

Section 1. RETIREMENT; UNCLASSIFIED EMPLOYEES; TRANSFER OF SHARES. Subdivision 1. Notwithstanding any other provision of law to the contrary, a member of the highway patrolmen's retirement association, who prior to July 1, 1973, was also enrolled in the retirement program established by Laws 1971, Chapter 604, shall be entitled to withdraw the employee and employer shares from the fund established by Laws 1971, Chapter 604, Section 3; and transfer said shares to the fund established by Minnesota Statutes, 1973 Supplement, Section 352B.06.

Subd. 2. In the event the withdrawal and transfer of shares authorized by section 1 herein is completed prior to June 30, 1974, and the member has paid into the fund established by Minnesota Statutes, 1973 Supplement, Section 352B.06, an additional sum equal to four percent of his salary upon which deductions had been taken and used to purchase the shares transferred, the member shall be entitled to all the benefits of a member of the highway patrolmen's retirement association to the same extent as if the contributions in the first instance were made to the fund established by Minnesota Statutes, 1973 Supplement, Section 352B.06. The employer shares so transferred shall not be credited to the employee's account.

Sec. 2. This act is effective the day following its final enactment.

Approved April 10, 1974.

CHAPTER 455—H.F.No.3512
[Coded in Part]

An act relating to the metropolitan airports commission; purposes; jurisdiction; definitions; membership and organization; taxing powers; land acquisition; amending Minnesota Statutes 1971, Sections 360.101; 360.102, Subdivisions 2, 3, 4, 5, 9, and by adding a subdivision; 360.103, Subdivisions 1 and 2; 360.104, Subdivisions 1, 2, 3, 4, and by adding a subdivision; 360.105, Subdivision 4, and by adding a subdivision; 360.106, Subdivision 5; 360.107, Subdivisions 2, 15, and 17; 360.108, Subdivision 5; 360.109, Subdivision 1, and by adding subdivisions; 360.111; 360.113, Subdivision 1; 360.114, Subdivisions 1, 2, and 3; 360.116; 360.124, by adding a subdivision; and Chapter 360, by adding a section; repealing Minnesota Statutes 1971, Sections 360.104, Subdivisions 5 and 6; 360.105, Subdivisions 2 and 3; and 360.113, Subdivisions 2, 3, and 5; 360.119.

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

Section 1. Minnesota Statutes 1971, Section 360.101, is amended to read:

360.101 METROPOLITAN AIRPORTS COMMISSION; DECLARATION OF PURPOSES. It is the purpose of sections 360.101 to ~~360.123~~

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

Sec. 2. Minnesota Statutes 1971, Section 360.102, Subdivision 2, is amended to read:

Subd. 2. "Commission" and "corporation;" each means a corporation created under Laws 1943, Chapter 500; as a metropolitan airports commission, organized and existing under the provisions of sections 360.101 to 360.144.

Sec. 3. Minnesota Statutes 1971, Section 360.102, Subdivision 3, is amended to read:

Subd. 3. "City council" or "council" means the governing body of a city, however designated by law or charter each of the cities of Minneapolis and St. Paul.

Sec. 4. Minnesota Statutes 1971, Section 360.102, Subdivision 4, is amended to read:

Subd. 4. "Commissioner" means a person appointed or otherwise selected as, and, after his qualification, acting as, a member of a-the corporation created under Laws 1943, Chapter 500.

Sec. 5. Minnesota Statutes 1971, Section 360.102, Subdivision 5, is amended to read:

Subd. 5. "The commissioners" means a quorum of the members of a-the corporation created under Laws 1943, Chapter 500, acting as the governing body of such-the corporation.

Sec. 6. Minnesota Statutes 1971, Section 360.102, Subdivision 9, is amended to read:

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Subd. 9. "City" or "each city" means one of the two contiguous cities of the first class in and for which a corporation shall be created under Laws 1943, Chapter 500 Minneapolis and St. Paul .

Sec. 7. Minnesota Statutes 1971, Section 360.102, is amended by adding a subdivision to read:

Subd. 11. "Metropolitan area" means the metropolitan area as defined in Minnesota Statutes 1971, Section 473B.02.

Sec. 8. Minnesota Statutes 1971, Section 360.103, Subdivision 1, is amended to read:

360.103 METROPOLITAN AIRPORTS COMMISSION; CREATION. Subdivision 1. For the purposes herein provided ~~there shall be in sections 360.101 to 360.144 the metropolitan airports commission~~ has been created as a public corporation in and for any two contiguous cities of the first class in this state, to be known as the Metropolitan Airports Commission of those cities . Except as provided otherwise in this act, the existence and the powers, responsibilities, rights, and obligations of this corporation are confirmed and extended in accordance with the provisions of those sections, as they now exist and as they are now and may hereafter be amended and supplemented.

Sec. 9. Minnesota Statutes 1971, Section 360.103, Subdivision 2, is amended to read:

Subd. 2. ~~Laws 1943, Chapter 500, is expressly declared to be applicable to all such cities whether or not they are now or hereafter existing under a charter framed and adopted under Section 36 of Article IV, of the State Constitution~~ The commission shall be organized, structured and administered as provided in this act .

Sec. 10. Minnesota Statutes 1971, Section 360.104, Subdivision 1, is amended to read:

360.104 MEMBERSHIP, GOVERNMENT. Subdivision 1. The following persons and their respective successors ; ~~herein termed commissioners;~~ 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 ~~respective~~ 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 ~~respective~~ cities, appointed by ~~such the~~ council for a term of four years commencing in July, 1977 ;

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(4) A member of the park board of commissioners having jurisdiction at the time of the passage of Laws 1943, Chapter 500, of airports of each of the respective cities, Minneapolis appointed by such that board or commission, or, in case the council of either of such cities has jurisdiction of airports in said city, then and a second member of such the council of St. Paul, appointed by it, each for a term of two years commencing in July in 1979;

(5) One additional commissioner from resident of each city, who is a freeholder, has resided in the city from which he is appointed at least ten years, and 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 a city having the commission form of government-St. Paul to be appointed by the mayor, with the approval of the council, and in other cities-Minneapolis by the council, with the approval of the mayor; one member appointed by the governor of the state; who shall be a qualified voter of a county not contiguous to either of the counties in which the respective cities are located; who shall be chairman of the corporation; each for a term of two years commencing in July 1979;

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

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

(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 Minnesota Statutes, Section 473B.02. 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

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three years; and a similar number for a term of four years, all of which terms shall commence on July 1, 1981. The successors of each member shall be appointed for four year terms commencing in July of each fourth year after the expiration of the original term;

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

Sec. 11. Minnesota Statutes 1971, Section 360.104, Subdivision 2, is amended to read:

Subd. 2. Each mayor, or any voter appointed by him in his stead, shall serve as a commissioner for the term of office of such mayor ; ~~or for the consecutive terms thereof if he be re-elected. Of the first commissioners, one appointed by each city council from its members shall serve for a term of four years; and one for six years; or if one is appointed by a board or commission having jurisdiction of airports instead of by the council, he shall serve for six years. The commissioner appointed by the governor shall serve for four years; and each of the citizen commissioners for six years. Each of said terms shall date from the election or appointment and qualification of the commissioner. Thereafter the term of each commissioner, except that of a mayor, of an appointee of such mayor in his stead, and of one appointed to fill a vacancy, shall be for six years. Notwithstanding the foregoing provisions of this subdivision, the term- The office of any commissioner who is a member of a city council or board or commission having jurisdiction of airports shall terminate-become vacant when for any reason he ceases to hold the city office to which he was elected, and a successor shall be immediately appointed to fill his unexpired term-the office of any commissioner shall become vacant upon the occurrence of any event referred to in section 351.02 . Except as provided in the last sentence-preceding sentences of this subdivision , each commissioner shall serve until his successor is duly appointed and has qualified. Any vacancy in the office of a commissioner shall immediately be filled for the unexpired term , and in such case , or when the term of a commissioner expires , his successor shall be chosen in the same manner as was his predecessor, and his appointment shall be evidenced in the same manner.~~

Sec. 12. Minnesota Statutes 1971, Section 360.104, Subdivision 3, is amended to read:

Subd. 3. ~~Within 30 days after the effective date of Laws 1943, Chapter 500, the commissioners shall be selected as provided in subdivision 1. The clerk, secretary, or other appropriate official of each appointing public body shall immediately thereafter file with the secretary of state a certified copy or copies of the each resolution or resolutions of such appointing body appointing commissioners from its own membership . At the same time The city clerk of each city , upon~~

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the election and qualification of each new mayor thereof, shall file with the secretary of state a certificate stating ~~the his~~ full name and address of the mayor of such city, and that such mayor has elected to act as a commissioner, or, in the event such mayor has appointed some other qualified voter in his place, shall file a certified copy of the order of the mayor appointing such commissioner. ~~Such city clerk shall also file a certified copy of the record of appointment of the citizen commissioner.~~ The governor shall file his ~~appointment~~ appointments in the same office. Each person selected as a commissioner shall thereupon file in the same office the oath of office prescribed by the State Constitution, Article V, Section 8, subscribed by him and certified by the officer administering the same.

Sec. 13. Minnesota Statutes 1971, Section 360.104, Subdivision 4, is amended to read:

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

Sec. 14. Minnesota Statutes 1971, Section 360.106, Subdivision 5, is amended to read:

Subd. 5. The corporation shall have the power to appoint engineers and other consultants, attorneys, and such other officers, agents, and employees as it may see fit, who shall perform such duties and receive such compensation as the corporation may determine, and be removable at the pleasure of the corporation. The corporation shall by July 1, 1974, adopt an affirmative action plan, which shall be submitted to the appropriate agency or office of the state for review and approval. The plan shall include a yearly progress report to the agency or office. Officers and employees of the corporation who cannot qualify and participate in the municipal employees retirement fund under chapter 422, shall be separated from service at the retirement age applicable to officers or employees of the state of Minnesota in the classified service of the state civil service as provided in section 43.051, subdivision 1, or as the same may from time to time be amended, regardless of the provisions of the veteran's preference act. Whenever the corporation performs any work within the limits of a city of the first class, or establishes a minimum wage for skilled or unskilled labor

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in the specifications or any contract for work within one of the cities, the rate of pay to such skilled and unskilled labor shall be the prevailing rate of wage for such labor in that city.

Sec. 15. Minnesota Statutes 1971, Section 360.104, is amended by adding a subdivision to read:

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

Sec. 16. Minnesota Statutes 1971, Section 360.105, is amended by adding a subdivision to read:

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

Sec. 17. Minnesota Statutes 1971, Section 360.105, Subdivision 4, is amended to read:

Subd. 4. The removal of residence of any commissioner from the city of ~~area~~ from which he was appointed or otherwise selected as a representative shall operate as a resignation of his office. Any commissioner may be removed from office by the body or person appointing him ; ~~or by the governor,~~ for misfeasance, malfeasance, or nonfeasance in office, upon written charges and after an opportunity to be heard in his defense.

Sec. 18. Minnesota Statutes 1971, Section 360.107, Subdivision 2, is amended to read:

Subd. 2. It may acquire by lease, purchase, gift, devise, or condemnation proceedings all necessary right, title, and interest in and to lands and personal property required for airports and all other real or

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personal property required for the purposes contemplated by Laws 1943, Chapter 500, ~~either within or without the limits of the cities in and for which it is created within the metropolitan area~~, pay therefor out of funds obtained as hereinafter provided, and hold and dispose of the same, subject to the limitations and conditions herein prescribed. Title to any such property acquired by condemnation or purchase shall be in fee simple, absolute, unqualified in any way, but any such real or personal property or interest therein otherwise acquired may be so acquired or accepted subject to any condition which may be imposed thereon by the grantor or donor and agreed to by the corporation, not inconsistent with the proper use of the property by the corporation for the purposes herein provided. Any properties, real or personal, acquired, owned, leased, controlled, used, and occupied by the corporation for any of the purposes of Laws 1943, Chapter 500, are declared to be acquired, owned, leased, controlled, used, and occupied for public, governmental, and municipal purposes, and shall be exempt from taxation by the state or any of its political subdivisions. Nothing contained in Laws 1943, Chapter 500, or sections 360.101 through 360.144, shall be construed as exempting properties, real or personal, leased from the metropolitan airports commission to a tenant or lessee who is a private person, association, or corporation from assessments or taxes.

Sec. 19. Minnesota Statutes 1971, Section 360.107, Subdivision 15, is amended to read:

Subd. 15. Without limitation upon any other powers in Laws 1943, Chapter 500, granted, whether general or special, it may contract with any person for the use by such person of any property and facilities under its control, for such purposes, and to such an extent as will, in the opinion of the commissioners, further the interests of aeronautics in this state and particularly ~~in and about the cities in and for which the corporation has been created within the metropolitan area~~, including, but without limitation, the right to lease any such property or facilities, or any part thereof, for a term not to exceed 99 years, to any person, the national government, or any foreign government, or any department of either, or to the state or any municipality; provided, however, that said corporation shall not have the authority to lease, in its entirety, any municipal airport taken over by it under the provisions of this act. Without intending hereby to limit the generality of the purposes aforementioned, it may contract with any person for the use of any property and facilities under its control, or lease the same as aforementioned, for motel, hotel and garage purposes, and for such other purposes as, in the opinion of the commissioners, are desirable to furnish goods, wares, services and accommodations to or for the passengers and other users of airports under the control of the corporation, provided however that nothing herein shall be interpreted to permit the sale of intoxicating liquor upon such property or facilities.

Sec. 20. Minnesota Statutes 1971, Section 360.107, Subdivision 17, is amended to read:

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

(2) The prosecution may be in any municipal court sitting within either city, or before a municipal court or justice of the peace having jurisdiction over the place where the violation occurs. Every sheriff, constable, policeman, and other peace officer shall see that all rules, regulations, and ordinances are obeyed, and shall arrest and prosecute offenders. The fines collected shall be paid into the treasury of the corporation, provided, however, that the corporation shall pay and there shall be first deducted and paid over to the office of the clerk of any municipal court processing and prosecuting violations such portion of such fines as shall be necessary to cover all costs and disbursements incurred in the matter of the processing and prosecuting of such violations in such 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 such rules, regulations, and ordinances without pleading or proof of the same.

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

(4) As to all other rules, regulations or ordinances where deemed immediately necessary by the corporation, it may adopt and put the same into effect, but it shall within 30 days thereafter hold a public hearing thereon, after giving at least 15 days notice thereof by publication in a legal newspaper in each of the cities of Minneapolis and St. Paul, mailing a copy thereof at least 15 days prior to the hearing to all interested parties who have registered their names with the corporation for that purpose. As to all such other rules, regulations, or ordinances which the corporation does not deem immediately necessary, the corporation shall hold a public hearing thereon following the giving of at least 15 days notice thereof by publication and mailing as aforesaid, and such rules, regulations, or ordinances shall not be adopted and put into effect until after said hearing.

(5) Not later than 90 days after the date on which this amendatory act becomes effective the corporation shall prepare and file with the secretary of state its rules, regulations, and ordinances in effect at the time of the passage of this amendatory act, not theretofore filed with the secretary of state, and as to rules, regulations and ordinances adopted hereafter, said-From and after January 1, 1975, notice of the

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adoption of rules, regulations and ordinances ; before going into force and effect, shall, within 20 days as soon as possible after the adoption thereof, be published in a legal newspaper of general circulation in each of the cities of Minneapolis and St. Paul—the metropolitan area and filed with proof of such publication shall be filed with the secretary of state : Upon such filing with the secretary of state , together with a copy of the rule, regulation , or ordinance, as the case may be,—which shall thenceforth be in full force and effect.

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

Sec. 21. Minnesota Statutes 1971, Section 360.108, Subdivision 5, is amended to read:

Subd. 5. Thirty days after the submission of the findings and proposed plans provided for in this section; public hearings, of which two weeks published notice shall be given by the corporation, shall be held in the cities involved, by the corporation. After such hearings the corporation shall adopt and file with the governor and the city councils and boards or commissions having jurisdiction of airports of the cities; a permanent plan of operation, which shall be subject to such additions, revisions and modifications as may from time to time seem to the corporation to be proper and best calculated to carry out the purposes of Laws 1943, Chapter 500, as amended; provided that when a material change in such plan is proposed by the corporation, there shall be public hearings of which two weeks' published notice shall be given by the corporation. Any plans adopted by the commission pursuant to this section after January 1, 1975, shall be consistent with the development guide of the metropolitan council.

Sec. 22. Minnesota Statutes 1971, Section 360.109, Subdivision 1, is amended to read:

360.109 EXERCISE OF POWERS. Subdivision 1. Immediately after the adoption and filing of its permanent plan of operation, the corporation shall proceed to exercise the powers herein granted. These powers may be exercised at any place within ~~25~~ either 35 miles of the city hall of either city, or within the metropolitan area, except as limited by section 360.111 as amended.

Sec. 23. Minnesota Statutes 1971, Section 360.109, is amended by adding a subdivision to read:

Subd. 5. The investment of the cities of Minneapolis and St. Paul
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in the metropolitan airports system, from the date of the original enactment of this section to January 1, 1973, includes the land comprising airports owned by them and taken over pursuant to subdivision 2, and taxes levied on property within the cities in the years 1944 to 1969, the proceeds of which, together with revenues of the system and federal funds, were expended for the operation, administration, maintenance, improvement, and extension of the system and the service of debt incurred for such improvement and extension, including improvement of the city lands. The aggregate amount of such taxes was \$19,816,873, of which \$7,294,022 would have been assessed and extended against property outside the cities if the entire metropolitan area, which will be taxable by the corporation in 1973 and subsequent years under section 360.114, as amended, had been within its taxing jurisdiction when those levies were made. If it should become necessary for the corporation to levy any such taxes for any purpose other than the payment of bonds and interest, they shall be extended and assessed exclusively against taxable property outside the cities until the total amount so assessed and extended equals \$7,294,022, with interest from April 1, 1974, at the rate of six percent per annum on the unpaid balance. In the event that the airport land owned by either city should no longer be used for airport purposes, the corporation's control thereof shall cease, and title to the land and all improvements shall be and remain in the city, but the city shall become liable to the corporation for the repayment, without interest, of an amount of the taxes so paid which is proportionate to its own share of the cities' original investment, being 60 percent for Minneapolis and 40 percent for St. Paul. In the event that any other land or improvements owned or controlled by the corporation should ever cease to be used for airport purposes, all income therefrom and all proceeds received upon disposal thereof shall continue to be used for purposes of the metropolitan airports system, subject to federal laws and regulations governing such disposal; or if the operation of the system should ever be terminated, all such income and proceeds shall be distributed to the seven counties in the metropolitan area, in amounts proportionate to the assessed valuation of taxable property in each county at the time of such distribution.

Sec. 24. Minnesota Statutes 1971, Section 360.109, is amended by adding a subdivision to read:

Subd. 6. All capital projects of the commission requiring the expenditure of more than \$2,000,000 shall be submitted to the metropolitan council for review. No such project which has a significant effect on the orderly and economic development of the metropolitan area may be commenced without the approval of the metropolitan council.

Sec. 25. Minnesota Statutes 1971, Section 360.111, is amended to read:

360.111 EXISTING AIRPORTS; CONTROL, JURISDICTION. After taking over operation and maintenance of the municipally owned airports, in accordance with the provisions of section 360.109, subdivision

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2; The corporation shall exercise control and jurisdiction over any other airport within ~~25 miles of the city hall of either city~~ either 35 miles of the city hall of either city or within the metropolitan area. Control and jurisdiction of the corporation over any ~~such other privately or publicly owned airport~~; ~~whether licensed and operating at the time of the passage of this act or hereafter established~~, shall be limited to control and jurisdiction of the flight and traffic patterns of such airport in the interests of safety of the operation of any airport owned or operated by the corporation. No airport shall be acquired or operated within the metropolitan area ~~above set forth~~ without first securing the approval of the corporation, provided, however, such approval shall not be withheld except after notice to all interested parties and a public hearing held thereon, as provided in Minnesota Statutes ~~1945~~, Section 360.018, Subdivision 7, ~~as amended by this act~~; and then only upon a finding by the corporation that the acquisition or operation of such airport would create a flight hazard to any airport or airports owned or operated by it. As to any airport once licensed with the approval of the corporation, approval of the continued operation of such airport shall at no time be withdrawn by the corporation except after notice to all interested parties, a public hearing had, and a finding by the corporation based on substantial evidence that the operation of such airport is inconsistent with the safety of flight to and from an airport owned or operated or presently to be or being constructed to be operated by the corporation, and then only after payment of just compensation to cover the loss sustained by reason of such withdrawal, such just compensation, if not arrived at by agreement, to be ascertained in the condemnation of said airport by the corporation under the power of eminent domain, the commission to institute the condemnation proceedings promptly and to pay in connection with the prosecution thereof all reasonable and necessary expenses incurred not only by it but also by the owner of such airport.

Sec. 26. Minnesota Statutes 1971, Section 360.113, Subdivision 1, is amended to read:

360.113 PUBLIC AND GOVERNMENTAL PURPOSES. Subdivision 1. It is hereby determined and declared that the purposes of ~~Laws 1943, Chapter 500, Sections 360.101 to 360.144~~ are public and governmental; ~~and~~; that the establishment development of airport systems, in the state of Minnesota, including the airport-metropolitan airports system to be established by the corporation created by Laws 1943, Chapter 500, will promote ~~be consistent with the airport chapter of the metropolitan council's development guide and promote~~ the public safety and welfare of the state; ~~and that the acquisition, construction, development, extension, maintenance, and operation of such airport systems are the system in such a manner as to assure the residents of the metropolitan area of the minimum environmental impact from air navigation and transportation, with provision for noise abatement, control of airport area land use, and other protective measures, is essential to the development of air navigation and transportation in and through this state, and are~~ is necessary in order to assure the inclusion

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of this state in national and international systems of air transportation now being planned; that the airport systems to be developed under ~~Laws 1943, Chapter 500,~~ will benefit, benefits the people of the state as a whole, and will ~~render~~renders a general public service; that the establishment of such airport systems as soon as practicable is essential in order to make adequate provision for state and national defense that the development of such airport systems will provide, and provides employment and will reduce unemployment after the war, and will thereby aid in other ways and ~~be~~is of great public economic benefit in post war readjustment.

Sec. 27. Minnesota Statutes 1971, Section 360.114, Subdivision 1, is amended to read:

360.114 BUDGET. Subdivision 1. ~~Thereafter,~~ The commissioner shall, on or before the first day of July of each year, prepare a detailed budget of the needs of the corporation for the next fiscal year, specifying separately in said budget the amounts to be expended for acquisition of property, construction, payments on bonded indebtedness, if any, operation, and maintenance, respectively, and shall certify the same on said date to the council of each city, together with a statement of the proportion of the budget to be provided by each city, determined as provided in section 360.113, subdivision 5. The council of each such city shall review the budget, and the commissioners, upon notice from any such city, shall hear objections to the budget and may, after hearing, modify or amend it, and shall give due notice to the cities of such modification or amendment. It shall be the duty of the council of each city in and for which the corporation is created to provide the funds necessary to meet its proportion of the total cost for acquisition of property, payment on bonded indebtedness, if any, construction, operation, and maintenance as finally certified by the commissioners; such funds to be raised by the tax levies, bond sales, or by other means within the authority of said cities, and to pay the same over to the treasurer of the corporation in such amounts and at such times as he may require. Each city is authorized to issue and sell such bonds as may be necessary to meet its obligations under this section irrespective of any limitation in any home rule charter or special or general law, without a vote upon said question by the electors of said city, and bonds so determined to be issued and sold shall be issued and sold in the manner provided by section 360.113 and section 360.121 subject only to such changes as the commissioners may from time to time approve.

Sec. 28. Minnesota Statutes 1971, Section 360.114, Subdivision 2, is amended to read:

Subd. 2. If any such city shall fail to take the necessary action to provide the funds required by the corporation as in section 360.113 and this section provided, The commissioners shall on or before October 10th of each calendar year, certify to the county auditor of the each county in which the city so failing to comply shall be located, the

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amount determined by the commissioners to be raised by that city; and the metropolitan area the total amount to be raised by the commissioners during the next calendar year through taxation, and each county auditor shall extend and assess against all property in his county which is then taxable by the corporation for the purpose for which the levy is made under the provisions of section 360.109, subdivision 5, that sum which bears the same proportion to the total amount as the assessed valuation of such taxable property bears to the assessed valuation of all property in the metropolitan area which is then taxable by the corporation for the purpose for which the levy is made. The county auditor shall extend, spread, and include the same with and as a part of the general taxes for state, county, and municipal purposes, to be collected and enforced therewith, together with penalties and interest and costs, and the county treasurer, upon collection of the same, shall transfer the same to the treasurer of the corporation.

Sec. 29. Minnesota Statutes 1971, Section 360.114, Subdivision 3, is amended to read:

Subd. 3. In any budget certified by the commissioners, pursuant to any of the provisions of this section ~~or of section 360.113~~, the amount included for operation and maintenance shall not exceed an amount which, when ~~apportioned to the cities affected—~~extended against the assessed valuation of property then taxable therefor under the provisions of section 360.109, subdivision 5, will require the payment by either city for those items of an amount greater than would be produced by a levy at the rate of one third of one mill upon the ~~such~~ assessed valuation of such city. Taxes levied by the corporation shall not affect the amount or rate of taxes which may be levied by any other local government unit within the metropolitan area under the provisions of any law or charter.

Sec. 30. Minnesota Statutes 1971, Section 360.116, is amended to read:

360.116 LIMIT OF TAX LEVY. The taxes levied against the property of ~~each city—the metropolitan area~~ in any one year shall not exceed one third of one mill upon the assessed valuation thereof, exclusive of the taxes it may be necessary to levy to pay the principal or interest on any bonds or indebtedness of said city issued by it under the provisions of Laws 1943, Chapter 500, and exclusive of any amounts required to pay the share of such city for payments on bonded indebtedness of the corporation provided for in Laws 1943, Chapter 500. The levy of taxes authorized in Laws 1943, Chapter 500, shall be in addition to the maximum rate allowed to be levied to defray the cost of government under the provisions of the charter of any city affected by Laws 1943, Chapter 500.

Sec. 31. Minnesota Statutes 1971, Chapter 360, is amended by adding a section to read:

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[360.1161] Notwithstanding the provisions of section 360.116 or any other provision of chapter 360, any tax levy required to be made to pay debt service on any bonds heretofore or hereafter issued by the commission shall not be restricted to the cities of Minneapolis and Saint Paul but shall be levied against all the taxable property in the metropolitan area in accordance with the provisions of section 32 of this act.

Sec. 32. **[360.1191] GENERAL OBLIGATION REVENUE FINANCING.** Subdivision 1. **SCOPE.** The Metropolitan Airports Commission shall have all the powers and duties set forth in this section, in addition to the powers granted and the duties imposed and notwithstanding any limitations of such powers set forth in any other law or city charter provision. These powers and duties are likewise granted to and imposed upon any successor public corporation, agency, or subdivision of the state in which the commission's property, rights, powers, obligations, and duties, or any of them, may in the future be vested by law.

Subd. 2. **BORROWING AUTHORIZATION.** No additional bonds shall be issued under the provisions of section 360.117, over and above the amount outstanding April 1, 1974. Except for refunding bonds and certificates of indebtedness, the amount of borrowing authorized by this section, over and above the amount of bonds of the commission outstanding July 1, 1974, is limited to \$20,000,000 until and unless this limitation is increased by law. The pledge of revenues of the commission to its debt service fund in lieu of the taxes otherwise required by section 360.117 to be assessed and extended shall be and remain a first charge on all current revenues of the commission to the extent required annually to cancel such taxes.

Subd. 3. **GENERAL OBLIGATION REVENUE BONDS.** Subject to the provisions of subdivision 2 the commission may issue bonds for the acquisition and betterment of airports and air navigation facilities, and for the refunding of such bonds and of certificates of indebtedness issued under subdivision 10, in the same manner and with the same powers and duties as a municipality under the provisions of chapter 475 except as otherwise provided in this section. The bonds shall be designated as general obligation revenue bonds, and shall be payable primarily from and secured under resolutions of the commission by an irrevocable pledge and appropriation of the revenues to be derived from rates, fees, charges, and rentals to be imposed, maintained, and collected for all use, service, and availability of airport and air navigation facilities owned and to be owned or operated by the commission. They shall be further secured by the pledge of the full faith and credit of the commission, which shall be obligated to levy upon all taxable property within the metropolitan area a tax at such times and in such amounts, if any, as may be required to provide funds sufficient to pay all of the bonds and interest thereon when due and to maintain a reserve securing such payments in the manner and to the extent provided in this section. This tax, if ever required to be levied, shall not be

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subject to any limitation of rate or amount. The security afforded by this section extends equally and ratably to all general obligation revenue bonds of the commission, except that nothing herein shall prevent the commission from pledging current revenues from a particular facility or group of facilities first to the payment and security of bonds issued to finance such facilities.

Subd. 4. DEBT SERVICE FUND. The commission shall maintain permanently on its official books and records an account or accounts referred to herein collectively as the debt service fund, separate from all other funds and accounts, to record all receipts and disbursements of money for principal and interest payments on its bonds, and on certificates of indebtedness issued pursuant to subdivision 10. At or before the due date of each principal and interest payment on said bonds and certificates the treasurer shall remit from the debt service fund to the payment agent for the issue an amount sufficient for such payment, without further order from the commission. At or before the time of delivery of any series of bonds the commission shall withdraw from the proceeds thereof, or from revenues then on hand and available for the purpose, and shall deposit in the debt service fund such amount, if any, as may be required to establish in the fund a balance of cash and investments at least equal to the total amount of principal and interest then due and to become due on bonds of the commission to the end of the following year. The commission shall also deposit in the fund as needed and available, from revenues received in excess of budgeted current expenses of operation and maintenance of its property and of carrying on its business and activities, and in excess of amounts required to cancel taxes under subdivision 2, such amounts as shall be required to reimburse the fund for bond and certificate payments and to produce a balance of cash and investments therein by October 10 in each year at least equal to the total amount of principal and interest due and to become due on general obligation revenue bonds of the commission to the end of the following year. If the revenues are insufficient in any year to produce the required balance, then unless provision is made for restoring the deficiency in accordance with the provisions of subdivision 8, the commission shall levy and appropriate to the debt service fund, and certify to the county auditors of all counties in the metropolitan area, a tax in accordance with subdivision 3 in an amount at least five percent in excess of the deficiency. For the purpose of determining the balance in the debt service fund at any time, investments held therein shall be valued at the principal amount payable at maturity if they mature in the following year, or otherwise at market value, plus the amount of interest receivable thereon to the end of the following year.

Subd. 5. RATES, FEES, CHARGES, AND RENTALS. The commission shall be obligated to the holders of its bonds, and to the owners of all property subject to taxation for the payment thereof, to establish, revise from time to time, and collect rates, fees, charges, and rentals for all airport and air navigation facilities and service used by and made available to any person, firm, association, or corporation accord-

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ing to schedules such as to produce revenues at all times sufficient for the requirements of the debt service fund as provided in subdivision 4, and sufficient also to pay when due all expenses of operation and maintenance of the commission's property and of carrying on its business and activities in accordance with law. The payment of such rates, charges, fees, and rentals by any party for the use of any facility or service for any period, other than use permitted to the public generally, shall be secured by a lease or other agreement requiring such party to pay each year an amount sufficient to provide for the payment of a share of the principal and interest due during this period on all bonds of the commission, proportionate to the amount of such bonds issued to provide the facility or service and to the amount of use thereof assured to such party in comparison with others. If a tax is ever required to be levied for a debt service fund deficiency under the provisions of subdivision 4, the commission shall immediately take all action permitted by law and under its leases and other agreements to enforce the payment of rates, fees, charges, and rentals then due, and to raise the amounts thereof payable in the future to the extent required for conformity with subdivision 4 and for repayment of the deficiency with interest at six percent per annum.

Subd. 6. REIMBURSEMENT OF DEBT SERVICE FUND DEFICIENCIES. If a debt service fund deficiency tax is ever certified in accordance with subdivision 4, each county auditor shall extend it on the tax roll of his county in that proportion which the assessed valuation of taxable property within his county then bears to the assessed valuation of all taxable property within the metropolitan area, and shall certify to the commission the amount so extended. Thereafter the commission shall be obligated to repay to the treasurer of each county the amount extended upon its tax roll with interest at six percent per annum from the dates of payment of the deficiency tax to the commission to the date or dates of repayment. The commission shall certify to each county auditor the principal amount to be so paid to the county before October 10 in each subsequent year, and the county auditor shall reduce by this amount the taxes levied by the county which are to be extended upon its tax rolls then in preparation.

Subd. 7. CONDITIONS. Bonds of the commission shall not be conditioned upon an election, but no bonds shall be issued at any time, except for refunding in the cases described in subdivision 8, unless the required balance in the debt service fund is first established in accordance with subdivision 4, and the commission determines on one of the bases described in this subdivision that the revenues to be received by it each year during the term of the proposed issue will be at least sufficient to pay when due all of the commission's bonds and interest thereon, including the new issue but excluding any bonds refunded thereby, and to establish the balance required in the debt service fund by October 10. Before the bonds are delivered to the purchaser, the commission shall secure either:

(a) *A report of audit of the commission's financial records for the*

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fiscal year most recently ended or, if this is not yet available, a report for the preceding year, prepared by a nationally recognized firm of certified public accountants, showing that the net revenues received that year, computed as the gross receipts less any refunds of rates, fees, charges, and rentals for airport and air navigation facilities and service, less the aggregate amount of current expenses, paid or accrued, of operation and maintenance of property and carrying on the commission's business and activities, equaled or exceeded the maximum amount of then outstanding bonds of the commission and interest thereon to become due in any future fiscal year; or

(b) A lease or other agreement or agreements for the operation or use by one or more airline corporations of the facility for which the bonds are proposed to be issued, requiring such corporation or corporations to pay all costs of operation and maintenance thereof and to pay additional rentals or charges at the times and in not less than the amounts required to pay all of the bonds and interest thereon when due and to establish the annual balance required in the debt service fund to secure such payments, together with a report of audit showing net revenues fulfilling the condition in clause (a) as to all other bonds then outstanding or then to be issued; or

(c) A written report prepared by a nationally recognized consultant on airport management and financing, projecting gross receipts, current expenses, and net revenues at least sufficient during each year of the term of the proposed bonds to pay all principal and interest due on all bonds and to establish and maintain the required annual debt service fund balance, and stating the estimates of air traffic, rate increases, inflation, and other factors on which the projection is based.

Subd. 8. REFUNDING DEFICIENCIES. If in any year the revenues available for transfer to the debt service fund are or will in the judgment of the commission be insufficient to produce the balance required thereon on October 10 under the provisions of subdivision 4, or to make any interest or principal payment due on certificates of indebtedness issued under the provisions of subdivision 10, the commission may, with the approval of the council, issue refunding bonds and appropriate the proceeds to the debt service fund in the amount needed to restore the deficiency, provided that the refunding bonds shall not mature earlier than the date or dates when the commission estimates that the revenues from enforced or increased rates, fees, charges, and rentals will be sufficient to pay them and to meet all other requirements of the debt service fund as stated in subdivision 4.

Subd. 9. ADDITIONAL TAXES. Nothing herein shall prevent the commission from levying a tax not to exceed in any year one twentieth of one mill on the assessed valuation of taxable property within its taxing jurisdiction, over and above any levies found necessary for the debt service fund as authorized by section 360.116. Nothing herein shall prevent the levy and appropriation for purposes of the commission of any other tax on property or on any income, transaction, or privilege,

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when and if authorized by law. All collections of any taxes so levied shall be included in the revenues appropriated for the purposes referred to in this section, unless otherwise provided in the law authorizing such levies; but no covenant as to the continuance or as to the rate and amount of any such levy shall be made with the holders of the commission's bonds unless specifically authorized by law.

Subd. 10. **EMERGENCY BORROWING.** If in any budget year revenue receipts should from any unforeseen cause become insufficient to pay budgeted current expenses, or if a public emergency should necessitate expenditures in excess of revenues anticipated to meet the current budget, the commission may make an emergency appropriation sufficient to meet the deficiency and may authorize the issuance and sale of general obligation certificates of indebtedness in this amount, maturing not later than October 10 in the following budget year, at public or private sale and upon such other terms and conditions as the commission may determine. The principal of and interest on such certificates of indebtedness, unless paid from other revenues, shall be payable from the debt service fund.

Sec. 33. Minnesota Statutes 1971, Section 360.124, is amended by adding a subdivision to read:

Subd. 4. The metropolitan airports commission shall not initiate land acquisition for a new major airport without explicit authorization from the legislature.

Sec. 34. Minnesota Statutes 1971, Sections 360.104, Subdivisions 5 and 6; 360.105, Subdivisions 2 and 3; and 360.113, Subdivisions 2, 3, and 5; and 360.119 are repealed.

Sec. 35. **EFFECTIVE DATE.** This act is effective on the day following final enactment.

Approved April 10, 1974.

CHAPTER 456—H.F.No.3571
[Coded]

An act relating to the legislature; providing for the filing of reports with the legislature; amending Minnesota Statutes 1971, Chapter 3, by adding a section.

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

Section 1. Minnesota Statutes 1971, Chapter 3, is amended by adding a section to read:

[3.195] LEGISLATURE; FILING OF REPORTS. Whenever a re-
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