

CHAPTER 460—H.F.No. 1860

An act relating to metropolitan government; defining metropolitan agency; providing for appointments, administration, reports, and duties of metropolitan agencies; recodifying certain provisions; amending Minnesota Statutes 1984, sections 473.121, subdivisions 6 and 11, and by adding a subdivision; 473.123, subdivisions 2a, 3, and 3a; 473.141, subdivisions 1, 2, 3, 4, and 4a; 473.146, subdivisions 1, 2, and 3; 473.149, subdivision 3; 473.161; 473.163, subdivisions 1 and 2; 473.171, subdivisions 1 and 2; 473.173, subdivisions 3 and 4; 473.194; 473.195, subdivision 4; 473.199; 473.201, subdivision 2; 473.245; 473.249, subdivision 1; 473.303, subdivisions 2, 4a, and 6; 473.373, subdivision 1; 473.377, subdivision 1; 473.409; 473.516, subdivision 2; 473.523, subdivisions 1 and 2; 473.535; 473.553, subdivision 4; 473.704, by adding a subdivision; 473.711, subdivision 4; 473.811, subdivision 7; 473.823, subdivision 3; 473.852, subdivision 8; Minnesota Statutes 1985 Supplement, sections 473.167, subdivision 3; 473.373, subdivision 4; 473.38, subdivision 2; and 473.39, subdivisions 1 and 1a; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1984, sections 473.01 to 473.11; 473.121, subdivisions 7 and 9; 473.128; 473.163, subdivisions 3 and 4; 473.193; 473.203; 473.215 to 473.219; 473.373, subdivision 3; 473.377, subdivisions 2 and 3; 473.38, subdivision 1; 473.502; 473.523, subdivision 3; and 473.802.

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

Section 1. Minnesota Statutes 1984, section 473.121, is amended by adding a subdivision to read:

Subd. 5a. "Metropolitan agency" means the metropolitan parks and open space commission, regional transit board, metropolitan transit commission, metropolitan waste control commission, metropolitan airports commission, and metropolitan sports facilities commission.

Sec. 2. Minnesota Statutes 1984, section 473.121, subdivision 6, is amended to read:

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

Sec. 3. Minnesota Statutes 1984, section 473.121, subdivision 11, is amended to read:

Subd. 11. "Independent commission, board or agency" means governmental entities with jurisdictions lying in whole or in part within the metropolitan area but not including ~~the metropolitan commissions referred to herein~~ agencies that are subject to the requirements of section 473.161.

Sec. 4. Minnesota Statutes 1984, section 473.123, subdivision 2a, is amended to read:

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;~~ must be appointed from newly

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drawn districts 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, with terms ending the first Monday in January, 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. The appointment to the council must be made by the first Monday in March of the year in which the term ends.

Sec. 5. Minnesota Statutes 1984, section 473.123, subdivision 3, is amended to read:

Subd. 3. **MEMBERSHIP; APPOINTMENT; QUALIFICATIONS.** (a) ~~The council shall be composed of 16~~ Sixteen members must be appointed by the governor from districts defined by this section. 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~~ must reside in the council district which he represents. Each council district ~~shall~~ must 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~~ must be published in newspapers of general circulation in the metropolitan area and the appropriate districts. The governing bodies of the statutory and home rule charter cities, counties, and towns having territory in the district for which a member is to be appointed must be notified in writing. The notices must describe the appointments process and invite participation and recommendations on the appointment.

(c) The governor shall create a nominating committee, composed of seven metropolitan citizens appointed by the governor, to nominate persons for appointment to the council from districts. Three of the committee members must be local elected officials. Following the submission of applications as provided under section 15.0597, subdivision 5, the nominating committee shall conduct public meetings, after appropriate notice, to accept statements from or on behalf of persons who have applied or been nominated for appointment and to allow consultation with and secure the advice of the public and local elected officials. The committee shall hold the meeting on each appointment in the district or in a reasonably convenient and accessible location in the part of the metropolitan area in which the district is located. The committee may consolidate meetings. Following the meetings, the committee shall submit to the governor a list of nominees for each appointment. The governor is not required to appoint from the list.

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(d) Before making an appointment, the governor shall consult with all members of the legislature from the council district for which the member is to be appointed.

(e) Appointments to the council are subject to the advice and consent of the senate as provided in section 15.066.

(f) Members of the council must be appointed to reflect fairly the various demographic, political, and other interests in the metropolitan area and the districts.

(g) Members of the council must be persons knowledgeable about urban and metropolitan affairs.

Sec. 6. Minnesota Statutes 1984, section 473.123, subdivision 3a, is amended to read:

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~~ By the first Monday in March of that year, the governor shall appoint members from the newly drawn districts to serve terms as provided under subdivision 2a.

Sec. 7. **[473.13] BUDGET, FINANCIAL AID.**

Subdivision 1. BUDGET. On or before October 1 of each year the council, after a public hearing, shall adopt a budget covering its anticipated receipts and disbursements for the ensuing year and shall decide upon the total amount necessary to be raised from ad valorem tax levies to meet its budget. After adoption of the budget and no later than October 1, the council shall certify to the auditor of each metropolitan county the county share of the tax, which must be an amount bearing the same proportion to the total levy agreed on by the council as the assessed valuation of the county bears to the assessed valuation of the metropolitan area. The maximum amount of any levy made for the purpose of this chapter may not exceed the limits set by sections 473.167 and 473.249.

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

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

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Subd. 4. ACCOUNTS; AUDITS. The council shall keep an accurate account of its receipts and disbursements. Disbursements of council money must be made by check, signed by the chair or vice chair of the council and countersigned by its director or assistant director after whatever auditing and approval of the expenditure may be provided by rules of the council. The state auditor shall audit the books and accounts of the council once each year, or as often as funds and personnel of the state auditor permit. The council shall pay to the state the total cost and expenses of the examination, including the salaries paid to the auditors while actually engaged in making the examination. The revolving fund of the state auditor must be credited with all collections made for any examination.

Sec. 8. Minnesota Statutes 1984, section 473.141, subdivision 1, is amended to read:

Subdivision 1. ~~GENERAL APPLICATION.~~ Metropolitan commissions shall be organized, structured and administered as prescribed in this section. This section applies to metropolitan agencies as provided in the enabling law of each agency.

Sec. 9. Minnesota Statutes 1984, section 473.141, subdivision 2, is amended to read:

Subd. 2. ~~MEMBERSHIP; APPOINTMENTS.~~ (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) In addition to the notice required in section 15.0597, subdivision 4, notice of vacancies and expiration of terms must be published in newspapers of general circulation in the metropolitan area and the appropriate districts. The council shall notify in writing the governing bodies of the statutory and home rule charter cities, counties, and towns having territory in the district for which the member is to be appointed. The notices must describe the appointment process and invite participation and recommendations on the appointment.

(c) The council shall establish an appointments committee, composed of members of the council, to screen and review candidates. Following the submission of commission member applications to the metropolitan council as provided under section 15.0597, subdivision 5, the council appointments committee shall conduct one or more public hearings on the matter of the appointments for the commission districts meetings, following appropriate notice, to accept statements from or on behalf of persons who have applied or been nominated for appointment and to allow consultation with and secure the advice of the public and local elected officials. The committee shall hold the meeting on each appointment in the district or in a reasonably convenient and accessible location in the part of the metropolitan area in which the district is located. The committee may consolidate meetings. Following the meetings, the committee shall submit to the council a written report that lists the persons who have applied or been nominated or recommended for the position, along with a description of the background and qualifications of each.

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(e) ~~(d)~~ One member shall be appointed from each of the following ~~commission~~ agency 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.

Sec. 10. Minnesota Statutes 1984, section 473.141, subdivision 3, is amended to read:

Subd. 3. **CHAIRMAN.** The chairman of each ~~commission~~ agency shall be appointed by the governor with the advice and consent of the senate ~~and~~, shall be the ninth voting member ~~of the commission~~ and shall meet all qualifications established for members, except the chairman need only reside within the metropolitan area. The council, by resolution after a public meeting on the subject, shall provide the governor with a list of nominees for the position. Senate confirmation ~~shall be~~ is as provided by section 15.066. The chairman shall preside at all meetings of the ~~commission~~ agency, if present, and shall perform all other duties and functions assigned to him by the ~~commission~~ agency or by law. Each ~~commission~~ agency may appoint from among its members a vice-chairman to act for the chairman during his temporary absence or disability.

Sec. 11. Minnesota Statutes 1984, section 473.141, subdivision 4, is amended to read:

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~~ agency subject to this section, 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.

Sec. 12. Minnesota Statutes 1984, section 473.141, subdivision 4a, is amended to read:

Subd. 4a. **TERMS.** Following each apportionment of metropolitan council

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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; the metropolitan council, newly appointed as provided in section 473.123, subdivision 3a, shall appoint eight agency board members from newly drawn districts.~~ 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, with terms ending the first Monday in January, 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. The appointments to the agency must be made by the first Monday in May of the year in which the term ends.

Sec. 13. Minnesota Statutes 1984, section 473.146, subdivision 1, is amended to read:

Subdivision 1. **REQUIREMENT.** ~~Within 12 months after April 12, 1974, The council shall adopt after appropriate study and such public hearings as may be necessary, as a part of its development guide, a long-range comprehensive policy plans plan for each metropolitan commission and when adopted, the policy plans shall be followed by the council and the affected commissions agency required to prepare an implementation plan under section 473.161. The plans shall must substantially conform to all policy statements, purposes, goals, standards, and maps in the development guide sections and comprehensive plans as developed and adopted by the council pursuant to the chapters of the Minnesota Statutes directly relating to the council and the metropolitan commissions. In preparing or amending a policy plan the council shall consult with and make maximum use of the expertise of the affected commission; and each such commission shall cooperate with and make its employees, records, studies, plans and other information available to the council under chapter 473. Each such policy plan shall must include, to the extent appropriate to the functions, services, and systems covered thereby, the following:~~

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

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

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

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

(e) A general statement on the level of public expenditure both capital and operating appropriate to the facilities and

(1) forecasts of changes in the general levels and distribution of population, households, employment, land uses, and other relevant matters, for the metropolitan area and appropriate subareas, to be used in preparing the implementation plan of the affected metropolitan agency;

(2) a statement of issues, problems, needs, and opportunities with respect to the functions, services, and systems covered;

(3) a statement of the council's goals, objectives, and priorities with respect to the functions, services, and systems covered, addressing areas and populations to be served, the levels, distribution, and staging of services; a general description of the facility systems required to support the services, and other similar matters;

(4) a statement of policies to effectuate the council's goals, objectives, and priorities;

(5) a statement of the fiscal implications of the council's plan, including a statement of: (i) the resources available under existing fiscal policy; (ii) the adequacy of resources under existing fiscal policy and any shortfalls and unattended needs; (iii) additional resources, if any, that are or may be required to effectuate the council's goals, objectives, and priorities; and (iv) any changes in existing fiscal policy, on regional revenues and intergovernmental aids respectively, that are expected or that the council has recommended or may recommend;

(6) a statement of the standards, criteria, and procedures that the council will use in monitoring and evaluating the implementation of the plan;

(7) a statement of the matters that must be addressed in the implementation plan of the affected metropolitan agency;

(8) a statement of the relationship of the policy plan to other policy plans and chapters of the metropolitan development guide;

~~(9)~~ (9) a statement of the relationships to any current local comprehensive plans and any related development programs on file with the council prepared under sections 473.851 to 473.872; and

~~(e)~~ Such (10) additional general information as may be necessary to develop the policy plan or as may be required by the laws relating to the metropolitan commission agency and function covered by the policy plan; and

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

Sec. 14. Minnesota Statutes 1984, section 473.146, subdivision 2, is amended to read:

Subd. 2. **CONSULTATION WITH AGENCY; PRE-DRAFTING NOTICE.** In preparing or amending the policy plan, the council shall consult with and make maximum use of the expertise of the affected metropolitan agency. The agency shall cooperate with the council and make its records, studies, plans, and other information available to the council.

Before beginning to prepare a substantial revision of a policy plan, the council shall publish notice and request comments from the public. At least 90 days before publication of the pre-drafting notice, the council shall submit a draft of the notice to the affected metropolitan agency for review and comment. The pre-drafting notice must include a statement of the subjects expected to be covered by the policy and implementation plans; a summary of important problems, issues, and matters that are expected to be addressed in the plans; and a summary of the studies and other information required as the basis of the plans. All interested persons must be afforded an opportunity to submit data or views on the pre-drafting notice, either orally or in writing.

Before adopting a policy plan or substantial revision thereof, the council shall submit the proposed plan to the affected metropolitan ~~commission~~ agency for its review, and the ~~commission~~ agency shall report its comments to the council within ~~60~~ 90 days and ~~may, within that period request the council to hold a special public hearing for the purpose of receiving the commission's report and comments. Within 60 days after the submission of the proposed plan to the commission, any local governmental unit may request a public hearing for the purpose of receiving testimony from local governmental units and the general public concerning the proposed policy plan prior to the adoption of a policy plan. Within a reasonable time, not to exceed 60 days, after receiving a request for a hearing,~~

Subd. 2a. **HEARING; ADOPTION.** The council shall hold a public hearing on the proposed policy plan at ~~such a~~ time and place in the metropolitan area as ~~it shall determine~~ determined by the council. Not less than 15 days before the hearing, the council shall publish notice ~~thereof~~ in a newspaper or newspapers having general circulation in the metropolitan area, stating the date, time and place of hearing, and the place where the proposed policy plan and ~~commission~~ agency comments may be examined by any interested person. At any hearing interested persons ~~shall~~ must be permitted to present their views on the policy plan, and the hearing may be continued from time to time. After receipt of the ~~commission's~~ agency's report and ~~such the~~ hearing, ~~if any,~~ the council may revise the proposed plan giving appropriate consideration to all comments received, and thereafter shall adopt the plan by resolution.

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Subd. 2b. EFFECT. Adopted policy plans must be followed by the council and the affected metropolitan agency.

Subd. 2c. AMENDMENT. An amendment to a policy plan may be initiated by the council or by an affected ~~commission~~ metropolitan agency. At least every ~~four~~ five years the council shall engage in a comprehensive review of the policy plan and revise the plan as necessary. Development guide sections; comprehensive plans; capital improvement programs and other plans in substantial conformance with the requirements of subdivision 1 which have been adopted by the council pursuant to Minnesota Statutes ~~1971, Chapters 473A, 473B and 473C,~~ shall continue in force and effect until expressly superseded by a policy plan adopted pursuant to this subdivision. The council shall ~~not~~ amend a policy plan ~~except~~ in accordance with the procedures herein established in this section.

Sec. 15. Minnesota Statutes 1984, section 473.146, subdivision 3, is amended to read:

Subd. 3. TRANSPORTATION POLICY PLAN CHAPTER OF THE DEVELOPMENT GUIDE. The council shall adopt a transportation policy plan as a part of its comprehensive development guide as provided in subdivisions 1 and 2. The regional transit board shall perform the functions and have the responsibility and authority provided for a metropolitan commission. The policy plan chapter must include policies relating to all transportation forms and be designed to promote the legislative determinations, policies and goals set forth in section 473.371. In addition to the requirements of subdivision 1 regarding the contents of the policy plan, the transit elements of the plan must include the following:

(1) a statement of service objectives, policies, and standards that should govern the distribution, coordination, and general location of facilities, services, and service areas to be planned, deployed, or developed by or under the direction or auspices of the transit board;

(2) a general statement of timing and priorities in the planning, deployment, and development of services;

(3) a statement of the policies and standards that should govern the levels of public expenditure, both capital and operating, for various services and service areas;

(4) a statement of the policies and standards that should govern total annual regional funding levels, the sources of funds, and the distribution of funds among the facilities, services, and service areas; and

(5) a description of the contents that should be included in the implementation plans prepared by the transit board.

In addition to the requirements of subdivisions 1 and 2 regarding the use of the expertise of the affected agency, the state transportation department, metro-

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politan transit commission, and affected counties and municipalities may provide technical assistance requested by the council. The council shall amend its policy plan to conform to the requirements of this subdivision by January 1, 1986 nontransit element of the transportation chapter must include the following:

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

(2) a general description of the physical facilities and services to be developed;

(3) a statement as to the general location of physical facilities and service areas;

(4) a general statement of timing and priorities in the development of those physical facilities and service areas; and

(5) a general statement on the level of public expenditure appropriate to the facilities.

Sec. 16. Minnesota Statutes 1984, section 473.149, subdivision 3, is amended to read:

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

Sec. 17. Minnesota Statutes 1984, section 473.161, is amended to read:

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473.161 DEVELOPMENT PROGRAMS IMPLEMENTATION PLANS OF METROPOLITAN COMMISSIONS.

Subdivision 1. PREPARATION OF DEVELOPMENT PROGRAMS. Each metropolitan commission shall prepare a development program covering the detailed technical planning; engineering; financing; scheduling and other information necessary to the development of the program elements to be performed by the commission in implementing the policy plan adopted by the council pursuant to section 473.146. The program may include such other technical information as the metropolitan commission deems necessary. The program shall prescribe and delineate the functions to be performed and activities to be undertaken by the metropolitan commission and shall cover at least the five year period commencing with the first calendar year beginning after its approval or such longer period as the council may prescribe. The program shall describe all capital improvements to be undertaken in such period and with respect to each improvement shall include the following:

- (a) A description of the improvement; its location; function and estimated cost;
- (b) The proposed manner of financing the capital costs of the improvement; and the sources of revenue available for payment of such costs;
- (c) A schedule showing on a yearly basis the timing of land acquisition; construction and capital expenditures for the improvements;
- (d) A review and description of the public need for the improvement; alternatives to the improvement; (including alternatives not involving capital expenditures); the environmental and social effects of the improvement and all actions and steps theretofore taken by the commission with respect to the improvement;
- (e) An estimate of the probable impact of the improvement on the responsibilities of the other metropolitan commissions;
- (f) An estimate of the annual operating costs of the improvement and the sources of revenue available for payment of such costs;
- (g) An evaluation of the relative priority of the improvement taking into consideration other capital improvements described in the program;
- (h) Each program shall include such additional information as the council or commission may deem appropriate.

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

Subd. 1a. REQUIREMENT; PURPOSE. Each metropolitan agency that is subject to this section by its enabling law shall adopt an implementation plan

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meeting the requirements of this section. The implementation plan must implement and effectuate the policy plan adopted by the council under section 473.146. Elements of the implementation plan must cover the period or periods prescribed in the council's policy plan.

Subd. 1b. CONTENT. The implementation plan must include the following:

(1) a statement of objectives and priorities for capital development, services, and system management;

(2) a statement of agency plans to achieve the objectives, describing the functions, services, and systems that will be provided by or under the direction or auspices of the agency;

(3) a statement of how the agency's objectives, priorities, and plans will implement and effectuate the council's policy plan;

(4) a statement of the fiscal implications of the agency's plan, including a statement of: (i) the anticipated expenditure of public and private funds, for capital developments, services, and system administration and management, and the changes in expenditure levels that the plan represents; (ii) the resources available under existing fiscal policy and additional resources, if any, that are or may be required to effectuate the agency's plan; (iii) any changes in agency policy on regional sources of revenue and changes in levels of debt, user charges, and taxes; (iv) other changes in existing fiscal policy, on regional revenues and intergovernmental aids respectively, that are expected or that the agency has recommended or may recommend; and (v) the effect on functions and levels and types of services, and the agency's contingency and cost-containment strategies, if the additional resources required to effectuate the agency's plan do not become available;

(5) a statement of the standards, criteria, and procedures that the agency will use in monitoring and evaluating the results of the implementation plan;

(6) a statement of the effect of the plan on the responsibilities of other governmental units;

(7) the services and systems management component required by subdivision 1c and the capital investment component required by subdivision 1d; and

(8) other information that the council or agency deems appropriate.

Subd. 1c. SERVICES AND SYSTEMS MANAGEMENT. The plan must include a services and systems management component that describes the levels and costs of services that will be provided to service areas and populations within the metropolitan area. The component must describe: (1) service needs, objectives, and priorities; (2) changes in existing services; (3) deployment of new services; (4) distribution and coordination of services; (5) delivery methods and providers; (6) system management and administration; (7) costs; (8) manner of finance and revenue sources, including federal and state funds, private funds, taxes, and user charges; and (9) fiscal effects.

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Subd. 1d. CAPITAL INVESTMENT. The plan must include a capital investment component that sets forth a capital investment strategy and estimates the fiscal and other effects of the strategy. The component must specify, to the extent practicable, the capital improvements to be undertaken. For each improvement specified, the plan must describe: (1) need, function, objective, and relative priority; (2) alternatives, including alternatives not involving capital expenditures; (3) ownership and operating entity; (4) location and schedule of development; (5) environmental, social, and economic effects; (6) cost; (7) manner of finance and revenue sources, including federal and state funds, private funds, taxes, and user charges; and (8) fiscal effects, including an estimate of annual operating costs and sources of revenue to pay the costs.

Subd. 2. SUBMISSION TO PROCEDURE; REVIEW AND APPROVAL BY COUNCIL. The development program implementation plan prepared by the metropolitan commission shall agency must be submitted to the council for review and approval or disapproval at the time or times stated in the policy plan. The agency shall hold a public hearing on the plan before submitting it to the council and shall transmit a report of the hearing to the council along with the plan. The council shall complete its review within 90 days after receipt of the proposed development program implementation plan. In the course of its review of the implementation plan the council shall publish an analysis and evaluation of the success of the agency in effectuating the council's policy plan. If the council determines that the program implementation plan is consistent with the policy plan it shall approve the program plan as submitted. If it determines that the program implementation plan or part thereof is inconsistent with the policy plan, it shall disapprove it and return it to require the submitting commission with comments and the commission shall agency to make appropriate revisions in the program and resubmit it to the council for review and approval or disapproval. Before approving a program or returning it to the submitting commission, the council shall hold a public hearing for the purpose of considering the program and the council's comments thereon; if requested to do so by the affected commission. The council may approve or disapprove a development program in whole or in part implementation plan necessary to bring it into conformance with the policy plan. The agency shall make the revisions required by the council within 60 days, or a longer period agreed to by the council, and resubmit the plan to the council for review. If the agency does not make the revisions required by the council in the time allowed, the council shall hold a public hearing on the matter in dispute. At the hearing the council shall make an affirmative presentation of its position on the required revisions, shall allow the agency to present its objections to the revisions, and shall allow all persons to present their views on the matter. Following the hearing the council shall prepare a report on the hearing, including a summary of the disagreeing positions of the council and the agency, and shall make a final decision on the revision. If the council decides to require revision, the council's decision shall contain specific changes in the implementation plan. The changes contained in the council's decision are binding on the agency and are part of the implementation plan required to be adopted and implemented by the agency under subdivision 3.

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Subd. 2a. AMENDMENT. ~~Within two years of the approval of its first development program by the council and At least biennially thereafter each commission metropolitan agency shall review the program implementation plan, make such the revisions as are necessary; including an updating of the five year capital improvement program; and submit the program plan to the council for its review and approval or disapproval as herein provided in this section.~~

Subd. 3. ADOPTION; EFFECT OF DEVELOPMENT PROGRAM. ~~After approval by the council of a development program the commission The metropolitan agency shall adopt and implement the program implementation plan, with the revisions required by the council, within 60 days following council approval. No capital improvements shall be undertaken by the metropolitan commission unless authorized by the program or The activities of the agency, including its priorities and timing, must be consistent with its approved and adopted implementation plan or be specifically approved by the council. The council shall may not approve any improvement activity not in substantial conformance with the appropriate policy plan.~~

Sec. 18. [473.1623] METROPOLITAN COUNCIL; METROPOLITAN AGENCIES; FINANCIAL REPORTING AND MANAGEMENT.

Subdivision 1. PURPOSE. The purpose of this section is to enhance the efficiency, effectiveness, and responsiveness of metropolitan agencies and services, by improving coordination among metropolitan agencies in financial reporting and management for metropolitan systems and services.

Subd. 2. FINANCIAL REPORTING AND MANAGEMENT ADVISORY COMMITTEE. A financial reporting and management advisory committee is created, consisting of the chairs of the council and the following metropolitan agencies: the waste control commission, transit board, metropolitan airports commission, and sports facilities commission. The committee is established to assist and advise the council and other governing boards in meeting the requirements of this section. Staff and administrative services for the committee must be provided by the council and the member agencies. Other agencies shall make financial information available upon request.

Subd. 3. FINANCIAL REPORT. By December 15 of even-numbered years, the council, in consultation with the advisory committee, shall publish a consolidated financial report for the council and all metropolitan agencies and their functions, services, and systems. The financial report must cover the calendar year in which the report is published and the two years preceding and three years succeeding that year. The financial report must contain the following information, for each agency, function, or system, respectively, and in the aggregate, in a consistent format that allows comparison over time and among agencies in expenditure and revenue categories:

- (1) financial policies, goals, and priorities;
- (2) levels and allocation of public expenditure, including capital, debt, oper-

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ating, and pass-through funds, stated in the aggregate and by appropriate functional, programmatic, administrative, and geographic categories, and the changes in expenditure levels and allocations that the report represents;

(3) the resources available under existing fiscal policy;

(4) additional resources, if any, that are or may be required;

(5) changes in council or agency policies on regional sources of revenue and in levels of debt, user charges, and taxes;

(6) other changes in existing fiscal policy, on regional revenues and inter-governmental aids respectively, that are expected or that have been or may be recommended by the council or the respective agencies;

(7) an analysis that links, as far as practicable, the uses of funds and the sources of funds, by appropriate categories and in the aggregate;

(8) a description of how the fiscal policies effectuate current policy and implementation plans of the council and agencies concerned; and

(9) a summary of significant changes in council and agency finance and an analysis of fiscal trends.

The council shall present the report for discussion and comment at a public meeting in the metropolitan area and request, in writing, an opportunity to make presentations on the report before appropriate committees of the legislature.

Subd. 4. FINANCIAL REPORTING; BUDGETING. The advisory committee, with the assistance of the state auditor and the legislative auditor, shall develop uniform or consistent standards, formats, and procedures for the budgets and financial reports of the council and all metropolitan agencies. The council shall report to the legislature from time to time on progress made by the committee in improving the uniformity and quality of budgets and financial reports and on legislation that may be needed for this purpose.

Subd. 5. ADMINISTRATIVE COORDINATION. The advisory committee shall evaluate the benefits, costs, methods, and effects, including operational effects, of joint or uniform and coordinated exercise of powers by the council and metropolitan agencies for appropriate administrative functions. The study must include at least ongoing managerial reporting, contracts, purchasing, data processing, and personnel. The council shall report to the legislature on the findings and recommendations of the advisory committee to date by January 1, 1987, and on legal and other impediments to increased coordination of administrative functions. Before submitting the report, the council shall request comments on the report from the affected metropolitan agencies, and the comments must be submitted along with the report.

Sec. 19. Minnesota Statutes 1984, section 473.163, subdivision 1, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. **REQUIREMENT.** Each metropolitan ~~commission~~ agency that is subject to this section by its enabling law shall prepare a proposed budget for calendar year ~~1976 and each calendar year thereafter.~~ The proposed budget shall be prepared on or before by August 1, 1975 and of each year thereafter. The budget must be consistent with and effectuate the implementation plan. The budget shall must show for each ~~such~~ year:

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

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

(c) The estimated source and use of pass-through funds.

Sec. 20. Minnesota Statutes 1984, section 473.163, subdivision 2, is amended to read:

Subd. 2. **PROCEDURE; APPROVAL OF COUNCIL.** ~~Between~~ As early as practicable before August 1 and September 15 of each year, the ~~commission~~ agency shall hold a public hearing on a draft of the proposed budget. Along with the draft, the agency shall publish a report on user charges. The report must include an estimate and analysis of the changes in user charges, rates, and fees that will be required by the agency's budget. Not less than 14 days before the hearing, the ~~commission~~ agency shall publish notice ~~thereof of the hearing~~ in a newspaper having general circulation in the metropolitan area, stating the date, time and place of hearing, and the place where the proposed budget and report on user charges may be examined by any interested person. Following the hearing, the agency shall publish a report of the hearing that summarizes the comments received and the agency's response. Until the budget for agency fiscal year 1990, those parts of the budget relating to revenues and expenditures for capital improvements shall must be submitted to the council on or before by August 15 of each year and shall be subject to for review and approval by the council. If council approval is required the council shall act to approve or disapprove by October 1 of each year. Before December 15 of each year the ~~commission~~, after obtaining approval of the council for any changes in the capital improvements budget, agency shall by resolution adopt a final budget. Each ~~commission~~ agency shall file its final budget with the council on or before December 20 of each year. The council shall file the budgets with the secretary of the senate and the clerk of the house of representatives not later than January 1 of each year.

Subd. 2a. **EFFECT.** Except in an emergency, for which procedures ~~shall~~ must be established by the ~~commission~~ agency, the ~~commission~~ agency and its officers, agents and employees ~~shall~~ may not spend money for any purpose, other than debt service, without an appropriation by the ~~commission~~ or in excess of

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the amount appropriated therefor agency, and no obligation to make such an expenditure shall be enforceable except as the obligation of the person or persons incurring it. The creation of any debt obligation or the receipt of any federal or state grant is a sufficient appropriation of the proceeds for the purpose for which it is authorized, and of the tax or other revenues pledged to pay the obligation and interest on it whether or not specifically included in any annual budget. ~~The commission may~~, After obtaining approval of the council, if required under subdivision 2, the agency may amend the ~~capital improvements~~ budget at any time by transferring any appropriation from one purpose to another, except appropriations of the proceeds of bonds issued for a specific purpose. ~~The council shall file the budgets of all commissions with the secretary of the senate and the clerk of the house of representatives not later than January 15 of each year.~~

Sec. 21. Minnesota Statutes 1985 Supplement, section 473.167, subdivision 3, is amended to read:

Subd. 3. TAX. The council may levy a tax on all taxable property in the metropolitan area, as defined in section 473.121, to provide funds for loans made pursuant to subdivisions 2 and 2a. The tax shall be certified by the council, levied, and collected in the manner provided by section ~~473.08~~ 7 of this act. The tax shall be in addition to that authorized by section 473.249 and any other law and shall not affect the amount or rate of taxes which may be levied by the council or any metropolitan agency or local governmental unit. The amount of the levy shall be as determined and certified by the council, except as otherwise provided in this subdivision. The tax shall not be levied at a rate higher than five one-hundredths of one mill. The tax shall not be levied at a rate higher than that determined by the council to be sufficient, considering the other anticipated revenues of and disbursements from the loan fund, to produce a balance in the loan fund at the end of the next calendar year equal to twice the amount that a tax levy of five one-hundredths of a mill would raise in that year.

Sec. 22. Minnesota Statutes 1984, section 473.171, subdivision 1, is amended to read:

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

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 23. Minnesota Statutes 1984, section 473.171, subdivision 2, is amended to read:

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

Sec. 24. Minnesota Statutes 1984, section 473.173, subdivision 3, is amended to read:

Subd. 3. In developing the regulations the council and the advisory metropolitan land use committee, as defined in section 473.852, shall give consideration to all factors deemed relevant including but not limited to the following:

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

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

(3) The impact a proposed matter will have on policy plans adopted by the council and on the ~~development programs~~ implementation plans and functions performed and to be performed by a metropolitan ~~commission agency~~ that is subject to section 473.161;

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

Sec. 25. Minnesota Statutes 1984, section 473.173, subdivision 4, is amended to read:

Subd. 4. The regulations shall include, without limitation, provisions to effectuate and comply with the following powers and requirements:

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

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

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

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

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

(4) The council shall be required to review a proposed matter upon request of an affected local governmental unit or metropolitan ~~commission~~ agency that is subject to section 473.161. The regulations shall include a procedure for review of a proposed matter upon petition by a specified number of residents of the metropolitan area 18 years of age or older.

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

(6) The council shall review all proposed matters determined to be of metropolitan significance as to their consistency with and effect upon metropolitan system plans as defined in section 473.852 and their adverse effects on other local governmental units.

(7) Previously approved policy plans and ~~development programs~~ implementation plans and areas of operational authority of ~~the metropolitan commissions agencies that are~~ subject to section 473.161 shall not be subject to review under this section, except as specifically provided in section 473.171.

Sec. 26. Minnesota Statutes 1984, section 473.194, is amended to read:

473.194 DEFINITIONS.

For the purposes of sections ~~473.193~~ 473.194 to 473.201, the terms defined in the municipal housing and redevelopment act shall have the meanings given them in that act.

Sec. 27. Minnesota Statutes 1984, section 473.195, subdivision 4, is amended to read:

Subd. 4. The council shall, as part of any project proposal to a municipality, propose a means for citizens substantially affected by the proposed project to participate in the formulation and carrying out of projects undertaken by the council pursuant to the terms of sections ~~473.193~~ 473.194 to 473.201.

Sec. 28. Minnesota Statutes 1984, section 473.199, is amended to read:

473.199 EFFECT UPON MUNICIPAL AND COUNTY HOUSING AND REDEVELOPMENT AUTHORITIES.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Nothing in sections ~~473.193~~ 473.194 to 473.201 shall be construed to impair the powers and obligations of municipal, county or multi-county housing and redevelopment authorities within the metropolitan area.

Sec. 29. Minnesota Statutes 1984, section 473.201, subdivision 2, is amended to read:

Subd. 2. The council may expend for the purposes of sections ~~473.193~~ 473.194 to 473.201 any revenues derived pursuant to section 473.249.

Sec. 30. Minnesota Statutes 1984, section 473.245, is amended to read:

473.245 REPORTS.

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

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

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

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

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

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

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

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

Sec. 31. Minnesota Statutes 1984, section 473.249, subdivision 1, is amended to read:

Subdivision 1. The metropolitan council may levy a tax on all taxable property in the metropolitan area defined in section 473.121 to provide funds for the purposes of sections 473.121 to 473.249 and for the purpose of carrying out other responsibilities of the council as provided by law. The tax shall not exceed eight-thirtieths of one mill on the total assessed valuation of all such taxable property located in the metropolitan area, and shall be levied and collected in the manner provided by section ~~473.08~~ 7 of this act.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 32. Minnesota Statutes 1984, section 473.303, subdivision 2, is amended to read:

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 in accordance with the provisions of section 473.141.

Sec. 33. Minnesota Statutes 1984, section 473.303, subdivision 4a, is amended to read:

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, metropolitan council appointed~~ as provided in section 473.123, subdivision 3a, shall appoint a chair and eight commission members from newly drawn districts. 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, with terms ending the first Monday in January, 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. The appointments to the commission must be made by the first Monday in May of the year in which the term ends.

Sec. 34. Minnesota Statutes 1984, section 473.303, subdivision 6, is amended to read:

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Subd. 6. **COMPENSATION.** Members and the chairman shall be compensated as provided for members of metropolitan commissions in section 473.141, subdivision 7.

Sec. 35. Minnesota Statutes 1984, section 473.373, subdivision 1, is amended to read:

Subdivision 1. **ESTABLISHMENT.** To carry out the policy and achieve the goals of section 473.371 there is established a regional transit board as a public corporation and a political subdivision of the state. Except as provided in this section, the board is organized, structured, and administered as provided for metropolitan commissions in section 473.141.

Sec. 36. Minnesota Statutes 1985 Supplement, section 473.373, subdivision 4, is amended to read:

Subd. 4. **TERMS.** The initial terms of members and the chair appointed under Laws 1984, chapter 654, article 3, section 116, commence on the first day after July 1, 1984, that the chair and at least seven other members have been appointed and qualified and expire on the first day that the chair and eight members appointed under section 473.141 and this section are appointed and qualified. By August 1, 1985, the appointing authorities shall appoint a chair and eight members from the districts defined in section 473.141. The initial terms of members and the chair appointed in 1985 are as follows: members representing commission districts A, B, C, and D and the chair of the board, 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 "9." At least one of the members appointed by the council must be 65 years of age or older at the time of the appointment. Thereafter the term of each member and the chair is four years, subject to the provisions on apportionment, successor qualification, removal, and vacancy of section 473.141, subdivisions 4a, 5, and 6.

Sec. 37. Minnesota Statutes 1984, section 473.377, subdivision 1, is amended to read:

Subdivision 1. **REQUIREMENT.** The transit board shall prepare, submit to the council, and adopt a transit service an implementation plan describing the planning, functions, and activities to be performed by or under the direction or auspices of the board in implementing the policy plan adopted by the council pursuant to section 473.146. The plan must cover at least the five-year period commencing with the first calendar year beginning after the plan's approval, or a longer period prescribed by the council.

~~Except as otherwise provided in this section, the implementation plan must be prepared, submitted for review by the council, adopted, and implemented in the same manner, with the same requirements and restrictions, and to the same effect as provided for development programs in section 473.161. The board shall prepare an implementation plan meeting the requirements of this section~~

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and submit the plan to the council by August 1, 1986, and thereafter in ~~even-numbered~~ years at a time prescribed by the council.

Sec. 38. Minnesota Statutes 1985 Supplement, section 473.38, subdivision 2, is amended to read:

Subd. 2. **FINANCIAL PLAN; COUNCIL APPROVAL.** Along with its annual budget, each even-numbered year the board shall prepare a financial plan for the succeeding three calendar years, in half-year segments. The financial plan must be consistent with the board's implementation plan and must contain the elements specified in section ~~473.377, subdivision 2, clauses (a), (e), (f), and (g)~~ 18, subdivision 3. The financial plan ~~prepared in even-numbered years~~ must contain a proposed request for state financial assistance for the succeeding biennium. The board shall submit the financial plan to the council for review and approval or disapproval. The council may approve or disapprove in whole or in part. The council may disapprove only for inconsistency with the policy plan of the council.

Sec. 39. Minnesota Statutes 1985 Supplement, section 473.39, subdivision 1, is amended to read:

Subdivision 1. **GENERAL AUTHORITY.** The council, if requested by vote of at least two-thirds of all of the members of the transit board, may issue general obligation bonds to provide funds to the board for expenditure to implement the board's approved ~~capital development program~~ implementation plan and for the refunding of outstanding bonds, certificates of indebtedness, and judgments. The council may not unreasonably withhold the issuance of obligations for a ~~capital development program~~ an implementation plan that has been approved by the council. The council may not issue obligations pursuant to this subdivision in excess of the amount specifically authorized by law. Except as otherwise provided in sections 473.371 to 473.449, the council shall provide for the issuance, sale, and security of the bonds in the manner provided in chapter 475, and has the same powers and duties as a municipality issuing bonds under that law, except that no election is required and the net debt limitations in chapter 475 do not apply to the bonds. The obligations are not a debt of the state or any municipality or political subdivision within the meaning of any debt limitation or requirement pertaining to those entities. Neither the state, nor any municipality or political subdivision except the council and board, nor any member or officer or employee of the board or council, is liable on the obligations. The obligations may be secured by taxes levied without limitation of rate or amount upon all taxable property in the transit taxing district and transit area as provided in section 473.446. The council shall certify to the transit board before October 1 of each year the amounts necessary to provide full and timely payment of the obligations. As part of its levy made under section 473.446, the board shall levy the amounts certified by the council and transfer the proceeds to the council for payment of the obligations. The taxes must be levied, certified, and collected in accordance with the terms and conditions of the indebtedness.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 40. Minnesota Statutes 1985 Supplement, section 473.39, subdivision 1a, is amended to read:

Subd. 1a. **AMOUNT; I-394 FACILITIES.** The council may issue certificates of indebtedness, bonds, or other obligations under this section in an amount not exceeding \$8,500,000 for expenditure as prescribed in the ~~capital development program implementation plan~~ implementation plan of the board ~~required by section 473.377, subdivision 2, clause (a).~~ Of this amount, no more than \$1,500,000 may be spent for land acquisition and capital improvements for park and ride lots and transit transfer stations planned for the interstate highway described in section 161.123, clause (2), commonly known as I-394. These facilities may be constructed and maintained by the metropolitan transit commission. The board shall require, as a condition of financial assistance to the commission, that the commission make facilities it constructs, acquires, or improves for I-394 with funds provided under this provision available to all transit providers on a nondiscriminatory basis, as the board defines these terms.

Sec. 41. Minnesota Statutes 1984, section 473.409, is amended to read:

473.409 AGREEMENTS WITH COMMISSION; ENCOURAGEMENT OF TRANSIT USE.

A state department or agency, including the legislative branch, any local governmental unit, the metropolitan council, or other metropolitan ~~commission~~ agency may enter into an agreement with the transit commission and other operators for the purpose of encouraging the use of transit by its employees residing in the metropolitan area. The agreement may provide for, among other things: (a) the advance purchase of tokens, tickets or other devices from the commission or other operator for use in lieu of fares on vehicles operated by the commission or other operator; and (b) special transit service for employees to and from their place of employment, at fares to be agreed upon by the contracting parties. The tokens, tickets, or other devices or services may be made available to employees at reduced rates. Any such agreement and arrangement by a state department or agency shall be submitted to the commissioner of administration for approval before execution. Any operating deficits or subsidy resulting from such agreements shall be assumed by the contracting department, agency, governmental unit, council, or other commission, unless otherwise provided in an agreement approved by the transit board.

Sec. 42. Minnesota Statutes 1984, section 473.516, subdivision 2, is amended to read:

Subd. 2. **GENERAL REQUIREMENTS.** With respect to its activities under this section, the commission shall be subject to and comply with the applicable provisions of this chapter. Property acquired by the commission under this section shall be subject to the provisions of section 473.545. Any site or facility owned or operated for or by the commission shall conform to the policy plan adopted by the council under section 473.149 and shall be authorized in accordance with the commission's ~~development program and capital~~

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~~budget~~ implementation plan approved by the council. The commission shall contract with private persons for the construction, maintenance, and operation of waste facilities, subject to the bidding requirements of section 473.523, where the facilities are adequate and available for use and competitive with other means of providing the same service.

Sec. 43. Minnesota Statutes 1984, section 473.523, subdivision 1, is amended to read:

Subdivision 1. No contract for any construction work, or for the purchase of materials, supplies, or equipment, costing more than \$5,000 \$15,000 shall be made by the commission without publishing once in a legal newspaper or trade paper published in a city of the first class not less than two weeks before the last day for submission of bids, notice that bids or proposals will be received. Such notice shall state the nature of the work or purchase and the terms and conditions upon which the contract is to be awarded, and a time and place where such bids will be received, opened, and read publicly. After such bids have been duly received, opened, read publicly, and recorded, the commission shall award such contract to the lowest responsible bidder or it may reject all bids and readvertise. Each contract shall be duly executed in writing and the party to whom the contract is awarded shall give sufficient bond or security to the board for the faithful performance of the contract as required by law. The commission shall have the right to set qualifications and specifications and to require bids to meet all such qualifications and specifications before being accepted. If the commission by an affirmative vote of two-thirds of its members declares that an emergency exists requiring the immediate purchase of materials or supplies at a cost in excess of \$5,000 \$15,000 or in making emergency repairs, it shall not be necessary to advertise for bids.

Sec. 44. Minnesota Statutes 1984, section 473.523, subdivision 2, is amended to read:

Subd. 2. The administrator may, without prior approval of the commission and without advertising for bids, enter into any contract of the type referred to in subdivision 1 which is not in excess of \$5,000 \$15,000.

Sec. 45. Minnesota Statutes 1984, section 473.535, is amended to read:

**473.535 ~~WASTE CONTROL COMMISSION~~ IMPLEMENTATION PLAN;
BUDGET.**

The waste control commission shall prepare, submit to the council and adopt an implementation plan and a budget at the time and in the manner provided in and otherwise comply with ~~section~~ sections 473.161 and 473.163.

Sec. 46. Minnesota Statutes 1984, section 473.553, subdivision 4, is amended to read:

Subd. 4. **QUALIFICATIONS.** Each member appointed prior to substantial

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completion of construction of a sports facility constructed pursuant to sections 473.551 to 473.595 shall be a resident of the precincts or area of the state for which he is appointed. A member appointed at any time shall not during his term of office hold the office of metropolitan council member or be a member of another metropolitan ~~commission~~ agency that is subject to section 473.141 or hold any judicial office or office of state government. Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, Article V, Section 6. The oath, duly certified by the official administering it, shall be filed with the chairman of the metropolitan council.

Sec. 47. [473.636] NEW MAJOR AIRPORT; AIRPORT DEVELOPMENT AREA.

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

Subd. 2. LOCAL ZONING AND LAND USE AND DEVELOPMENT CONTROLS. Upon the selection and approval of a site for a new major airport in the metropolitan area, all land within its airport development area not then zoned for other use is zoned for use exclusively for agricultural purposes, except

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that a prior nonconforming use established with reference to any lot or parcel of land may be continued and all land zoned by this subdivision for agricultural purposes may be rezoned by the appropriate government unit upon compliance with this subdivision. Thereafter the governing body of each government unit proposing to adopt or amend a land use and development control measure applicable to the airport development area shall submit it to the metropolitan council for review, and within 120 days after receipt of the council's criteria and guidelines shall make and submit to the council for review whatever changes in its existing land use and development control measures it deems necessary to make them consistent with the criteria and guidelines. The council or a committee designated by it shall hold a hearing on the control measures submitted by each government unit within 60 days after they are submitted, on written notice mailed to the governing body of the government unit not less than 15 days before the hearing. At the hearing the government unit must be allowed to present all data and information that support the control measures submitted to the council. The council shall approve each measure or amendment within 120 days after it is received, with whatever changes it deems necessary to make it consistent with the criteria and guidelines, and the government unit submitting it shall take all actions necessary to put it into effect within 60 days after it is approved. If the council amends its criteria and guidelines, it must follow the procedures in this subdivision to ensure that applicable land use and development control measures are consistent with the amendment.

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

Subd. 4. CONTROL MEASURE REVIEW BEFORE SITE SELECTION. After the metropolitan airports commission has called a hearing for the selection of a site for a new major airport in the metropolitan area under section 473.641, and until the commission has determined not to use the site described in the notice of hearing for a new major airport, the governing body of each government unit in the metropolitan area shall submit to the council for review and comment in accordance with section 473.175 any land use and development control measure, amendment, or variance applicable to or proposed for the site

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described in the notice of hearing or to any property within five miles of the site. During the period described in this subdivision, no government unit may construct a public building or facility on the proposed airport site or within five miles of it until it has submitted its plan for the building or facility to the metropolitan council for review and comment as provided in this subdivision.

Sec. 48. **[473.637] AIRCRAFT NOISE ZONES.**

Within 120 days after the selection and approval of a site for a new major airport in the metropolitan area, the metropolitan council shall determine the probable levels of noise that will result in various parts of the metropolitan area from the operation of aircraft using the site, shall establish aircraft noise zones based on that determination and applicable to property affected by the noise, and shall establish acceptable levels of perceived noise decibels for each land use, using the composite noise rating method and tables or the noise exposure forecast method and tables. Each government unit having power to adopt land use and development control measures applicable to property included in any aircraft noise zone shall adopt or incorporate in existing land use and development control measures the applicable acceptable level of perceived noise decibels established by the council, and shall adopt whatever other control measures may be necessary to prevent the use, construction, or improvement of property and buildings subject to a level of perceived noise decibels in excess of the acceptable level established for that land use. The council shall mail a map showing the aircraft noise zones and a copy of the applicable acceptable levels of perceived noise decibels to the governing body of each government unit having authority to adopt land use and development control measures applicable to property in each aircraft noise zone, to the metropolitan airports commission, and to the state commissioner of transportation. The control measures adopted by a government unit to comply with this section must be submitted to and approved by the council and placed into effect by the government unit as provided in section 473.215, subdivision 2. The council may change the aircraft noise zones and the applicable acceptable levels of perceived noise decibels to conform with the actual levels of noise produced by aircraft using the airport site when it is in operation, and may require changes in control measures applicable to airport noise zones to conform with changes made by it. No property may be used, and no building or other structure may be constructed or improved, within any aircraft noise zone if persons using the property and buildings would be subjected to a level of perceived noise decibels in excess of the acceptable level established by the council for that land use.

Sec. 49. **[473.638] CONTROL MEASURE INVOLVING TAKING; CONDEMNATION BY METROPOLITAN AIRPORTS COMMISSION.**

Subdivision 1. EMINENT DOMAIN. If either the provisions or the application of section 473.215, subdivision 2, or any land use and development control measure applicable to public or private property in an airport development area is determined by a court of competent jurisdiction to constitute a taking, the metropolitan airports commission in the exercise of its power to acquire lands for the airport has the power to acquire the property or any

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similar property, or an interest in it, to the extent needed for the application of the measure, by eminent domain exercised in accordance with chapter 117. The right of eminent domain must be exercised if the commission has or will have funds to pay the condemnation award and the council determines that it is necessary to protect the airport from encroachment or hazards, to protect residents in the area, to encourage the most appropriate use of property in the airport development area, or to protect and conserve the natural resources of the metropolitan area.

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

Subd. 3. SHARING OF COSTS. The metropolitan airports commission and any other government unit in the metropolitan area may enter into an agreement under which the cost of acquiring a property and the proceeds from the sale or other disposition of it under subdivision 2 are to be shared by the commission and such government unit. The commission, the metropolitan council, or any government unit may also enter into any agreements with the United States or the state of Minnesota, or any agency or subdivision of either, and do all acts and things required by state or federal law or rules as a condition or consideration for the loan or grant of funds or property for the purpose of land acquisition or improvement under subdivisions 1 and 2.

Sec. 50. [473.639] RELATION TO AIRPORT HAZARD ZONING.

Sections 473.215 and 473.216 and any criteria, guidelines, or land use and development control measure approved by the council under those sections in no way supersede or limit the powers conferred on a municipality to do airport hazard zoning, or the commissioner of transportation by sections 360.061 to 360.073. Any criteria, guidelines, or land use and development control measure approved by the council under section 473.215 or 473.216 must be consistent with any exercise of powers by the commissioner under sections 360.061 to 360.093.

Sec. 51. [473.64] GOVERNMENT UNITS IN AIRPORT DEVELOPMENT AREA; TAX SHARING.

The governing bodies of government units located wholly or partly in an airport development area shall jointly study and decide upon a plan for the sharing of property tax revenues derived from property located in an airport development area. If 80 percent of the government units having territory within the airport development area agree upon a plan, the plan is effective, and all government units shall enter into whatever agreements may be necessary for this

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purpose. The plan, however, may not impair the existing contract obligations of any government unit. This section does not apply to the metropolitan airports commission or the council.

Sec. 52. Minnesota Statutes 1984, section 473.704, is amended by adding a subdivision to read:

Subd. 19. The commission, by December 15 of each even-numbered year, shall prepare and submit to the legislature a financial report that contains the information required by section 18, subdivision 3, in a format consistent with the consolidated financial report required by that subdivision.

Sec. 53. Minnesota Statutes 1984, section 473.711, is amended by adding a subdivision to read:

Subd. 4. CERTIFICATES OF INDEBTEDNESS. The commission may issue certificates of indebtedness in anticipation of the collection and payment of a tax levied under this section in the same manner as a statutory city under section 412.261 and use their proceeds to accomplish its duties.

Sec. 54. Minnesota Statutes 1984, section 473.811, subdivision 7, is amended to read:

Subd. 7. **JOINT ACTION.** Any local governmental unit or metropolitan ~~commission~~ agency may act together with any county, city, or town within or without the metropolitan area, or with the pollution control agency or the waste management board under the provisions of section 471.59 or any other appropriate law providing for joint or cooperative action between government units, to accomplish any purpose specified in sections 473.149, 473.151, and 473.801 to 473.823 and sections 473.827, 473.831, 473.833, 473.834, 116.05 and 115A.06.

Any agreement regarding data processing services relating to the generation, management, identification, labeling, classification, storage, collection, treatment, transportation, processing or disposal of waste and entered into pursuant to section 471.59, or other law authorizing joint or cooperative action may provide that any party to the agreement may agree to defend, indemnify and hold harmless any other party to the agreement providing the services, including its employees, officers or volunteers, against any judgments, expenses, reasonable attorney's fees and amounts paid in settlement actually and reasonably incurred in connection with any third party claim or demand arising out of an alleged act or omission by a party to the agreement, its employees, officers or volunteers occurring in connection with any exchange, retention, storage or processing of data, information or records required by the agreement. Any liability incurred by a party to an agreement under this subdivision shall be subject to the limitations set forth in section 3.736 or 466.04.

Sec. 55. Minnesota Statutes 1984, section 473.823, subdivision 3, is amended to read:

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Subd. 3. **SOLID WASTE FACILITIES; REVIEW PROCEDURES.** The agency shall request applicants for solid waste facility permits to submit all information deemed relevant by the council to its review, including without limitation information relating to the geographic areas and population served, the need, the effect on existing facilities and services, the anticipated public cost and benefit, the anticipated rates and charges, the manner of financing, the effect on metropolitan plans and development programs, the supply of waste, anticipated markets for any product, and alternative means of disposal or energy production. No permit may be issued for the operation of a solid waste facility in the metropolitan area which is not in accordance with the metropolitan council's solid waste policy plan. The metropolitan council shall determine whether a permit is in accordance with the policy plan. In making its determination, the council shall consider the area-wide need and benefit of the applicant facility and may consider, without limitation, the effect of the applicant facility on existing and planned solid waste facilities described in a waste control commission ~~development program~~ implementation plan or county report or master plan. If the council determines that a permit is in accordance with its policy plan, the council shall approve the permit. If the council determines that a permit is not in accordance with its policy plan, it shall disapprove the permit. The council's approval of permits may be subject to conditions necessary to satisfy criteria and standards in its policy plan, including conditions respecting the type, character, and quantities of waste to be processed at a solid waste facility used primarily for resource recovery and the geographic territory from which a resource recovery facility or transfer station serving such a facility may draw its waste. For the purpose of this review and approval by the council, the agency shall send a copy of each permit application and any supporting information furnished by the applicant to the metropolitan council within 15 days after receipt of the application and all other information requested from the applicant. Within 60 days after the application and supporting information are received by the council, unless a time extension is authorized by the agency, the council shall issue to the agency in writing its determination whether the permit is disapproved, approved, or approved with conditions. If the council does not issue its determination to the agency within the 60 day period, unless a time extension is authorized by the agency, the permit shall be deemed to be in accordance with the council's policy plan. No permit shall be issued in the metropolitan area for a solid waste facility used primarily for resource recovery or a transfer station serving such a facility, if the facility or station is owned or operated by a public agency or if the acquisition or betterment of the facility or station is secured by public funds or obligations issued by a public agency, unless the council finds and determines that adequate markets exist for the products recovered and that establishment of the facility is consistent with the criteria and standards in the metropolitan and county plans respecting the protection of existing resource recovery facilities and transfer stations serving such facilities.

Sec. 56. Minnesota Statutes 1984, section 473.852, subdivision 8, is amended to read:

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Subd. 8. "Metropolitan system plans" means the airports ~~portion~~ and transportation portions of the metropolitan development guide, and the policy plans, ~~development programs~~ implementation plans, and capital budgets for metropolitan waste control, transportation, and regional recreation open space.

Sec. 57. REPORT.

The report required in 1986 by section 18, subdivision 3, of this act should be in the scope and detail that the council, in consultation with the advisory committee, deems appropriate and practicable.

Sec. 58. EXISTING PLANS.

Existing plans and development programs of the council and affected agencies remain in effect until expressly superseded by plans adopted in accordance with this act.

Sec. 59. REPEALER.

Minnesota Statutes 1984, sections 473.01; 473.02; 473.03; 473.04; 473.05; 473.06; 473.07; 473.08; 473.09; 473.10; 473.11; 473.121, subdivisions 7 and 9; 473.128; 473.163, subdivisions 3 and 4; 473.193; 473.203; 473.215; 473.216; 473.217; 473.218; 473.219; 473.373, subdivision 3; 473.377, subdivisions 2 and 3; 473.38, subdivision 1; 473.502; 473.523, subdivision 3; and 473.802 are repealed.

Sec. 60. APPLICATION.

Sections 1 to 59 of this act apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington. Sections 13 to 17 of this act are effective for plans and plan amendments adopted after January 1, 1987, and do not apply to the amendments to the transportation policy plan and transit implementation plan required to be adopted in 1986 by Laws 1984, chapter 654, article 3, sections 108 and 118.

Approved March 25, 1986

CHAPTER 461—H.F.No. 1873

An act relating to workers' compensation; regulating the obligations and administration of the special compensation fund; restricting liability for out-of-state injuries; regulating the payment and right to benefits; compensation court of appeals; regulating attorneys' fees; relating to jurisdiction of issues of medical causation; providing for the administration of claims; providing penalties; amending Minnesota Statutes 1984, sections 176.012; 176.041, subdivisions 1, 2, 3, and by adding a subdivision; 176.081, subdivision 1; 176.101, subdivision 3f; 176.103, subdivision 2; 176.104, subdivision 1; 176.105, subdivision 4; 176.111, subdivisions 6, 12, 15, and 20; 176.129, subdivision 8; 176.131, subdivisions 1a and 3; 176.135,

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