History: 1975 c 13 s 119

473.667 GENERAL OBLIGATION REVENUE FINANCING.

Subdivision 1. **Scope.** The metropolitan airports commission shall have all the powers and duties set forth in this section, in addition to the powers granted and the duties imposed and notwithstanding any limitations of such powers set forth in any other law or city charter provision. These powers and duties are likewise granted to and imposed upon any successor public corporation, agency, or subdivision of the state in which the commission's property, rights, powers, obligations, and duties, or any of them, may in the future be vested by law.

Subd. 2. **Borrowing authorization.** No additional bonds shall be issued under the provisions of section 473.665, over and above the amount outstanding April 1, 1974. Except for refunding bonds and certificates of indebtedness, the principal amount of bonds that may be issued under this section, over and above the amount of bonds of the commission outstanding January 15, 1981, is limited to \$92,000,000 until and unless this limitation is increased by law. The pledge of revenues of the commission to its debt service fund in lieu of the taxes otherwise required by section 473.665 to be assessed and extended shall be and remain a first charge on all current revenues of the commission to the extent required annually to cancel such taxes.

Subd. 3. **General obligation revenue bonds.** Subject to the provisions of subdivision 2 the commission may issue bonds for the acquisition and betterment of airports and air navigation facilities, and for the refunding of such bonds and of certificates of indebtedness issued under subdivision 10, in the same manner and with the same powers and duties as a municipality under the provisions of chapter 475 except as otherwise provided in this section. The bonds shall be designated as general obligation revenue bonds, and shall be payable primarily from and secured under resolutions of the commission by an irrevocable pledge and appropriation of the revenues to be derived from rates, fees, charges, and rentals to be imposed, maintained, and collected for all use, service, and availability of airport and air navigation facilities owned and to be owned or operated by the commission. They shall be further secured by the pledge of the full faith and credit of the commission, which shall be obligated to levy upon all taxable property within the metropolitan area a tax at such times and in such amounts, if any, as may be required to provide funds sufficient to pay all of the bonds and interest thereon when due and to maintain a reserve securing such payments in the manner and to the extent provided in this section. This tax, if ever required to be levied, shall not be subject to any limitation of rate or amount. The security afforded by this section extends equally and ratably to all general obligation revenue bonds of the commission, except that nothing herein shall prevent the commission from pledging current revenues from a particular facility or group of facilities first to the payment and security of bonds issued to finance such facilities.

Subd. 4. **Debt service fund.** The commission shall maintain permanently on its official books and records an account or accounts referred to herein collectively as the debt service fund, separate from all other funds and accounts, to record all receipts and disbursements of money for principal and interest payments on its bonds, and on certificates of indebtedness issued pursuant to subdivision 10. At or before the due date of each principal and interest payment on said bonds and certificates the treasurer shall remit from the debt service fund to the payment agent for the issue an amount sufficient for such payment, without further order from the commission. At or before the time of delivery of any series of bonds the commission shall withdraw from the proceeds thereof, or from revenues then on hand and available for the purpose, and shall deposit in the debt service fund such amount, if any, as may be required to establish in the fund a balance of cash and investments at least equal to the total amount of principal and interest then due and to become due on bonds of the commission to the end of the following year,

but not exceeding the total amount of principal and interest then due and to become due on bonds of the commission to the end of the second following year. The commission shall also deposit in the fund on or before October 10 in each year, from revenues received in excess of budgeted current expenses of operation and maintenance of its property and of carrying on its business and activities, or from other available moneys, amounts at least sufficient to permit cancellation of the taxes referred to in subdivision 2 and to pay principal and interest due on the following year on general obligation revenue bonds of the commission; and, to the extent determined by the commission, sufficient to produce a balance of cash and investments therein not exceeding the total amount of principal and interest due and to become due on all bonds of the commission to the end of the second following year. If such revenues or other available moneys are insufficient in any year to produce the required minimum balance or any larger balance established by the commission, then unless provision is made for restoring the deficiency in accordance with the provisions of subdivision 8, the commission shall levy and appropriate to the debt service fund, and certify to the county auditors of all counties in the metropolitan area, a tax in accordance with subdivision 3 in an amount at least five percent in excess of the deficiency. For the purpose of determining the balance in the debt service fund at any time, investments held therein shall be valued at the principal amount payable at maturity if they mature in the following year, or otherwise at market value, plus the amount of interest receivable thereon to the end of the following year.

Subd. 5. Rates, fees, charges, and rentals. The commission shall be obligated to the holders of its bonds, and to the owners of all property subject to taxation for the payment thereof, to establish, revise from time to time, and collect rates, fees, charges, and rentals for all airport and air navigation facilities and service used by and made available to any person, firm, association, or corporation according to schedules such as to produce revenues at all times sufficient for the requirements of the debt service fund as provided in subdivision 4, and sufficient also to pay when due all expenses of operation and maintenance of the commission's property and of carrying on its business and activities in accordance with law. The payment of such rates, charges, fees, and rentals by any party for the use of any facility or service for any period, other than use permitted to the public generally, shall be secured by a lease or other agreement requiring such party to pay each year an amount sufficient to provide for the payment of a share of the principal and interest due during this period on all bonds of the commission, proportionate to the amount of such bonds issued to provide the facility or service and to the amount of use thereof assured to such party in comparison with others. If a tax is ever required to be levied for a debt service fund deficiency under the provisions of subdivision 4, the commission shall immediately take all action permitted by law and under its leases and other agreements to enforce the payment of rates, fees, charges, and rentals then due, and to raise the amounts thereof payable in the future to the extent required for conformity with subdivision 4 and for repayment of the deficiency with interest at six percent per annum.

Subd. 6. Reimbursement of debt service fund deficiencies. If a debt service fund deficiency tax is ever certified in accordance with subdivision 4, each county auditor shall extend it on the tax roll of his county in that proportion which the assessed valuation of taxable property within his county then bears to the assessed valuation of all taxable property within the metropolitan area, and shall certify to the commission the amount so extended. Thereafter the commission shall be obligated to repay to the treasurer of each county the amount extended upon its tax roll with interest at six percent per annum from the dates of payment of the deficiency tax to the commission to the date or dates of repayment. The commission shall certify to each county auditor the principal amount to be so paid to the county before October 10 in each subsequent year, and the county auditor

shall reduce by this amount the taxes levied by the county which are to be extended upon its tax rolls then in preparation.

Subd. 7. **Conditions.** Bonds of the commission shall not be conditioned upon an election, but no bonds shall be issued at any time, except for refunding in the cases described in subdivision 8, unless the required balance in the debt service fund is first established in accordance with subdivision 4, and the commission determines on one of the bases described in this subdivision that the revenues to be received by it each year during the term of the proposed issue will be at least sufficient to pay when due all of the commission's bonds and interest thereon, including the new issue but excluding any bonds refunded thereby, and to establish the balance required in the debt service fund by October 10. Before the bonds are delivered to the purchaser, the commission shall secure either:

(a) A report of audit of the commission's financial records for the fiscal year most recently ended or, if this is not yet available, a report for the preceding year, prepared by a nationally recognized firm of certified public accountants, showing that the net revenues received that year, computed as the gross receipts less any refunds of rates, fees, charges, and rentals for airport and air navigation facilities and service, less the aggregate amount of current expenses, paid or accrued, of operation and maintenance of property and carrying on the commission's business and activities, equaled or exceeded the maximum amount of then outstanding bonds of the commission and interest thereon to become due in any future fiscal year; or

(b) A lease or other agreement or agreements for the operation or use by one or more airline corporations of the facility for which the bonds are proposed to be issued, requiring such corporation or corporations to pay all costs of operation and maintenance thereof and to pay additional rentals or charges at the times and in not less than the amounts required to pay all of the bonds and interest thereon when due and to establish the annual balance required in the debt service fund to secure such payments, together with a report of audit showing net revenues fulfilling the condition in clause (a) as to all other bonds then outstanding or then to be issued; or

(c) A written report prepared by a nationally recognized consultant on airport management and financing, projecting gross receipts, current expenses, and net revenues at least sufficient during each year of the term of the proposed bonds to pay all principal and interest due on all bonds and to establish and maintain the required annual debt service fund balance, and stating the estimates of air traffic, rate increases, inflation, and other factors on which the projection is based.

Subd. 8. **Refunding deficiencies.** If in any year the revenues available for transfer to the debt service fund are or will in the judgment of the commission be insufficient to produce the balance required thereon on October 10 under the provisions of subdivision 4, or to make any interest or principal payment due on certificates of indebtedness issued under the provisions of subdivision 10, the commission may, with the approval of the council, issue refunding bonds and appropriate the proceeds to the debt service fund in the amount needed to restore the deficiency, provided that the refunding bonds shall not mature earlier than the date or dates when the commission estimates that the revenues from enforced or increased rates, fees, charges, and rentals will be sufficient to pay them and to meet all other requirements of the debt service fund as stated in subdivision 4.

Subd. 8a. **Refunding bonds.** The commission may issue general obligation revenue refunding bonds to refund bonds issued pursuant to subdivision 2 in accordance with section 475.67, subdivisions 1 to 11.

Subd. 9. **Additional taxes.** Nothing herein shall prevent the commission from levying a tax not to exceed in any year one-twentieth of one mill on the assessed valuation of taxable property within its taxing jurisdiction, over and

above any levies found necessary for the debt service fund as authorized by section 473.671. Nothing herein shall prevent the levy and appropriation for purposes of the commission of any other tax on property or on any income, transaction, or privilege, when and if authorized by law. All collections of any taxes so levied shall be included in the revenues appropriated for the purposes referred to in this section, unless otherwise provided in the law authorizing such levies; but no covenant as to the continuance or as to the rate and amount of any such levy shall be made with the holders of the commission's bonds unless specifically authorized by law.

Subd. 10. Emergency borrowing. If in any budget year revenue receipts should from any unforeseen cause become insufficient to pay budgeted current expenses, or if a public emergency should necessitate expenditures in excess of revenues anticipated to meet the current budget, the commission may make an emergency appropriation sufficient to meet the deficiency and may authorize the issuance and sale of general obligation certificates of indebtedness in this amount, maturing not later than October 10 in the following budget year, at public or private sale and upon such other terms and conditions as the commission may determine. The principal of and interest on such certificates of indebtedness, unless paid from other revenues, shall be payable from the debt service fund.

History: 1975 c 13 s 120; 1978 c 531 s 1-3; 1980 c 450 s 1; 1981 c 27 s 1

473.668 MUNICIPALITIES TO GUARANTEE BONDS OF COMMISSION.

Bonds issued pursuant to the provisions of sections 473.601 to 473.679, by either city shall be secured by the full faith, credit, and resources of the city issuing them, shall be paid from tax levies made in conformity with sections 475.61 and 475.74, and shall be sold in the manner prescribed by section 475.60. No provision of any existing law or special or home rule charter under which either city may be acting shall be deemed or construed to impair, curtail, or limit in amount, form, or manner the power to issue any bonds pursuant to sections 473.601 to 473.679, and the bonds issued by either city or by the corporation pursuant to sections 473.601 to 473.679, shall not be included in computing the net indebtedness of such municipality under any applicable law or charter.

History: 1975 c 13 s 121

473.671 LIMIT OF TAX LEVY.

The taxes levied against the property of the metropolitan area in any one year shall not exceed one-third of one mill upon the assessed valuation thereof, exclusive of the taxes it may be necessary to levy to pay the principal or interest on any bonds or indebtedness of said city issued by it under the provisions of Laws 1943, Chapter 500, and exclusive of any amounts required to pay the share of such city for payments on bonded indebtedness of the corporation provided for in Laws 1943, Chapter 500. The levy of taxes authorized in Laws 1943, Chapter 500, shall be in addition to the maximum rate allowed to be levied to defray the cost of government under the provisions of the charter of any city affected by Laws 1943, Chapter 500.

History: 1975 c 13 s 122

473.672 METROPOLITAN AREA TAX LEVY.

Notwithstanding the provisions of section 473.671 or any other provision of sections 473.601 to 473.679, any tax levy required to be made to pay debt service on any bonds heretofore or hereafter issued by the commission shall not be restricted to the cities of Minneapolis and St. Paul but shall be levied against all the taxable property in the metropolitan area in accordance with the provisions of section 473.667.

History: 1975 c 13 s 123

473.675 LEGAL PROCEEDINGS.

Subdivision 1. **Certiorari.** A review of any order of the commission may be had upon certiorari in the district court of Ramsey county upon petition of any party to the proceedings before the commission. The court may, in its discretion, stay the operation of the order sought to be reviewed for such time and on such terms as it deems advisable.

Subd. 2. **Bonds, when required in public airports litigation.** When any action or proceeding at law or in equity has been or shall hereafter be commenced questioning the right, power, or authority of a public corporation created and operating under sections 473.601 to 473.679 to make or perform any contract for the development or improvement of an airport under its control and operation or the structures or facilities thereon or contemplated therefor, or to issue, sell, or deliver the corporations' bonds to pay therefor, the corporation may, if it deems that the pendency of such litigation might, directly or indirectly, delay the completion of such improvement or bond issue or otherwise be injurious to the public interests and taxpayers, move the court in which the litigation is pending to require the party or parties who instituted the same to give a surety bond in accordance with subdivisions 2 to 5.

Subd. 3. **Special appearance in litigation by public airports corporation.** If the corporation is not a party to the litigation, it may appear specially for the purpose of making and being heard on such a motion. Three days' notice of hearing on the motion shall be given. If the court determines that loss or damage to the public or taxpayers may result from the pendency of the action or proceeding, the court may require the party or parties who instituted the same to give a surety bond, approved by the court or judge, in a penal sum to be determined by the court to protect against such loss or damage, whether or not a temporary injunction or restraining order against the corporation shall have been demanded or ordered. If the bond so ordered be not filed within the reasonable time allowed therefor by the court, the action or proceeding shall be dismissed with prejudice. Such bond shall be executed by the party or parties who instituted the litigation, or some person for him or them, as principal and conditioned for the payment to the corporation of such damage as the public and taxpayers shall sustain by reason of the litigation, if the court finally decides that the party or parties were not entitled to the relief sought. The amount of damages may be ascertained by a reference or otherwise as the court shall direct, in which case the sureties shall be concluded as to the amount but the damages shall be recoverable only in an action on the bond. If the party or parties by or for whom such bond is furnished prevails in the litigation, the premium paid on the bond shall be repaid by or taxed against the corporation. During the pendency of the litigation, the court, on motion, may require additional security if found necessary, and upon failure to furnish the same shall dismiss the action or proceeding with prejudice. The court may likewise, on motion, reduce the amount of a bond theretofore required or release the bond upon being shown that the amount is excessive or the bond no longer required.

Subd. 4. **Appeals.** In any such litigation wherein a bond has been required and given under subdivision 3 hereof or the court has denied a motion to require such bond, the court shall advance the case on its calendar for trial at the earliest feasible date; and in such litigation an appeal to the supreme court from an appealable order made, or from a judgment entered, in a district court may be taken only within thirty days after entry of such judgment or after written notice of such order from the adverse party.

Subd. 5. **Civil damage actions.** Nothing contained in this section shall affect the rights of any aggrieved person to bring a suit for civil damages. No bond shall be required therein except as otherwise provided by law.

History: 1975 c 13 s 124

473.679 CONSTRUCTION OF LAW.

Sections 473.601 to 473.679, shall not be construed so as to abridge any of the powers granted by law to the Minnesota Aeronautics Commission.

History: 1975 c 13 s 125

MOSQUITO CONTROL**473.701 DEFINITIONS.**

Subdivision 1. As used in sections 473.701 to 473.716, the terms defined in this section have the meanings given them.

Subd. 2. "District" means the metropolitan mosquito control district created by section 473.702.

Subd. 3. "Commission," unless otherwise specified, means the metropolitan mosquito control commission created by section 473.702.

Subd. 4. "Commissioner" means a member of the commission.

Subd. 5. [Repealed, 1982 c 579 s 9]

Subd. 6. [Repealed, 1982 c 579 s 9]

History: 1975 c 13 s 126; 1982 c 579 s 1-3

473.702 ESTABLISHMENT OF DISTRICT; PURPOSE; AREA; GOVERNING BODY.

A metropolitan mosquito control district is created to control mosquitoes in the metropolitan area defined in section 473.121. The area of the district is the metropolitan area excluding the part of Carver County west of the west line of township 116N, range 24W, township 115N, range 24W, and township 114N, range 24W. The metropolitan mosquito control commission is created as the governing body of the district, composed and exercising the powers as prescribed in sections 473.701 to 473.716.

History: 1975 c 13 s 127; 1982 c 579 s 4

473.703 COMMISSION.

Subdivision 1. The district shall be operated by a commission which shall consist of two members from each county within the district, except that each county within the district which has a seven member county board as provided in section 375.01, shall have one additional member on the commission. If a county is only partly included in the district it shall have only one member. Commissioners shall be members of the board of county commissioners of their respective counties, and shall be appointed by their respective boards of county commissioners.

Subd. 2. The terms of the members of the first commission shall expire on December 31 next following their appointment. Thereafter the terms of the commissioners shall be one year commencing on January 1 of each year.

Subd. 3. If a vacancy occurs on the commission, it shall be filled by the appropriate board of county commissioners.

Subd. 4. A person appointed to the commission shall qualify as a commissioner by filing with the director of the commission a written certificate of appointment from his county auditor, together with a written acceptance of appointment from his county auditor, together with a written acceptance of the appointment; provided that the members of the first commission shall file in the office of the county auditor of Hennepin county.

Subd. 5. The commission shall meet on the first Thursday after the first Monday in January of each year in order to select the officers of the commission for the current year and to conduct such other organizational business as may be necessary.

Subd. 6. The officers, who shall be commissioners, shall be a chairman, a vice-chairman, and a secretary, no two of whom shall be from the same county. The chairman shall preside at all meetings of the commission, and in his absence, the vice-chairman shall preside. The secretary shall keep a complete record of the minutes of each meeting.

Subd. 7. Contracts and other written instruments of the commission shall be signed by the chairman or vice-chairman and by the business administrator of the commission pursuant to authority from the commission.

Subd. 8. The commission may adopt bylaws to regulate its own proceedings.

Subd. 9. Each county in the district shall have one vote. Each commissioner shall have one-half vote, but if only one commissioner from a county is present, he shall have one full vote. The majority of the voting power of the commission shall be a quorum although a smaller number may adjourn from time to time. Any motion other than adjournment shall be favored by a majority of the voting power of the commission in order to carry.

History: 1975 c 13 s 128; 1982 c 579 s 5

473.704 POWERS AND DUTIES.

Subdivision 1. The commission shall have the powers and duties set forth in this section.

Subd. 2. It may take measures to control mosquitoes in the district in accordance with expert and technical plans.

Subd. 3. It may employ and fix the duties and compensation of a director who shall develop the mosquito control program of the district and shall supervise its execution; such director shall be an entomologist.

Subd. 4. It may employ and fix the duties and compensation of a business administrator who shall administer the business affairs of the commission.

Subd. 5. It may employ such other persons and contract for such other services as may be needed to carry out the program of the commission for mosquito control in the district, except that no person may be employed by the commission who is related to any commissioner.

Subd. 6. It may reimburse commissioners and employees for expenses necessarily incurred or paid in performance of their duties and provide reasonable per diem.

Subd. 7. It may purchase materials, supplies, and equipment as may be necessary to carry out the program of the commission for mosquito control in the district.

Subd. 8. It may accept gifts of property for mosquito control purposes.

Subd. 9. It may sell and dispose of any of the property of the commission whenever such property is no longer needed for the purposes of the commission. If the estimated value of any such property is over \$2,500, it shall be sold on competitive bids after two weeks published notice.

Subd. 10. It shall keep proper minutes of all its proceedings which shall be open to public inspection at all reasonable times.

Subd. 11. It shall keep proper and adequate books of accounts showing all its receipts and disbursements by date, source, and amount.

Subd. 12. It may obtain suitable, proper, and adequate public liability and workers' compensation insurance and such other insurance as it deems necessary.

Subd. 13. It may enter into agreements with counties, cities or towns of the state of Minnesota outside of the district to conduct mosquito control activities in these political subdivisions in order to effectuate mosquito control in the district.

Subd. 14. It may collect and receive from all counties in the district the money for operation of the district.

Subd. 15. It may perform whatever other acts are reasonable and necessary to carry out the general and specific powers of the commission.

Subd. 16. It may require employees of the commission who handle commission funds to furnish surety bonds in such amount as is determined by the commission.

Subd. 17. Members of the commission, its officers, and employees, while on the business of the commission, may enter upon any property within the district at reasonable times to determine whether mosquito breeding exists and may take all necessary and proper steps for the control of mosquitoes on the property as the director of the commission may designate. Subject to the paramount control of the county and state authorities, commission members and officers and employees of the commission may enter upon any property and clean up any stagnant pool of water, the shores of lakes and streams, and other breeding places for mosquitoes within the district. The commissioner of natural resources shall allow the commission to enter upon state property for the purposes described in this subdivision. The commission may spray with insecticides approved by the director any area within the district that is found to be a breeding place for mosquitoes. The commission shall not enter upon private property if the owner objects except for control of disease bearing mosquito encephalitis outbreaks.

History: 1975 c 13 s 129; 1975 c 359 s 23; 1982 c 579 s 6

473.705 CONTRACTS FOR MATERIALS, SUPPLIES AND EQUIPMENT.

No contract for the purchase of materials, supplies, and equipment costing more than \$5,000 shall be made by the commission without publishing the notice once in the official newspaper of each of the counties in the district that bids or proposals will be received. The notice shall be published at least ten days before bids are opened. Such notice shall state the nature of the work or purchase and the terms and conditions upon which the contract is to be awarded, naming therein a time and place where such bids will be received, opened, and read publicly. After such bids have been duly received, opened, read publicly, and recorded, the commission shall award such contract to the lowest responsible bidder or it may reject all bids. Each contract shall be duly executed in writing and the party to whom the contract is awarded may be required to give sufficient bond to the commission for the faithful performance of the contract. If no satisfactory bid is received the commission may readvertise. The commission shall have the right to set qualifications and specifications and to require bids to meet such qualifications and specifications before bids are accepted. If the commission by an affirmative vote of five-sixths of the voting power of the commission shall declare that an emergency exists requiring the immediate purchase of materials or supplies at a cost in excess of \$5,000 but not to exceed \$10,000 in amount, or in making emergency repairs, it shall not be necessary to advertise for bids, but such material, equipment, and supplies may be purchased in the open market at the lowest price available without securing formal competitive bids. An emergency as used in this section shall be an unforeseen circumstance or condition which results in placing life or property in jeopardy. All contracts involving employment of labor shall stipulate terms thereof and such conditions as the commission deems reasonable as to hours and wages.

History: 1975 c 13 s 130; 1982 c 579 s 7

473.706 ADVERSE INTEREST OF COMMISSIONERS.

No commissioner shall have any personal or financial interest in any sale, lease, or other contract made by the commission nor shall he benefit therefrom directly or indirectly. Any violation of this section may make such sale, lease, or other contract void. Upon conviction for a violation of this section a commissioner shall be automatically disqualified from further service on the commission.

History: 1975 c 13 s 131

473.711 FINANCING.

Subdivision 1. The method of providing funds for the commission shall be as set forth in this section.

Subd. 2. The commission shall prepare an annual budget. The budget may provide for expenditures in an amount not exceeding six-tenths of one mill times the current assessed valuation of the district. The commission may levy a tax on all taxable property in the district as defined in section 473.702 to provide funds for the purposes of sections 473.701 to 473.716. The tax shall not exceed six-tenths of one mill. The auditor of each county in the district shall add the amount of the levy made by the district to other taxes of the county for collection by the county treasurer with other taxes. When collected, the county treasurer shall make settlement of the tax with the district in the same manner as other taxes are distributed to political subdivisions. No county shall levy any tax for mosquito control except under sections 473.701 to 473.716. The levy shall be in addition to other taxes authorized by law and shall be disregarded in the calculation of limits on taxes imposed by chapter 275.

Subd. 3. Each county in the district shall turn over to the commission all proceeds of such special tax and any subsequent special tax immediately after such proceeds are received, to be deposited in a bank or banks designated by the commission as its official depository, in an account to be known as the metropolitan mosquito control fund; and such funds may only be expended by the commission for the activities of the commission. Any bank or trust company so designated shall qualify as a depository by furnishing a corporate surety bond or collateral as required by section 118.01, and shall thereafter, as long as money of the commission in excess of \$10,000 is on deposit therein, maintain such bond or collateral in the amounts required by said section. However, no bond or collateral shall be required to secure any deposit, insofar as it is insured under federal law as provided in section 118.10. Any county which issues certificates of indebtedness in anticipation of the collection and payment of such special tax shall deposit the funds procured thereby in the metropolitan mosquito control fund and said county shall redeem these certificates of indebtedness out of the special tax levy provided in this section. Any balance shall be deposited in the metropolitan mosquito control fund. All disbursements made pursuant to sections 473.702 to 473.717 shall be made from said fund upon order of the commission signed by the chairman or vice-chairman and by the business administrator, and each claim voucher shall be signed by the business administrator and shall specify the name of the payee, the amount to be disbursed, and the purpose of the disbursement.

History: 1975 c 13 s 132; 1982 c 579 s 8

473.713 [Repealed, 1982 c 579 s 9]

473.714 COMPENSATION OF COMMISSIONERS.

Each commissioner, including the officers of the commission shall be reimbursed for his actual and necessary expenses incurred in the performance of his duties. The chairman shall be paid a per diem for attending meetings, monthly,

executive, and special, and each commissioner shall be paid a per diem for attending meetings, monthly, executive, and special, which per diem shall be established by the commission, such expense reimbursement and per diem notwithstanding any other funds which such commissioners may receive from any other public body.

History: 1975 c 13 s 134

473.715 CONTIGUOUS COUNTIES; MEMBERSHIP.

Any county contiguous to the district may become a party to the district whenever the county board of such county petitions the district to be admitted and the commission by resolution gives its consent to include such county in the district.

History: 1975 c 13 s 135

473.716 COOPERATION WITH OTHER AGENCIES; ADVISORS.

Subdivision 1. The commission shall cooperate for the purposes of research and protection of public health and welfare, with the state department of agriculture, the state department of health, the state department of natural resources, the University of Minnesota, the state agricultural experiment station, the state transportation department, the U.S. department of agriculture, and U.S. public health service.

Subd. 2. The commissioners of agriculture, of natural resources, of transportation, the commissioner of the Minnesota department of health, and the head of the department of entomology and economic zoology of the University of Minnesota shall act in an advisory capacity to the metropolitan mosquito control commission and the director of said commission shall furnish to each of these departments a copy of the operational plan and pertinent technical reports of said district.

History: 1975 c 13 s 136; 1976 c 166 s 7; 1977 c 305 s 45

473.717 [Repealed, 1982 c 579 s 9]

METROPOLITAN SOLID AND HAZARDOUS WASTE

473.801 DEFINITIONS.

Subdivision 1. For the purposes of sections 473.801 to 473.823 and sections 473.827, 473.831, and 473.833 the terms defined in this section have the meanings given them.

Subd. 2. "Local government unit" means any municipal corporation or governmental subdivision other than a metropolitan county located in whole or part in the metropolitan area, authorized by law to provide for the processing of solid waste.

Subd. 3. "Agency" means the Minnesota pollution control agency.

Subd. 4. Unless otherwise provided the definitions of terms defined in section 115A.03 shall apply to sections 473.801 to 473.823.

History: 1975 c 13 s 138; 1976 c 179 s 11,12; 1980 c 564 art 10 s 6; 1981 c 352 s 40

473.802 LEGISLATIVE PURPOSE AND POLICY.

The legislature determines that for the protection of the public health, safety, and welfare of the people of the metropolitan area, for the prevention, control and

abatement of pollution of air and waters of the state in the metropolitan area, for the efficient and economic management of solid waste in the metropolitan area, and for the furtherance of the state policies and purposes expressed in section 115A.02, it is necessary to authorize the metropolitan council to carry on a continuous, long range program of planning with respect to solid waste management, to establish criteria and standards and approve permits for solid waste facilities in the area, and to provide funds for the acquisition of property for solid waste disposal purposes; and to authorize the metropolitan counties if necessary to acquire, construct, operate and maintain solid waste facilities, to plan for and regulate solid waste collection services and facilities, to collect data on solid and hazardous waste management systems and procedures, and to assist state agencies to regulate the management of hazardous waste.

History: 1975 c 13 s 139; 1976 c 179 s 13; 1980 c 564 art 10 s 7; 1982 c 569 s 25

473.803 METROPOLITAN COUNTY PLANNING.

Subdivision 1. County master plans; general requirements. Each metropolitan county, following adoption or revision of the council's solid waste policy plan and in accordance with the dates specified therein, and after consultation with all affected local government units, shall prepare and submit to the council for its approval, a county solid waste master plan to implement the policy plan. The master plan shall be revised and resubmitted at such times as the council's policy plan may require. The master plan shall describe county solid waste activities, functions, and facilities; the existing system of solid waste generation, collection, and processing, and disposal within the county; existing and proposed county and municipal ordinances and license and permit requirements relating to solid waste facilities and solid waste generation, collection, and processing, and disposal; existing or proposed municipal, county, or private solid waste facilities and collection services within the county together with schedules of existing rates and charges to users and statements as to the extent to which such facilities and services will or may be used to implement the policy plan; and any solid waste facility which the county owns or plans to acquire, construct, or improve together with statements as to the planned method, estimated cost and time of acquisition, proposed procedures for operation and maintenance of each facility; an estimate of the annual cost of operation and maintenance of each facility; an estimate of the annual gross revenues which will be received from the operation of each facility; and a proposal for the use of each facility after it is no longer needed or usable as a waste facility. The master plan shall, to the extent practicable and consistent with the achievement of other public policies and purposes, encourage ownership and operation of solid waste facilities by private industry. For solid waste facilities owned or operated by public agencies or supported primarily by public funds or obligations issued by a public agency, the master plan shall contain criteria and standards to protect comparable private and public facilities already existing in the area from displacement unless the displacement is required in order to achieve the waste management objectives identified in the plan.

Subd. 1a. Proposed inventory of disposal sites. By October 15, 1981, each county shall adopt, by resolution of its governing body, an inventory of four proposed sites in the county suitable for mixed municipal solid waste disposal facilities and one proposed site in the county suitable for the disposal of demolition debris and shall submit the inventory to the council for approval or disapproval. The council shall evaluate and approve or disapprove each proposed site in accordance with the standards set out in this subdivision. Except as otherwise provided in this subdivision, each site shall satisfy the standards and criteria in federal and state regulations and the council's policy plan for solid waste manage-

ment. In proposing and approving sites for the inventory, the counties and the council shall prefer land which is capable of being returned to its existing use or the use anticipated in a plan of a metropolitan agency, county, or local unit of government use after closure of a disposal facility. Each site shall contain no less than 80 acres and no more than 250 acres. Each proposed site shall be surrounded by a buffer area at least equal to the area of the site. No site shall be adopted by a county or the council as part of an inventory unless the agency certifies its intrinsic suitability for the use intended, based on preliminary environmental analysis and on site surveys and investigations conducted by the county. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of any state agency or political subdivision, no land shall be excluded from consideration for inclusion in the inventory except land determined by the agency to be intrinsically unsuitable. Each county shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed for the inventory as soon as available but no later than June 15, 1981. By July 1, 1981 each county shall propose at least the number of sites required for the inventory, and the director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable. Notice of hearings on the director's recommendation shall be published in the state register and newspapers of general circulation in the metropolitan area and shall be sent by mail to the metropolitan council and local government units containing a proposed inventory site. A hearing shall be held in each metropolitan county and shall be conducted by the state office of administrative hearings in a manner consistent with the completion of the proceedings and the hearing examiner's report to the agency in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the county and additional information on the proposed sites which is relevant to the agency's decision on intrinsic suitability. The rulemaking and contested case procedures of chapter 14 shall not apply to this hearing. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify them accordingly by October 1, 1981. The agency shall not be required to promulgate rules pursuant to chapter 15 on criteria and standards to govern its certification of intrinsic suitability under this section. No action of the agency shall be held invalid by reason of the agency's failure to notify any of the entities listed in this subdivision. The council shall evaluate each site with respect to local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation facilities and other services and facilities appropriate to land disposal facilities, the quality of other potential sites, and patterns of generation of solid waste. The council shall notify a county of any site proposed by the county which the council disapproves and shall allow the county 60 days to propose an alternative site. If the county fails to propose an alternative acceptable to the council in the time allowed, the council shall propose a site acceptable to it for inclusion in the inventory of sites in that county. If in the council's judgment a county does not contain the requisite number of satisfactory sites, the council may reduce the number of sites required of that county. In order to permit the comparative evaluation of sites and the participation of affected localities in decisions about the use of sites, a moratorium is hereby imposed as provided in this subdivision on development within the area of each site and buffer area proposed by a county, pending the council's adoption of an inventory pursuant to section 473.149, subdivision 2b. For sites and buffer areas included in the council's inventory, the moratorium shall extend until October 1, 1983, except that the council may at any time, with the approval of the county in which the site

is located, abrogate the application of the moratorium to a specific site or sites or buffer areas. No development shall be allowed to occur within the area of a site or buffer area during the period of the moratorium without the approval of the council. No county, city, or town land use control shall permit development which has not been approved by the council, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow development to occur which has not been approved by the council. The council shall not approve actions which would jeopardize the availability of a site for use as a solid waste facility. The council may establish guidelines for reviewing requests for approval under this subdivision. Requests for approval shall be submitted in writing to the chairman of the council and shall be deemed to be approved by the council unless the chairman otherwise notifies the submitter in writing within 15 days.

Subd. 1b. Land disposal abatement. By April 1, 1982, after considering the council's disposal abatement report submitted to the counties pursuant to section 473.149, subdivision 2a, each county shall submit to the council a proposal to reduce to the greatest feasible and prudent extent the need for and practice of land disposal of mixed municipal solid waste. The proposal shall address at least waste reduction, separation, and resource recovery. The proposal shall include objectives, immediately and over specified time periods, for reducing the land disposal of mixed municipal solid waste generated within the county. The proposal shall describe specific functions to be performed and activities to be undertaken by the county and cities and towns within the county to achieve the objectives and shall describe the estimated cost, proposed manner of financing, and timing of the functions and activities. The proposal shall include alternatives which could be used to achieve the objectives if the proposed functions and activities are not established. By June 1, 1983, each county shall revise its master plan to include a land disposal abatement element to implement the council's land disposal abatement plan adopted under section 473.149, subdivision 2d, and shall submit the revised plan to the council for review under subdivision 2. The proposal and master plan revision required by this subdivision shall be prepared in consultation with cities and towns within the county, particularly the cities and towns in which a solid waste disposal facility is or may be located pursuant to the county master plan.

Subd. 1c. Plans for required use of resource recovery facilities. Plans proposing designation of resource recovery facilities pursuant to section 473.811, subdivision 10, shall evaluate the benefits of the proposal, including the public purposes achieved by the conservation and recovery of resources, the furtherance of local, district, or regional waste management plans and policies, and the furtherance of the state policies and purposes expressed in section 115A.02, and also the costs of the proposal, including not only the direct capital and operating costs of the facility but also any indirect costs and adverse long-term effects of the designation. In particular the plan shall evaluate:

(a) whether the required use will result in the recovery of resources or energy from materials which would otherwise be wasted;

(b) whether the required use will lessen the demand for and use of land disposal;

(c) whether the required use is necessary for the financial support of the facility;

(d) whether less restrictive methods for ensuring an adequate solid waste supply are available;

(e) all other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed designation, the direct and indirect costs of the alternatives, including capital and operating costs, and the effects of the alternatives on the cost to generators.

Subd. 2. **Council review.** The council shall review each master plan or revision thereof to determine whether it is consistent with the council's policy plan. If it is not consistent, the council shall disapprove and return the plan with its comments to the county for revision and resubmittal. The county shall have 90 days to revise and resubmit the plan for council approval. Any county solid waste plan or report approved by the council prior to April 9, 1976, shall remain in effect until a new master plan is submitted to and approved by the council in accordance with this section.

Subd. 3. **Annual report.** Each metropolitan county shall prepare and submit annually to the council for its approval a report containing information, as the council may prescribe in its policy plan, concerning solid waste generation and management within the county. The report shall include a statement of progress in achieving the land disposal abatement objectives of the council's policy plan and county master plan. The report shall include a schedule of rates and charges in effect or proposed for the use of any solid waste facility owned or operated by or on its behalf, together with a statement of the basis for such charges.

History: 1975 c 13 s 140; 1976 c 179 s 14; 1980 c 564 art 10 s 8; 1981 c 352 s 41; 1982 c 424 s 130; 1982 c 569 s 26-28

473.811 COUNTIES AND LOCAL UNITS OF GOVERNMENT; WASTE MANAGEMENT.

Subdivision 1. **County acquisition of facilities.** To accomplish the purpose specified in section 473.803, each metropolitan county may acquire by purchase, lease, gift or condemnation as provided by law, upon such terms and conditions as it shall determine, including contracts for deed and conditional sales contracts, solid waste facilities or properties or easements or development rights, as defined in section 473.833, for solid waste facilities which are in accordance with regulations adopted by the agency, the policy plan adopted by the council and the county master plan as approved by the council, and may improve or construct improvements on any property or facility so acquired. No metropolitan city, county or town shall own or operate a hazardous waste facility. Each metropolitan county is authorized to levy a tax in anticipation of need for expenditure for the acquisition and betterment of solid waste facilities. If a tax is levied in anticipation of need, the purpose must be specified in a resolution of the county directing that the levy and the proceeds of the tax may be used only for that purpose. Until so used, the proceeds shall be retained in a separate fund or invested in the same manner as surplus in a sinking fund may be invested under section 475.66. The right of condemnation shall be exercised in accordance with chapter 117.

Subd. 1a. **Right of access.** Whenever the county deems it necessary to the evaluation of a waste facility for enforcement purposes or to the evaluation of a site or buffer area for inclusion in the inventory of disposal sites pursuant to section 473.149, subdivision 2b, and section 473.803, subdivision 1a, or for final acquisition under section 473.833, the county or any member, employee, or agent thereof, when authorized by it, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations, provided that the entrance and activity is undertaken after reasonable notice and during normal business hours and provided that compensation is made for any damage to the property caused by the entrance and activity.

Subd. 2. **County financing of facilities.** Each metropolitan county may by resolution authorize the issuance of bonds to provide funds for the acquisition or betterment of solid waste facilities, related transmission facilities, or property or property rights for the facilities, or for refunding any outstanding bonds issued for any such purpose, and may pledge to the payment of the bonds and the interest

thereon, its full faith, credit and taxing powers, or the proceeds of any designated tax levies, or the gross or net revenues or charges to be derived from any facility operated by or for the county, or any combination thereof. Taxes levied for the payment of the bonds and interest shall not reduce the amounts of other taxes which the county is authorized by law to levy. The proceeds of the bonds may be used in part to establish a reserve as further security for the payment of the principal and interest of the bonds when due. Revenue bonds issued pursuant to this section may be sold at public or private sale upon such conditions as the county board shall determine, but any bonds to which the full faith and credit and taxing powers of the county are pledged shall be sold in accordance with the provisions of chapter 475. No election shall be required to authorize the issuance of the bonds. Except as otherwise provided, the bonds shall be issued and sold in accordance with the provisions of chapter 475.

Subd. 2a. County solid waste industrial development revenue bonds. A metropolitan county may issue revenue bonds to finance solid waste and related facilities projects located inside or outside the boundaries of cities or towns described in section 368.01 under and pursuant to the provisions of chapter 474.

Subd. 3. County operation of facilities. Each metropolitan county may operate and maintain solid waste facilities, and for this purpose may employ all necessary personnel, may adopt regulations governing operation, and may establish and collect reasonable, non-discriminatory rates and charges for the use of the facilities by any local government unit or person, estimated to be sufficient, with any other moneys appropriated for the purpose, to pay all costs of acquisition, operation and maintenance. Each metropolitan county may use itself or sell all or any part of materials or energy recovered from solid waste to private interests or public agencies for consumption or reuse by them. Section 471.345 and Laws 1951, Chapter 556, as amended shall not apply to the sale of the materials or energy.

Subd. 4. County contracts. Each metropolitan county may contract for the acquisition or use of existing public or private solid waste facilities or any facilities deemed necessary or useful for resource recovery from solid waste and may contract with any person for the operation or maintenance, or both, of any solid waste facility owned by the county. The contract shall provide for the operation or maintenance, or both, of the facility in accordance with any regulations, criteria, and standards of the agency, the metropolitan council and the county relating thereto. Any contract for the operation or maintenance of a solid waste facility may provide for the sale of solid waste, materials, electric energy, steam or other product to the operator or for a fee payable to the operator, which may be a fixed fee, or a fee based on tonnage or a percentage of income or other measure, or any combination thereof. A metropolitan county may warrant to the operator of a solid waste facility or contract purchaser of any solid waste, materials, electric energy, steam or other product the quality, composition and available quantity of the solid waste, materials, electric energy, steam or other product to be sold or delivered.

Subd. 4a. Ordinances; general conditions; restrictions; application. Ordinances of counties and local government units related to or affecting waste management shall embody plans, policies, rules, standards and requirements adopted by any state agency authorized to manage or plan for or regulate the management of waste and the waste management plans adopted by the council and shall be consistent with county master plans approved by the council. Except as provided in this subdivision, a metropolitan county may acquire a site and buffer area for a solid waste disposal facility anywhere within the county without complying with local ordinances, if the action is approved by the council as being taken pursuant to the policy plan and the development schedule adopted under

section 473.149, subdivision 2e, and the provisions of section 473.833, and the county may establish and operate or contract for the establishment or operation of a disposal facility at the site without complying with local ordinances, if the council certifies need under section 473.823, subdivision 6. With the approval of the council, local government units may impose and enforce reasonable conditions respecting the construction, operation, inspection, monitoring, and maintenance of the disposal facilities. No local government unit shall prevent the establishment or operation of any solid waste facility in accordance with the council's decision under section 473.823, subdivision 5, except that, with the approval of the council, the local government unit may impose reasonable conditions respecting the construction, inspection, monitoring, and maintenance of a facility.

Subd. 4b. Contracts; negotiation. Notwithstanding any other law, a metropolitan county may contract for the acquisition, construction, improvement, maintenance or operation of solid waste facilities or property or property rights for solid waste facilities by any means available and in the manner determined by the county board, with or without advertisement for bids. A metropolitan county may select and employ a construction manager for construction and acquisition of solid waste facilities or property or property rights for solid waste facilities and negotiate and enter into a construction management agreement, which may but need not include a guaranteed maximum price. A construction manager shall give a bond to the county in accordance with section 574.26 if a construction management agreement provides for a guaranteed maximum price, provided that the amount of any bond furnished by any contractor or subcontractor for performance of and payment of labor and materials under a contract or subcontract for solid waste facilities or property or property rights for solid waste facilities included in the guaranteed maximum price may be substituted to the extent of the bond amount for the bond of the construction manager. A construction management agreement for acquisition and construction of solid waste facilities or property or property rights for solid waste facilities may be combined with a contract for maintenance or operation, or both, of the facilities and negotiated with the same person.

Subd. 5. Ordinances; solid waste collection and transportation. Each metropolitan county may adopt ordinances governing the collection of solid waste. Each local unit of government within the metropolitan area shall adopt an ordinance governing the collection of solid waste within its boundaries. If the county within which it is located has adopted an ordinance, the local unit shall adopt either the county ordinance by reference or a more strict ordinance. Ordinances of counties and local government units may establish reasonable conditions respecting but shall not prevent the transportation of solid waste by a licensed collector through and between counties and local units, except as required for the enforcement of any designation of a facility by the council pursuant to section 473.827. A licensed collector or a metropolitan county or local government unit may request review by the council of an ordinance adopted under this subdivision. The council shall approve or disapprove the ordinance within 60 days of the submission of a request for review. The ordinance shall remain in effect unless it is disapproved. Ordinances of counties and local units of government shall provide for the enforcement of any designation of facilities by the council under section 473.827. Nothing in this subdivision shall be construed to limit the authority of the local government unit to regulate and license collectors of solid waste or to require review or approval by the council for ordinances regulating collection.

Subd. 5a. Ordinances; solid waste facilities. Each metropolitan county shall by ordinance establish and from time to time revise rules, regulations, and standards for solid waste facilities within the county, relating to location, sanitary

operation, periodic inspection and monitoring, maintenance, termination and abandonment, and other pertinent matters. The county ordinance shall require permits or licenses for solid waste facilities and shall require that such facilities be registered with a county office.

Subd. 5b. Ordinances; hazardous waste management. Each metropolitan county shall by ordinance establish and revise rules, regulations, and standards relating to (a) the identification of hazardous waste, (b) the labeling and classification of hazardous waste, (c) the collection, storage, transportation, processing, and disposal of hazardous waste, and (d) other matters necessary for the public health, welfare and safety. The county shall require permits or licenses for the generation, collection, processing, and disposal of hazardous waste and shall require registration with a county office. County hazardous waste ordinances shall embody and be consistent with agency hazardous waste rules. Counties shall submit adopted ordinances to the agency for review. In the event that agency rules are modified, each county shall modify its ordinances accordingly and shall submit the modification to the agency for review within 120 days. Issuing, denying, suspending, modifying, imposing conditions upon, or revoking hazardous waste permits or licenses, and county hazardous waste regulations and ordinances, shall be subject to review, denial, suspension, modification, and reversal by the agency. The agency shall after written notification have 15 days in the case of hazardous waste permits and licenses and 30 days in the case of hazardous waste ordinances to review, suspend, modify, or reverse the action of the county. After this period, the action of the county board shall be final subject to appeal to the district court in the manner provided in chapter 14.

Subd. 5c. County enforcement. Each metropolitan county shall be responsible for insuring that waste facilities, solid waste collection operations licensed or regulated by the county and hazardous waste generation and collection operations are brought into conformance with, or terminated and abandoned in accordance with, applicable county ordinances; rules, regulations and requirements of the state; and the policy plan of the council. Counties may provide by ordinance that operators or owners or both of such facilities or operations shall be responsible to the county for satisfactorily performing the procedures required. If operators or owners or both fail to perform, the county may recover the costs incurred by the county in completing the procedures in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land. The ordinances may be enforced by action in district court. The county may prescribe a criminal penalty for the violation of any ordinance enacted under this section not exceeding the maximum which may be specified for a misdemeanor.

Subd. 6. Grants and loans to counties. Each metropolitan county may accept gifts, may apply for and accept grants or loans of money or other property from the United States, the state, the metropolitan council, any local government unit, or any person, to accomplish the purposes specified in sections 473.149, 473.151, and 473.801 to 473.823 and sections 473.827, 473.831, 473.833, and 473.834, may enter into any agreement required in connection therewith, and may hold, use, and dispose of the money or property in accordance with the terms of the gift, grant, loan or agreement relating thereto.

Subd. 7. Joint action. Any local governmental unit or metropolitan commission may act together with any county, city, or town within or without the metropolitan area, or with the pollution control agency or the waste management board under the provisions of section 471.59 or any other appropriate law providing for joint or cooperative action between government units, to accomplish any purpose specified in sections 473.149, 473.151, and 473.801 to 473.823 and sections 473.827, 473.831, 473.833, 473.834, 116.05 and 115A.06.

Any agreement regarding data processing services relating to the generation, management, identification, labeling, classification, storage, collection, treatment, transportation, processing or disposal of waste and entered into pursuant to section 471.59, or other law authorizing joint or cooperative action may provide that any party to the agreement may agree to defend, indemnify and hold harmless any other party to the agreement providing the services, including its employees, officers or volunteers, against any judgments, expenses, reasonable attorney's fees and amounts paid in settlement actually and reasonably incurred in connection with any third party claim or demand arising out of an alleged act or omission by a party to the agreement, its employees, officers or volunteers occurring in connection with any exchange, retention, storage or processing of data, information or records required by the agreement. Any liability incurred by a party to an agreement under this subdivision shall be subject to the limitations set forth in section 3.736 or 466.04.

Subd. 8. County sale or lease. Each metropolitan county may sell or lease any facilities or property or property rights previously used or acquired to accomplish the purposes specified by sections 473.149, 473.151, and 473.801 to 473.823 and sections 473.827, 473.831, 473.833, and 473.834. Such property may be sold in the manner provided by section 458.196, or may be sold in the manner and on the terms and conditions determined by the county board. Each metropolitan county may convey to or permit the use of any such property by a local government unit, with or without compensation, without submitting the matter to the voters of the county. No real property or property rights acquired pursuant to this section, may be disposed of in any manner unless and until the county shall have submitted to the agency and the metropolitan council for review and comment the terms on and the use for which the property will be disposed of. The agency and the council shall review and comment on the proposed disposition within 60 days after each has received the data relating thereto from the county.

Subd. 9. Solid and hazardous waste fund. All moneys received by any metropolitan county from any source specified in sections 473.149, 473.151, and 473.801 to 473.823 and sections 473.827, 473.831, 473.833, and 473.834 shall be paid into the county treasury, placed in a special fund designated as the county solid and hazardous waste fund, and used only for the purposes authorized in those sections, as appropriated by the county board, subject to any lawful restrictions, conditions, or pledges applicable thereto.

Subd. 10. County designation of resource recovery facilities. The authority granted to metropolitan counties by this subdivision shall not apply within any solid waste management district established under sections 115A.62 to 115A.72. In order to accomplish the objectives of county waste management, to further the state policies and purposes expressed in section 115A.02, and to advance the public purposes served by resource recovery, the legislature finds and declares that it may be necessary to authorize a county to require that all or any portion of the solid waste that is generated within the boundaries of the county or any service area thereof and is disposed of in the state be delivered to a resource recovery facility designated by the county board or a transfer station serving such a facility. Any county designation shall be based upon an approved master plan and shall be submitted pursuant to section 473.827, subdivision 1, for review and approval or disapproval by the metropolitan council. In establishing, continuing, and terminating the designation, the county shall be governed by all standards, exemptions, procedures, and other requirements provided in section 115A.70, subdivisions 2 to 6.

History: 1975 c 13 s 141; 1976 c 179 s 15; 1980 c 564 art 10 s 9; 1981 c 352 s 42-48; 1982 c 424 s 130; 1982 c 569 s 29,30

473.813 CITIES, COUNTIES, TOWNS; SOLID WASTE CONTRACTS.

Subdivision 1. Notwithstanding any contrary provision of law or charter, and in addition to the powers or authority granted by any other law or charter, a city, county, or town in the metropolitan area may directly negotiate and enter into contracts, for a term not to exceed 30 years, for the delivery of solid waste to a waste facility and the processing of solid waste. Contracts made by direct negotiations shall be approved by resolution adopted by the governing body of the city, county, or town.

Subd. 2. Before a city, county, or town enters into any contract pursuant to subdivision 1 for a period of more than five years, the city, county, or town shall submit the proposed contract and a description of the proposed activities under the contract to the council for review and approval. The council shall approve the proposed contract if it determines that the contract is consistent with the council's plan, permits issued under section 473.823, and county reports or master plans approved by the council. The council may consolidate its review of contracts submitted under this section with its review of related permit applications submitted under section 473.823 and for this purpose may delay the review required by this section.

History: 1976 c 179 s 16; 1980 c 564 art 10 s 10

473.815 MS 75 Supp [Repealed, 1976 c 179 s 20]

473.821 MS 75 Supp [Repealed, 1976 c 179 s 20]

473.823 REGULATIONS AND PERMITS.

Subdivision 1. [Repealed, 1980 c 564 art 13 s 2]

Subd. 2. [Repealed, 1980 c 564 art 13 s 2]

Subd. 3. **Solid waste facilities; review procedures.** The agency shall request applicants for solid waste facility permits to submit all information deemed relevant by the council to its review, including without limitation information relating to the geographic areas and population served, the need, the effect on existing facilities and services, the anticipated public cost and benefit, the anticipated rates and charges, the manner of financing, the effect on metropolitan plans and development programs, the supply of waste, anticipated markets for any product, and alternative means of disposal or energy production. No permit may be issued for the operation of a solid waste facility in the metropolitan area which is not in accordance with the metropolitan council's solid waste policy plan. The metropolitan council shall determine whether a permit is in accordance with the policy plan. In making its determination, the council shall consider the area-wide need and benefit of the applicant facility and may consider, without limitation, the effect of the applicant facility on existing and planned solid waste facilities described in a waste control commission development program or county report or master plan. If the council determines that a permit is in accordance with its policy plan, the council shall approve the permit. If the council determines that a permit is not in accordance with its policy plan, it shall disapprove the permit. The council's approval of permits may be subject to conditions necessary to satisfy criteria and standards in its policy plan, including conditions respecting the type, character, and quantities of waste to be processed at a solid waste facility used primarily for resource recovery and the geographic territory from which a resource recovery facility or transfer station serving such a facility may draw its waste. For the purpose of this review and approval by the council, the agency shall send a copy of each permit application and any supporting information furnished by the applicant to the metropolitan council within 15 days after receipt of the application and all other information requested from the applicant. Within 60 days after

the application and supporting information are received by the council, unless a time extension is authorized by the agency, the council shall issue to the agency in writing its determination whether the permit is disapproved, approved, or approved with conditions. If the council does not issue its determination to the agency within the 60 day period, unless a time extension is authorized by the agency, the permit shall be deemed to be in accordance with the council's policy plan. No permit shall be issued in the metropolitan area for a solid waste facility used primarily for resource recovery or a transfer station serving such a facility, if the facility or station is owned or operated by a public agency or if the acquisition or betterment of the facility or station is secured by public funds or obligations issued by a public agency, unless the council finds and determines that adequate markets exist for the products recovered and that establishment of the facility is consistent with the criteria and standards in the metropolitan and county plans respecting the protection of existing resource recovery facilities and transfer stations serving such facilities.

Subd. 4. [Repealed, 1980 c 564 art 13 s 2]

Subd. 5. **Review of waste processing facilities.** A metropolitan county may establish a waste processing facility within the county without complying with local ordinances, if the action is approved by the council in accordance with the review process established by this subdivision. A county requesting review by the council shall show that the required permits for the proposed facility have been or will be issued by the agency, that the facility is consistent with the council's policy plan and the approved county master plan and that a local government unit has refused to approve the establishment or operation of the facility. The council shall meet to commence the review within 90 days of the submission of a request determined by the council to satisfy the requirements for review under this subdivision. At the meeting commencing the review the chairman shall recommend and the council establish a scope and procedure for its review and final decision on the proposed facility. The procedure shall require the council to make a final decision on the proposed facility within 120 days following the commencement of review. The council shall conduct at least one public hearing in the city or town within which the proposed facility would be located. Notice of the hearing shall be published in a newspaper or newspapers of general circulation in the area for two successive weeks ending at least 15 days before the date of the hearing. The notice shall describe the proposed facility, its location, the proposed permits, and the council's scope and procedure for review. The notice shall identify a location or locations within the local government unit and county where the permit applications and the council's scope and procedure for review are available for review and where copies may be obtained. In its review and final decision on the proposed facility, the council shall consider at least the following matters:

(a) the risk and effect of the proposed facility on local residents, units of government, and the local public health, safety, and welfare, and the degree to which the risk or effect may be alleviated;

(b) the consistency of the proposed facility with, and its effect on, existing and planned local land use and development; local laws, ordinances, and permits; and local public facilities and services;

(c) the adverse effects of the facility on agriculture and natural resources and opportunities to mitigate or eliminate such adverse effects by additional stipulations, conditions, and requirements respecting the design and operation of the proposed facility at the proposed site;

(d) the need for the proposed facility and the availability of alternative sites;

(e) the consistency of the proposed facility with the county master plan adopted pursuant to section 473.803 and the council's policy plan adopted pursuant to section 473.149;

(f) transportation facilities and distance to points of waste generation.

In its final decision in the review, the council may either approve or disapprove the proposed facility at the proposed site. The council's approval shall embody all terms, conditions, and requirements of the permitting state agencies, provided that the council may require more stringent permit terms, conditions, and requirements respecting the design, construction, operation, inspection, monitoring, and maintenance of the proposed facility at the proposed site.

Subd. 6. Council; certification of need. No new mixed municipal solid waste disposal facility shall be permitted in the metropolitan area without a certificate of need issued by the council indicating the council's determination that the additional disposal capacity planned for the facility is needed in the metropolitan area. The council shall amend its policy plan, adopted pursuant to section 473.149, to include standards and procedures for certifying need. The standards and procedures shall be based on the council's disposal abatement plan adopted pursuant to section 473.149, subdivision 2d, and the abatement master plans of counties adopted pursuant to section 473.803, subdivision 1b. The council shall certify need only to the extent that there are no feasible and prudent alternatives to the disposal facility, including waste reduction, source separation and resource recovery which would minimize adverse impact upon natural resources. Alternatives that are speculative or conjectural shall not be deemed to be feasible and prudent. Economic considerations alone shall not justify the certification of need or the rejection of alternatives.

History: 1975 c 13 s 144; 1976 c 179 s 17; 1976 c 239 s 117; 1980 c 564 art 10 s 11-13; 1982 c 569 s 31

473.827 COUNCIL DESIGNATION OF SOLID WASTE FACILITY; REQUIRED USE.

Subdivision 1. Approval of designation proposals. The council shall review and approve or disapprove proposals to designate resource recovery facilities under section 473.811, subdivision 10. The council may attach conditions to its approval. Before approving a designation the council shall determine that the proposal conforms to the requirements of section 473.811, subdivision 10, that the designation will further the state policies and purposes expressed in section 115A.02, and that the designation is based upon a master plan approved by the council and an adequate evaluation of the standards expressed in section 473.803, subdivision 1c.

Subd. 2. [Repealed, 1982 c 569 s 39]

Subd. 3. [Repealed, 1982 c 569 s 39]

Subd. 4. [Repealed, 1982 c 569 s 39]

Subd. 5. [Repealed, 1982 c 569 s 39]

Subd. 6. [Repealed, 1982 c 569 s 39]

Subd. 7. Reports. The council shall report or require reports to the waste management board on designations approved under this section in accordance with the reporting requirements of the board established pursuant to section 115A.071.

History: 1980 c 564 art 10 s 14; 1982 c 569 s 32,33

473.831 DEBT OBLIGATIONS; SOLID WASTE DISPOSAL.

Subdivision 1. **General obligation bonds.** The council may by resolution authorize the issuance of general obligation bonds of the council to provide funds for the environmental analysis and acquisition of sites and surrounding buffer areas for development as solid waste disposal facilities pursuant to this section and section 473.833 and to provide funds for refunding obligations issued under this section. The bonds shall be sold, issued, and secured in the manner provided in chapter 475 for general obligation bonds, and the council shall have the same power and duties as a municipality and its governing body in issuing bonds under chapter 475, except as otherwise provided in this chapter. No election shall be required, and the net debt limitations in chapter 475 shall not apply. The council shall have the power to levy ad valorem taxes for debt service of the council's solid waste bonds upon all taxable property within the metropolitan area, without limitation of rate or amount and without affecting the amount or rate of taxes which may be levied by the council for other purposes or by any local government unit in the area. Each of the county auditors shall annually assess and extend upon the tax rolls in his county the portion of the taxes levied by the council in each year which is certified to him by the council. The principal amount of bonds issued pursuant to this section shall not exceed \$15,000,000.

Subd. 2. **Use of proceeds.** The proceeds of bonds issued under subdivision 1 shall be used pursuant to section 473.833, by the council, for the purposes provided in subdivision 1 and to make grants to metropolitan counties to pay the cost of the acquisition of all property or interests in property for solid waste disposal sites and surrounding buffer areas required to be acquired by the county, pursuant to section 473.833, by the council's policy plan and development schedule adopted pursuant to section 473.149, subdivision 2e. If the council is required by law or regulation to prepare environmental analyses on one or more solid waste disposal sites and surrounding buffer areas, the council may use the proceeds of the bonds issued under subdivision 1 to contract for consultant services in the preparation of such analyses only upon a finding that equivalent expertise is not available among its own staff.

History: 1980 c 564 art 10 s 15; 1981 c 352 s 49; 1982 c 569 s 34,35

473.833 SOLID WASTE DISPOSAL SITES AND BUFFER AREAS.

Subdivision 1. **Definition.** "Development right" as used in this section means the right of the owner of the fee interest in land to change the use of the land from its existing use to any other use.

Subd. 2. **Requirement.** Each metropolitan county shall select and acquire sites and buffer areas for solid waste disposal facilities in accordance with this section and the council's policy plan and development schedule adopted pursuant to section 473.149, subdivision 2e.

Subd. 2a. **Environmental analysis.** By January 1, 1983, each metropolitan county shall complete an analysis comparing the environmental effects of solid waste disposal facilities at the sites in the county which are included in the metropolitan inventory of solid waste disposal sites adopted by the metropolitan council pursuant to section 473.149, subdivision 2b. The analysis shall be in detail sufficient, in the judgment of the county board, to inform adequately the county site selection authority established under subdivision 3 of the environmental effects of facilities at sites within the county and to assure that facilities at the sites can reasonably be expected to qualify for permits in accordance with the rules of the agency.

Subd. 3. **County site selection authorities.** Each metropolitan county shall establish a site selection authority. By June 1, 1983, each site selection authority

shall select specific sites within the county from the council's disposal site inventory, in accordance with the procedures established by the council under section 473.149, subdivision 2e, and in a number equal to that required by the council to be acquired by the county. Each site selection authority shall be composed of the county board, plus one member appointed by the governing body of each city or town within the county containing a site in the council's disposal site inventory or the majority of the land contained within such a site. If the number of members on the site selection authority who reside in a city or town containing all or part of a site or buffer area is equal to or greater than the number of members who do not, the chairman of the county board shall appoint to the authority an additional member or members, residing within the county but not within a city or town containing all or part of a site or buffer area, sufficient to assure a majority of one on the authority of members residing in cities and towns not containing all or any part of a site or buffer area. The chairman of the county board shall be the chairman of the site selection authority. If a site selection authority has not selected the requisite number of sites in accordance with the council's standards, criteria, and procedures by June 1, 1983, the council shall make the selection.

Subd. 4. Acquisition and disposition. In order to prevent the development of conflicting land uses at and around future solid waste disposal facility sites, the council shall provide for the acquisition by a metropolitan county of property and rights in property at and around each solid waste disposal site selected pursuant to subdivision 3. Each site scheduled for development as a facility through the year 1990 shall be acquired in fee. Development rights shall be acquired for each site scheduled for development as a facility after the year 1990 through the year 2000. Development rights shall be acquired in a buffer area surrounding and at least equal to the area of each site scheduled for development as a facility through the year 2000. The owner of any property for which development rights are to be or have been acquired pursuant to this subdivision may elect by written notice at any time up to 90 days following the issuance of a permit by the agency for a facility to have the county acquire fee title to the property. Fee title shall be acquired by counties for buffer areas only at the election of the owner of the fee.

Subd. 5. Compensation. Where the development right or fee is acquired by means other than through eminent domain proceedings, as by direct purchase or gift, the land owner's compensation shall be determined by the agreement of the parties involved. Where the fee is acquired through eminent domain proceedings, the land owner's compensation shall be the fair market value of the property. Where the development rights are acquired through eminent domain proceedings, the land owner's compensation shall be the fair market value of the property less the value of the land as restricted to the use to which it is devoted at the time of the acquisition. An award of compensation in a condemnation proceeding shall not be increased or decreased by reason of any increase or decrease in the value of the property caused by its designation in the inventory of disposal sites and buffer areas or its selection as a site or buffer area. Where the fee is subsequently condemned after the acquisition of the development rights, the land owner's compensation shall be based on the value of the property as restricted to the use permitted at the date of the subsequent acquisition.

Subd. 6. Disposition. The county may sell property and development rights, with the permission of the council, when they are no longer needed for a site or surrounding buffer area. The owner of the fee shall have the right of first refusal of any development rights at the price of purchase plus interest at the rate permitted under section 344.01. The proceeds from any sale of property or development rights shall be returned to the council and used to pay debt service on the council's solid waste bonds.

Subd. 7. **Failure of counties to acquire; report to legislature.** If any county fails to identify property for acquisition or if any county refuses to proceed with acquisition, as required by this section and the council's disposal facility development schedule adopted pursuant to section 473.149, subdivision 2e, the council shall prepare and recommend to the legislature, no later than January 1, 1984, legislation to transfer solid waste management authority and responsibility in the metropolitan area from the counties to the waste control commission or a new metropolitan commission established for that purpose.

History: 1980 c 564 art 10 s 16; 1981 c 352 s 50

473.834 DEBT SERVICE; SOLID WASTE BONDS.

Subdivision 1. **Certain cities and towns; exemption.** Each city or town in which a solid waste disposal facility is operating after January 1, 1980, shall be permanently exempt from the payments required by this section, if the facility is a commercial facility disposing of mixed municipal solid waste under an agency permit.

Subd. 2. **Allocation of debt service.** The annual debt service on the council's solid waste bonds, issued under section 473.831, shall be annually apportioned and certified by the council to each county in the metropolitan area, in the proportion that the assessed value of all taxable property within each county bears to the assessed value of the taxable property in all the counties, except that the apportionment to each county shall first be adjusted to reflect exemptions from payment required by subdivision 1 and reductions in payment required by subdivision 3.

Subd. 3. **Certain cities and towns; reduced payments.** When a solid waste reduction, separation, or resource recovery program is implemented or solid waste processing facilities are established in a city or town pursuant to a county land disposal abatement plan approved by the council, the annual payment otherwise required of the city or town pursuant to subdivision 2, shall be reduced by an amount determined by the council to be proportionate to the abatement in the waste going from the city or town into a solid waste disposal facility as a result of the local abatement program or processing facility.

Subd. 4. [Repealed, 1981 c 352 s 53]

Subd. 5. [Repealed, 1981 c 352 s 53]

History: 1980 c 564 art 10 s 17; 1981 c 352 s 51

METROPOLITAN LAND USE PLANNING

473.851 LEGISLATIVE FINDINGS AND PURPOSE.

The legislature finds and declares that the local governmental units within the metropolitan area are interdependent, that the growth and patterns of urbanization within the area create the need for additional state, metropolitan and local public services and facilities and increase the danger of air and water pollution, and that developments in one local governmental unit may affect the provision of regional capital improvements for sewers, transportation, airports and regional recreation open space. Since problems of urbanization and development transcend local governmental boundaries, there is a need for the adoption of coordinated plans, programs and controls by all local governmental units and school districts in order to protect the health, safety and welfare of the residents of the metropolitan area and to ensure coordinated, orderly and economic development. Therefore, it is the purpose of Laws 1976, Chapter 127, Sections 1 to 23 to (1) establish requirements and procedures to accomplish comprehensive local planning with land use controls consistent with planned, orderly and staged development and the

metropolitan system plans, and (2) to provide assistance to local governmental units and school districts within the metropolitan area for the preparation of plans and official controls appropriate for their areas and consistent with metropolitan system plans.

History: 1976 c 127 s 1; 1977 c 347 s 68

473.852 DEFINITIONS.

Subdivision 1. As used in Laws 1976, Chapter 127, Sections 1 to 23, the following terms shall have the meanings given them.

Subd. 2. "Advisory metropolitan land use committee" or "advisory committee" means an advisory committee established by the metropolitan council pursuant to section 473.853.

Subd. 3. "Applicable planning statute" means sections 394.21 to 394.37 for counties and sections 462.351 to 462.364 for cities and towns.

Subd. 4. "Capital improvement program" means an itemized program for a five year prospective period, and any amendments thereto, subject to at least biennial review, setting forth the schedule, timing, and details of specific contemplated capital improvements by year, together with their estimated cost, the need for each improvement, financial sources, and the financial impact that the improvements will have on the local governmental unit or school district.

Subd. 5. "Comprehensive plan" means the comprehensive plan of each local governmental unit described in sections 473.858 to 473.862, and any amendments to the plan.

Subd. 6. "Fiscal devices" means the valuation of property pursuant to section 273.111, the designation of urban and rural service districts, pursuant to section 272.67, and the establishment of development districts pursuant to sections 472A.01 to 472A.13, and any other statutes authorizing the creation of districts in which the use of tax increment bonding is authorized.

Subd. 7. "Local governmental unit" or "unit" means all cities, counties and towns lying in whole or in part within the metropolitan area, but does not include school districts.

Subd. 8. "Metropolitan system plans" means the airports portion of the metropolitan development guide and the policy plans, development programs and capital budgets for metropolitan waste control, transportation, and regional recreation open space.

Subd. 9. "Official controls" or "controls" means ordinances and regulations which control the physical development of a city, county or town or any part thereof or any detail thereof and implement the general objectives of the comprehensive plan. Official controls may include ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes and official maps.

Subd. 10. "Private sewer facility" means a single lot, multiple lot or other sewage collection or treatment facility owned, constructed or operated by any person other than a local governmental unit or the metropolitan waste control commission.

Subd. 11. "School district" has the meaning given it by section 120.02, subdivisions 14 and 15, and includes any independent or special school district whose administrative offices are located within the metropolitan area as of April 3, 1976.

History: 1976 c 127 s 2; 1977 c 347 s 68

473.853 ADVISORY COMMITTEE.

The council shall establish an advisory metropolitan land use committee pursuant to section 473.127, comprised of 16 members, one from each council district, and as many additional members as are necessary to provide representation from each metropolitan county, plus a chairman. At least one-half of the members of the advisory committee shall be elected officials of local governmental units. The members shall be appointed for the same period as the term of the council member for the district in which the member resides.

History: 1976 c 127 s 3; 1977 c 347 s 68

473.854 GUIDELINES.

The council shall prepare and adopt guidelines and procedures relating to the requirements and provisions of Laws 1976, Chapter 127, Sections 1 to 23 which will provide assistance to local governmental units and school districts in accomplishing the provisions of Laws 1976, Chapter 127, Sections 1 to 23.

History: 1976 c 127 s 4; 1977 c 347 s 68

473.855 METROPOLITAN SYSTEM STATEMENT.

By July 1, 1977, the council shall transmit to each local governmental unit a metropolitan system statement and to each school district a statement comprised of the parts of metropolitan system statements affecting the school district. In the preparation of the metropolitan system statement, the council shall consult with appropriate commissions and officials of the unit. The statement shall contain information relating to the unit and appropriate surrounding territory that the council determines necessary for the unit to consider in preparing its comprehensive plan, including the following:

(a) The timing, character, function, location, projected capacity and conditions on use, for existing or planned metropolitan public facilities, as specified in metropolitan system plans, and for state and federal public facilities to the extent known to the council;

(b) The population, employment and housing need projections which have been used by the council as a basis for its metropolitan system plans;

(c) Any parts of the land use plan, public facilities plan or implementation program which may be excluded from the plan of the local governmental unit. The exclusion of parts shall be based on the nature and character of existing and projected development within each local governmental unit and on policies, statements, and recommendations contained in metropolitan system plans.

History: 1976 c 127 s 5; 1977 c 347 s 68

473.856 METROPOLITAN SYSTEM STATEMENTS; AMENDMENTS.

Local governmental units shall consider in their initial comprehensive plans submitted to the council, and school districts shall consider in their initial capital improvement programs submitted to the council, any amendments or modifications to metropolitan system plans which were made by the council and transmitted prior to January 1, 1978. Thereafter, within nine months after receiving an amendment to a metropolitan system plan, each affected local governmental unit shall review its comprehensive plan and each affected school district shall review its capital improvement program to determine if an amendment is necessary to ensure continued conformity with metropolitan system plans. If an amendment is necessary, the governmental unit or school district shall prepare the amendment and submit it to the council for review pursuant to Laws 1976, Chapter 127, Sections 1 to 23.

History: 1976 c 127 s 6; 1977 c 347 s 68

473.857 SYSTEM STATEMENTS; RECONCILIATION PROCEDURES.

Subdivision 1. If a local governmental unit or school district and the council are unable to resolve disagreements over the content of a system statement, the unit or district may by resolution request that a hearing be conducted by the advisory committee or by the state office of administrative hearings for the purpose of considering amendments to the system statement. The request shall be made by the unit or district within 60 days after receipt of the system statement and shall be accompanied by a description of the disagreement together with specified proposed amendments to the system statement. If no request for a hearing is received by the council within 60 days, the statement shall be final.

Subd. 2. A hearing shall be conducted within 60 days after the request, provided that the committee shall consolidate hearings on related requests. The hearing shall not consider the need for or reasonableness of the metropolitan system plans or parts thereof. The hearing shall afford all interested persons an opportunity to testify and present evidence. The advisory committee or hearing examiner may employ the appropriate technical and professional services of the commissioner of energy, planning and development for the purpose of evaluating disputes of fact. The proceedings shall not be deemed a contested case. Within 30 days after the hearing, the committee or hearing examiner shall report to the council respecting the proposed amendments to the system statements. The report shall contain findings of fact, conclusions, and recommendations and shall apportion the costs of the proceedings among the parties.

Subd. 3. Within 30 days of receipt of the report, the council, by resolution containing findings of fact and conclusions, shall make a final determination respecting the proposed amendments. At any point in the reconciliation procedure established by this section, the council and a local governmental unit or district may resolve their disagreement by stipulation.

History: 1976 c 127 s 7; 1977 c 347 s 68; 1980 c 615 s 60; 1981 c 356 s 241

473.858 COMPREHENSIVE PLANS; LOCAL GOVERNMENTAL UNITS.

Subdivision 1. Within three years following the receipt of the metropolitan system statement, every local governmental unit shall have prepared a comprehensive plan in accordance with Laws 1976, Chapter 127, Sections 1 to 23 and the applicable planning statute and shall have submitted the plan to the metropolitan council for review pursuant to section 473.175. The provisions of Laws 1976, Chapter 127, Sections 1 to 23 shall supersede the provisions of the applicable planning statute wherever a conflict may exist.

Subd. 2. Local governmental units shall submit their proposed plans to adjacent governmental units and affected school districts for review and comment at least six months prior to submission of the plan to the council and shall submit copies to them on the submission of the plan to the council.

Subd. 3. The plans shall be submitted to the council following approval by the planning commission of the unit and after consideration but before final approval by the governing body of the unit.

Subd. 4. Comprehensive plans, capital improvement programs, sewer policy plans and official controls of local governmental units adopted prior to the requirements of Laws 1976, Chapter 127, Sections 1 to 23 shall remain in force and effect until amended, repealed or superseded by plans or controls adopted pursuant to Laws 1976, Chapter 127, Sections 1 to 23. Existing comprehensive plans, capital improvement programs, sewer policy plans, and official controls may be amended and new capital improvement programs and official controls may be prepared and adopted prior to the submission to the council of comprehensive plans required by Laws 1976, Chapter 127, Sections 1 to 23.

History: 1976 c 127 s 8; 1977 c 347 s 68

473.859 COMPREHENSIVE PLAN CONTENT.

Subdivision 1. **Contents.** The comprehensive plan shall contain objectives, policies, standards and programs to guide public and private land use, development, redevelopment and preservation for all lands and waters within the jurisdiction of the local governmental unit through 1990 and may extend through any year thereafter which is evenly divisible by five. Each plan shall specify expected industrial and commercial development, planned population distribution, and local public facility capacities upon which the plan is based. Each plan shall contain a discussion of the use of the public facilities specified in the metropolitan system statement and the effect of the plan on adjacent local governmental units and affected school districts. Existing plans and official controls may be used in whole or in part following modification, as necessary, to satisfy the requirements of Laws 1976, Chapter 127, Sections 1 to 23. The comprehensive plan may contain any additional matter which may be included in a comprehensive plan of the local governmental unit pursuant to the applicable planning statute.

Subd. 2. **Land use plan.** A land use plan shall designate the existing and proposed location, intensity and extent of use of land and water for agricultural, residential, commercial, industrial and other public and private purposes, or any combination of such purposes. A land use plan shall contain a protection element, as appropriate, for historic sites and the matters listed in section 473.204, and an element for protection and development of access to direct sunlight for solar energy systems. A land use plan shall also include a housing element containing standards, plans and programs for providing adequate housing opportunities to meet existing and projected local and regional housing needs, including but not limited to the use of official controls and land use planning to promote the availability of land for the development of low and moderate income housing.

Subd. 3. **Public facilities plan.** A public facilities plan shall describe the character, location, timing, sequence, function, use and capacity of existing and future public facilities of the local governmental unit. A public facilities plan must be in at least such detail as may be necessary to establish existing or potential effects on or departures from metropolitan system plans and to protect metropolitan system plans. A public facilities plan shall contain at least the following parts:

(a) A transportation plan describing, designating and scheduling the location, extent, function and capacity of existing and proposed local public and private transportation services and facilities;

(b) A sewer policy plan describing, designating and scheduling the areas to be sewered by the public system, the existing and planned capacities of the public system, the standards and conditions under which the installation of private sewer systems will be permitted, and to the extent practicable, the areas not suitable for public or private systems because of public health, safety and welfare considerations;

(c) A parks and open space plan describing, designating and scheduling the existing and proposed parks and recreation open spaces within the jurisdiction.

Subd. 4. **Implementation program.** An implementation program shall describe public programs, fiscal devices and other specific actions to be undertaken in stated sequence to implement the comprehensive plan and ensure conformity with metropolitan system plans. An implementation program must be in at least such detail as may be necessary to establish existing or potential effects on or departures from metropolitan system plans and to protect metropolitan system plans. An implementation program shall contain at least the following parts:

(a) A description of official controls, addressing at least the matters of zoning, subdivision, and private sewer systems, and a schedule for the preparation, adoption, and administration of such controls.

(b) A capital improvement program for transportation, sewers, parks and open space facilities.

(c) A housing implementation program, including official controls to implement the housing element of the land use plan, which will provide sufficient existing and new housing to meet the local unit's share of the metropolitan area need for low and moderate income housing.

Subd. 5. **Urbanization areas.** The comprehensive plans may designate, when appropriate, five year urbanization areas and shall specify in the capital improvement program the timing and sequence of major local public facilities and in the implementation program official controls which will ensure that urbanization occurs only in urbanization areas and in accordance with the plan.

History: 1976 c 127 s 9; 1977 c 347 s 68; 1978 c 786 s 20

473.86 CITIES.

Except as provided in the metropolitan system statement, comprehensive plans of cities shall include the matters specified in section 473.859.

History: 1976 c 127 s 10; 1977 c 347 s 68

473.861 TOWNS.

Subdivision 1. Except as provided in the metropolitan system statement, comprehensive plans of towns shall include the matters specified in section 473.859.

Subd. 2. By December 31, 1976, each town within the counties of Anoka, Carver, Dakota, Scott and Washington, authorized to plan under sections 462.351 to 462.364, or under special law, shall by resolution determine whether it will prepare the comprehensive plan for its jurisdiction. Each such town also shall specify, pursuant to agreement with the county within which it is situated, any parts of its plan and official controls, if any, the preparation of which it delegates to the county.

Subd. 3. Towns within counties which have adopted comprehensive plans applicable to the town shall, to the maximum extent, use county preparation of their comprehensive plans.

History: 1976 c 127 s 11; 1977 c 347 s 68

473.862 COUNTIES.

Subdivision 1. Comprehensive plans of counties shall contain at least the following:

(a) Except for the counties of Hennepin and Ramsey, a land use plan as specified in section 473.859, subdivision 2, for all unincorporated territory within the county;

(b) A public facilities plan which shall include all appropriate matters specified in section 473.859, subdivision 3, including a transportation plan, and a description of existing and projected solid waste disposal sites and facilities;

(c) An implementation program, as specified in section 473.859, subdivision 4.

Subd. 2. Each county other than Hennepin and Ramsey shall prepare, with the participation and assistance of the town, the comprehensive plan for any town within the county which fails by December 31, 1976, to take action by resolution pursuant to section 473.861, subdivision 2 and shall prepare all or part of any plan delegated to it pursuant to section 473.861, subdivision 2.

Subd. 3. Each county other than Hennepin and Ramsey shall prepare, with the participation and assistance of the town, the comprehensive plan for each town

within the county not authorized to plan under sections 462.351 to 462.364, or under special law.

History: 1976 c 127 s 12; 1977 c 347 s 68

473.863 SCHOOL DISTRICTS; CAPITAL IMPROVEMENT PROGRAMS.

Subdivision 1. By January 1, 1980, each school district as defined in section 473.852, subdivision 11, shall prepare and submit to the metropolitan council, for review pursuant to section 473.175, a capital improvement program, which shall include a description of existing facilities, projected population and facility needs and objectives, proposed new school sites, buildings, and building additions with a cost of more than \$200,000 and the effect of the program on adjacent school districts and affected local governmental units.

Subd. 2. Each school district shall submit its capital improvement program for review and comment to the local governmental units lying in whole or in part within the district and to adjacent school districts at least nine months prior to the submission of the program to the council. The local governmental units and adjacent districts shall review the program and provide comments to the school district and the council within 90 days on the compatibility of the program with the proposed comprehensive plans of the local governmental units and the capital improvement programs of the school districts.

Subd. 3. The capital improvement programs shall be submitted to the council after consideration but before final approval by the governing body of the district.

Subd. 4. Capital improvement programs of school districts adopted prior to the requirements of Laws 1976, Chapter 127, Sections 1 to 23 shall remain in force and effect until amended, repealed, or superseded by programs adopted pursuant to Laws 1976, Chapter 127, Sections 1 to 23. Existing programs may be amended as appropriate and new programs prepared and adopted prior to the submission to the council of programs required by Laws 1976, Chapter 127, Sections 1 to 23. Existing programs may be used in whole or in part following modification, as necessary, to satisfy the requirements of Laws 1976, Chapter 127, Sections 1 to 23.

History: 1976 c 127 s 13; 1977 c 347 s 68

473.864 PLANS AND PROGRAMS; ADOPTION; AMENDMENT.

Subdivision 1. Each local governmental unit shall adopt its comprehensive plan with required modifications within nine months following a final decision, order, or judgment made pursuant to section 473.866. Each school district shall adopt its capital improvement program, after receiving and considering the council's review statement sent pursuant to section 473.175 and making any amendments which the school district determines may be appropriate.

Subd. 2. Amendments to comprehensive plans of local governmental units and to capital improvement programs of school districts shall be prepared, submitted, and adopted in conformance with guidelines adopted by the metropolitan council pursuant to section 473.854.

History: 1976 c 127 s 15; 1977 c 347 s 68; 1981 c 242 s 1

473.865 IMPLEMENTATION OF PLANS.

Subdivision 1. Each local governmental unit shall adopt official controls as described in its adopted comprehensive plan and shall submit copies of the official controls to the council within 30 days following adoption thereof, for information purposes only.

Subd. 2. A local governmental unit shall not adopt any official control or fiscal device which is in conflict with its comprehensive plan or which permits activity in conflict with metropolitan system plans.

Subd. 3. If an official control conflicts with a comprehensive plan as the result of an amendment to the plan, the official control shall be amended by the unit within nine months following the amendment to the plan so as to not conflict with the amended comprehensive plan.

History: 1976 c 127 s 16; 1977 c 347 s 68

473.866 CONTESTED CASES; ADMINISTRATIVE AND JUDICIAL REVIEW.

The council's decision to require modification under section 473.175 may be contested by the affected local governmental unit. The unit shall have 60 days within which to request a hearing on the council's decision to require modification. If within 60 days the unit has not requested a hearing, the council shall make its final decision with respect to the required modifications. If an affected unit requests a hearing, the request for hearing shall be granted, and the hearing shall be conducted within 60 days by the state office of administrative hearings in the manner provided by chapter 14 for contested cases. The subject of the hearing shall not extend to questions concerning the need for or reasonableness of the metropolitan system plans or any part thereof. In the report of the hearing examiner the costs of the hearing shall be apportioned among the parties to the proceeding. Within 30 days after the receipt of the report the council shall, by resolution containing findings of fact and conclusions, make a final decision with respect to the required modifications of the comprehensive plan. Any party to the proceeding aggrieved by the decision of the council may appeal to the court in the manner provided in chapter 14 for contested cases. The record on appeal shall consist of: (1) the hearing examiner's record and report, and (2) the findings, conclusions and final decision of the council. The scope of review shall be that of section 14.69, provided that: (1) the court shall not give preference to either the hearing examiner's record and report or the findings, conclusions and final decision of the council, and (2) the decision of the court shall be based upon a preponderance of the evidence as contained in the record on appeal. The costs of the appeal shall be apportioned by the court.

History: 1976 c 127 s 17; 1977 c 347 s 68; 1980 c 615 s 60; 1982 c 424 s 130

473.867 PLANNING ASSISTANCE; GRANTS; LOANS.

Subdivision 1. The council shall prepare and provide advisory materials, model plan provisions and official controls, and on the request of a local governmental unit may provide assistance, to accomplish the purposes of Laws 1976, Chapter 127, Sections 1 to 23. The council may also provide specific technical and legal assistance in connection with the preparation, adoption and defense of plans, programs, and controls.

Subd. 2. The council shall establish a planning assistance fund as a separate bookkeeping account in its general fund for the purpose of making grants and loans to local governmental units under this section. The council shall adopt uniform procedures for the award, disbursement and repayment of grants and loans.

Subd. 3. Local governmental units may apply, contract for and receive loans and grants as provided herein, and the provisions of chapter 475 shall not apply to loans made pursuant hereto. Applications for grants and loans shall be submitted to the council describing the activities for which the grant or loan funds will be used; the persons which the grantee or borrower plans to use in performing the

grant contract; services and activities which will be paid for by funds of the grantee or borrower; the grantee or borrower's need and ability to pay for the contract services; and other information as the council may reasonably request. Grants and loans shall be made subject to contracts between the council and the recipient specifying the use and disbursement of the funds and, for loans, the terms and conditions of repayment, and other appropriate matters. In making grants and loans, the council shall base its decisions on the recipient's demonstrated need and available financial resources.

Subd. 4. Grants shall not exceed 75 percent of the total costs and expenses of the project, service or activity for which a grant is awarded.

Subd. 5. Loans made by the council shall be payable on such terms and conditions as the council determines appropriate, provided that no loan shall carry an interest rate nor be for a term in excess of five years. Funds received in payment of loans shall be credited to the planning assistance fund and shall be used for additional loans or grants under this section.

History: 1976 c 127 s 18; 1977 c 347 s 68

473.868 HOUSING.

Subdivision 1. The legislature finds and determines that there is a need for housing in the metropolitan area, that an increasingly large majority of the residents of the metropolitan area are unable to afford housing, and that it is in the public interest that, for certain portions of the buildable residential land, the official controls imposed on development by municipalities in the metropolitan area be required to permit the construction of modest cost housing by the private sector which could be afforded by a significant portion of the families in the metropolitan area.

Subd. 2. As used in this section, "buildable residential land" means land within a municipality which is suitable for development, zoned for a residential use, which has access to sewer and water service, and for which no building permit has been issued.

Subd. 3. The chairman of the council shall establish a modest cost private housing advisory committee consisting of not more than 15 persons consisting of local elected officials, consumers and persons experienced in the field of housing construction, trades and management and mortgage banking, plus ex-officio members as the chairman of the council may determine, to provide advice and make recommendations on the effects of governmental regulations, taxes, financing and housing industry practices on the costs of housing. The committee shall investigate and make recommendations on all matters necessary including standards and criteria for modest cost private housing as follows:

- (1) A zoning classification and ordinances that take into account minimum and maximum single family lot sizes.
- (2) Building requirements contained within the state building code.
- (3) Minimum and maximum square foot area requirements for single family homes.
- (4) The requirement of a single family garage and off-street parking requirements.
- (5) Zoning classification and ordinances that take into account density requirements for multi-family construction.
- (6) Minimum and maximum square foot floor areas for multi-family units.
- (7) Requirements of garages for multi-family units, credits for garage inclusion and off-street parking requirements.

Subd. 4. On or before January 15, 1977, the council shall, following public hearings, submit to the legislature a report on the findings of the committee and the council's recommendations for ensuring an adequate supply of modest cost private housing.

History: 1976 c 127 s 19; 1977 c 347 s 68

473.869 EXTENSION.

A local governmental unit may by resolution request that the council extend the time for fulfilling the requirements of Laws 1976, Chapter 127, Sections 1 to 23. A request for extension shall be accompanied by a description of the activities previously undertaken by a local governmental unit in fulfillment of the requirements of Laws 1976, Chapter 127, Sections 1 to 23, and an explanation of the reasons necessitating and justifying the request. Upon a finding of exceptional circumstances or undue hardship, the council may, in its discretion, grant by resolution a request for extension and may attach reasonable requirements or conditions to the extension.

History: 1976 c 127 s 20; 1977 c 347 s 68

473.87 EXEMPTION FROM LEVY LIMIT.

Subdivision 1. The increased costs to a municipality of implementing sections 473.175; 473.858, subdivisions 1 to 3; 473.859 to 473.862; and 473.866 shall be deemed a special levy under section 275.50, subdivision 5.

Subd. 2. The proceeds of any tax levied under this section shall be deposited in the municipal treasury in a separate fund and expended only for the purposes authorized by this section.

History: 1976 c 127 s 22; 1977 c 347 s 68

473.871 NEW MUNICIPAL SEWER SYSTEMS.

Notwithstanding the provisions of Laws 1976, Chapter 127, Sections 1 to 23 the council shall have no authority under this chapter to require a local governmental unit to construct a new sewer system.

History: 1976 c 127 s 23; 1977 c 347 s 68

473.872 APPLICATION.

Laws 1976, Chapter 127 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.

History: 1976 c 127 s 25; 1977 c 347 s 68

METROPOLITAN SURFACE WATER MANAGEMENT

473.875 SURFACE WATER MANAGEMENT PROGRAM; PURPOSES.

The purpose of the surface water management programs required by sections 473.875 to 473.883 is to preserve and use natural water storage and retention systems in order to (a) reduce to the greatest practical extent the public capital expenditures necessary to control excessive volumes and rates of runoff, (b) improve water quality, (c) prevent flooding and erosion from surface flows, (d) promote ground water recharge, (e) protect and enhance fish and wildlife habitat and water recreational facilities, and (f) secure the other benefits associated with the proper management of surface water.

History: 1982 c 509 s 18

473.876 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 473.875 to 473.883, the following terms have the meanings given them.

Subd. 2. **Capital improvement program.** "Capital improvement program" means an itemized program for at least a five year prospective period, and any amendments to it, subject to at least biennial review, setting forth the schedule, timing, and details of specific contemplated capital improvements by year, together with their estimated cost, the need for each improvement, financial sources, and the financial effect that the improvements will have on the local government unit or watershed management organization.

Subd. 3. **Local comprehensive plan.** "Local comprehensive plan" has the meaning given it in section 473.852, subdivision 5.

Subd. 4. **Local government unit.** "Local government unit" or "local unit" has the meaning given it in section 473.852.

Subd. 5. **Minor watershed units.** "Minor watershed units" means the drainage areas identified and delineated as such pursuant to Laws 1977, Chapter 455, Section 33, Subdivision 7(a).

Subd. 6. **Official controls.** "Official controls" has the meaning given it in section 473.852.

Subd. 7. **Watershed.** "Watershed" means a drainage area having boundaries which are substantially coterminous with those of an aggregation of contiguous minor watershed units possessing similar drainage patterns and which cross the borders of two or more local government units.

Subd. 8. **Watershed district.** "Watershed district" means a district established under chapter 112.

Subd. 9. **Watershed management organization.** "Watershed management organization" or "organization" means a watershed district wholly within the metropolitan area or a joint powers entity established wholly within the metropolitan area by special law or by agreement which performs some or all of the functions of a watershed district for a watershed and which has the characteristics and the authority specified under section 473.877. Lake improvement or conservation districts are not watershed management organizations.

History: 1982 c 509 s 19

473.877 WATERSHED MANAGEMENT ORGANIZATION.

Subdivision 1. **Authority.** Any agreement under section 471.59 to jointly or cooperatively manage or plan for the management of surface water as required by sections 473.875 to 473.883 may provide for a joint board having:

(a) the authority to prepare and adopt a plan meeting the requirements of section 473.878;

(b) the authority to review and approve local water management plans as provided in section 473.879;

(c) the authority of a watershed district under chapter 112 to regulate the use and development of land when one or more of the following conditions exists: (1) the local government unit exercising planning and zoning authority over the land under sections 366.10 to 366.19, 394.21 to 394.37, or 462.351 to 462.364, does not have a local water management plan approved and adopted in accordance with the requirements of section 473.879 or has not adopted the implementation program described in the plan; (2) an application to the local government unit for a permit for the use and development of land requires an amendment to or variance from the adopted local water management plan or implementation program of the local unit; (3) the local government unit has authorized the organization to require permits for the use and development of land.

(d) other powers necessary to exercise the authority under clauses (a) to (c), including the power to enter into contracts for the performance of functions with governmental units or persons.

Subd. 2. Review of watershed boundaries. Before commencing planning under section 473.878, a watershed management organization established pursuant to section 471.59 and this section shall submit a map delineating the boundaries of the watershed to the water resources board for review and comment on the conformance of the boundaries with the requirements of sections 473.875 to 473.883. The board shall have 60 days to comment.

History: 1982 c 509 s 20; 1982 c 642 s 14

473.878 WATERSHED PLANS.

Subdivision 1. Requirement. A watershed management plan is required for watersheds comprising all minor watershed units within the metropolitan area. For the purposes of this section a minor watershed unit shall be considered within the metropolitan area if more than 90 percent of its area is within the metropolitan area. The watershed management plan shall be prepared, adopted, and implemented in accordance with the requirements of sections 473.875 to 473.883.

Subd. 2. Responsible units. Where a watershed management organization exists, the plan for the watershed shall be prepared and adopted by the organization. If a watershed management organization is not established by December 31, 1983, for any minor watershed unit located wholly outside of Hennepin and Ramsey counties, the county or counties containing the watershed unit shall prepare and adopt the watershed plan and shall have the planning, review, and permitting authority of a watershed management organization specified in section 473.877. If a watershed management organization is not established by December 31, 1983, for any minor watershed unit within the metropolitan area and wholly or partly within Hennepin or Ramsey counties, the county or counties containing the watershed unit shall petition for the establishment of a watershed district under chapter 112, provided, however, that a district established pursuant to such a petition shall not cross a primary river nor a river forming the boundary between a metropolitan county and a county outside the metropolitan area, shall have boundaries which are based upon negotiations among all local government units which may have territory within the district and adjacent watersheds and shall not cross county boundaries to include territory whose distinguishing characteristic is multiple drainage points into a primary river. A watershed management organization may request a county to prepare all or part of a plan. A county may delegate the preparation of all or part of a plan to the county soil and water conservation district. Upon request of a statutory or home rule charter city or town, a county may delegate the preparation of all or part of a plan to the city or town.

Subd. 3. General standards. The watershed management plan shall extend through the year 1990 or any year thereafter which is evenly divisible by five. The plan shall contain the elements required by subdivision 4. Each element shall be set out in the degree of detail and prescription necessary to accomplish the purposes of sections 473.875 to 473.883, considering the character of existing and anticipated physical and hydrogeologic conditions, land use, and development and the severity of existing and anticipated water management problems in the watershed. The plan shall be prepared and submitted for review under subdivision 5 by December 31, 1985. Existing plans of a watershed management organization shall remain in force and effect until amended or superseded by plans adopted under sections 473.875 to 473.883. Existing or amended plans of a watershed management organization which meet the requirements of sections 473.875 to 473.883 may be submitted for review under subdivision 5.

Subd. 4. Contents. The plan shall:

(a) Describe the existing physical environment, land use, and development in the area and the environment, land use, and development proposed in existing local and metropolitan comprehensive plans;

(b) Present information on the hydrologic system and its components and existing and potential problems related thereto;

(c) State objectives and policies, including management principles, alternatives and modifications, water quality, and protection of natural characteristics;

(d) Set forth a management plan, including the hydrologic and water quality conditions that will be sought and significant opportunities for improvement;

(e) Describe conflicts between the watershed plan and existing plans of local government units;

(f) Set forth an implementation program consistent with the management plan, which includes a capital improvement program and standards and schedules for amending the comprehensive plans and official controls of local government units in the watershed to bring about conformance with the watershed plan; and

(g) Set out a procedure for amending the plan.

Subd. 5. Review. Upon completion of the plan but before final adoption by the organization, the organization shall submit the plan for review and comment to all counties, soil and water conservation districts, towns, and statutory and home rule charter cities having territory within the watershed. Any local government unit which expects that substantial amendment of its local comprehensive plan will be necessary in order to bring local water management into conformance with the watershed plan shall describe as specifically as possible, within its comments, the amendments to the local plan which it expects will be necessary. Sixty days after the submission to local government units for comment, the organization shall submit the plan, any comments received, and any appropriate amendments to the plan, to the board of the county or counties having territory within the watershed. The county shall approve or disapprove projects in the capital improvement program which may require the provision of county funds pursuant to section 112.60, subdivision 2, or section 473.883. The county shall have 60 days to complete its review of the capital improvement program. If the county fails to complete its review within the prescribed period, unless an extension is agreed to by the organization the program shall be deemed approved. If the watershed extends into more than one county and one or more counties disapprove of all or part of a capital improvement program while the other county or counties approve, the program shall be submitted to the water resources board for review pursuant to subdivision 7.

Subd. 6. Review by metropolitan council. After completion of the review under subdivision 5, the plan shall be submitted to the metropolitan council for review. Notwithstanding any provision to the contrary in sections 112.46 and 473.165, the council shall review the plan in the same manner and with the same authority and effect as provided for the council's review of the comprehensive plans of local government units under section 473.175. The council shall comment on the apparent conformity with metropolitan system plans of any anticipated amendments to local comprehensive plans.

Subd. 7. Review by state agencies. After completion of the review under subdivision 6, the plan shall be submitted to the commissioner of natural resources and the pollution control agency for review and comment on the consistency of the plan with state laws and rules relating to water and related land resources, and to the water resources board for review under section 112.46. Except as otherwise provided in this subdivision, the water resources board shall review the plan as provided in section 112.46. The board shall review the plan for conformance with the requirements of chapter 112 and sections 473.875 to 473.883. The board shall

not prescribe a plan, but may disapprove all or parts of a plan which it determines is not in conformance with the requirements of chapter 112 and sections 473.875 to 473.883. If the capital improvement program is the subject of a dispute between counties, the water resources board shall make a final decision on the issue. The decision shall be binding on the organization and the counties involved.

Subd. 8. Adoption; implementation. The organization shall adopt and implement its plan within 120 days after compliance with the provisions of subdivision 7 and approval of the plan by the water resources board. A watershed district may implement its approved plan and approved capital improvement program by resolution of the majority of the board of managers and without respect to the provisions of chapter 112 requiring the managers to wait upon petitions for projects, to submit projects for review by the water resources board, and to limit the cost and purposes of projects.

Subd. 9. Amendments. To the extent and in the manner required by the adopted plan, all amendments to the adopted plan shall be submitted to the towns, cities, county, and other agencies for review in accordance with the provisions of subdivisions 5, 6, and 7.

History: 1982 c 509 s 21

473.879 LOCAL WATER MANAGEMENT PLANS.

Subdivision 1. Requirement. After the watershed plan is approved and adopted, or amended, pursuant to section 473.878, the local government units having land use planning and regulatory responsibility for territory within the watershed shall prepare or cause to be prepared a local water management plan, capital improvement program, and official controls as necessary to bring local water management into conformance with the watershed plan within the time period prescribed in the implementation program of the watershed plan and, as necessary, shall prepare or cause to be prepared amendments to the local comprehensive plan. Each town within the counties of Anoka, Carver, Dakota, Scott, and Washington authorized by general or special law to plan and regulate the use of land under sections 462.351 to 462.364 shall by resolution determine whether to prepare the local water management plan itself or to delegate all or part of the preparation of the plan to the county. Towns within counties which have adopted comprehensive plans applicable to the town shall use county preparation of their plan to the maximum extent possible.

Subd. 2. Standards; contents. Each local plan, in the degree of detail required in the watershed plan, shall:

- (a) Describe existing and proposed physical environment and land use;
- (b) Define drainage areas and the volumes, rates, and paths of stormwater runoff;
- (c) Identify areas and elevations for stormwater storage adequate to meet performance standards established in the watershed plan;
- (d) Define water quality and water quality protection methods adequate to performance standards established in the watershed plan;
- (e) Identify regulated areas; and
- (f) Set forth an implementation program, including a description of official controls and, as appropriate, a capital improvement program.

Subd. 3. Review. After consideration but before adoption by the governing body, each local unit shall submit its water management plan to the watershed management organization for review for consistency with the watershed plan adopted pursuant to section 473.878. The organization shall approve or disapprove the local plan or parts thereof. The organization shall have 60 days to complete its review. If the organization fails to complete its review within the

prescribed period, unless an extension is agreed to by the local unit the local plan shall be deemed approved.

Subd. 4. **Adoption; implementation.** After approval of the local plan by the organization, the local government unit shall adopt and implement its plan within 120 days and shall amend its official controls accordingly within 180 days.

Subd. 5. **Amendments.** To the extent and in the manner required by the organization, all amendments to local water management plans shall be submitted to the organization for review and approval in accordance with the provisions of subdivision 3 for the review of plans.

History: 1982 c 509 s 22

473.881 EXEMPTION FROM LEVY LIMIT.

Any levy to pay the increased costs to a local government unit or watershed management organization of implementing sections 473.878 and 473.879 or to pay costs of improvements and maintenance of improvements identified in an approved and adopted plan shall be in addition to any other taxes authorized by law and shall be disregarded in the calculation of limits on taxes imposed by chapter 275, except levies pursuant to section 473.883, subdivision 7, for taxes payable in 1985 and thereafter. Notwithstanding any provision to the contrary in chapter 112, a watershed district may levy a tax sufficient to pay the increased costs to the district of implementing sections 473.878 and 473.879. The proceeds of any tax levied under this section shall be deposited in a separate fund and expended only for the purposes authorized by this section.

History: 1982 c 509 s 23

473.882 SPECIAL TAX DISTRICT.

Subdivision 1. **Watershed management tax district.** Any local government unit planning for water management under sections 473.878 and 473.879 may establish a watershed management tax district in the territory within the watershed, for the purpose of paying the costs of the planning required under sections 473.878 and 473.879. Any local government unit which has part of its territory within a watershed for which a plan has been adopted in accordance with section 473.878 and which has a local water management plan adopted in accordance with section 473.879 may establish a watershed management tax district in the territory within the watershed, for the purpose of paying capital costs of the water management facilities described in the capital improvement program of the plans and for the purpose of paying for normal and routine maintenance of the facilities.

Subd. 2. **Procedure.** The district shall be established by ordinance adopted after a hearing. Notice of the time, place, and purpose of the hearing shall be published for two successive weeks in the official newspaper of the local government unit, ending at least seven days before the day of the hearing. The ordinance shall describe with particularity the territory or area to be included in the district. After adoption, the ordinance shall be filed with the county auditor and county recorder. The district may be dissolved by following the procedures prescribed for the establishment of the district.

Subd. 3. **Tax.** After adoption of the ordinance under subdivision 2, a local government unit may annually levy a tax on all taxable property in the district for the purposes for which the tax district is established. The proceeds of the tax shall be paid into a fund reserved for these purposes. Any proceeds remaining in the reserve fund at the time the tax is terminated or the district is dissolved shall be transferred and irrevocably pledged to the debt service fund of the local unit to be used solely to reduce tax levies for bonded indebtedness of taxable property in the district. A tax levied in accordance with this subdivision for paying capital costs

is a levy for the payment of principal and interest on bonded indebtedness within the meaning of section 275.50, subdivision 5, clause (e).

Subd. 4. **Bonds.** After adoption of the ordinance under subdivision 2, and after a contract for the construction of all or part of an improvement has been entered into or the work has been ordered done by day labor, the local government unit may issue obligations in the amount it deems necessary to pay in whole or in part the capital cost incurred and estimated to be incurred in making the improvement. The obligations shall be payable out of the proceeds of the tax levied pursuant to subdivision 3. The local unit may by resolution of its governing body adopted prior to the sale of obligations pledge the full faith, credit and taxing power of the local unit to assure payment of the principal and interest in the event the proceeds of the tax levy in the district are insufficient to pay principal and interest. The amount of any taxes which are required to be levied outside of the territory of the tax district or taken from the general funds of the local unit to pay principal and interest on the obligations shall be reimbursed to the local unit from taxes levied within the territory of the tax district. Obligations shall be issued in accordance with chapter 475, except that an election is not required and the amount of any obligations shall not be included in determining the net indebtedness of the local unit under the provisions of any law or charter limiting indebtedness.

History: 1982 c 509 s 24

473.883 WATERSHED MANAGEMENT ORGANIZATION; CAPITAL IMPROVEMENTS; PAYMENT BY COUNTY.

Subdivision 1. **General authority.** The authority provided to watershed districts in this section is in addition to the authority provided in chapter 112. A watershed management organization which has adopted a watershed plan in accordance with section 473.878 may certify for payment by the county as provided in this section all or any part of the cost of a capital improvement contained in the capital improvement program of the plan.

Subd. 2. **Procedure.** A copy of the plan for the improvement shall be forwarded to the county board. The organization shall then hold a public hearing on the proposed improvement, following publication once each week for two successive weeks before the date of the hearing in a legal newspaper published in the county or counties in which a part or all of the affected waters and lands are located. The last publication shall occur not more than 30 days nor less than ten days before the hearing. The notice shall state the time and place of hearing, the general nature of the proposed improvement, the estimated cost, and the method by which the cost of the improvement is to be paid, including the cost to be allocated to each county under subdivision 3. Not less than ten days before the hearing, notice by mail shall be given to the counties and to each home rule charter or statutory city or town located wholly or partly within the territory of the watershed management organization. Failure to give mailed notice or defects in the notice shall not invalidate the proceedings. At the time and place specified in the notice the organization shall hear all parties interested in the proposed improvement. If upon full hearing the organization finds that the improvement will be conducive to public health and promote the general welfare, and is in compliance with sections 473.875 to 473.883 and the plan adopted pursuant to section 473.878, it shall make findings accordingly, determine the cost of the improvement, and certify the cost to the county or counties for payment.

Subd. 3. **Apportionment of costs.** If the territory of the watershed management organization extends into more than one county, the cost of the improvement shall be certified to the respective county boards in the proportions prescribed in the capital improvement program of the organization.

MINNESOTA STATUTES 1982

Subd. 4. **County payment.** Each county receiving a certification for payment from a watershed management organization pursuant to this section shall provide funds to meet its proportionate share of the cost of the improvement as shown in the certification by the organization.

Subd. 5. **Bonds.** In order to make the payment required by subdivision 4, the county board of each county may issue general obligation bonds of the county in the amount necessary to pay all or part of the cost of improvements certified to the county board or to refund general obligation bonds issued for this purpose. The bonds shall be sold, issued, and secured in accordance with the provisions of chapter 475 for general obligation bonds, except as otherwise provided in this subdivision. No election shall be required.

Subd. 6. **Tax.** For the payment of principal and interest on the bonds issued under subdivision 5 and the payment required under subdivision 4, the county shall irrevocably pledge and appropriate the proceeds of an ad valorem tax levied on all taxable property located within the territory of the watershed management organization for which the bonds are issued. Each year until the reserve for payment of the bonds is sufficient to retire the bonds, the county shall levy on all taxable property in the territory of the organization, without respect to any statutory or other limitation on taxes, an amount of taxes sufficient to pay principal and interest on the bonds and to restore any deficiencies in reserves required to be maintained for payment of the bonds. If at any time the amounts available from the levy on property in the territory of the organization are insufficient to pay principal and interest on the bonds when due, the county shall make payment from any available funds in the county treasury. The amount of any taxes which are required to be levied outside of the territory of the watershed management organization or taken from the general funds of the county to pay principal or interest on the bonds shall be reimbursed to the county from taxes levied within the territory of the watershed management organization.

Subd. 7. **Maintenance levy.** For the purpose of creating a maintenance fund to be used for normal and routine maintenance of a work of improvement constructed in whole or part with money provided by the county pursuant to subdivision 4, the board of managers of a watershed district, with the approval of the county, may impose an ad valorem levy on all property located within the territory of the watershed district. The levy shall be certified, levied, collected, and distributed as provided in section 112.611, and shall be in addition to any other moneys levied and distributed to the district thereunder. The proceeds of the levy shall be deposited in a separate maintenance and repair account to be used only for the purpose for which the levy was made.

History: 1982 c 509 s 25