

## CHAPTER 473

## METROPOLITAN GOVERNMENT

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## 473.121 DEFINITIONS.

[For text of subd 1, see M.S.1982]

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 excluding the city of Hanover, Ramsey, Scott excluding the city of New Prague, and Washington.

[For text of subds 3 to 36, see M.S.1982]

**History:** 1983 c 330 s 1

## 473.123 METROPOLITAN COUNCIL.

[For text of subd 1, see M.S.1982]

Subd. 2. [Repealed, 1983 c 16 s 15]

Subd. 2a. **Terms.** Following each apportionment of council districts, as provided under subdivision 3a, the terms of council members shall commence on the effective date of that apportionment, as provided in subdivision 3a. The terms of members are as follows: members representing even-numbered districts for terms ending the first Monday in January of the year ending in the numeral "7"; members representing odd-numbered districts for terms ending the first Monday in January of the year ending in the numeral "5." Thereafter the term of each member is four years except that all terms expire on the effective date of the next apportionment. A member shall continue to serve his district until a successor is appointed and qualified; except that, following each apportionment, the member shall continue to serve at large until the governor appoints 16 council members, one from each of the newly drawn council districts as provided under subdivision 3a, to serve terms as provided under this section.

Subd. 3. **Membership; appointment; qualifications.** (a) The council shall be composed of 16 members. The governor shall appoint members on a nonpartisan basis after consultation with all members of the legislature from the council district for which the member is to be appointed. Appointments are subject to the advice and consent of the senate. Each council member shall reside in the council

district which he represents. Each council district shall be represented by one member of the council.

(b) In addition to the notice required by section 15.0597, subdivision 4, notice of vacancies and expiration of terms shall be published in newspapers of general circulation in the metropolitan area and the appropriate districts.

Subd. 3a. **Apportionment.** The legislature shall redraw the boundaries of the council districts after each decennial federal census so that each district has substantially equal population. Redistricting is effective on the first Monday in January in the year ending in the numeral "3." Within two months thereafter, the governor shall appoint members from the newly drawn districts to serve terms as provided under subdivision 2a.

Subd. 3b. **District boundaries.** The council district boundaries are as follows:

(1) The first council district consists of that part of the city of St. Paul lying north of a line described as follows: commencing at the intersection of the western boundary of the city of St. Paul and Marshall Avenue, easterly on Marshall Avenue to Cretin Avenue North, northerly on Cretin Avenue North to Iglehart Avenue, easterly on Iglehart Avenue to Cleveland Avenue North, southerly on Cleveland Avenue North to Marshall Avenue, easterly on Marshall Avenue to Hamline Avenue, northerly on Hamline Avenue to University Avenue, easterly on University Avenue to Lexington Parkway, northerly on Lexington Parkway to Lafond Avenue, easterly on Lafond Avenue to North Victoria Street, northerly on North Victoria Street to Blair Avenue, easterly on Blair Avenue to Como Avenue, southeasterly on Como Avenue to Lafond Avenue, easterly on Lafond Avenue to Rice Street, southerly on Rice Street to Como Avenue, easterly on Como Avenue to Capitol Heights Boulevard, southerly on Capitol Heights Boulevard to Valley Street, easterly on Valley Street to Jackson Street, northeasterly on Jackson Street to Pennsylvania Avenue, easterly and southeasterly on Pennsylvania Avenue to Interstate Highway 35E, southerly on Interstate Highway 35E to Grove Street, easterly on Grove Street to Willius Street, southeasterly on Willius Street to East 7th Street, northeasterly on East 7th Street to Mounds Boulevard, southeasterly on Mounds Boulevard to East 6th Street, northeasterly and easterly on East 6th Street to Johnson Parkway, northerly on Johnson Parkway to East Minnehaha Avenue, and easterly on East Minnehaha Avenue to the eastern boundary of the city of St. Paul.

(2) The second council district consists of that part of the city of St. Paul not included in council districts 1 and 15.

(3) The third council district consists of that part of the county of Ramsey consisting of the cities of Maplewood, North St. Paul, Little Canada, Roseville, Falcon Heights, Lauderdale, St. Anthony, and New Brighton; and that part of the city of St. Anthony lying in Hennepin county.

(4) The fourth council district consists of that part of the city of Minneapolis located within an area described as follows: commencing at the intersection of West 50th Street and Nicollet Avenue South, northerly on Nicollet Avenue South to Lake Street, easterly on Lake Street to 1st Avenue South, northerly on 1st Avenue South to East 19th Street, easterly on East 19th Street to Stevens Avenue South, northerly on Stevens Avenue South to East 18th Street, easterly on East 18th Street to 3rd Avenue South, northerly on 3rd Avenue South to East 16th Street, easterly on East 16th Street to 4th Avenue South, northerly on 4th Avenue South to South 11th Street, southeasterly on South 11th Street to Grant Street, easterly on Grant Street to Portland Avenue, northeasterly on Portland Avenue and an extension of Portland Avenue to the main channel of the Mississippi River, southeasterly along the main channel of the Mississippi River to an extension of

Cedar Avenue South, northerly on Cedar Avenue South and its extension to the Burlington Northern, Inc. railroad tracks, northeasterly along the southern branch of the Burlington Northern, Inc. railroad tracks to University Avenue Southeast, southeasterly on University Avenue Southeast to 26th Avenue Southeast, southwesterly on 26th Avenue Southeast to Essex Street, northwesterly on Essex Street to Huron Street, southerly on Huron Street to Interstate Highway 94, southeasterly on Interstate Highway 94 to East Franklin Avenue, easterly on East Franklin Avenue to the eastern boundary of the city of Minneapolis, southerly along the eastern boundary of the city of Minneapolis to an extension of East 54th Street, westerly on East 54th Street and its extension to 27th Avenue South, northerly on 27th Avenue South to East 50th Street, easterly on East 50th Street to 28th Avenue South, northerly on 28th Avenue South to East Minnehaha Parkway, westerly on East Minnehaha Parkway to 16th Avenue South, northerly on 16th Avenue South to East 48th Street, westerly on East 48th Street to Chicago Avenue, southerly on Chicago Avenue to East 50th Street, westerly on East 50th Street to the point of origin.

(5) The fifth council district consists of that part of the city of Minneapolis not included in council districts 4 and 6.

(6) The sixth council district consists of that part of the city of Minneapolis lying north of a line described as follows: commencing at the intersection of the western boundary of the city of Minneapolis and Chestnut Avenue, easterly on Chestnut Avenue to Penn Avenue South, southerly on Penn Avenue South to Hawthorne Avenue, easterly on Hawthorne Avenue to Cedar Lake Road, northeasterly on Cedar Lake Road to the Burlington Northern, Inc. railroad tracks, southeasterly and northeasterly along the Burlington Northern, Inc. railroad tracks to Interstate Highway 94, southerly on Interstate Highway 94 to Hennepin Avenue, northeasterly on Hennepin Avenue to South 13th Street, southeasterly on South 13th Street and an extension of South 13th Street to LaSalle Avenue, southerly on LaSalle Avenue to Grant Street, easterly on Grant Street to 4th Avenue South, northerly on 4th Avenue South to South 11th Street, southeasterly on South 11th Street to Grant Street, easterly on Grant Street to Portland Avenue, northeasterly on Portland Avenue and an extension of Portland Avenue to the main channel of the Mississippi River, southeasterly along the main channel of the Mississippi River to an extension of Cedar Avenue South, northerly on Cedar Avenue South and its extension to the Burlington Northern, Inc. railroad tracks, northeasterly along the southern branch of the Burlington Northern, Inc. railroad tracks to University Avenue Southeast, southeasterly on University Avenue Southeast to 26th Avenue Southeast, southwesterly on 26th Avenue Southeast to Essex Street, northwesterly on Essex Street to Huron Street, southerly on Huron Street to Interstate Highway 94, southeasterly on Interstate Highway 94 to East Franklin Avenue, easterly on East Franklin Avenue to the eastern boundary of the city of Minneapolis.

(7) The seventh council district consists of that part of the county of Ramsey consisting of the cities of Mounds View, Shoreview, North Oaks, Arden Hills, Vadnais Heights, Gem Lake, and White Bear Lake, and the township of White Bear; that part of the county of Anoka consisting of the cities of Centerville and Lino Lakes; that part of the county of Washington consisting of the cities of Forest Lake, Marine-on-St. Croix, Hugo, Dellwood, Mahtomedi, Birchwood, Willernie, Pine Springs, and Stillwater, and the townships of Forest Lake, New Scandia, May, Grant, and Stillwater; and that part of the city of White Bear Lake lying in Washington county.

(8) The eighth council district consists of that part of the county of Anoka consisting of the cities of Columbia Heights, Hilltop, Fridley, Spring Lake Park, Coon Rapids, Blaine, Lexington, and Circle Pines; and those parts of the cities of Blaine and Spring Lake Park lying in Ramsey county.

(9) The ninth council district consists of that part of the county of Anoka consisting of the cities of St. Francis, Bethel, East Bethel, Ramsey, Andover, Ham Lake, and Anoka, and the townships of Burns, Oak Grove, Linwood, and Columbus; and that part of the county of Hennepin consisting of the cities of Dayton, Champlin, Maple Grove, Plymouth, and Medicine Lake.

(10) The tenth council district consists of that part of the county of Hennepin consisting of the cities of Brooklyn Park, Brooklyn Center, Osseo, New Hope, and Crystal.

(11) The eleventh council district consists of that part of the county of Hennepin consisting of the cities of Robbinsdale, Golden Valley, St. Louis Park, and Edina.

(12) The twelfth council district consists of that part of the county of Hennepin consisting of the cities of Bloomington and Richfield; and the Fort Snelling Military Reservation.

(13) The thirteenth council district consists of that part of the county of Hennepin consisting of the cities of Eden Prairie, Hopkins, Minnetonka, Wayzata, Woodland, Deephaven, Greenwood, Excelsior, Shorewood, Tonka Bay, Minnetonka Beach, Spring Park, Orono, Long Lake, Mound, Minnetrista, St. Bonifacius, Maple Plain, Independence, Loretto, Medina, Corcoran, Greenfield, and Rogers, and the township of Hassan; and those parts of the cities of Hanover and Rockford lying in Hennepin county.

(14) The fourteenth 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 cities of Burnsville and Lakeville; and that part of the city of Chanhassen lying in Hennepin county.

(15) The fifteenth council district consists of that part of the county of Dakota consisting of the cities of Lilydale, Mendota, Mendota Heights, Eagan, Sunfish Lake, West St. Paul, South St. Paul, and Inver Grove Heights; that part of the county of Washington consisting of the city of Newport; and that part of the city of St. Paul lying south and west of a line described as follows: commencing at the intersection of the western boundary of the city of St. Paul and an extension of St. Clair Avenue, easterly on St. Clair Avenue and its extension to Wheeler Street South, southerly on Wheeler Street South to James Avenue, easterly on James Avenue to Snelling Avenue South, northerly on Snelling Avenue South to Palace Avenue, easterly on Palace Avenue to South Pascal Street, southerly on South Pascal Street to James Avenue, easterly on James Avenue to Lexington Parkway, southerly on Lexington Parkway to Randolph Avenue, easterly on Randolph Avenue to proposed Interstate Highway 35E, southerly and southeasterly on proposed Interstate Highway 35E to the southern boundary of the city of St. Paul.

(16) The sixteenth council district consists of that part of the county of Dakota consisting of the cities of Apple Valley, Rosemount, Hastings, Farmington, Coates, Vermillion, Hampton, New Trier, Randolph, and Miesville, and the townships of Nininger, Ravenna, Marshan, Vermillion, Empire, Eureka, Castle Rock, Hampton, Douglas, Greenvale, Waterford, Sciota, and Randolph; that part of the county of Washington consisting of the cities of Oakdale, Lake Elmo, Landfall, Woodbury, St. Paul Park, Cottage Grove, Oak Park Heights, Bayport, Lakeland, Lakeland Shores, Lake St. Croix Beach, St. Mary's Point, and Afton,

and the townships of Grey Cloud Island, Baytown, West Lakeland, and Denmark; and that part of the city of Hastings lying in Washington County.

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 the pleasure of the governor. Senate confirmation shall be as provided by section 15.066. The chairman 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.

*[For text of subds 5 and 6, see M.S.1982]*

**History:** 1983 c 16 s 1-4; 1983 c 305 s 25

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

*[For text of subd 1, see M.S.1982]*

Subd. 2. **Membership.** (a) Each commission shall consist of eight members, plus a chairman appointed as provided in subdivision 3. The metropolitan council shall appoint the eight members on a nonpartisan basis after consultation with the members of the legislature from the commission district for which the member is to be appointed. Appointments are subject to the advice and consent of the senate.

(b) Following the submission of commission member applications to the metropolitan council as provided under section 15.0597, subdivision 5, the council shall conduct one or more public hearings on the matter of the appointments for the commission districts to accept statements from persons who have applied for appointment and to allow consultation with and secure the advice of the public.

(c) One member shall be appointed from each of the following commission districts:

- (1) Commission district A, consisting of council districts 1 and 2;
- (2) Commission district B, consisting of council districts 3 and 7;
- (3) Commission district C, consisting of council districts 4 and 5;
- (4) Commission district D, consisting of council districts 6 and 10;
- (5) Commission district E, consisting of council districts 8 and 9;
- (6) Commission district F, consisting of council districts 11 and 12;
- (7) Commission district G, consisting of council districts 13 and 14; and
- (8) Commission district 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. Senate confirmation shall be as provided by section 15.066. 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 commission district 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. 4a. **Terms.** Following each apportionment of metropolitan council districts, as provided under section 473.123, subdivision 3a, the terms of members and the chairman of each commission shall commence on the effective date of that apportionment, as provided in section 473.123, subdivision 3a. The terms of members and chairmen are as follows: members representing commission districts A, B, C, and D, and the chairman of each commission, for terms ending the first Monday in January of the year ending in the numeral "7"; members representing commission districts E, F, G, and H, for terms ending the first Monday in January of the year ending in the numeral "5." Thereafter the term of each member and the chairman is four years except that all terms expire on the effective date of the next apportionment. A chairman shall continue to serve until a successor is appointed and qualified. A member shall continue to serve his commission district until a successor is appointed and qualified; except that, following each apportionment, the member shall continue to serve at large until the metropolitan council appointed pursuant to section 473.123, subdivision 3a appoints eight commission members as provided under subdivision 2, to serve terms as provided under this subdivision.

Subd. 5. **Removal.** 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.

*[For text of subds 6 to 14, see M.S.1982]*

**History:** 1983 c 16 s 5-8; 1983 c 305 s 26

#### **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. The legislature in each bonding measure shall designate an anticipated level of funding for this acquisition and development for each of the two succeeding bienniums.

*[For text of subd 2, see M.S.1982]*

**History:** 1983 c 344 s 24

#### **473.149 SOLID WASTE COMPREHENSIVE PLANNING.**

*[For text of subds 1 to 2a, see M.S.1982]*

Subd. 2b. **Inventory of solid waste disposal sites.** By September 1, 1983, 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 of the required number of sites by June 1, 1983, the council shall begin investigations and public hearings in order to adopt the required inventory for the county by September 1, 1983. 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 development limitation imposed under section 473.806, subdivision 1, shall extend until 90 days following the selection of sites pursuant to section 473.833, subdivision 3.

Subd. 2c. **Report on local effects of solid waste disposal facilities; report to legislature.** By November 1, 1983, 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: compensation to landowners for damages resulting from the selection of a site for the inventory of sites or for development as a facility, 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, 1984, 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, 1984, after requesting and considering recommendations from the counties, cities, and towns, the council as part of its policy plan shall determine the number and capacity 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 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 council may make the implementation of elements of the schedule contingent on actions of the counties in adopting and implementing county abatement plans pursuant to section 473.803, subdivision 1b; and the council shall review the development schedule at least every two years and shall revise the development schedule as it deems appropriate based on the progress made in the adoption and implementation of the council and county abatement plans. 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 before the adoption of the development schedule.

*[For text of subd 3, see M.S.1982]*

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 at least the date that the council adopts the inventory under subdivision 2b to the date that the council adopts a development schedule under subdivision 2e, for the purpose only of participating in the preparation of the legislative report required by subdivision 2c, the land disposal abatement plan required by subdivision 2d, and the development schedule required by subdivision 2e, 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.

*[For text of subd 5, see M.S.1982]*

**History:** 1983 c 373 s 46-50



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

*[For text of subd 1, see M.S.1982]*

Subd. 2. **Candidate site selection.** The council shall select candidate sites for the disposal of the commission's sewage sludge and solid waste, together with appropriate surrounding buffer areas. The council shall select at least four candidate sites by September 1, 1983. 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. 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 within 90 days of the council's proposal of a site. 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.

*[For text of subds 3 and 4, see M.S.1982]*

Subd. 5. **Environmental review.** An environmental impact statement must be completed on the environmental effects of the council's decisions required by subdivision 6. The statement must be prepared and reviewed in accordance with chapter 116D and the rules issued pursuant thereto, except as otherwise required by this section. The statement must not address or reconsider alternatives

eliminated from consideration pursuant to subdivisions 1 and 2 and must not address the matters to be decided by the council pursuant to subdivision 6b.

**Subd. 5a. Agencies; report on permit conditions and application requirements.** Within 30 days following the council's determination of adequacy pursuant to subdivision 5, the chief executive officer of each permitting state agency shall issue to the council reports on permit conditions and permit application requirements at each candidate site. The reports must indicate, to the extent possible based on existing information, the probable terms, conditions, and requirements of permits and the probable supplementary documentation that will be required for permit applications. The reports must be consistent with the establishment of facilities in accordance with the requirements of this section, must not address or reconsider alternatives eliminated from consideration under subdivisions 1 and 2, and must not address the matters to be decided by the council pursuant to subdivision 6b.

**Subd. 6. Council site selection.** Within 90 days following the determination of adequacy, 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.

*[For text of subd 6a, see M.S.1982]*

**Subd. 6b. Certification of need.** No new facility for disposing of 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 ash 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 ash disposal facility, including large-scale composting and co-composting of sludge, 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, including large-scale composting and co-composting of sludge as an alternative to incineration. In its certification the council shall not consider alternatives which have been eliminated from consideration by the selection of sites pursuant to subdivisions 2 and 6.

**Subd. 6c. Certification of need; restriction.** No certification of need may be issued by the council pursuant to subdivision 6b until the report required by this subdivision is submitted to the legislative commission on waste management. The council shall submit the report by January 1, 1984. The report shall evaluate the potential of large-scale sewage sludge composting and co-composting to reduce the need for sewage sludge incineration, sewage sludge ash disposal, and mixed municipal solid waste land disposal; recommend institutional arrangements necessary for the implementation of large-scale sewage sludge composting and co-composting; and compare the costs and benefits of composting and co-composting with the costs, including costs already incurred, and the benefits of incineration.

*[For text of subd 7, see M.S.1982]*

**History:** 1983 c 373 s 51-56

**473.303 METROPOLITAN PARKS AND OPEN SPACE COMMISSION.**

*[For text of subd 1, see M.S.1982]*

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

- (1) Commission district A, consisting of council districts 1 and 2;
- (2) Commission district B, consisting of council districts 3 and 7;
- (3) Commission district C, consisting of council districts 4 and 5;
- (4) Commission district D, consisting of council districts 6 and 10;
- (5) Commission district E, consisting of council districts 8 and 9;
- (6) Commission district F, consisting of council districts 11 and 12;
- (7) Commission district G, consisting of council districts 13 and 14; and
- (8) Commission district 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 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 commission district 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. 4a. **Terms.** Following each apportionment of metropolitan council districts, as provided under section 473.123, subdivision 3a, the terms of members and the chairman of the commission shall commence on the effective date of that apportionment, as provided in section 473.123, subdivision 3a. The terms of members and chairmen are as follows: members representing commission districts A, B, C, and D, and the chairman of the commission, for terms ending the first Monday in January of the year ending in the numeral "7"; members representing commission districts E, F, G, and H, for terms ending the first Monday in January of the year ending in the numeral "5." Thereafter the term of each member and the chairman is four years except that all terms expire on the effective date of the next apportionment. The chairman shall continue to serve until a successor is appointed and qualified. A member shall continue to serve his commission district until a successor is appointed and qualified; except that, following each apportionment, the member shall continue to serve at large until the metropolitan council appointed pursuant to section 473.123, subdivision 3a appoints eight commission members as provided under subdivision 2, to serve terms as provided under this subdivision.

Subd. 5. **Vacancies; removal.** 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. 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 council.

[For text of subd 6, see M.S.1982]

**History:** 1983 c 16 s 9-13

#### 473.408 FARE POLICY.

[For text of subds 1 and 2, see M.S.1982]

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 25 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 25 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. 3a. **Special fares for jobseekers.** The commission may print or have printed special bus passes for jobseekers, and shall distribute the passes to government agencies, civic and community organizations and other nonprofit organizations which assist persons seeking employment and which the commission determines will use the passes in compliance with the intent of this subdivision. Agencies and organizations receiving the passes may use them only for loaning at no charge to unemployed or underemployed persons who are actively seeking employment, and persons using the passes may use them only while engaged in travel relating to the seeking of employment. Agencies and organizations receiving the passes are responsible for the use of the passes in conformity with this subdivision. From Monday through Friday, during the off-peak hours specified by the commission, the commission may charge a reduced fare for persons displaying cards issued pursuant to this subdivision.

This subdivision expires June 30, 1985.

Subd. 3b. **Jobseeker fare not a social fare.** The reduced fare for jobseekers under subdivision 3a is not a social fare for which the commission may receive reimbursement under section 174.24, subdivision 4.

[For text of subd 4, see M.S.1982]

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, 3a, and 4, the commission and other operators may not grant reduced fares for regular route bus service.

[For text of subds 6 and 7, see M.S.1982]

**History:** 1983 c 27 s 1-3; 1983 c 293 s 104

#### 473.413 COMMISSION; SPECIAL PROVISIONS.

[For text of subds 1 to 3, see M.S.1982]

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 of it on the affected operator and the clerk, secretary, or other recording officer of each municipality and other public agency affected. Upon receiving a petition, the department of public service shall set a hearing on it 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 opposition and serve a copy of it on the secretary of the transit commission. If no answers are filed and served within the 30-day period, the department of public service shall, upon finding that the change proposed in the petition is in the public interest, order the change. If any answer opposing the petition is received by the department of public service within the 30-day period, it shall hold a hearing and make a determination in the matter as provided by applicable laws and rules. An appeal from the action of the department of public service in the matter may be taken in accordance with chapter 14.

*[For text of subs 5 to 11, see M.S.1982]*

**History:** 1983 c 247 s 160

#### 473.436 COMMISSION; BORROWING MONEY.

*[For text of subs 1 and 2, see M.S.1982]*

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.

*[For text of subd 4, see M.S.1982]*

Subd. 5. **Bus purchases and other improvements.** In addition to obligations outstanding on January 1, 1983, the commission may issue certificates of indebtedness, bonds or other obligations in an amount not exceeding \$12,000,000 for the purposes of purchasing and rehabilitation of buses and related equipment, and constructing maintenance and other buildings, bus shelters and road related improvements.

Subd. 6. **Temporary borrowing.** On or after the first day of any fiscal year, the commission may borrow money which may be used or expended by the commission for any purpose, including but not limited to current expenses, capital expenditures and the discharge of any obligation or indebtedness of the commission. The indebtedness shall be represented by a note or notes which may be issued from time to time in any denomination and sold at public or private sale pursuant to a resolution authorizing the issuance thereof, which resolution shall set forth the form and manner of execution of the notes and shall contain other terms and conditions the commission deems necessary or desirable to provide security for the holders of the notes. The note or notes shall be payable from committed or appropriated money of grants or loans of the state or federal government made to the commission, and the money may be pledged to the payment of the notes. To the extent the notes are not paid from the grant or loan money pledged for the payment thereof, the notes shall be paid with the interest thereon from any taxes, income and revenue received or accrued during the fiscal year in which the note or notes were issued, or other money of the commission lawfully available therefor.

**History:** 1983 c 213 s 21; 1983 c 293 s 105; 1983 c 344 s 25

**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 up to two mills times the assessed value of all such property, based upon the level of transit service provided for the 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 or to be 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.

*[For text of subds 1a to 3, see M.S.1982]*

**History:** 1983 c 17 s 13; 1983 c 293 s 106

**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 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:** 1983 c 213 s 22

**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.

**History:** 1983 c 213 s 23

**473.556 POWERS OF COMMISSION.**

*[For text of subds 1 to 5, see M.S.1982]*

Subd. 6. **Disposition of property.** (a) 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.

(b) 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.

(c) Any real property right, title, or interest within the provisions of paragraph (b) owned by the commission may be sold or leased in whole or in part to the port authority of the city of Bloomington.

(d) Real property disposed of under clause (c) shall be subject to leases, agreements, or other written interests in force on June 1, 1983.

(e) 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 or retirement.

*[For text of subds 7 to 14, see M.S.1982]*

**History:** 1983 c 257 s 2

**473.597** [Repealed, 1982 c 501 s 26]

#### **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 nonpartisan 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;

(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 term coterminous with that of the governor.

*[For text of subs 2 to 5, see M.S.1982]*

**History:** 1983 c 171 s 1

#### **473.608 POWERS OF CORPORATION.**

*[For text of subs 1 to 16, see M.S.1982]*

Subd. 17. **Ordinances.** (1) It may adopt and enforce rules, regulations, and ordinances it deems necessary for 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 sections 473.601 to 473.679. Any person violating any rule, regulation or ordinance is guilty of a misdemeanor.

(2) The prosecution may be before a county or municipal court having jurisdiction over the place where the violation occurs. Every sheriff, constable, policeman, and other peace officer shall arrest offenders. The fines collected shall be paid into the treasury of the corporation. The portion of the fines necessary to cover all costs and disbursements incurred in processing and prosecuting the violations in the court shall be transferred to the clerk of 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) When necessary, the corporation may adopt and enforce without a public hearing all other rules, regulations or ordinances, but it shall hold a public hearing within 30 days after their adoption. Prior to the hearing, the corporation shall



give at least 15 days notice by publication in appropriate legal newspapers of general circulation in the metropolitan area and mail a copy of them 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 on them after giving the required notice. The rules, regulations, or ordinances shall not be adopted and enforced 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 and a copy of the rule, regulation, or ordinance shall be filed with the secretary of state. They shall then 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 it. The petition shall set forth a clear statement of the facts and grounds upon which it is based. The corporation shall grant the petitioner a public hearing within 30 days after the filing of the petition.

*[For text of subds 18 and 19, see M.S.1982]*

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, 1985.

*[For text of subd 21, see M.S.1982]*

**History:** 1983 c 330 s 2; 1983 c 359 s 67

#### **473.653 RESTRICTIONS ON CERTAIN AIRPORTS.**

The metropolitan airports commission shall not take any action with respect to an airport owned by it that would result in a permanent net reduction in useable runway length at the airport. Retention of existing useable runway length at an airport owned by the metropolitan airports commission shall not cause the airport to be reclassified from a minor use to an intermediate use airport.

**History:** 1983 c 301 s 232

#### **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. The bonds shall be deemed and treated as instrumentalities of a public government agency.

**History:** 1983 c 213 s 24

#### 473.675 LEGAL PROCEEDINGS.

*[For text of subds 1 to 3, see M.S.1982]*

Subd. 4. **Appeals.** In litigation where a bond has been required and given under subdivision 3 or the court has denied a motion to require a bond, the court shall advance the case on its calendar for trial at the earliest feasible date. An appeal from an appealable order made, or from a judgment entered, in a district court may be taken only within 30 days after entry of judgment or after written notice of the order from the adverse party.

*[For text of subd 5, see M.S.1982]*

**History:** 1983 c 247 s 161

#### 473.702 ESTABLISHMENT OF DISTRICT; PURPOSE; AREA; GOVERNING BODY.

A metropolitan mosquito control district is created to control mosquitoes and black gnats (Simuliidae) 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:** 1983 c 129 s 1

#### 473.703 COMMISSION.

Subdivision 1. The district shall be operated by a commission which shall consist of three members from Anoka county, one member from Carver county, three members from Dakota county, three members from Hennepin county, three members from Ramsey county, two members from Scott county, and two members from Washington county. 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.

*[For text of subds 2 to 8, see M.S.1982]*

Subd. 9. Each commissioner shall have one 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:** 1983 c 129 s 2,3

#### 473.704 POWERS AND DUTIES.

*[For text of subds 1 to 12, see M.S.1982]*

Subd. 13. It may enter into agreements with counties, cities or towns of the state of Minnesota outside of the district to conduct mosquito and black gnat

(Simuliidae) control activities in these political subdivisions in order to effectuate mosquito and black gnat (Simuliidae) control in the district and subdivisions.

*[For text of subs 14 to 17, see M.S.1982]*

**History:** 1983 c 129 s 4

#### **473.711 FINANCING.**

*[For text of subd 1, see M.S.1982]*

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. A participating county may agree to levy an additional tax to be used by the commission for the purposes of sections 473.701 to 473.716 but the sum of the county's and commission's taxes may not exceed six-tenths of one mill in any county. 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 and black gnat (Simuliidae) 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.

*[For text of subd 3, see M.S.1982]*

**History:** 1983 c 129 s 5

#### **473.712 WITHDRAWAL; ASSETS.**

A county may terminate its participation in the district only as provided by other law. If a county terminates its participation in the district, an appraisal of the property of the commission shall be made by a board of appraisers and the value determined as of the termination date. The board shall be three members, one appointed by the terminated county, one by the remaining counties within the district, and the third by the first two. If the first two appraisers cannot agree to the appointment of the third appraiser within 30 days, the commission shall appoint the third appraiser. An amount equal to the withdrawing county's share in the net assets of the commission proportionate to its financial contribution to the metropolitan mosquito control fund shall be paid to the treasurer of the terminated county. If a participating county furnishes specific funds and materials to be used in special projects, they shall be returned to it. If the district is dissolved, all property of the commission shall be sold and the proceeds remaining after the payment of the debts, obligations, and liabilities of the district, along with any balance in the fund, shall be paid to the counties which are members of the district in proportion to their financial contributions.

**History:** 1983 c 129 s 6

#### **473.803 METROPOLITAN COUNTY PLANNING.**

*[For text of subd 1, see M.S.1982]*

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 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 management. 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. 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 within 90 days of the county's proposal of a site. 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.

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. 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 within nine months after the adoption of the council's abatement plan. 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.

*[For text of subs 1c to 3, see M.S.1982]*

**History:** 1983 c 373 s 57,58

#### **473.806 INVENTORY OF DISPOSAL SITES; DEVELOPMENT LIMITATIONS.**

Subdivision 1. **Council approval required.** In order to permit the comparative evaluation of sites and the participation of affected localities in decisions about the use of sites, a metropolitan development limitation is hereby imposed as provided in this subdivision on development within the area of each site and buffer area proposed by a county pursuant to section 473.803, subdivision 1a, 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 limitation shall extend until 90 days following the selection of sites pursuant to section 473.833, subdivision 3, 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 limitation 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 metropolitan development limitation 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. 2. **Acquisition of temporary development rights.** If pursuant to subdivision 1 the council refuses to approve development which is permitted by local development plans, land use classification, and zoning and other official controls applying to the property on February 1, 1983, the land owner may elect to have the county purchase temporary development rights to the property for the period extending from the date when the council approved the site which affects the property for inclusion in the metropolitan inventory of sites until July 1, 1985. The election must be made within 30 days of the council's decision to refuse to approve development. The council shall provide funds, from the proceeds of the bonds issued pursuant to section 473.831, for the county to purchase the temporary development rights. The land owner's compensation shall be determined by the agreement of the owner, the county, and the council. If the parties cannot agree within 60 days of the owner's election, the county shall acquire the temporary development rights through eminent domain proceedings, and the land owner's compensation shall be the fair market value of the temporary development rights.

**History:** 1983 c 373 s 59

#### 473.811 COUNTIES AND LOCAL UNITS OF GOVERNMENT; WASTE MANAGEMENT.

*[For text of subd 1, see M.S.1982]*

Subd. 1a. **Right of access.** Whenever the county or county site selection authority 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 selection or final acquisition under section 473.833, or for the accomplishment of any other purpose under sections 473.149, 473.153, and 473.801 to 473.834, the county, county site selection authority 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.

*[For text of subs 2 to 10, see M.S.1982]*

**History:** 1983 c 373 s 60

#### 473.823 REGULATIONS AND PERMITS.

*[For text of subs 3 and 5, see M.S.1982]*

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 recov-

ery 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. In its certification the council shall not consider alternatives which have been eliminated from consideration by the adoption of the inventory pursuant to section 473.149, subdivision 2b, or the selection of sites under section 473.833, subdivision 3.

**History:** 1983 c 373 s 61

#### **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 permanent or temporary right, title, or interest in real property, including easements and development rights, for sites and surrounding buffer areas for 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 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 by the council, for the purposes provided in subdivision 1 and to make grants to metropolitan counties to pay the cost of the environmental review of sites, the acquisition of development rights for all or part of the period that the development limitation imposed by section 473.806 is in effect, and 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:** 1983 c 373 s 62

#### **473.833 SOLID WASTE DISPOSAL SITES AND BUFFER AREAS.**

*[For text of subs 1 and 2, see M.S.1982]*

Subd. 2a. **Environmental impact statement.** Each metropolitan county shall complete an environmental impact statement on the environmental effects of the decision required by subdivision 3. The statement shall be prepared and reviewed

in accordance with chapter 116D and the rules issued pursuant thereto, except as otherwise required by section 473.149 and this section. The determination of adequacy must be made within one year following the council's adoption of the facilities development schedule pursuant to section 473.149, subdivision 2e. The statement must be consistent with the establishment of facilities in accordance with the requirements of the council's development schedule, must not address or reconsider alternatives eliminated from consideration under sections 473.149, 473.803, subdivisions 1, 1a, and 1b, and this section, and must not address matters to be determined by the council under section 473.823, subdivision 6. The statement must address matters respecting permitting under section 473.823 only to the extent deemed necessary for the siting decision required by subdivision 3. The pollution control agency and the council shall assist and advise counties in the scoping decision and the preparation notice.

**Subd. 2b. Agencies; council; report on permit conditions and application requirements.** Within 30 days following the county's determination of adequacy under subdivision 2a, the chief executive officer of the metropolitan council and each permitting state agency shall issue to the county reports on permit conditions and permit application requirements at each site in the county. The reports must indicate, to the extent possible based on existing information, the probable terms, conditions, and requirements of permits and the probable supplementary documentation and environmental review that will be required for permit applications pursuant to chapter 116 and section 473.823. A report may recommend that a site should be dropped from consideration because of information in the environmental impact statement showing that the site is environmentally unsuitable for land disposal and unlikely to qualify for permits. The reports must be consistent with the establishment of facilities in accordance with the requirements of the council's development schedule adopted under section 473.149, subdivision 2e, must not address or reconsider alternatives eliminated from consideration under sections 473.149, 473.803, subdivisions 1, 1a, and 1b, and this section, and must not address matters to be determined by the council under section 473.823, subdivision 6.

**Subd. 3. County site selection authorities.** Each metropolitan county shall establish a site selection authority. Within 90 days following the county's determination of adequacy under subdivision 2a, 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 and capacity 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 and capacity of sites in accordance with the council's standards, criteria, and procedures within the time allowed by this subdivision, the council shall make the selection. A county is not required to develop a solid waste disposal facility in any municipality in which a mixed municipal solid waste



resource recovery facility having a capacity greater than 400 tons per day is located if the council finds that the capacity and number of disposal facilities required by the development schedule in that county can be provided in that county without development of the solid waste disposal facility.

*[For text of subds 4 to 6, see M.S.1982]*

**Subd. 7. Failure of counties to acquire; report to legislature.** If any county fails to identify property for acquisition or to proceed with environmental analysis and 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 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:** 1983 c 301 s 213; 1983 c 373 s 63-66