

CHAPTER 473

METROPOLITAN GOVERNMENT

473.123	Metropolitan council.	473.3996	Light rail transit facility design plans; review by board.
473.13	Budget, financial aid.	473.3997	Federal funding; light rail transit.
473.141	Membership, procedures, officers and employees of metropolitan agencies.	473.3998	Light rail transit joint powers board.
473.144	Certificates of compliance for contracts.	473.404	Metropolitan transit commission.
473.149	Solid waste comprehensive planning.	473.4051	Light rail transit operation.
473.156	Metropolitan water use and supply plan.	473.407	Metropolitan transit commission police.
473.1623	Metropolitan council; metropolitan agencies; financial reporting and management.	473.411	Transit and highway systems.
473.167	Highway projects.	473.446	Transit tax levies.
473.175	Council review; comprehensive plans. school district capital improvement programs.	473.516	Waste facilities; sewage sludge disposal.
473.249	Tax levy.	473.604	Membership, government.
473.334	Special assessment; agreement.	473.704	Powers and duties.
473.351	Metropolitan area regional parks funding.	473.711	Financing.
473.373	Regional transit board.	473.803	Metropolitan county planning.
473.386	Special transportation service.	473.811	Counties and local units of government; waste management.
473.399	Light rail transit; regional plan.	473.843	Metropolitan solid waste landfill fee.
473.3991	Repealed.	473.8441	Local recycling development program.
473.3993	Light rail transit facility plans; definitions.	473.846	Report to legislature.
473.3994	Light rail transit; design plans.	473.848	Restriction on disposal.
		473.851	Legislative findings and purpose.
		473.857	System statements; reconciliation procedures.
		473.859	Comprehensive plan content.

473.123 METROPOLITAN COUNCIL.

[For text of subs 1 to 3, see M.S.1992]

Subd. 3a. **Redistricting.** 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 in the year ending in the numeral "3." Within 60 days after a redistricting plan takes effect, the governor shall appoint members from the newly drawn districts to serve terms as provided under subdivision 2a.

Subd. 3b. [Repealed, 1993 c 314 s 7]

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

(1) The first council district consists of that portion of Hennepin county consisting of the cities of Champlin, Corcoran, Dayton, Greenfield, Independence, Loretto, Maple Grove, Maple Plain, Medicine Lake, Medina, Minnetrista, Mound, Osseo, Plymouth, Rockford, Rogers, and St. Bonifacius, and the town of Hassan.

(2) The second council district consists of that portion of Hennepin county consisting of the cities of Brooklyn Center, Brooklyn Park, Crystal, New Hope, and Robbinsdale.

(3) The third council district consists of that portion of Hennepin county consisting of the cities of Deephaven, Edina, Excelsior, Greenwood, Hopkins, Long Lake, Minnetonka, Minnetonka Beach, Orono, Shorewood, Spring Park, Tonka Bay, Wayzata, and Woodland.

(4) The fourth council district consists of Carver county, that portion of Dakota county consisting of the city of Lakeville, that portion of Hennepin county consisting of the cities of Chanhassan and Eden Prairie, and that portion of Scott county in the metropolitan area not included in the fifth council district.

(5) The fifth council district consists of that portion of Hennepin county consisting of the cities of Bloomington and Richfield and the unorganized territory of Fort Snelling, and that portion of Scott county consisting of the cities of Savage and Shakopee.

(6) The sixth council district consists of that portion of Hennepin county consist-

ing of the cities of Golden Valley and St. Louis Park and that portion of the city of Minneapolis lying west and south of a line described as follows: commencing at the intersection of the southern boundary of the city of Minneapolis and Interstate Highway 35W, northerly along Interstate Highway 35W to Minnehaha Parkway, northeasterly along Minnehaha Parkway to 50th Street E., westerly along 50th Street E. to Stevens Avenue S., northerly along Stevens Avenue S. to 46th Street E., westerly along 46th Street E. to Nicollet Avenue S., northerly along Nicollet Avenue S. to 36th Street W., westerly along 36th Street W. to Blaisdell Avenue S., northerly along Blaisdell Avenue S. to 34th Street W., westerly along 34th Street W. to Grand Avenue S., northerly along Grand Avenue S. to 32nd Street W., westerly along 32nd Street W. to Harriet Avenue S., northerly along Harriet Avenue S. to 31st Street W., westerly along 31st Street W. to Garfield Avenue S., northerly along Garfield Avenue S. to Lake Street W., westerly along Lake Street W. to Lyndale Avenue S., northerly along Lyndale Avenue S. to the Burlington Northern Railroad tracks, westerly along the northern branch of the Burlington Northern Railroad tracks to Glenwood Avenue N., westerly along Glenwood Avenue N. to the western boundary of the city of Minneapolis.

(7) The seventh council district consists of that portion of the city of Minneapolis lying within a line described as follows: commencing at the intersection of the northern boundary of the city of Minneapolis and the Mississippi River, southerly along the east bank of the Mississippi River to State Highway 122 southwesterly along State Highway 122 to Cedar Avenue S., southerly along Cedar Avenue S. to Minnehaha Avenue, southeasterly along Minnehaha Avenue to Cedar Avenue S., southerly along Cedar Avenue S. to Hiawatha Avenue, southerly along Hiawatha Avenue to 28th Street E., westerly along 28th Street E. to 21st Avenue S., southerly along 21st Avenue S. to 32nd Street E., westerly along 32nd Street E. to 19th Avenue S., southerly along 19th Avenue S. to 34th Street E., westerly along 34th Street E. to Bloomington Avenue S., southerly along Bloomington Avenue S. to 36th Street E., westerly along 36th Street E. to 10th Avenue S., southerly along 10th Avenue S. to 38th Street E., westerly along 38th Street E. to Elliot Avenue S., southerly along Elliot Avenue S. to 44th Street E., westerly along 44th Street E. to Chicago Avenue S., southerly along Chicago Avenue S. to 50th Street E., westerly along 50th Street E. to Park Avenue S., southerly along Park Avenue S. to Minnehaha Parkway, westerly along Minnehaha Parkway to the eastern boundary of the sixth council district, northerly and westerly along the boundary of the sixth council district to the western boundary of the city of Minneapolis, northerly and then easterly along the boundaries of the city of Minneapolis to the point of origin.

(8) The eighth council district consists of that portion of the city of Minneapolis not included in the sixth or seventh council district.

(9) The ninth council district consists of that portion of Anoka county not included in the tenth council district and that portion of Ramsey county consisting of the cities of Blaine and Spring Lake Park.

(10) The tenth council district consists of that portion of Anoka county consisting of the cities of Columbia Heights, Coon Rapids, Fridley, and Hilltop, that portion of Hennepin county consisting of the city of St. Anthony, and that portion of Ramsey county consisting of the cities of Mounds View, New Brighton, and St. Anthony.

(11) The eleventh council district consists of that portion of Ramsey county consisting of the cities of Arden Hills, Gem Lake, Little Canada, North Oaks, Roseville, Shoreview, Vadnais Heights, and White Bear Lake and the town of White Bear, and that portion of the city of Maplewood not included in the twelfth council district, and that portion of Washington county consisting of the city of White Bear Lake.

(12) The twelfth council district consists of that portion of Ramsey county consisting of the city of North St. Paul and that portion of the city of Maplewood lying east and south of a line described as follows: commencing at the intersection of the southern boundary of the city of Maplewood and White Bear Avenue, northerly along White Bear Avenue to North St. Paul Road, northeasterly along North St. Paul Road to the eastern boundary of the city of Maplewood, and that portion of Washington county not included in the eleventh or sixteenth council district.

(13) The thirteenth council district consists of that portion of Ramsey county consisting of that portion of the city of St. Paul lying south of a line described as follows: commencing at the intersection of the eastern boundary of the city of St. Paul and Old Hudson Road, westerly along Old Hudson Road to White Bear Avenue, northerly along White Bear Avenue to East 3rd Street, westerly along East 3rd Street to Johnson Parkway, northerly along Johnson Parkway to East 4th Street, westerly along East 4th Street to Mounds Boulevard, southeasterly along Mounds Boulevard to East 3rd Street, southeasterly along East 3rd Street to the Burlington Northern Railroad tracks, northerly along the Burlington Northern Railroad tracks to the east-west Burlington Northern Railroad tracks, westerly along the east-west Burlington Northern Railroad tracks to Interstate Highway 35E, southerly along Interstate Highway 35E to University Avenue, westerly along University Avenue to Cleveland Avenue, southerly along Cleveland Avenue to Interstate Highway 94, westerly along Interstate Highway 94 to the western boundary of the city of St. Paul.

(14) The fourteenth council district consists of that portion of Ramsey county consisting of the cities of Falcon Heights and Lauderdale, and that portion of the city of St. Paul not included in the thirteenth council district.

(15) The fifteenth council district consists of that portion of Dakota county consisting of the cities of Apple Valley, Burnsville, Eagan, Lilydale, Mendota, and Mendota Heights.

(16) The sixteenth council district consists of that portion of Dakota county in the metropolitan area not included in the fourth or fifteenth council district, and that portion of Washington county consisting of the cities of Cottage Grove, Hastings, and St. Paul Park, and the towns of Denmark and Grey Cloud Island.

[For text of subds 4 to 6, see M.S.1992]

History: 1993 c 314 s 1,2

473.13 BUDGET, FINANCIAL AID.

Subdivision 1. **Budget.** On or before December 20 of each year the council, after the public hearing required in section 275.065, shall adopt a final 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. The budget shall state in detail the expenditures for each program to be undertaken, including the expenses for salaries, consultant services, overhead, travel, printing, and other items. The budget shall state in detail the capital expenditures of the council for the budget year, based on a five-year capital program adopted by the council and transmitted to the legislature. After adoption of the budget, an increase of over \$10,000 in the council's budget, a program or department budget, or a budget item, must be approved by the council before the increase is allowed or the funds obligated. After adoption of the budget and no later than five working days after December 20, the council shall certify to the auditor of each metropolitan county the share of the tax to be levied within that county, which must be an amount bearing the same proportion to the total levy agreed on by the council as the net tax capacity of the county bears to the net tax capacity 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.

[For text of subds 1a to 4, see M.S.1992]

History: 1993 c 375 art 7 s 15

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

[For text of subd 1, see M.S.1992]

Subd. 2. **Membership; appointments.** (a) Each agency consists of eight members, plus a chair 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 district for which the member is to be appointed. The consultation with legislators in the affected district must include informing each legislator of the name, address, and background of each candidate for appointment and soliciting and reporting to the appointments committee the recommendation of each legislator on the appointment.

(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 member applications to the metropolitan council as provided under section 15.0597, subdivision 5, the appointments committee shall conduct public 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. In making its recommendation, the committee specifically shall consider evidence of the candidate's commitment to regularly communicate on issues before the agency with metropolitan council members, legislators and local elected officials in the district, and the committee shall report its findings on this subject in its written report to the council.

(d) One member shall be appointed from each of the following agency districts:

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

[For text of subds 3 to 4, see M.S.1992]

Subd. 4a. Terms. Within 120 days after a redistricting plan takes effect, as provided under section 473.123, subdivision 3a, 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 chairs are as follows: members representing districts B, C, E, and G, and the chair, for terms ending the first Monday in January of the year ending in the numeral "7"; members representing districts A, D, F, 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 chair is four years, with terms ending the first Monday in January, except that all terms expire on the effective date of the next redistricting. A chair shall continue to serve until a successor is appointed and qualified. A member shall continue to serve the member's district until a successor is appointed and qualified; except that, following each redistricting, the member shall continue to serve at large until the metropolitan council appointed pursuant to section 473.123, subdivision 3a appoints eight members as provided under subdivision 2, to serve terms as provided under this subdivision.

[For text of subds 5 to 14, see M.S.1992]

History: 1993 c 314 s 3,4

473.144 CERTIFICATES OF COMPLIANCE FOR CONTRACTS.

Neither the council nor an agency listed in section 473.143, subdivision 1, may accept any bid or proposal for a contract or execute a contract for goods or services in excess of \$50,000 with any business having more than 20 full-time employees on a single working day during the previous 12 months, unless the business has an affirmative action plan for the employment of minority persons, women, and the disabled that has been approved by the commissioner of human rights. Receipt of a certificate of compliance from the commissioner of human rights signifies that a business has an approved affirmative action plan. A certificate is valid for two years. Section 363.073 governs revocation of certificates. The rules adopted by the commissioner of human rights under section 363.074 apply to this section.

History: 1993 c 277 s 8

473.149 SOLID WASTE COMPREHENSIVE PLANNING.

[For text of subs 1 to 5, see M.S.1992]

Subd. 6. Report to legislature. The council shall report on abatement to the legislative commission on waste management by July 1 of each year. The report must include an assessment of whether the objectives of the metropolitan abatement plan have been met and whether each county and each class of city within each county have achieved the objectives set for it in the council's plan. The report must recommend any legislation that may be required to implement the plan. The report shall include the reports required by sections 115A.551, subdivision 5; 473.846; and 473.848, subdivision 4. If in any year the council reports that the objectives of the council's abatement plan have not been met, the council shall evaluate and report on the need to reassign governmental responsibilities among cities, counties, and metropolitan agencies to assure implementation and achievement of the metropolitan and local abatement plans and objectives.

The report in each even-numbered year must include a report on the operating, capital, and debt service costs of solid waste facilities in the metropolitan area; changes in the costs; the methods used to pay the costs; and the resultant allocation of costs among users of the facilities and the general public. The facility costs report must present the cost and financing analysis in the aggregate and broken down by county and by major facility.

History: 1993 c 249 s 39

473.156 METROPOLITAN WATER USE AND SUPPLY PLAN.

Subdivision 1. Plan components. The metropolitan council shall develop a short-term and long-term plan for existing and expected water use and supply in the metropolitan area. The plan shall be submitted to and reviewed by the commissioner of natural resources for consistency with the statewide drought plan under section 103G.293. At a minimum, the plans must:

- (1) update the data and information on water supply and use within the metropolitan area and develop a water use and availability database;
- (2) identify and evaluate alternative courses of action, including water conservation initiatives and economic alternatives, in case of drought or contamination conditions;
- (3) develop regional surface water and use projection models for resource evaluation;
- (4) recommend long-term approaches to resolving problems that may develop because of water use and supply with consideration given to problems that occur outside of the metropolitan area, but which have an effect within the area; and
- (5) be consistent with the statewide drought plan under section 103G.293.

[For text of subd 2, see M.S.1992]

History: 1993 c 186 s 9

473.1623 METROPOLITAN COUNCIL; METROPOLITAN AGENCIES; FINANCIAL REPORTING AND MANAGEMENT.

[For text of subds 1 and 2, see M.S.1992]

Subd. 3. Financial report. By February 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 three years preceding and two 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, operating, 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 intergovernmental 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.

[For text of subds 4 to 6, see M.S.1992]

History: 1993 c 375 art 7 s 16

473.167 HIGHWAY PROJECTS.

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

[For text of subds 2 to 3, see M.S.1992]

Subd. 4. State review. The commissioner of revenue shall certify the council's levy

limitation under this section to the council by August 1 of the levy year. The council must certify its proposed property tax levy to the commissioner of revenue by September 1 of the levy year. The commissioner of revenue shall annually determine whether the property tax for the right-of-way acquisition loan fund certified by the metropolitan council for levy following the adoption of its proposed budget is within the levy limitation imposed by this section. The determination must be completed prior to September 10 of each year. If current information regarding market valuation in any county is not transmitted to the commissioner in a timely manner, the commissioner may estimate the current market valuation within that county for purposes of making the calculation.

[For text of subd 5, see M.S.1992]

History: 1993 c 353 s 3; 1993 c 375 art 7 s 17

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

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

[For text of subds 2 and 3, see M.S.1992]

History: 1993 c 186 s 10

473.249 TAX LEVY.

[For text of subd 1, see M.S.1992]

Subd. 2. The commissioner of revenue shall certify the council's levy limitation under this section to the council by August 1 of the levy year. The council must certify its proposed property tax levy to the commissioner of revenue by September 1 of the levy year. The commissioner of revenue shall annually determine whether the ad valorem property tax certified by the metropolitan council for levy following the adoption of its proposed budget is within the levy limitation imposed by this section. The determination shall be completed prior to September 10 of each year. If current information regarding gross tax capacity in any county is not transmitted to the commissioner in a timely manner, the commissioner may estimate the current gross tax capacity within that county for purposes of making the calculation.

History: 1993 c 375 art 7 s 18

473.334 SPECIAL ASSESSMENT; AGREEMENT.

Subdivision 1. **Generally.** In determining the special benefit received by regional recreation open space system property as defined in sections 473.301 to 473.351 from an improvement for which a special assessment is determined, the governing body shall not consider any use of the property other than as regional recreation open space property at the time the special assessment is determined. The metropolitan council shall not be bound by the determination of the governing body of the city but may pay a lesser amount, as agreed upon by the metropolitan council and the governing body of the city, as they determine is the measure of benefit to the land from the improvement.

Subd. 2. **Exception.** This section does not apply to Otter-Bald Eagle lake regional park property in the town of White Bear, Ramsey county, which shall continue to be governed by section 435.19.

History: 1993 c 375 art 17 s 19

473.351 METROPOLITAN AREA REGIONAL PARKS FUNDING.*[For text of subd 1, see M.S.1992]*

Subd. 2. **Metropolitan council obligation.** Annually before August 1 the metropolitan council shall distribute grant money received from the commissioner of natural resources to fund the operation and maintenance expenditures of the implementing agencies for the operation and maintenance of regional park and open space systems. The metropolitan council shall annually report to the legislature the amount distributed to each implementing agency and its estimate of the percentage of operation and maintenance expenditures paid for with operation and maintenance money.

*[For text of subds 3 to 6, see M.S.1992]***History:** 1993 c 172 s 83**473.373 REGIONAL TRANSIT BOARD.***[For text of subds 1 and 1a, see M.S.1992]*

Subd. 4a. **Membership.** (a) The board consists of 11 members with governmental or management experience. Appointments are subject to the advice and consent of the senate. Terms of members are four years commencing on the first Monday in January of the first year of the term, except as otherwise provided in section 473.141, subdivision 4a, following redistricting.

(b) The council shall appoint eight members, one from each of the agency districts provided for in section 473.141, subdivision 2.

Six must be elected officials of statutory or home rule charter cities, towns, or counties.

(c) The governor shall appoint, in addition to the chair, two persons, one who is age 65 or older at the time of appointment, and one with a disability. These appointments must be made following the procedures of section 15.0597. In addition, at least 30 days before the expiration of a term or upon the occurrence of a vacancy in the office held by a senior citizen or a person with a disability, the governor shall request nominations from organizations of senior citizens and persons with disabilities. Each organization shall nominate at least two persons. The governor shall consider the nominations submitted.

(d) No more than three of the members appointed under paragraphs (b) and (c) may be residents of the same statutory or home rule city or town, and none may be a member of the board established under section 473.3998.

*[For text of subds 5 to 8, see M.S.1992]***History:** 1993 c 314 s 5; 1993 c 353 s 4**473.386 SPECIAL TRANSPORTATION SERVICE.***[For text of subds 1 and 2, see M.S.1992]*

Subd. 2a. **Eligibility certification.** The board shall include the notice of penalty for fraudulent certification, and require the person certifying the applicant to sign the eligibility certification form and the applicant to sign the application form, as provided in section 174.295.

*[For text of subds 3 to 6, see M.S.1992]***History:** 1993 c 326 art 4 s 12**473.399 LIGHT RAIL TRANSIT; REGIONAL PLAN.**

Subdivision 1. **General requirements.** (a) The transit board shall adopt a regional light rail transit plan as part of the implementation plan pursuant to section 473.161,

to ensure that light rail transit facilities in the metropolitan area will be acquired, developed, owned, and capable of operation in an efficient, cost-effective, and coordinated manner as an integrated and unified system on a multicounty basis in coordination with buses and other transportation modes and facilities. To the extent practicable, the board shall incorporate into its plan appropriate elements of the plans of regional railroad authorities in order to avoid duplication of effort.

(b) The regional plan required by this section must be adopted by the board before the commissioner of transportation may begin construction of light rail transit facilities and before the commissioner may expend funds appropriated or obtained through bonding for constructing light rail transit facilities. Following adoption of the regional plan, each regional railroad authority and the commissioner of transportation shall act in conformity with the plan. The commissioner shall prepare or amend the final design plans as necessary to make the plans consistent with the regional plan.

(c) Throughout the development and implementation of the plan, the board shall contract for or otherwise obtain engineering services to assure that the plan adequately addresses the technical aspects of light rail transit.

Subd. 2. [Repealed, 1993 c 353 s 20]

Subd. 3. [Repealed, 1993 c 353 s 20]

History: 1993 c 353 s 5

473.3991 [Repealed, 1993 c 353 s 20]

473.3993 LIGHT RAIL TRANSIT FACILITY PLANS; DEFINITIONS.

Subdivision 1. **Application.** The definitions in this section apply to sections 473.3994 and 473.3996.

Subd. 2. **Preliminary design plan.** "Preliminary design plan" means a light rail transit plan that identifies:

(1) preliminary plans for the physical design of facilities, including location, length, and termini of routes; general dimension, elevation, alignment, and character of routes and crossings; whether the track is elevated, on the surface, or below ground; approximate station locations; and related park and ride, parking, and other transportation facilities; and a plan for handicapped access; and

(2) preliminary plans for intermodal coordination with bus operations and routes; ridership; capital costs; operating costs and revenues, and sources of funds for operating subsidies; funding for final design, construction, and operation; and an implementation method.

The preliminary design plan includes the preliminary or draft environmental impact statement for the light rail transit facilities proposed.

Subd. 2a. **Preliminary engineering plan.** "Preliminary engineering plan" means a light rail transit plan that includes the items in the preliminary design plan for the facilities proposed for construction, but with greater detail and specificity to satisfy final environmental impact statement requirements.

Subd. 3. **Final design plan.** "Final design plan" means a light rail transit plan that includes the items in the preliminary design plan and the preliminary engineering plan for the facilities proposed but with greater detail and specificity needed for construction. The final design plan must include, at a minimum:

(1) final plans for the physical design of facilities, including the right-of-way definition; environmental impacts and mitigation measures; intermodal coordination with bus operations and routes; and civil engineering plans for vehicles, track, stations, parking, and access, including handicapped access; and

(2) final plans for civil engineering for electrification, communication, and other similar facilities; operational rules, procedures, and strategies; capital costs; ridership; operating costs and revenues, and sources of funds for operating subsidies; financing for construction and operation; an implementation method; and other similar matters.

The final design plan must be stated with sufficient particularity and detail to allow the proposer to begin the acquisition and construction of operable facilities. If a turn-key implementation method is proposed, instead of civil engineering plans the final design plan must state detailed design criteria and performance standards for the facilities.

History: 1993 c 353 s 6

473.3994 LIGHT RAIL TRANSIT; DESIGN PLANS.

Subd. 2. Preliminary design plans; public hearing. Before final design plans are prepared for a light rail transit facility, the commissioner of transportation and the regional railroad authority or authorities in whose jurisdiction the line or lines are located must hold a public hearing on the physical design component of the preliminary design plans. The commissioner of transportation and the regional railroad authority or authorities in whose jurisdiction the line or lines are located must provide appropriate public notice of the hearing and publicity to ensure that affected parties have an opportunity to present their views at the hearing. The commissioner shall summarize the proceedings and testimony and maintain the record of a hearing held under this section, including any written statements submitted.

Subd. 3. Preliminary design plans; local approval. At least 30 days before the hearing under subdivision 2, the commissioner of transportation and the regional railroad authority or authorities in whose jurisdiction the line or lines are located shall submit the physical design component of the preliminary design plans to the governing body of each statutory and home rule charter city, county, and town in which the route is proposed to be located. The city, county, or town shall hold a public hearing, except that a county board need not hold a hearing if the county board membership is identical to the membership of the regional railroad authority submitting the plan for review. Within 45 days after the hearing under subdivision 2, the city, county, or town shall review and approve or disapprove the plans for the route to be located in the city, county, or town. A local unit of government that disapproves the plans shall describe specific amendments to the plans that, if adopted, would cause the local unit to withdraw its disapproval. Failure to approve or disapprove the plans in writing within 45 days after the hearing is deemed to be approval, unless an extension of time is agreed to by the city, county, or town, the commissioner of transportation, and the regional railroad authority or authorities in whose jurisdiction the line or lines are located.

Subd. 4. Preliminary design plans; council referral. If the governing body of one or more cities, counties, or towns disapproves the preliminary design plans within the period allowed under subdivision 3, the commissioner of transportation and the regional railroad authority or authorities in whose jurisdiction the line or lines are located may refer the plans, along with any comments of local jurisdictions, to the metropolitan council. The council shall hold a hearing on the plans, giving the commissioner of transportation and the regional railroad authority or authorities in whose jurisdiction the line or lines are located, any disapproving local governmental units, and other persons an opportunity to present their views on the plans. The council may conduct independent study as it deems desirable and may mediate and attempt to resolve disagreements about the plans. Within 90 days after the referral, the council shall review the plans submitted by the commissioner of transportation and the regional railroad authority or authorities in whose jurisdiction the line or lines are located and the council shall decide what amendments to the plans, if any, must be made to accommodate the objections presented by the disapproving local governmental units. The commissioner and the regional railroad authority shall make the amendments to the plans before continuing the planning and designing process.

Subd. 5. Final design plans. (a) Before beginning construction, the commissioner shall submit the physical design component of final design plans to the governing body of each statutory and home rule city, county, and town in which the route is proposed to be located. Within 60 days after the submission of the plans, the city, county, or town shall review and approve or disapprove the plans for the route located in the city,

county, or town. A local unit of government that disapproves the plans shall describe specific amendments to the plans that, if adopted, would cause the local unit to withdraw its disapproval. Failure to approve or disapprove the plans in writing within the time period is deemed to be approval, unless an extension is agreed to by the city, county, or town and the commissioner.

(b) If the governing body of one or more cities, counties, or towns disapproves the plans within the period allowed under paragraph (a), the commissioner may refer the plans, along with any comments of local jurisdictions, to the metropolitan council. The council shall review the final design plans under the same procedure and with the same effect as provided in subdivision 4 for preliminary design plans.

Subd. 6. [Repealed, 1993 c 353 s 20]

Subd. 7. **Council review.** Before proceeding with construction of a light rail transit facility, the commissioner must submit preliminary and final design plans to the metropolitan council. The council must review the plans for consistency with the council's development guide and approve the plans.

[For text of subds 8 and 9, see M.S.1992]

Subd. 10. **Corridor management committee.** A corridor management committee shall be established to advise the commissioner of transportation in the design and construction of light rail transit in each corridor to be constructed. The corridor management committee shall consist of the members of the light rail transit joint powers board established pursuant to section 473.3998 and one representative from each city in which the corridor is located. Additionally, the commissioner of transportation, the chair of the metropolitan council, the chair of the regional transit board, and the chair of the metropolitan transit commission shall each appoint a member to the committee. For the corridor between Minneapolis and St. Paul, the University of Minnesota shall appoint one member to the committee. The member representing the regional transit board shall chair the committee.

The corridor management committee shall advise the commissioner of transportation and the regional railroad authority or authorities in whose jurisdiction the line or lines are located on issues relating to the alternatives analysis, environmental review, preliminary design, preliminary engineering, final design, implementation method, and construction of light rail transit.

Subd. 11. **Regional railroad authority review.** The commissioner must submit to each regional rail authority in which the corridor is located, for review and approval, the following:

- (1) preliminary design and preliminary engineering plans; and
- (2) final design plans.

The commissioner must submit major contract changes during construction to each regional rail authority in which the corridor is located for review and comment.

Subd. 12. **Alternatives analysis; environmental review.** For light rail transit lines to be constructed in the metropolitan area, the regional railroad authority or authorities in whose jurisdiction a line or lines are to be constructed and the commissioner of transportation shall jointly prepare an alternatives analysis, the environmental review documents required, and the preliminary engineering plan. The council must approve the design for the alternatives analysis and the completed alternatives analysis. The department of transportation shall be the responsible governmental unit.

Subd. 13. **Dispute resolution.** In the event of a dispute between any of the parties arising from the parties' respective authority and responsibility under this section or section 473.3998, the dispute shall be submitted to the metropolitan council for final resolution by any party to the dispute. The metropolitan council shall establish by July 1, 1993, a process to ensure a prompt and speedy resolution of the dispute. This process shall allow the parties to provide evidence and testimony in support of their positions.

History: 1993 c 353 s 7-15

473.3996 LIGHT RAIL TRANSIT FACILITY DESIGN PLANS; REVIEW BY BOARD.

Subdivision 1. **Preliminary design plans.** Before submitting the physical design component of final design plans of a light rail transit facility for local review under section 473.3994, subdivision 5, the commissioner of transportation and the regional railroad authority or authorities in whose jurisdiction the line or lines are located shall submit preliminary design plans to the regional transit board for review. The board shall review the preliminary design plans to determine the compatibility of the plans with other light rail transit plans and facilities in the metropolitan area, the adequacy of the plans for handicapped accessibility, and the conformity of the plans with the regional light rail transit plan prepared under section 473.399. The board may comment on any aspect of the plans. The board has 90 days to complete its review, unless an extension of time is agreed to by the commissioner of transportation and the regional railroad authority or authorities in whose jurisdiction the line or lines are located. If the board determines that the plans do not satisfy the standards stated in this subdivision, the board shall recommend modifications in the plans that are necessary in order to satisfy the board. After adopting or amending the regional plan required by section 473.399, the board may again review any previously reviewed preliminary design plans and recommend modifications that are necessary to satisfy the board.

Subd. 2. **Final design plans.** Before acquiring or constructing light rail transit facilities, other than land for right-of-way, the commissioner of transportation shall submit final design plans to the regional transit board for review. The board shall review the final design plans under the same schedule and according to the same standards as provided for its review of preliminary design plans. The board shall either approve the plans, or if it determines that the plans do not satisfy the standards, disapprove the plans, in whole or in part, and recommend modifications in the plans that are necessary to secure approval. The commissioner may not proceed with acquisition or construction of a light rail transit facility, other than land for right of way, unless the final design plans for the facility have been approved by the board. Following approval of final design plans by the board, if the commissioner wishes to select a bid or a response to a request for proposal that is more than ten percent higher than the capital costs indicated in the final design plans for the facility, the commissioner may not proceed with construction until the commissioner has resubmitted the final design plans to the transit board for further review and approval or disapproval. The board has ten working days to review and approve or disapprove and recommend modification, unless an extension of time is agreed to by the commissioner.

History: 1993 c 353 s 16

473.3997 FEDERAL FUNDING; LIGHT RAIL TRANSIT.

(a) Upon completion of the alternatives analysis and draft environmental impact statement for the central corridor transit improvement project, the regional transit board, the commissioner of transportation, and the affected regional rail authorities may prepare a joint application for federal assistance for light rail transit facilities in the metropolitan area. The application must be reviewed and approved by the metropolitan council before it is submitted by the board and the commissioner. In reviewing the application the council must consider the information submitted to it under section 473.3994, subdivision 9. The board and the commissioner must consult with the council in preparing the application.

(b) Until the application described in paragraph (a) is submitted, no political subdivision in the metropolitan area may on its own apply for federal assistance for light rail transit planning or construction.

History: 1993 c 353 s 17

473.3998 LIGHT RAIL TRANSIT JOINT POWERS BOARD.

A light rail transit joint powers board shall be formed under section 471.59 consist-

ing of one voting member from the regional rail authorities of Hennepin, Ramsey, Anoka, Washington, Dakota, Scott, and Carver counties.

The board shall review and approve light rail transit system standards to be used by the commissioner in designing and building a light rail transit facility and shall review and approve the plan for community involvement and the marketing program. The board shall advise the corridor management committee established pursuant to section 473.3994, subdivision 10, and the commissioner on the method of implementation. All members of the board shall be members of the corridor management committee established pursuant to section 473.3994, subdivision 10.

History: 1993 c 353 s 18

473.404 METROPOLITAN TRANSIT COMMISSION.

[For text of subd 1, see M.S.1992]

Subd. 2. Membership. The transit commission consists of five members appointed by the transit board. One member must be a resident of the city of Minneapolis, one must be a resident of the city of St. Paul, two must reside in the service area of the commission outside Minneapolis and St. Paul, and one member must reside in the metropolitan area and be a user of transit services who is identified by the council on disability, pursuant to section 256.482, as an individual with a disability. The transit board shall consider nominations from the council on disability. At least one of the members from outside of Minneapolis and St. Paul must reside in the commission's full-peak and off-peak service area, as defined for tax purposes in section 473.446. Appointments are subject to the advice and consent of the senate.

[For text of subds 3 to 9, see M.S.1992]

History: 1993 c 119 s 1

473.4051 LIGHT RAIL TRANSIT OPERATION.

The transit commission shall operate light rail transit facilities and services upon completion of construction of the facilities and the commencement of revenue service using the facilities. The commissioner of transportation and the commission may not allow the commencement of revenue service until after an appropriate period of acceptance testing to ensure satisfactory performance. In assuming the operation of the system, the transit commission must comply with section 473.415. The commission shall coordinate operation of the light rail transit system with bus service to avoid duplication of service on a route served by light rail transit and to ensure the widest possible access to light rail transit lines in both suburban and urban areas by means of a feeder bus system.

History: 1993 c 353 s 19

473.407 METROPOLITAN TRANSIT COMMISSION POLICE.

Subdivision 1. Authorization. The metropolitan transit commission may appoint peace officers, as defined in section 626.84, subdivision 1, paragraph (c), and establish a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (h), known as the metropolitan transit commission police, to police its property and routes and to make arrests under sections 629.30 and 629.34. The jurisdiction of the law enforcement agency is limited to offenses relating to commission property, equipment, employees, and passengers.

Subd. 2. Limitations. The initial processing of a person arrested by the transit commission police for an offense within the agency's jurisdiction is the responsibility of the transit commission police unless otherwise directed by the law enforcement agency with primary jurisdiction. A subsequent investigation is the responsibility of the law enforcement agency of the jurisdiction in which the crime was committed. The transit commission police are not authorized to apply for a search warrant as prescribed in section 626.05.

Subd. 3. **Policies.** Before the commission begins to operate its law enforcement agency within a city or county with an existing law enforcement agency, the transit commission police shall develop, in conjunction with the law enforcement agencies, written policies that describe how the issues of joint jurisdiction will be resolved. The policies must also address the operation of emergency vehicles by transit commission police responding to commission emergencies. These policies must be filed with the board of peace officer standards and training by August 1, 1993. Revisions of any of these policies must be filed with the board within ten days of the effective date of the revision. The commission shall train all of its peace officers regarding the application of these policies.

Subd. 4. **Chief law enforcement officer.** The commission shall appoint a peace officer employed full time to be the chief law enforcement officer and to be responsible for the management of the law enforcement agency. The person shall possess the necessary police and management experience and have the title of chief of metropolitan transit commission police services. All other police management and supervisory personnel must be employed full time by the commission. Supervisory personnel must be on duty and available any time transit commission police are on duty. The commission may not hire part-time peace officers as defined in section 626.84, subdivision 1, paragraph (f), except that the commission may appoint peace officers to work on a part-time basis not to exceed 30 full-time equivalents.

Subd. 5. **Emergencies.** (a) The commission shall ensure that all emergency vehicles used by transit commission police are equipped with radios capable of receiving and transmitting on the same frequencies utilized by the law enforcement agencies that have primary jurisdiction.

(b) When the transit commission police receive an emergency call they shall notify the public safety agency with primary jurisdiction and coordinate the appropriate response.

(c) Transit commission police officers shall notify the primary jurisdictions of their response to any emergency.

Subd. 6. **Compliance.** Except as otherwise provided in this section, the transit commission police shall comply with all statutes and administrative rules relating to the operation and management of a law enforcement agency.

History: 1993 c 326 art 7 s 11

473.411 TRANSIT AND HIGHWAY SYSTEMS.

[For text of subds 3 and 4, see M.S.1992]

Subd. 5. **Use of public roadways and appurtenances.** The transit commission may use for the purposes of sections 473.404 to 473.449 upon the conditions stated in this subdivision any state highway or other public roadway, parkway, or lane, or any bridge or tunnel or other appurtenance of a roadway, without payment of any compensation, provided the use does not interfere unreasonably with the public use or maintenance of the roadway or appurtenance or entail any substantial additional costs for maintenance. The provisions of this subdivision do not apply to the property of any common carrier railroad or common carrier railroads. The consent of the public agency in charge of such state highway or other public highway or roadway or appurtenance is not required; except that if the commission seeks to use a designated parkway for regular route service in the city of Minneapolis, it must obtain permission from and is subject to reasonable limitations imposed by a joint board consisting of two representatives from the transit commission, two members of the board of park commissioners, and a fifth member jointly selected by the representatives of the transit commission and the park board.

The board of park commissioners and the transit commission may designate persons to sit on the joint board. In considering a request by the transit commission to use designated parkways for additional routes or trips, the joint board consisting of the

transit commission or their designees, the board of park commissioners or their designees, and the fifth member, shall base its decision to grant or deny the request based on the criteria to be established by the joint board. The decision to grant or deny the request must be made within 45 days of the date of the request. The park board must be notified immediately by the transit commission of any temporary route detours. If the park board objects to the temporary route detours within five days of being notified, the joint board must convene and decide whether to grant the request, otherwise the request is deemed granted. If the agency objects to the proposed use or claims reimbursement from the commission for additional cost of maintenance, it may commence an action against the commission in the district court of the county wherein the highway, roadway, or appurtenance, or major portion thereof, is located. The proceedings in the action must conform to the rules of civil procedure applicable to the district courts. The court shall sit without jury. If the court determines that the use in question interferes unreasonably with the public use or maintenance of the roadway or appurtenance, it shall enjoin the use by the commission. If the court determines that the use in question does not interfere unreasonably with the public use or maintenance of the roadway or appurtenance, but that it entails substantial additional maintenance costs, the court shall award judgment to the agency for the amount of the additional costs. Otherwise the court shall award judgment to the commission. An aggrieved party may appeal from the judgment of the district court in the same manner as is provided for such appeals in other civil actions. The commission may also use land within the right of way of any state highway or other public roadway for the erection of traffic control devices, other signs, and passenger shelters upon the conditions stated in this subdivision and subject only to the approval of the commissioner of transportation where required by statute, and subject to the express provisions of other applicable statutes and to federal requirements where necessary to qualify for federal aid.

History: 1993 c 154 s 1

473.446 TRANSIT TAX LEVIES.

[For text of subs 1 to 7, see M.S.1992]

Subd. 8. State review. The board must certify its property tax levy to the commissioner of revenue by August 1 of the levy year. The commissioner of revenue shall annually determine whether the property tax for general purposes certified by the regional transit board for levy following the adoption of its budget is within the levy limitation imposed by subdivision 1. The commissioner shall also annually determine whether the transit tax imposed on all taxable property within the metropolitan transit area but outside of the metropolitan transit taxing district is within the levy limitation imposed by subdivision 1a. The determination must be completed prior to September 10 of each year. If current information regarding market valuation in any county is not transmitted to the commissioner in a timely manner, the commissioner may estimate the current market valuation within that county for purposes of making the calculations.

History: 1993 c 375 art 7 s 19

473.516 WASTE FACILITIES; SEWAGE SLUDGE DISPOSAL.

Subdivision 1. Acquisition and operation. Without limiting the grant or enumeration of any of the powers conferred on the council or commission under sections 473.501 to 473.549, the commission shall have the specific power to acquire by purchase, lease, condemnation, gift or grant any real or personal property, positive and negative easements and water and air rights, and it may construct, enlarge, improve, replace, repair, maintain and operate waste facilities in the metropolitan area deemed to be necessary or convenient in connection with the processing or disposal of waste resulting from sewage treatment, and the commission may contract for the maintenance and operation of such waste facilities, subject to the bidding requirements of section 473.523. The commission may accept for processing waste derived from outside the metropolitan area in the state, as well as waste derived from within the metropolitan

area, and may fix and collect fees and charges for the acceptance of waste as the commission determines to be reasonable.

[For text of subds 2 to 5, see M.S.1992]

History: 1993 c 13 art 2 s 11

473.604 MEMBERSHIP, GOVERNMENT.

Subdivision 1. **Composition.** The commission consists of:

(1) the mayor of each of the cities, or a qualified voter appointed by the mayor, for the term of office as mayor;

(2) eight members, one appointed from each of the agency districts provided for in section 473.141, subdivision 2, for terms as provided in section 473.141, subdivision 4a. Each member shall be a resident of the district represented. The members shall be appointed by the governor. Before making an appointment, the governor shall consult with each member of the legislature from the district for which the member is to be appointed, to solicit the legislator's recommendation on the appointment;

(3) four members appointed from outside of the metropolitan area to reflect fairly the various regions and interests throughout the state that are affected by the operation of the commission's major airport and airport system. Two of these members must be residents of statutory or home rule charter cities, towns, or counties containing an airport designated by the commissioner of transportation as a key airport. The other two must be residents of statutory or home rule charter cities, towns, or counties containing an airport designated by the commissioner of transportation as an intermediate airport. The members must be appointed by the governor as follows: one for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. All of the terms start on July 1, 1989. The successors of each member must be appointed to four-year terms commencing on the first Monday in January of each fourth year after the expiration of the original term. Before making an appointment, the governor shall consult each member of the legislature representing the municipality or county from which the member is to be appointed, to solicit the legislator's recommendation on the appointment; and

(4) a chair appointed by the governor for a term of four years. The chair may be removed at the pleasure of the governor.

[For text of subds 2 to 7, see M.S.1992]

History: 1993 c 314 s 6

473.704 POWERS AND DUTIES.

[For text of subds 1 to 16, see M.S.1992]

Subd. 17. Members of the commission, its officers, and employees, while on the business of the commission, may enter upon any property within or outside the district at reasonable times to determine the need for control programs. They may take all necessary and proper steps for the control programs on property within the district as the director of the commission may designate. Subject to the paramount control of the county and state authorities, commission members and officers and employees of the commission may enter upon any property and clean up any stagnant pool of water, the shores of lakes and streams, and other breeding places for mosquitoes within the district. The commissioner of natural resources shall allow the commission to enter upon state property for the purposes described in this subdivision. The commission may apply insecticides approved by the director to any area within or outside the district that is found to be a breeding place for mosquitoes. The commission shall give reasonable notification to the governing body of the local unit of government prior to applying insecticides outside of the district on land located within the jurisdiction of the local unit of government. The commission shall not enter upon private property if the owner objects except for control of disease bearing mosquito encephalitis outbreaks.

[For text of subds 18 to 20, see M.S.1992]

History: 1993 c 13 art 1 s 42

473.711 FINANCING.*[For text of subds 1 to 4, see M.S.1992]*

Subd. 5. **State review.** The commission must certify its property tax levy to the commissioner of revenue by August 1 of the levy year. The commissioner of revenue shall annually determine whether the property tax certified by the metropolitan mosquito control commission for levy following the adoption of its budget is within the levy limitation imposed by subdivision 2. The determination must be completed prior to September 10 of each year. If current information regarding market valuation in any county is not transmitted to the commissioner in a timely manner, the commissioner may estimate the current market valuation within that county for purposes of making the calculation.

History: 1993 c 375 art 7 s 20**473.803 METROPOLITAN COUNTY PLANNING.***[For text of subds 1 to 2a, see M.S.1992]*

Subd. 3. **Annual report.** By April 1 of each year, each metropolitan county shall prepare and submit to the council for its approval a report containing information, as the council may prescribe in its policy plan, concerning solid waste generation and management within the county. The report shall include a statement of progress in achieving the land disposal abatement objectives for the county and classes of cities in the county as stated in the council's policy plan and county master plan. The report must list cities that have not satisfied the county performance standards for local abatement required by subdivision 1c. The report must include a schedule of rates and charges in effect or proposed for the use of any solid waste facility owned or operated by or on its behalf, together with a statement of the basis for such charges.

The report shall contain the recycling development grant report required by section 473.8441 and the annual certification report required by section 473.848.

*[For text of subd 4, see M.S.1992]***History:** 1993 c 249 s 40**473.811 COUNTIES AND LOCAL UNITS OF GOVERNMENT; WASTE MANAGEMENT.***[For text of subds 1 to 5a, see M.S.1992]*

Subd. 5b. **Ordinances; hazardous waste management.** (a) Each metropolitan county shall by ordinance establish and revise rules, regulations, and standards relating to (1) the identification of hazardous waste, (2) the labeling and classification of hazardous waste, (3) the collection, storage, transportation, processing, and disposal of hazardous waste, and (4) other matters necessary for the public health, welfare and safety. The county shall require permits or licenses for the generation, collection, processing, and disposal of hazardous waste and shall require registration with a county office. County hazardous waste ordinances may not be inconsistent with, and must be at least as stringent as, the agency hazardous waste rules. Counties shall submit adopted ordinances to the agency for review. Counties may adopt ordinances for the issuance of permits or licenses for generators, collectors, or processors of hazardous waste that are more stringent than agency rules if the ordinances do not present an obstacle or impediment to implementation of the agency rules. In the event that agency rules are modified, each county shall modify its ordinances accordingly and shall submit the modification to the agency for review within 120 days. Issuing, denying, suspending, modifying, imposing conditions upon, or revoking hazardous waste permits or licenses, and county hazardous waste regulations and ordinances, shall be subject to review, denial, suspension, modification, and reversal by the agency. The agency shall after written notification

have 15 days in the case of hazardous waste permits and licenses and 30 days in the case of hazardous waste ordinances to review, suspend, modify, or reverse the action of the county. After this period, the action of the county board shall be final subject to appeal to the district court in the manner provided in chapter 14.

(b) A metropolitan county may not impose a volume-based fee under this subdivision on material that is reused at the facility where the material is generated in a manner that the facility owner or operator can demonstrate does not increase the toxicity of, or the level of hazardous substances or pollutants or contaminants in, products that leave the facility. A metropolitan county may impose a flat annual fee on a facility that generates the type of material described in the preceding sentence, provided that the fee reflects the reasonable and necessary costs of inspections of the facility. A county imposing a fee under this paragraph must comply with section 373.41.

[For text of subd 5c, see M.S.1992]

Subd. 6. Grants and loans to counties. Each metropolitan county may accept gifts, may apply for and accept grants or loans of money or other property from the United States, the state, the metropolitan council, any local government unit, or any person, to accomplish the purposes specified in sections 473.149, 473.151, 473.801 to 473.823, and 473.834, may enter into any agreement required in connection therewith, and may hold, use, and dispose of the money or property in accordance with the terms of the gift, grant, loan or agreement relating thereto.

Subd. 7. Joint action. Any local governmental unit or metropolitan agency may act together with any county, city, or town within or without the metropolitan area, or with the pollution control agency or the office of waste management 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, 473.801 to 473.823, 473.834, 116.05 and 115A.06.

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

Subd. 8. County sale or lease. Each metropolitan county may sell or lease any facilities or property or property rights previously used or acquired to accomplish the purposes specified by sections 473.149, 473.151, 473.801 to 473.823, and 473.834. Such property may be sold in the manner provided by section 469.065, or may be sold in the manner and on the terms and conditions determined by the county board. Each metropolitan county may convey to or permit the use of any such property by a local government unit, with or without compensation, without submitting the matter to the voters of the county. No real property or property rights acquired pursuant to this section, may be disposed of in any manner unless and until the county shall have submitted to the agency and the metropolitan council for review and comment the terms on and the use for which the property will be disposed of. The agency and the council shall review and comment on the proposed disposition within 60 days after each has received the data relating thereto from the county.

Subd. 9. Solid and hazardous waste fund. All money received by any metropolitan county from any source specified in sections 473.149, 473.151, 473.801 to 473.823, and 473.834 shall be paid into the county treasury, placed in a special fund designated as

the county solid and hazardous waste fund, and used only for the purposes authorized in those sections, as appropriated by the county board, subject to any lawful restrictions, conditions, or pledges applicable thereto.

[For text of subd 10, see M.S.1992]

History: 1993 c 13 art 2 s 12-15; 1993 c 279 s 2

473.843 METROPOLITAN SOLID WASTE LANDFILL FEE.

[For text of subds 1 and 2, see M.S.1992]

Subd. 3. Payment of fee. On or before the 20th day of each month each operator shall pay the fee due under this section for the previous month, using a form provided by the commissioner of revenue.

An operator having a fee of \$120,000 or more during a fiscal year ending June 30 must pay all fees in the subsequent calendar year by means of a funds transfer as defined in section 336.4A-104, paragraph (a). The funds transfer payment date, as defined in section 336.4A-401, must be on or before the date the fee is due. If the date the fee is due is not a funds transfer business day, as defined in section 336.4A-105, paragraph (a), clause (4), the payment date must be on or before the funds transfer business day next following the date the fee is due.

[For text of subds 4 to 6, see M.S.1992]

History: 1993 c 375 art 10 s 50

473.8441 LOCAL RECYCLING DEVELOPMENT PROGRAM.

[For text of subds 1 to 4, see M.S.1992]

Subd. 5. Grant allocation procedure. (a) The council shall distribute the funds annually so that each qualifying county receives an equal share of 50 percent of the council's allocation to the program described in this section, plus a proportionate share of the remaining funds available for the program. A county's proportionate share is an amount that has the same proportion to the total remaining funds as the number of households in the county has to the total number of households in all metropolitan counties.

(b) To qualify for distribution of funds, a county, by April 1 of each year, must submit for council approval a report on expenditures and activities under the program during the preceding fiscal year and any proposed changes in its recycling implementation strategy or performance funding system. The report shall be included in the county report required by section 473.803, subdivision 3.

History: 1993 c 249 s 41

473.846 REPORT TO LEGISLATURE.

The agency and metropolitan council shall submit to the senate finance committee, the house ways and means committee, and the legislative commission on waste management separate reports describing the activities for which money from the landfill abatement account and contingency action trust fund has been spent during the previous fiscal year. The agency shall report by November 1 of each year. The council shall incorporate its report in the report required by section 473.149, due July 1 of each year. The council shall make recommendations to the legislative commission on waste management on the future management and use of the metropolitan landfill abatement account.

History: 1993 c 4 s 33; 1993 c 249 s 42

473.848 RESTRICTION ON DISPOSAL.

[For text of subd 1, see M.S.1992]

Subd. 2. County certification; council approval. (a) By April 1 of each year, each county shall submit an annual certification report to the council detailing:

- (1) the quantity of waste generated in the county that was not processed prior to transfer to a disposal facility during the year preceding the report;
- (2) the reasons the waste was not processed;
- (3) a strategy for development of techniques to ensure processing of waste including a specific timeline for implementation of those techniques; and
- (4) any progress made by the county in reducing the amount of unprocessed waste.

The report shall be included in the county report required by section 473.803, subdivision 3.

(b) The council shall approve a county's certification report if it determines that the county is reducing and will continue to reduce the amount of unprocessed waste, based on the report and the county's progress in development and implementation of techniques to reduce the amount of unprocessed waste transferred to disposal facilities. If the council does not approve a county's report, it shall negotiate with the county to develop and implement specific techniques to reduce unprocessed waste. If the council does not approve two or more consecutive reports from any one county, the council shall develop specific reduction techniques that are designed for the particular needs of the county. The county shall implement those techniques by specific dates to be determined by the council.

Subd. 3. Facility certification. The operator of each resource recovery facility that receives waste from counties in the metropolitan area shall certify as unprocessable each load of mixed municipal solid waste it does not process. Certification must be made to each county that sends its waste to the facility at intervals specified by the county. Certification must include at least the number and size of loads certified as unprocessable and the reasons the waste is unprocessable. Loads certified as unprocessable must include the loads that would otherwise have been processed but were not processed because the facility was not in operation, but nothing in this section relieves the operator of its contractual obligations to process mixed municipal solid waste.

[For text of subds 4 and 5, see M.S.1992]

History: 1993 c 249 s 43,44

473.851 LEGISLATIVE FINDINGS AND PURPOSE.

The legislature finds and declares that the local governmental units within the metropolitan area are interdependent, that the growth and patterns of urbanization within the area create the need for additional state, metropolitan and local public services and facilities and increase the danger of air and water pollution and water shortages, and that developments in one local governmental unit may affect the provision of regional capital improvements for sewers, transportation, airports, water supply, and regional recreation open space. Since problems of urbanization and development transcend local governmental boundaries, there is a need for the adoption of coordinated plans, programs and controls by all local governmental units and school districts in order to protect the health, safety and welfare of the residents of the metropolitan area and to ensure coordinated, orderly and economic development. Therefore, it is the purpose of sections 462.355, subdivision 4, 473.175, and 473.851 to 473.871 to (1) establish requirements and procedures to accomplish comprehensive local planning with land use controls consistent with planned, orderly and staged development and the metropolitan system plans, and (2) to provide assistance to local governmental units and school districts within the metropolitan area for the preparation of plans and official controls appropriate for their areas and consistent with metropolitan system plans.

History: 1993 c 186 s 11

473.857 SYSTEM STATEMENTS; RECONCILIATION PROCEDURES.

[For text of subd 1, see M.S.1992]

Subd. 2. A hearing shall be conducted within 60 days after the request, provided that the committee shall consolidate hearings on related requests. The hearing shall not consider the need for or reasonableness of the metropolitan system plans or parts thereof. The hearing shall afford all interested persons an opportunity to testify and present evidence. The advisory committee or administrative law judge may employ the appropriate technical and professional services of the office of dispute resolution for the purpose of evaluating disputes of fact. The proceedings shall not be deemed a contested case. Within 30 days after the hearing, the committee or hearing examiner shall report to the council respecting the proposed amendments to the system statements. The report shall contain findings of fact, conclusions, and recommendations and shall apportion the costs of the proceedings among the parties.

[For text of subd 3, see M.S.1992]

History: 1993 c 163 art 1 s 32

473.859 COMPREHENSIVE PLAN CONTENT.

[For text of subds 1 and 2, see M.S.1992]

Subd. 3. **Public facilities plan.** A public facilities plan shall describe the character, location, timing, sequence, function, use and capacity of existing and future public facilities of the local governmental unit. A public facilities plan must be in at least such detail as may be necessary to establish existing or potential effects on or departures from metropolitan system plans and to protect metropolitan system plans. A public facilities plan shall contain at least the following parts:

(1) a transportation plan describing, designating and scheduling the location, extent, function and capacity of existing and proposed local public and private transportation services and facilities;

(2) a sewer policy plan describing, designating and scheduling the areas to be sewered by the public system, the existing and planned capacities of the public system, the standards and conditions under which the installation of private sewer systems will be permitted, and to the extent practicable, the areas not suitable for public or private systems because of public health, safety and welfare considerations;

(3) a parks and open space plan describing, designating and scheduling the existing and proposed parks and recreation open spaces within the jurisdiction; and

(4) a water supply plan including:

(i) a description of the existing water supply system, including the source of water, well and treatment plant locations, and major supply lines; an inventory of commercial and industrial users; an indication of the community's intent to make future changes or additions to the system, including projections for population and industrial and commercial use and the methods by which this growth will be served;

(ii) a statement of the community's objectives, policies, and standards for operating the water supply system;

(iii) a conservation program that contains the goals of the program, demand and supply conservation techniques to be used, an evaluation of pricing methods that could be used to reduce demand, the conditions under which conservation actions would occur, a process for reducing nonessential uses according to the priority system under section 103G.261, and the education program that will be used to inform the public of the need to conserve and the methods available to achieve conservation;

(iv) an emergency preparedness or contingency plan, as described in section 103G.291, subdivision 3;

(v) an indication of the possibility for joint efforts with neighboring communities or other public entities for sharing water sources and treatment, interconnection for

routine or emergency supply, pursuit of alternative supplies, and water source protection;

(vi) a statement of the water supply problems that the community experiences or expects to experience and any proposed solutions, especially those that would impact other communities or the region; and

(vii) a wellhead protection plan prepared in accordance with rules adopted by the commissioner of health under section 103I.101, subdivision 5, clause (9).

Subd. 4. Implementation program. An implementation program shall describe public programs, fiscal devices and other specific actions to be undertaken in stated sequence to implement the comprehensive plan and ensure conformity with metropolitan system plans. An implementation program must be in at least such detail as may be necessary to establish existing or potential effects on or departures from metropolitan system plans and to protect metropolitan system plans. An implementation program shall contain at least the following parts:

(1) a description of official controls, addressing at least the matters of zoning, subdivision, water supply, and private sewer systems, and a schedule for the preparation, adoption, and administration of such controls;

(2) a capital improvement program for transportation, sewers, parks, water supply, and open space facilities; and

(3) a housing implementation program, including official controls to implement the housing element of the land use plan, which will provide sufficient existing and new housing to meet the local unit's share of the metropolitan area need for low and moderate income housing.

[For text of subd 5, see M.S.1992]

Subd. 6. Plan review. The council shall, by January 1, 1994, prepare guidelines for the preparation of the water supply plans required in subdivision 3, clause (4). The plans must be submitted to the council by January 1, 1996. The council shall review the plans under section 473.175, subdivision 1, after submitting them to affected counties that have adopted groundwater plans under section 103B.255 for their review and comment.

History: 1993 c 186 s 12-14