

CHAPTER 473

METROPOLITAN GOVERNMENT

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473.13 BUDGET, FINANCIAL AID.

[For text of subs 1 and 1a, see M.S.2000]

Subd. 1b. **Light rail transit operating costs.** If the council submits to the legislature or governor a budget that includes proposed operating assistance for one or more light rail transit lines operated by the council, the budget must show the proposed operating assistance for each light rail transit line separately from all other transit operating assistance in that budget.

Subd. 1c. **Report on consultants.** The annual budget must list by contract or project, expenditures for consultants and professional, technical, and other similar services for the preceding fiscal year and those proposed or anticipated in the next year. The council shall consult with the state auditor and the legislative auditor on how to coherently and effectively communicate in the budget information on professional services contracts, including a detailed description of the:

- (1) methods the council used to obtain consultant services;
- (2) criteria used by the council to award the contract;
- (3) number of consultants who sought the contract;
- (4) total cost of the contract;
- (5) duration of the contract; and
- (6) source of the funds used to pay for the contract.

[For text of subs 2 to 4, see M.S.2000]

History: 1Sp2001 c 8 art 2 s 69; 1Sp2001 c 10 art 2 s 79

473.146 POLICY PLANS FOR METROPOLITAN AGENCIES.

[For text of subs 1 and 3, see M.S.2000]

Subd. 4. **Transportation planning.** (a) The metropolitan council is the designated planning agency for any long-range comprehensive transportation planning required by section 134 of the Federal Highway Act of 1962, Section 4 of Urban Mass Transportation Act of 1964 and Section 112 of Federal Aid Highway Act of 1973 and other federal transportation laws. The council shall assure administration and coordination of transportation planning with appropriate state, regional and other agencies; counties, and municipalities.

(b) The council shall establish an advisory body consisting of citizens and representatives of municipalities, counties, and state agencies in fulfillment of the planning responsibilities of the council. The membership of the advisory body must consist of:

- (1) the commissioner of transportation or the commissioner's designee;
- (2) the commissioner of the pollution control agency or the commissioner's designee;

- (3) one member of the metropolitan airports commission appointed by the commission;
- (4) one person appointed by the council to represent nonmotorized transportation;
- (5) one person appointed by the commissioner of transportation to represent the freight transportation industry;
- (6) two persons appointed by the council to represent public transit;
- (7) ten elected officials of cities within the metropolitan area, including one representative from each first-class city, appointed by the association of metropolitan municipalities;
- (8) one member of the county board of each county in the seven-county metropolitan area, appointed by the respective county boards;
- (9) eight citizens appointed by the council, one from each council precinct; and
- (10) one member of the council, appointed by the council.

The council shall appoint a chair from among the members of the advisory body.

History: *1Sp2001 c 8 art 2 s 70*

473.181 ADDITIONAL COUNCIL REVIEW POWERS.

Subdivision 1. [Repealed, 2001 c 191 s 9]

[For text of subds 2 and 5, see M.S.2000]

473.195 HOUSING AND REDEVELOPMENT AUTHORITY POWERS.

[For text of subds 1 to 4, see M.S.2000]

Subd. 5. **HRA governing board.** (a) For the purposes of exercising the authority granted to it under this section, the council may, at its sole discretion, establish within the council's existing organizational structure a separate governing body to which the council may delegate any or all of the authority granted to the council under this section.

(b) The resolution establishing the separate governing body must:

- (1) set out the powers and duties delegated to the separate governing body;
- (2) prescribe the number, qualifications, and terms of its members; and
- (3) provide for any other terms and conditions that are deemed appropriate by the council.

(c) The council shall appoint the members of the separate governing body in accordance with a process established by the council. No fewer than 75 percent of the members of the separate governing body must be council members.

(d) For purposes of compliance with United States Code, title 42, section 1437(b), and implementing federal regulations, at least one member of the separate governing body members must be a resident directly assisted by the council.

(e) Members are entitled to reimbursement for all actual and necessary expenses incurred in the performance of governing body business, and a member other than a council member is entitled to payment of \$50 for each day the member attends one or more meetings of the separate governing body or performs other services authorized by the body.

(f) The council shall provide administrative and staff support to the separate governing body.

(g) The council may, at its sole discretion, abolish the separate governing body or limit or expand its delegated authority.

Subd. 6. **No contract impairment or limit.** Nothing in this section impairs existing contracts to which the council is a party or limits the council's ability to enter into contracts when the council exercises any of the functions, rights, powers, duties, privileges, immunities, and limitations granted to the council by this section.

History: *1Sp2001 c 4 art 2 s 25*

473.246 COUNCIL'S SUBMISSIONS TO LEGISLATIVE COMMISSION.

The metropolitan council shall submit to the legislative commission on metropolitan government information on the council's tax rates and dollar amounts levied for the current year, proposed property tax rates and levies, operating and capital budgets, work program, capital improvement program, and any other information requested by the commission, for review by the legislative commission, as provided in section 3.8841.

History: *1Sp2001 c 10 art 2 s 80*

473.385 TRANSIT SERVICE AREAS.

[For text of subd 1, see M.S.2000]

Subd. 2. **Service areas.** The council may provide financial assistance (whether directly or through another entity) to private, for-profit operators of public transit only for the following services:

- (1) services that are not regular route services;
- (2) regular route services provided on June 2, 1989, by a private, for-profit operator under contract with the former regional transit board or under a certificate of convenience and necessity issued by the commissioner of transportation;
- (3) regular route services outside of the fully developed service area that are not operated on June 2, 1989, by the former metropolitan transit commission;
- (4) regular route services provided under section 473.388;
- (5) regular route services to recipients who, as part of a negotiated cost-sharing arrangement with the council, pay at least 50 percent of the cost of the service that directly benefits the recipient as an institution or organization; or
- (6) regular route services that will not be operated for a reasonable subsidy by the council.

History: *2001 c 213 s 30*

473.386 SPECIAL TRANSPORTATION SERVICE.

[For text of subs 1 to 6, see M.S.2000]

Subd. 8. **Vehicle title transfer; conditions.** The metropolitan council may transfer to a special transportation service provider or a provider of taxi services the title to a vehicle formerly used to provide special transportation service under this section. If the council transfers title to a provider of taxi services, it may do so only to a provider of taxi services that is licensed by a city whose taxi licensing ordinance requires (1) criminal background checks and annual driving record checks for drivers, and (2) inspection of vehicles at least annually.

History: *2001 c 112 s 2*

473.388 REPLACEMENT SERVICE PROGRAM.

[For text of subs 1 to 3, see M.S.2000]

Subd. 4. **Financial assistance.** (a) The council must grant the requested financial assistance if it determines that the proposed service is intended to replace the service to the applying city or town or combination thereof by the council and that the proposed service will meet the needs of the applicant at least as efficiently and effectively as the existing service.

(b) The amount of assistance which the council must provide to a system under this section may not be less than the sum of the amounts determined for each municipality comprising the system as follows:

(1) the transit operating assistance grants received under this subdivision by the municipality in calendar year 2001 or the tax revenues for transit services levied by the municipality for taxes payable in 2001, including that portion of the levy derived from the areawide pool under section 473F.08, subdivision 3, clause (a), plus the portion of

the municipality's aid under section 273.1398, subdivision 2, attributable to the transit levy; times

(2) the ratio of (i) the appropriation from the transit fund to the council for nondebt transit operations for the current fiscal year to (ii) the total levy certified by the council under section 473.446 and the opt-out municipalities under this section for taxes payable in 2001, including the portion of homestead and agricultural credit aid under section 273.1398, subdivision 2, attributable to nondebt transit levies, times

(3) the ratio of (i) the municipality's total taxable market value for taxes payable in the most recent year for which data is available divided by the municipality's total taxable market value for taxes payable in 2001, to (ii) the total taxable market value of all property in the metropolitan area for taxes payable in the most recent year for which data is available divided by the total taxable market value of all property in the metropolitan area for taxes payable in 2001.

(c) The council shall pay the amount to be provided to the recipient from the funds the council would otherwise use to fund its transit operations.

[For text of subd 5, see M.S.2000]

Subd. 7. Local levy option. (a) A statutory or home rule charter city or town that is eligible for assistance under this section may levy a tax for payment of obligations issued by the municipality for capital expenditures for transit and other related activities, provided that property taxes were pledged to satisfy the obligations, and provided that legislative appropriations are insufficient to satisfy the obligations.

(b) This subdivision is consistent with the transit redesign plan. Eligible municipalities opting to operate under this subdivision shall continue to meet the regional performance standards established by the council.

(c) Within the designated Americans with Disabilities Act area, metro mobility remains the obligation of the state.

[For text of subd 8, see M.S.2000]

History: 1Sp2001 c 5 art 3 s 70,71

473.39 BORROWING MONEY.

[For text of subds 1 to 1g, see M.S.2000]

Subd. 1h. Obligations. After July 1, 2001, in addition to the authority in subdivisions 1a, 1b, 1c, 1d, 1e, and 1g, the council may issue certificates of indebtedness, bonds, or other obligations under this section in an amount not exceeding \$45,000,000 for capital expenditures as prescribed in the council's regional transit master plan and transit capital improvement program and for related costs, including the costs of issuance and sale of the obligations, but not for computer software, or for construction, maintenance, or operation of light rail transit or commuter rail.

[For text of subds 2 and 4, see M.S.2000]

History: 2001 c 214 s 12

473.3915 [Repealed, 1Sp2001 c 5 art 3 s 96]

473.399 LIGHT RAIL TRANSIT AND COMMUTER RAIL PLANNING.

[For text of subds 1 and 1a, see M.S.2000]

Subd. 4. Expenditure of state funds. No state funds may be expended by the metropolitan council to study light rail transit or commuter rail unless the funds are appropriated in legislation that identifies route, including the origin and destination.

History: 1Sp2001 c 8 art 2 s 71

473.446. TRANSIT TAX LEVIES.

Subdivision 1. **Metropolitan area transit tax.** (a) For the purposes of sections 473.405 to 473.449 and the metropolitan transit system, except as otherwise provided in this subdivision, the council shall levy each year upon all taxable property within the metropolitan area, defined in section 473.121, subdivision 2, a transit tax consisting of:

(1) an amount necessary to provide full and timely payment of certificates of indebtedness, bonds, including refunding bonds or other obligations issued or to be issued under section 473.39 by the council for purposes of acquisition and betterment of property and other improvements of a capital nature and to which the council has specifically pledged tax levies under this clause; and

(2) an additional amount necessary to provide full and timely payment of certificates of indebtedness issued by the council, after consultation with the commissioner of finance, if revenues to the metropolitan area transit fund in the fiscal year in which the indebtedness is issued increase over those revenues in the previous fiscal year by a percentage less than the percentage increase for the same period in the revised Consumer Price Index for all urban consumers for the St. Paul-Minneapolis metropolitan area prepared by the United States Department of Labor.

(b) Indebtedness to which property taxes have been pledged under paragraph (a), clause (2), that is incurred in any fiscal year may not exceed the amount necessary to make up the difference between (1) the amount that the council received or expects to receive in that fiscal year from the metropolitan area transit fund and (2) the amount the council received from that fund in the previous fiscal year multiplied by the percentage increase for the same period in the revised Consumer Price Index for all urban consumers for the St. Paul-Minneapolis metropolitan area prepared by the United States Department of Labor.

Subd. 1a. [Repealed, 1Sp2001 c 5 art 3 s 96]

Subd. 1b. [Repealed, 1Sp2001 c 5 art 3 s 96]

[For text of subs 2 to 8, see M.S.2000]

History: 1Sp2001 c 5 art 3 s 72

473.4461 ADDITIONS TO TRANSIT TAXING DISTRICT.

Notwithstanding any provision of section 473.446 or any other law, the metropolitan council may not levy a tax under section 473.446; subdivision 1, in any city or town not included in the transit taxing district as it existed on January 1, 2001, unless the council and the governing body of that city or town have agreed on a service expansion plan.

History: 1Sp2001 c 8 art 2 s 72

473.608 POWERS OF CORPORATION.

[For text of subs 1 to 2, see M.S.2000]

Subd. 2a. **Coldwater Springs property.** (a) The metropolitan airports commission may acquire property, consisting of approximately 27 acres in and around Coldwater Springs in Hennepin county, from the Secretary of the Interior of the United States or any other federal official or agency authorized to transfer the property. If the commission acquires the property, the commission may convey all of its interest in the property, other than the interest permitted to be retained under paragraph (b), to the commissioner of natural resources for park, green space, or similar uses.

(b) To preserve its ability to conduct current or future aviation operations at the Minneapolis-St. Paul International Airport and to protect the commission from potential liability for those aviation operations, the commission may:

(1) retain an easement permitting overflight or another similar property interest in the property; or

(2) impose restrictions on the transferred property's use that would be inconsistent with or may create conflicts with aviation operations.

[For text of subds 3 to 29, see M.S.2000]

History: *1Sp2001 c 13 s 17*

473.843 METROPOLITAN SOLID WASTE LANDFILL FEE.

[For text of subds 1 and 2, see M.S.2000]

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 electronic means.

[For text of subds 4 to 6, see M.S.2000]

History: *1Sp2001 c 5 art 17 s 21*

473.845 METROPOLITAN LANDFILL CONTINGENCY ACTION FUND.

[For text of subd 1, see M.S.2000]

Subd. 3. **Expenditures from the fund.** Money in the fund is appropriated to the agency for expenditure for:

(1) reasonable and necessary expenses for closure and postclosure care of a mixed municipal solid waste disposal facility in the metropolitan area for a 30-year period after closure, if the agency determines that the operator or owner will not take the necessary actions requested by the agency for closure and postclosure in the manner and within the time requested;

(2) reasonable and necessary response and postclosure costs at a mixed municipal solid waste disposal facility in the metropolitan area that has been closed for 30 years in compliance with the closure and postclosure rules of the agency;

(3) reimbursement to a local government unit for costs incurred over \$400,000 under a work plan approved by the commissioner of the agency to remediate methane at a closed disposal facility owned by the local government unit; or

(4) reasonable and necessary response costs at an unpermitted facility for mixed municipal solid waste disposal in the metropolitan area that was permitted by the agency for disposal of sludge ash from a wastewater treatment facility.

[For text of subds 4 to 8, see M.S.2000]

History: *1Sp2001 c 2 s 147*

473.859 COMPREHENSIVE PLAN CONTENT.

[For text of subd 1, see M.S.2000]

Subd. 2. **Land use plan.** (a) A land use plan shall include the water management plan required by section 103B.235, and shall designate the existing and proposed location, intensity and extent of use of land and water, including lakes, wetlands, rivers, streams, natural drainage courses, and adjoining land areas that affect water natural resources; for agricultural, residential, commercial, industrial and other public and private purposes, or any combination of such purposes.

(b) A land use plan shall contain a protection element, as appropriate, for historic sites, the matters listed in the water management plan required by section 103B.235, and an element for protection and development of access to direct sunlight for solar energy systems.

(c) A land use plan shall also include a housing element containing standards, plans and programs for providing adequate housing opportunities to meet existing and

projected local and regional housing needs, including but not limited to the use of official controls and land use planning to promote the availability of land for the development of low and moderate income housing.

(d) A land use plan shall also include the local government's goals, intentions, and priorities concerning aggregate and other natural resources, transportation infrastructure, land use compatibility, habitat, agricultural preservation, and other planning priorities, considering information regarding supply from the Minnesota geological survey information circular No. 46.

Subd. 2a. **Application of subdivision 2, paragraph (d).** Subdivision 2, paragraph (d), applies only to land use plans adopted or amended by the governing body in relation to aggregate or when the governing body is presented with a written application for adoption or amendment of a land use plan relating to aggregate, from a landowner after August 1, 2001, in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

[For text of subds 3 to 6, see M.S.2000]

History: 1Sp2001 c 8 art 2 s 73,74

473.901 USE OF EMERGENCY TELEPHONE SERVICE FEE; BUDGETS; APPROPRIATION TRANSFERS; AUDITS.

Subdivision 1. **Costs covered by fee.** For each fiscal year beginning with the fiscal year commencing July 1, 1997, the amount necessary to pay the following costs is appropriated to the commissioner of administration from the 911 emergency telephone service account established under section 403.11:

- (1) debt service costs and reserves for bonds issued pursuant to section 473.898;
- (2) repayment of the right-of-way acquisition loans;
- (3) costs of design, construction, maintenance of, and improvements to those elements of the first phase that support mutual aid communications and emergency medical services; or
- (4) recurring charges for leased sites and equipment for those elements of the first phase that support mutual aid and emergency medical communication services.

This appropriation shall be used to pay annual debt service costs and reserves for bonds issued pursuant to section 473.898 prior to use of fee money to pay other costs eligible under this subdivision. In no event shall the appropriation for each fiscal year exceed an amount equal to four cents a month for each customer access line or other basic access service, including trunk equivalents as designated by the public utilities commission for access charge purposes and including cellular and other nonwire access services, in the fiscal year.

[For text of subds 2 and 3, see M.S.2000]

History: 2001 c 7 s 79