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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 738

02/20/2013 Authored by Isaacson; Ward, J.A.; Schoen; Lillie and Fischer
The bill was read for the first time and referred to the Committee on Government Operations
03/06/2013 Adoption of Report: Pass and Read Second Time
04/24/2013 Calendar for the Day
Read Third Time
Passed by the House and transmitted to the Senate

1.1 A bill for an act
1.2 relating to the Metropolitan Council; making miscellaneous technical corrections
1.3 to statutes; removing and modifying obsolete language; amending Minnesota
1.4 Statutes 2012, sections 473.157; 473.517, subdivisions 1, 6, 9; 473.519; 473.523,
1.5 subdivision 1; 473.541, subdivision 2; 473.543, subdivision 1; 473.545.

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

1.7 Section 1. Minnesota Statutes 2012, section 473.157, is amended to read:

1.8 473.157 WATER RESOURCES PLAN.

1.9 To help achieve federal and state water quality standards, provide effective water
1.10 pollution control, and help reduce unnecessary investments in advanced wastewater
1.11 treatment, the council shall adopt a water resources plan that includes management
1.12 objectives and target pollution loads for watersheds in the metropolitan area. The council
1.13 shall recommend to the Board of Water and Soil Resources performance standards for
1.14 watershed plans in the metropolitan area, including standards relating to the timing of plan
1.15 revisions and proper water quality management.

1.16 Sec. 2. Minnesota Statutes 2012, section 473.517, subdivision 1, is amended to read:

1.17 Subdivision 1. Allocation method. Except as provided in subdivision 3, the
1.18 estimated costs of operation, maintenance, and debt service of the metropolitan disposal
1.19 system to be paid by the council in each fiscal year, and the costs of acquisition and
1.20 betterment of the system which are to be paid during the year from funds other than bond
1.21 proceeds, including all expenses incurred by the council pursuant to sections 473.501 to
1.22 473.545, are referred to in this section as current costs, and shall be allocated among and
1.23 paid by all local government units which will discharge sewage, directly or indirectly,

2.1 into the metropolitan disposal system during the budget year according to an allocation
 2.2 method determined by the council. The allocated costs may include an amount for a
 2.3 reserve or contingency fund and an amount for cash flow management. The cash flow
 2.4 management fund so established must not exceed five percent of the council's total ~~waste~~
 2.5 ~~control~~ wastewater services operating budget.

2.6 Sec. 3. Minnesota Statutes 2012, section 473.517, subdivision 6, is amended to read:

2.7 Subd. 6. **Deferment of payments.** (a) Upon request of a local government unit,
 2.8 the council may provide for the deferment of payment of all or part of the allocated costs
 2.9 that are allocated by the council to that local government unit in any year pursuant to
 2.10 subdivision 1, repayable at the time or times specified by the council, with interest as
 2.11 determined by the council. A deferment must not result in an increase to the allocated
 2.12 costs which are allocated by the council to other local government units in any year
 2.13 pursuant to subdivision 1.

2.14 (b) Upon request of a local government unit, the council may provide for the
 2.15 deferment of payment of all or part of the allocated costs which are allocated by the
 2.16 council to a local government unit in any year pursuant to subdivision 3, repayable at such
 2.17 time or times as the council shall specify, with interest at the approximate average annual
 2.18 rate borne by council bonds outstanding at the time of the deferment, as determined by
 2.19 the council. Such deferred costs shall be allocated to and paid by all local government
 2.20 units in the metropolitan area which will discharge sewage, directly or indirectly, into the
 2.21 metropolitan disposal system in the budget year for which the deferment is granted, in the
 2.22 same manner and proportions as costs are allocated under subdivision 1.

2.23 Sec. 4. Minnesota Statutes 2012, section 473.517, subdivision 9, is amended to read:

2.24 Subd. 9. **Advisory committees.** The council may establish and appoint persons to
 2.25 advisory committees to assist the council in the performance of its wastewater ~~control~~
 2.26 services duties. If established, the advisory committees shall meet with the council
 2.27 to consult with such members concerning the acquisition, betterment, operation and
 2.28 maintenance of interceptors and treatment works in the metropolitan disposal system,
 2.29 and the allocation of costs therefor. Members of the advisory committee serve without
 2.30 compensation but must be reimbursed for their reasonable expenses as determined by
 2.31 the council.

3.1 Sec. 5. Minnesota Statutes 2012, section 473.519, is amended to read:

3.2 **473.519 1972 U.S. WATER POLLUTION CONTROL ACT: USE CHARGE**
 3.3 **SHARES.**

3.4 Each local government unit shall adopt a system of charges for the use and
 3.5 availability of the metropolitan disposal system which will assure that each recipient of
 3.6 waste treatment services within or served by the unit will pay its proportionate share of
 3.7 the costs allocated to the unit by the council under section 473.517, as required by the
 3.8 federal Water Pollution Control Act amendments of 1972, and any regulations issued
 3.9 pursuant thereto. Each system of charges ~~shall be adopted as soon as possible and shall be~~
 3.10 ~~submitted to the council if requested by the council. The council shall review each system~~
 3.11 ~~of charges to determine whether it complies with the federal law and regulations. If it~~
 3.12 ~~determines that a system of charges does not comply, the adopting unit shall be notified~~
 3.13 ~~and shall change its system to comply, and shall submit the changes to the council for~~
 3.14 ~~review. All subsequent changes in a system of charges proposed by a local government~~
 3.15 ~~unit shall also be submitted to the council for review.~~

3.16 Sec. 6. Minnesota Statutes 2012, section 473.523, subdivision 1, is amended to read:

3.17 Subdivision 1. **In section 471.345.** All contracts for construction work, or for the
 3.18 purchase of materials, supplies, or equipment relating to the metropolitan disposal system
 3.19 shall be made as provided in section 471.345, subdivisions 3 to 6. Contracts subject to
 3.20 section 471.345, subdivision 3, shall be made by the council by publishing once in a legal
 3.21 newspaper or trade paper published in a city of the first class not less than two weeks
 3.22 before the last day for submission of bids, notice that bids or proposals will be received.
 3.23 Such notice shall state the nature of the work or purchase and the terms and conditions
 3.24 upon which the contract is to be awarded, and a time and place where such bids will be
 3.25 received, opened, and read publicly. After such bids have been duly received, opened,
 3.26 read publicly, and recorded, the council shall award such contract to the lowest responsible
 3.27 bidder or it may reject all bids and readvertise. Each contract shall be duly executed
 3.28 in writing and the party to whom the contract is awarded shall give sufficient bond or
 3.29 security to the ~~board~~ council for the faithful performance of the contract as required by
 3.30 law. The council shall have the right to set qualifications and specifications and to require
 3.31 bids to meet all such qualifications and specifications before being accepted. If the council
 3.32 by an affirmative vote of two-thirds of its members declares that an emergency exists
 3.33 requiring the immediate purchase of materials or supplies at a cost in excess of the amount
 3.34 specified in section 471.345, subdivision 3, or in making emergency repairs, it shall not be
 3.35 necessary to advertise for bids.

4.1 Sec. 7. Minnesota Statutes 2012, section 473.541, subdivision 2, is amended to read:

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

4.14 Sec. 8. Minnesota Statutes 2012, section 473.543, subdivision 1, is amended to read:

4.15 Subdivision 1. **Disposed of as budgeted; pledges.** All moneys from wastewater
 4.16 ~~control~~ services operations received by the council shall be deposited or invested by
 4.17 the treasurer and disposed of as the council may direct in accordance with its ~~waste~~
 4.18 ~~control~~ wastewater services budget; provided that any moneys that have been pledged or
 4.19 dedicated by the Metropolitan Council to the payment of obligations or interest thereon or
 4.20 expenses incident thereto, or for any other specific purpose authorized by law, shall be
 4.21 paid by the treasurer into the fund to which they have been pledged.

4.22 Sec. 9. Minnesota Statutes 2012, section 473.545, is amended to read:

4.23 **473.545 PROPERTY EXEMPT FROM TAXATION.**

4.24 Any properties, real or personal, owned, leased, controlled, used, or occupied by the
 4.25 council for any purpose referred to in ~~Minnesota Statutes 1984, section 473.502, sections~~
 4.26 473.501 to 473.549 are declared to be acquired, owned, leased, controlled, used and
 4.27 occupied for public, governmental, and municipal purposes, and shall be exempt from
 4.28 taxation by the state or any political subdivision of the state, except to the extent that
 4.29 the property is subject to the sales and use tax under chapter 297A, provided that such
 4.30 properties shall be subject to special assessments levied by a political subdivision for a
 4.31 local improvement in amounts proportionate to and not exceeding the special benefit
 4.32 received by the properties from such improvement. No possible use of any such properties
 4.33 in any manner different from their use as part of the metropolitan disposal system at the
 4.34 time shall be considered in determining the special benefit received by such properties.

5.1 All such assessments shall be subject to final confirmation by the Metropolitan Council,
5.2 whose determination of the benefits shall be conclusive upon the political subdivision
5.3 levying the assessment.

5.4 Sec. 10. **APPLICATION.**

5.5 Sections 1 to 9 apply to the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
5.6 Scott, and Washington.

5.7 Sec. 11. **EFFECTIVE DATE.**

5.8 Sections 1 to 10 are effective the day following final enactment.