

CHAPTER 473

METROPOLITAN GOVERNMENT

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473.121 DEFINITIONS.

[For text of subd 1, see M.S.2002]

Subd. 2. **Metropolitan area or area.** "Metropolitan area" or "area" means the area over which the Metropolitan Council has jurisdiction, including only the counties of Anoka; Carver; Dakota excluding the city of Northfield; Hennepin excluding the cities of Hanover and Rockford; Ramsey; Scott excluding the city of New Prague; and Washington.

[For text of subds 3 to 36, see M.S.2002]

History: 2003 c 8 s 1

473.123 METROPOLITAN COUNCIL.

[For text of subds 1 and 2a, see M.S.2002]

Subd. 3. **Membership; appointment; qualifications.** (a) Sixteen members must be appointed by the governor from districts defined by this section. Each council member must reside in the council district represented. Each council district must be represented by one member of the council.

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

(c) The governor shall create a nominating committee, composed of seven metropolitan citizens appointed by the governor, to nominate persons for appointment to the council from districts. Three of the committee members must be local elected officials. Following the submission of applications as provided under section 15.0597, subdivision 5, the nominating committee shall conduct public meetings, after appropriate notice, to accept statements from or on behalf of persons who have applied or been nominated for appointment and to allow consultation with and secure the advice of the public and local elected officials. The committee shall hold the meeting on each appointment in the district or in a reasonably convenient and accessible location in the part of the metropolitan area in which the district is located. The committee may consolidate meetings. Following the meetings, the committee shall submit to the

governor a list of nominees for each appointment. The governor is not required to appoint from the list.

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

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

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

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

(h) Any vacancy in the office of a council member shall immediately be filled for the unexpired term. In filling a vacancy, the governor may forgo the requirements of paragraph (c) if the governor has made appointments in full compliance with the requirements of this subdivision within the preceding 12 months.

[For text of subd 3a, see M.S.2002]

Subd. 3c. [Repealed, 1Sp2003 c 16 s 11]

[For text of subsd 4 to 8, see M.S.2002]

History: 1Sp2003 c 16 s 1

NOTE: Subdivision 3c was also amended by Laws 2003, chapter 8, section 2, to read as follows:

"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, Ossco, Plymouth, 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 Chanhasen 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 consisting 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."

473.129 POWERS OF METROPOLITAN COUNCIL.

[For text of subs 1 to 4, see M.S.2002]

Subd. 5. **Local governmental participation.** The Metropolitan Council may (1) participate as a party in any proceedings originating under chapter 414, if the proceedings involve the change in a boundary of a governmental unit in the metropolitan area, and (2) conduct studies of the feasibility of annexing, enlarging, or consolidating units in the metropolitan area.

[For text of subs 6 to 11, see M.S.2002]

History: 2003 c. 2 art 5 s 11

473.1293 ENERGY FORWARD PRICING MECHANISMS.

Subdivision 1. **Definitions.** The following definitions apply in this section.

(a) "Energy" means natural gas, heating oil, diesel fuel, or any other energy source, except electric, used in Metropolitan Council operations.

(b) "Forward pricing mechanism" means either:

- (1) a contract or financial instrument that obligates an entity to buy or sell a specified amount of an energy commodity at a future date and at a set price; or
- (2) an option to buy or sell the contract or financial instrument.

Subd. 2. **Authority provided.** Notwithstanding any other law to the contrary, the council may use forward pricing mechanisms for budget risk reduction.

Subd. 3. **Conditions.** (a) Forward pricing transactions made under this section must be made only under the conditions in paragraphs (b), (c), and (d).

(b) The amount of energy forward priced must not exceed the estimated energy usage for council operations for the period of time covered by the forward pricing mechanism.

(c) The holding period and expiration date for any forward pricing mechanism must not exceed 24 months from the trade date of the transaction.

(d) Separate accounts must be established for each operational energy for which forward pricing mechanisms are used under this section.

Subd. 4. **Written policies and procedures.** Before exercising authority under subdivision 2, the council must have written policies and procedures governing the use of forward pricing mechanisms.

Subd. 5. **Oversight process.** (a) Before exercising authority under subdivision 2, the governing body of the council must establish an oversight process that provides for review of the council's use of forward pricing mechanisms.

(b) The process must include:

- (1) internal or external audit reviews;
- (2) quarterly reports to, and review by, an internal investment committee; and
- (3) internal management control.

History: *1Sp2003 c 16 s 2*

473.1295 [Repealed, 1Sp2003 c 16 s 11]

473.13 BUDGET, FINANCIAL AID.

Subdivision 1. **Budget.** (a) 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 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 the statute authorizing the levy.

(b) Each even-numbered year the council shall prepare for its transit programs a financial plan for the succeeding three calendar years, in half-year segments. The financial plan must contain schedules of user charges and any changes in user charges planned or anticipated by the council during the period of the plan. The financial plan must contain a proposed request for state financial assistance for the succeeding biennium.

(c) In addition, the budget must show for each year:

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

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

(3) the estimated source and use of pass-through funds.

[For text of subds 1a to 4, see M.S.2002]

History: *1Sp2003 c 16 s 3*

473.144 CERTIFICATES OF COMPLIANCE FOR CONTRACTS.

(a) For all contracts for goods and services in excess of \$100,000, neither the council nor an agency listed in section 473.143, subdivision 1, shall accept any bid or proposal for a contract or agreement from any business having more than 40 full-time employees within this state on a single working day during the previous 12 months, unless the firm or business has an affirmative action plan for the employment of

minority persons, women, and qualified disabled individuals submitted to the commissioner of human rights for approval. Neither the council nor an agency listed in section 473.143, subdivision 1, shall execute the contract or agreement until the affirmative action plan 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 363A.36 governs revocation of certificates. The rules adopted by the commissioner of human rights under section 363A.37 apply to this section.

(b) This paragraph applies to a contract for goods or services in excess of \$100,000 to be entered into between the council or an agency listed in section 473.143, subdivision 1, and a business that is not subject to paragraph (a), but that has more than 40 full-time employees on a single working day during the previous 12 months in the state where the business has its primary place of business. The council or the agency may not execute a contract or agreement with a business covered by this paragraph unless the business has a certificate of compliance issued by the commissioner under paragraph (a) or the business certifies to the contracting agency that it is in compliance with federal affirmative action requirements.

473.146 POLICY PLANS FOR METROPOLITAN AGENCIES.

Subdivision 1. **Requirement.** The council shall adopt a long-range comprehensive policy plan for transportation, airports, and wastewater treatment. The plans must substantially conform to all policy statements, purposes, goals, standards, and maps in the development guide developed and adopted by the council under this chapter. Each policy plan must include, to the extent appropriate to the functions, services, and systems covered, the following:

(1) forecasts of changes in the general levels and distribution of population, households, employment, land uses, and other relevant matters, for the metropolitan area and appropriate subareas;

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

(3) a statement of the council's goals, objectives, and priorities with respect to the functions, services, and systems covered, addressing areas and populations to be served, the levels, distribution, and staging of services; a general description of the facility systems required to support the services; the estimated cost of improvements required to achieve the council's goals for the regional systems, including an analysis of what portion of the funding for each improvement is proposed to come from the state, metropolitan council levies, and cities, counties, and towns in the metropolitan area, respectively, and other similar matters;

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

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

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

(7) a statement of the relationships to local comprehensive plans prepared under sections 473.851 to 473.871; and

(8) additional general information as may be necessary to develop the policy plan or as may be required by the laws relating to the metropolitan agency and function covered by the policy plan.

[For text of subds 3 and 4, see M.S.2002]

History: 1Sp2003 c 16 s 4

473.147 REGIONAL RECREATION OPEN SPACE SYSTEM POLICY PLAN.

Subdivision 1. **Requirements.** The Metropolitan Council after consultation with the Parks and Open Space Commission, municipalities, park districts and counties in the metropolitan area, and after appropriate public hearings, shall prepare and adopt a long-range system policy plan for regional recreation open space as part of the council's metropolitan development guide. The plan shall substantially conform to all policy statements, purposes, goals, standards, and maps in development guide sections and comprehensive plans as developed and adopted by the council pursuant to the chapters of the Minnesota Statutes directly relating to the council. The policy plan shall identify generally the areas which should be acquired by a public agency to provide a system of regional recreation open space comprising park district, county and municipal facilities which, together with state facilities, reasonably will meet the outdoor recreation needs of the people of the metropolitan area and shall establish priorities for acquisition and development. The policy plan shall estimate the cost of the recommended acquisitions and development, including an analysis of what portion of the funding is proposed to come from the state, Metropolitan Council levies, and cities, counties, and towns in the metropolitan area, respectively. In preparing or amending the policy plan the council shall consult with and make maximum use of the expertise of the commission. The policy plan shall include a five year capital improvement program, which shall be revised periodically, and shall establish criteria and priorities for the allocation of funds for such acquisition and development. The legislature in each bonding measure shall designate an anticipated level of funding for this acquisition and development for each of the two succeeding bienniums.

[For text of subd 2, see M.S.2002]

History: 1Sp2003 c 16 s 5

473.1623 [Repealed, 1Sp2003 c 16 s 11]

473.167 HIGHWAY PROJECTS.

[For text of subds 2 and 2a, see M.S.2002]

Subd. 3. **Tax.** The council may levy a tax on all taxable property in the metropolitan area, as defined in section 473.121, to provide funds for loans made pursuant to subdivisions 2 and 2a. This tax for the right-of-way acquisition loan fund shall be certified by the council, levied, and collected in the manner provided by section 473.13. The tax shall be in addition to that authorized by section 473.249 and any other law and shall not affect the amount or rate of taxes which may be levied by the council or any metropolitan agency or local governmental unit. The amount of the levy shall be as determined and certified by the council, provided that the tax levied by the Metropolitan Council for the right-of-way acquisition loan fund shall not exceed \$2,828,379 for taxes payable in 2004 and \$2,828,379 for taxes payable in 2005. The amount of the levy for taxes payable in 2006 and subsequent years shall not exceed the product of (1) the metropolitan council's property tax levy limitation under this subdivision for the previous year, multiplied by (2) one plus a percentage equal to the growth in the implicit price deflator as defined in section 275.70, subdivision 2.

[For text of subd 4, see M.S.2002]

History: 1Sp2003 c 21 art 4 s 8

473.175 REVIEW OF COMPREHENSIVE PLANS; SCHOOL CAPITAL PROGRAMS.

Subdivision 1. **For compatibility, conformity.** 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 if, upon the adoption of findings and a resolution, the council concludes that the plan is more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans. A local unit of government may challenge a council action under this subdivision by following the procedures set forth in section 473.866.

[For text of subs 2 and 3, see M.S.2002]

History: *1Sp2003 c 16 s 6*

473.23 PUBLIC FACILITIES REVIEW.

[For text of subd 1, see M.S.2002]

Subd. 2. **Shared facilities.** The Metropolitan Council must review and comment on any joint facility proposed under section 123A.78 and may submit comments to the commissioner of education on any school district facility that is proposed within the metropolitan area.

History: *2003 c 130 s 12*

473.249 TAX LEVY.

Subdivision 1. **Indexed limit.** (a) The Metropolitan Council may levy a tax on all taxable property in the metropolitan area defined in section 473.121 to provide funds for the purposes of sections 473.121 to 473.249 and for the purpose of carrying out other responsibilities of the council as provided by law. This tax for general purposes shall be levied and collected in the manner provided by section 473.13.

(b) The property tax levied by the Metropolitan Council for general purposes shall not exceed \$10,522,329 for taxes payable in 2004 and \$10,522,329 for taxes payable in 2005.

(c) The property tax levy limitation for general purposes for taxes payable in 2006 and subsequent years shall not exceed the product of: (1) the metropolitan council's property tax levy limitation for general purposes for the previous year determined under this subdivision multiplied by (2) one plus a percentage equal to the growth in the implicit price deflator as defined in section 275.70, subdivision 2.

[For text of subd 2, see M.S.2002]

History: *1Sp2003 c 21 art 4 s 9*

473.253 LIVABLE COMMUNITIES DEMONSTRATION ACCOUNT.

Subdivision 1. **Sources of funds.** The council shall credit to the livable communities demonstration account the revenues provided in this subdivision. This tax shall be levied and collected in the manner provided by section 473.13. The levy shall not exceed the following amount for the years specified:

(a)(1) for taxes payable in 1997 through 2003, the product of (i) the property tax levy limit under this subdivision for the previous year multiplied by (ii) an index for market valuation changes equal to the total market valuation of all taxable property located within the metropolitan area for the current taxes payable year divided by the total market valuation of all taxable property located in the metropolitan area for the previous taxes payable year;

(2) for taxes payable in 2004 and 2005, \$8,259,070; and

(3) for taxes payable in 2006 and subsequent years, the product of (i) the property tax levy limit under this subdivision for the previous year multiplied by (ii) one plus a percentage equal to the growth in the implicit price deflator as defined in section 275.70, subdivision 2.

(b) The Metropolitan Council, for the purposes of the fund, is considered a unique taxing jurisdiction for purposes of receiving aid pursuant to section 273.1398. For aid to be received in 1996, the fund's homestead and agricultural credit base shall equal 50 percent of the metropolitan mosquito control commission's certified homestead and agricultural credit aid for 1995, determined under section 273.1398, subdivision 2, less any permanent aid reduction under section 477A.0132. For aid to be received under section 273.1398 in 1997 and subsequent years, the fund's homestead and agricultural credit base shall be determined in accordance with section 273.1398, subdivision 1.

[For text of subd 2, see M.S.2002]

History: *1Sp2003 c 21 art 4 s 10*

473.303 METROPOLITAN PARKS AND OPEN SPACE COMMISSION.

[For text of subs 1 to 5, see M.S.2002]

Subd. 6. **Compensation.** Members and the chair shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of duties as determined by the Metropolitan Council.

History: *1Sp2003 c 16 s 7*

473.39 BORROWING MONEY.

[For text of subs 1 to 1i, see M.S.2002]

Subd. 1j. **Obligations.** After July 1, 2003, in addition to the authority in subdivisions 1a, 1b, 1c, 1d, 1e, 1g, 1h, and 1i, 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.

[For text of subs 2 and 4, see M.S.2002]

History: *2003 c 127 art 12 s 20; 1Sp2003 c 21 art 10 s 11*

473.517 ALLOCATION OF COSTS.

[For text of subs 1 to 9, see M.S.2002]

Subd. 10. **Direct charging of industrial users.** (a) The term "industrial discharger" for the purposes of this subdivision means a recipient of wastewater treatment services that is required by council rules or procedures to have a permit issued by the council in order to discharge sewage to the metropolitan disposal system.

(b) The council may directly impose on all or any category of industrial dischargers all or any portion of the costs that would otherwise be allocated among and paid by local government units under subdivision 1. Any amounts imposed directly on industrial dischargers by the council under this subdivision must be deducted from the amounts to be allocated among and paid by local government units under subdivision 1, and any charges imposed by a local government unit for the same purpose are of no further force and effect from and after the effective date of the council's direct charges. Charges imposed under this subdivision are in addition to any other charges imposed on industrial dischargers by a local government unit and must be paid by the industrial discharger at such intervals as may be established by the council. The council may impose interest charges upon delinquent payments.

(c) Charges by the council to industrial dischargers under this subdivision including any interest charges, as well as any other charges or related fees owed by the industrial discharger pursuant to a discharge permit issued by the council for the subject property, are a charge jointly and severally against the owners, lessees, and occupants of the property served. The council may certify such unpaid amounts to the appropriate county auditor as a tax for collection as other taxes are collected on the property

served. The proceeds of any tax collected pursuant to the council's certification must be paid by the county treasurer to the council when collected. Certification does not preclude the council from recovery of delinquent amounts and interest under any other available remedy.

History: *1Sp2003 c 16 s 8*

473.702 ESTABLISHMENT OF DISTRICT; PURPOSE; AREA; GOVERNING BODY.

A Metropolitan Mosquito Control District is created to control mosquitoes, disease vectoring ticks, and black gnats (Simuliidae) in the metropolitan area. The area of the district is the metropolitan area defined in section 473.121. The Metropolitan Mosquito Control Commission is created as the governing body of the district, composed and exercising the powers as prescribed in sections 473.701 to 473.716.

History: *2003 c 127 art 13 s 2*

473.703 COMMISSION.

Subdivision 1. **Metro county commissioners.** The district shall be operated by a commission which shall consist of three members from Anoka County, two members from Carver County, three members from Dakota County, three members from Hennepin County, three members from Ramsey County, two members from Scott County, and two members from Washington County. Commissioners shall be members of the Board of County Commissioners of their respective counties, and shall be appointed by their respective boards of county commissioners.

[For text of subs 2 to 10, see M.S.2002]

History: *2003 c 127 art 13 s 3*

473.704 POWERS AND DUTIES.

[For text of subs 1 to 16, see M.S.2002]

Subd. 17. **Entry to property.** (a) 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 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 (1) to monitor for disease-bearing mosquitoes, ticks, or black gnats, or (2) for control of mosquito species capable of carrying a human disease in the local area of a human disease outbreak regardless of whether there has been an occurrence of the disease in a human being. The commission shall make a reasonable attempt to contact an objecting owner before entering on the owner's private property.

(b) The commissioner of natural resources must approve mosquito control plans or make modifications as the commissioner of natural resources deems necessary for the protection of public water, wild animals, and natural resources before control operations are started on state lands administered by the commissioner of natural resources.

[For text of subd 18, see M.S.2002]

Subd. 19. [Repealed, 1Sp2003 c 16 s 11]

[For text of subd 20, see M.S.2002]

History: 2003 c 127 art 13 s 4; 1Sp2003 c 21 art 11 s 30

473.705 CONTRACTS FOR MATERIALS, SUPPLIES AND EQUIPMENT.

Contracts for the purchase of materials, supplies, and equipment must comply with and be governed by the Minnesota Uniform Municipal Contracting Law, section 471.345. A sealed bid solicitation must not be done by the commission without publishing the notice once in the official newspaper of each of the counties in the district that bids or proposals will be received. The notice shall be published at least ten days before bids are opened. Such notice shall state the nature of the work or purchase and the terms and conditions upon which the contract is to be awarded, naming therein a time and place where such bids will be received, opened, and read publicly. After such bids have been duly received, opened, read publicly, and recorded, the commission shall award such contract to the lowest responsible bidder or it may reject all bids. Each contract shall be duly executed in writing and the party to whom the contract is awarded may be required to give sufficient bond to the commission for the faithful performance of the contract. If no satisfactory bid is received the commission may readvertise. The commission shall have the right to set qualifications and specifications and to require bids to meet such qualifications and specifications before bids are accepted. All contracts involving employment of labor shall stipulate terms thereof and such conditions as the commission deems reasonable as to hours and wages.

History: 2003 c 127 art 13 s 5

473.711 FINANCING; BUDGET AND TAX LEVIES.

[For text of subds 1 and 2, see M.S.2002]

Subd. 2a. **Tax levy.** (a) The commission may levy a tax on all taxable property in the district as defined in section 473.702 to provide funds for the purposes of sections 473.701 to 473.716. The tax shall not exceed the property tax levy limitation determined in this subdivision. A participating county may agree to levy an additional tax to be used by the commission for the purposes of sections 473.701 to 473.716 but the sum of the county's and commission's taxes may not exceed the county's proportionate share of the property tax levy limitation determined under this subdivision based on the ratio of its total net tax capacity to the total net tax capacity of the entire district as adjusted by section 270.12, subdivision 3. The auditor of each county in the district shall add the amount of the levy made by the district to other taxes of the county for collection by the county treasurer with other taxes. When collected, the county treasurer shall make settlement of the tax with the district in the same manner as other taxes are distributed to political subdivisions. No county shall levy any tax for mosquito, disease vectoring tick, and black gnat (*Simuliidae*) control except under this section. The levy shall be in addition to other taxes authorized by law.

(b) The property tax levied by the Metropolitan Mosquito Control Commission shall not exceed the product of (i) the commission's property tax levy limitation for the previous year determined under this subdivision multiplied by (ii) an index for market valuation changes equal to the total market valuation of all taxable property for the current tax payable year located within the district plus any area that has been added to the district since the previous year, divided by the total market valuation of all taxable property located within the district for the previous taxes payable year.

(c) For the purpose of determining the commission's property tax levy limitation under this subdivision, "total market valuation" means the total market valuation of all taxable property within the district without valuation adjustments for fiscal disparities (chapter 473F), tax increment financing (sections 469.174 to 469.179), and high voltage transmission lines (section 273.425).

Subd. 2b. [Repealed, 2003 c 127 art 13 s 9]

[For text of subds 2c to 5, see M.S.2002]

History: 2003 c 127 art 13 s 6

473.714 COMPENSATION OF COMMISSIONERS.

Subdivision 1. **Compensation.** Each commissioner, including the officers of the commission, may be reimbursed for actual and necessary expenses incurred in the performance of duties. The annual budget of the commission shall provide as a separate account anticipated expenditures for travel and associated expenses for the chair and members, and compensation or reimbursement shall be made to the chair or members only when budgeted. No commissioner may be paid a per diem.

Subd. 2. [Repealed, 2003 c 127 art 13 s 9]

History: 2003 c 127 art 13 s 7

473.843 METROPOLITAN SOLID WASTE LANDFILL FEE.

[For text of subd 1, see M.S.2002]

Subd. 2. **Disposition of proceeds.** The proceeds of the fees imposed under this section, including interest and penalties, must be deposited as follows:

- (1) three-fourths of the proceeds must be deposited in the environmental fund for metropolitan landfill abatement for the purposes described in section 473.844; and
- (2) one-fourth of the proceeds must be deposited in the metropolitan landfill contingency action trust account in the remediation fund established in sections 116.155 and 473.845.

[For text of subds 3 to 6, see M.S.2002]

History: 2003 c 128 art 2 s 46

473.844 METROPOLITAN LANDFILL ABATEMENT FUND.

Subdivision 1. **Purposes.** The money in the environmental fund for landfill abatement must be used to reduce to the greatest extent feasible and prudent the need for and practice of land disposal of mixed municipal solid waste in the metropolitan area. This money consists of revenue deposited in the environmental fund under section 473.843, subdivision 2, clause (1), and interest earned on investment of this money. All repayments to loans made under this section must be credited to the environmental fund. The landfill abatement money in the environmental fund may be spent only for purposes of metropolitan landfill abatement as provided in subdivision 1a and only upon appropriation by the legislature.

[For text of subds 1a and 4, see M.S.2002]

History: 2003 c 128 art 2 s 47

473.845 METROPOLITAN LANDFILL CONTINGENCY ACTION FUND.

Subdivision 1. **Establishment.** The metropolitan landfill contingency action trust account is an expendable trust account in the remediation fund. The account consists of revenue deposited in the fund under section 473.843, subdivision 2, clause (2); amounts recovered under subdivision 7; and interest earned on investment of money in the fund.

Subd. 3. **Contingency actions and reimbursement.** Money in the account is appropriated to the agency for expenditure for any of the following:

- (1) to take reasonable and necessary actions 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) to take reasonable and necessary response actions and postclosure care actions 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) to reimburse 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.

Subd. 4. [Repealed, 2003 c 128 art 2 s 56]

[For text of subs 5 and 6, see M.S.2002]

Subd. 7. **Recovery of expenses.** When the agency incurs expenses for response actions at a facility, the agency is subrogated to any right of action which the operator or owner of the facility may have against any other person for the recovery of the expenses. The attorney general may bring an action to recover amounts spent by the agency under this section from persons who may be liable for them. Amounts recovered, including money paid under any agreement, stipulation, or settlement must be deposited in the metropolitan landfill contingency action account in the remediation fund created under section 116.155.

Subd. 8. **Civil penalties.** The civil penalties of sections 115.071 and 116.072 apply to any person in violation of this section.

History: 2003 c 128 art 2 s 48-51

473.846 REPORT TO LEGISLATURE.

The agency and the director shall submit to the senate Finance Committee, the house Ways and Means Committee, and the Environment and Natural Resources Committees of the senate and house of representatives, the Finance Division of the senate Committee on Environment and Natural Resources, and the house of representatives Committee on Environment and Natural Resources Finance separate reports describing the activities for which money for landfill abatement has been spent under sections 473.844 and 473.845. The agency shall report by November 1 of each year on expenditures during its previous fiscal year. The director shall report on expenditures during the previous calendar year and must incorporate its report in the report required by section 115A.411, due July 1 of each odd-numbered year. The director shall make recommendations to the Environment and Natural Resources Committees of the senate and house of representatives, the Finance Division of the senate Committee on Environment and Natural Resources, and the house of representatives Committee on Environment and Natural Resources Finance on the future management and use of the metropolitan landfill abatement account.

History: 2003 c 128 art 2 s 52

473.863 [Repealed, 1Sp2003 c 16 s 11].

473.891 [Renumbered 403.21]

473.893 [Renumbered 403.22]

473.894 [Renumbered 403.23]

473.895 [Renumbered 403.24]

473.896 [Renumbered 403.25]

473.897 [Renumbered 403.26]

473.898 [Renumbered 403.27]

473.899 [Renumbered 403.28]

473.900 [Renumbered 403.29]

473.901 [Renumbered 403.30]

473.902 [Renumbered 403.31]

473.903 [Renumbered 403.32]

473.904 [Renumbered 403.33]

473.905 [Renumbered 403.34]

473.906 [Renumbered 403.35]

473.907 [Renumbered 403.36]