

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 744

(SENATE AUTHORS: DIBBLE)

DATE	D-PG	OFFICIAL STATUS
02/12/2015	267	Introduction and first reading Referred to State and Local Government

A bill for an act

1.1 relating to metropolitan government; providing for appointment of Metropolitan
1.2 Council members by cities and towns; eliminating the Transportation Advisory
1.3 Board; repealing the Grant Evaluation and Ranking System (GEARS); amending
1.4 Minnesota Statutes 2014, sections 297A.992, subdivisions 1, 4, 5; 473.123,
1.5 subdivisions 2a, 3a, 4, by adding subdivisions; 473.146, subdivision 4; repealing
1.6 Minnesota Statutes 2014, section 473.123, subdivision 3.
1.7

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

1.9 Section 1. Minnesota Statutes 2014, section 297A.992, subdivision 1, is amended to
1.10 read:

1.11 Subdivision 1. **Definitions.** For purposes of this section, the following terms have
1.12 the meanings given them:

1.13 (1) "metropolitan transportation area" means the counties participating in the joint
1.14 powers agreement under subdivision 3;

1.15 (2) "eligible county" means the county of Anoka, Carver, Dakota, Hennepin,
1.16 Ramsey, Scott, or Washington;

1.17 (3) ~~"committee" means the Grant Evaluation and Ranking System (GEARS)~~
1.18 ~~Committee~~ "council" means the Metropolitan Council; and

1.19 (4) "minimum guarantee county" means any metropolitan county or eligible county
1.20 that is participating in the joint powers agreement under subdivision 3, whose proportion
1.21 of the annual sales tax revenue under this section collected within that county is less
1.22 than or equal to three percent; ~~and.~~

1.23 (5) ~~"population" means the population, as defined in section 477A.011, subdivision~~
1.24 ~~3, estimated or established by July 15 of the year prior to the calendar year in which~~

2.1 ~~the representatives will serve on the Grant Evaluation and Ranking System Committee~~
2.2 ~~established under subdivision 5.~~

2.3 Sec. 2. Minnesota Statutes 2014, section 297A.992, subdivision 4, is amended to read:

2.4 Subd. 4. **Joint powers board.** (a) The joint powers board must consist of one
2.5 or more commissioners of each county that is in the metropolitan transportation area,
2.6 appointed by its county board, and the chair of the Metropolitan Council, who must have
2.7 voting rights, subject to subdivision 3, clause (4). The joint powers board has the powers
2.8 and duties provided in this section and section 471.59.

2.9 (b) The joint powers board may utilize no more than three-fourths of one percent of
2.10 the proceeds of the taxes imposed under this section for ordinary administrative expenses
2.11 incurred in carrying out the provisions of this section. Any additional administrative
2.12 expenses must be paid by the participating counties.

2.13 (c) The joint powers board may establish a technical advisory group ~~that is separate~~
2.14 ~~from the GEARS Committee.~~ The group must consist of representatives of cities, counties,
2.15 or public agencies, including the Metropolitan Council. The technical advisory group
2.16 must be used solely for technical consultation purposes.

2.17 Sec. 3. Minnesota Statutes 2014, section 297A.992, subdivision 5, is amended to read:

2.18 Subd. 5. **Grant application and awards; ~~Grant Evaluation and Ranking System~~**
2.19 **(GEARS) Committee.** (a) The joint powers board shall establish a grant application
2.20 process and identify the amount of available funding for grant awards. Grant applications
2.21 must be submitted in a form prescribed by the joint powers board. An applicant must
2.22 provide, in addition to all other information required by the joint powers board, the
2.23 estimated cost of the project, the amount of the grant sought, possible sources of funding
2.24 in addition to the grant sought, and identification of any federal funds that will be utilized
2.25 if the grant is awarded. A grant application seeking transit capital funding must identify
2.26 the source of money necessary to operate the transit improvement.

2.27 (b) The joint powers board shall establish a timeline and procedures for the award of
2.28 grants, and may award grants only to the state and political subdivisions. The board shall
2.29 define objective criteria for the award of grants, which must include, but not be limited to,
2.30 consistency with the most recent version of the transportation policy plan adopted by the
2.31 Metropolitan Council under section 473.146. The joint powers board shall maximize the
2.32 availability and use of federal funds in projects funded under this section.

2.33 (c) ~~The joint powers board shall establish a GEARS Committee, which must consist~~
2.34 ~~of:~~

3.1 ~~(1) one county commissioner from each county that is in the metropolitan~~
3.2 ~~transportation area, appointed by its county board;~~

3.3 ~~(2) one elected city representative from each county that is in the metropolitan~~
3.4 ~~transportation area;~~

3.5 ~~(3) one additional elected city representative from each county for every additional~~
3.6 ~~400,000 in population, or fraction of 400,000, in the county that is above 400,000 in~~
3.7 ~~population; and~~

3.8 ~~(4) the chair of the Metropolitan Council Transportation Committee.~~

3.9 ~~(d) Each city representative must be elected at a meeting of cities in the metropolitan~~
3.10 ~~transportation area, which must be convened for that purpose by the Association of~~
3.11 ~~Metropolitan Municipalities.~~

3.12 ~~(e) (c) The committee~~ council shall evaluate grant applications following objective
3.13 criteria established by the joint powers board, and must provide to the joint powers board
3.14 a selection list of transportation projects that includes a priority ranking.

3.15 ~~(f) (d) A grant award for a transit project located within the metropolitan area, as~~
3.16 ~~defined in section 473.121, subdivision 2, may be funded only after the Metropolitan~~
3.17 ~~Council~~ council reviews the project ~~for consistency~~ with the transit portion of the
3.18 ~~Metropolitan Council~~ council policy plan and one of the following occurs:

3.19 ~~(1) the Metropolitan Council~~ council finds the project to be consistent;

3.20 ~~(2) the Metropolitan Council~~ council initially finds the project to be inconsistent, but
3.21 after a good faith effort to resolve the inconsistency through negotiations with the joint
3.22 powers board, agrees that the grant award may be funded; or

3.23 ~~(3) the Metropolitan Council~~ council finds the project to be inconsistent, and submits
3.24 the consistency issue for final determination to a panel, which determines the project to be
3.25 consistent. The panel is composed of a member appointed by the chair of the ~~Metropolitan~~
3.26 ~~Council~~ council, a member appointed by the joint powers board, and a member agreed
3.27 upon by both the chair and the joint powers board.

3.28 ~~(g) (e) Grants must be funded by the proceeds of the taxes imposed under this section,~~
3.29 ~~bonds, notes, or other obligations issued by the joint powers board under subdivision 7.~~

3.30 ~~(h) (f) Notwithstanding the provisions of this section except subdivision 6a, of~~
3.31 ~~the revenue collected under this section, the joint powers board shall allocate to the~~
3.32 ~~Metropolitan Council~~ council, in fiscal years 2012 and 2013, an amount not less than 75
3.33 percent of the net cost of operations for those transitways that were receiving metropolitan
3.34 sales tax funds through an operating grant agreement on June 30, 2011.

4.1 ~~(i)~~ (g) The ~~Metropolitan Council~~ council shall expend any funds allocated under
 4.2 paragraph ~~(h)~~ (f) for the operations of the specified transitways solely within those
 4.3 counties that are in the metropolitan transportation area.

4.4 ~~(j)~~ (h) Nothing in paragraph ~~(h)~~ (f) or ~~(i)~~ (g) prevents grant awards to the
 4.5 ~~Metropolitan Council~~ council for capital and operating assistance for transitways and
 4.6 park-and-ride facilities.

4.7 Sec. 4. Minnesota Statutes 2014, section 473.123, subdivision 2a, is amended to read:

4.8 Subd. 2a. **Terms.** Following each apportionment of council districts, as provided
 4.9 under subdivision 3a, council members must be ~~appointed~~ selected from newly drawn
 4.10 districts as provided in subdivision 3a. Each council member, ~~other than the chair,~~ must
 4.11 reside in the council district represented. Each council district must be represented by one
 4.12 member of the council. The terms of members ~~end with the term of the governor~~ are
 4.13 four years, except that all terms expire on the effective date of the next apportionment.
 4.14 ~~A member serves at the pleasure of the governor~~ The term of offices begins on the first
 4.15 Monday in January in the year following the member's selection. A member shall continue
 4.16 to serve the member's district until a successor is ~~appointed~~ selected and qualified; except
 4.17 that, following each apportionment, the member shall continue to serve at large until ~~the~~
 4.18 ~~governor appoints 16 council members, one from~~ a new member is selected from each
 4.19 of the newly drawn council districts as provided under subdivision 3a, to serve terms as
 4.20 provided under this section. The appointment selection to the council must be made by the
 4.21 first Monday in March of the year in which the term ends.

4.22 Sec. 5. Minnesota Statutes 2014, section 473.123, is amended by adding a subdivision
 4.23 to read:

4.24 Subd. 2b. **Membership; selection.** (a) Until the completion of redistricting
 4.25 following the 2020 federal census, as required by subdivision 3a, 16 members must be
 4.26 selected from districts established by subdivision 3e. Each council district must be
 4.27 represented by one member of the council. Following the completion of redistricting
 4.28 following the 2020 federal census, as required by subdivision 3a, 17 members must be
 4.29 selected, one from each district.

4.30 (b) By September 1 in the year prior to the start of new council terms, the council
 4.31 must provide notice to each municipality in each district that each governing body
 4.32 may choose one elected representative from the council or board to represent that
 4.33 municipality in the selection process. Each municipality shall notify the council of the
 4.34 chosen representative by November 1. The council shall facilitate a selection meeting

5.1 for each district where the representatives for each district gather to select a member to
5.2 represent the district on the council for the next term. The representatives shall meet and
5.3 select a member to represent the district on the council by December 31. If no member
5.4 is selected for a district, the previous member from that district shall continue to serve
5.5 until a successor is selected and qualified.

5.6 (c) A vacancy occurs if a member no longer holds elective office on a governing
5.7 body of a municipality in the district from which they were selected.

5.8 (d) Any vacancy in the office of a council member shall be promptly filled for the
5.9 unexpired term by following the selection process described in this subdivision.

5.10 Sec. 6. Minnesota Statutes 2014, section 473.123, is amended by adding a subdivision
5.11 to read:

5.12 Subd. 2c. **Qualifications; compatibility; removal.** (a) Each member selected to
5.13 serve on the council must:

5.14 (1) reside in the district represented;

5.15 (2) be an elected official currently serving on the governing body of a municipality;

5.16 and

5.17 (3) not be an elected official of the same municipality as the previous member,
5.18 unless there is only one municipality in the district.

5.19 (b) An elected member of a municipal governing body may also hold the office of
5.20 Metropolitan Council member. These offices are deemed to be compatible.

5.21 (c) A member may be removed by the council for cause, after notice and hearing.

5.22 Sec. 7. Minnesota Statutes 2014, section 473.123, subdivision 3a, is amended to read:

5.23 Subd. 3a. **Redistricting.** (a) The legislature shall redraw the boundaries of the
5.24 council districts after each decennial federal census so that each district has substantially
5.25 equal population. Redistricting is effective in the year ending in the numeral "3." Within
5.26 60 days after a redistricting plan takes effect, ~~the governor~~ each district shall appoint select
5.27 members from the newly drawn districts to serve terms as provided under subdivision 2a.
5.28 In redrawing the boundaries of the council districts, municipalities shall not be divided
5.29 more than necessary.

5.30 (b) In redrawing the boundaries of the council districts after the 2020 federal census,
5.31 the legislature shall provide for 17 districts.

5.32 Sec. 8. Minnesota Statutes 2014, section 473.123, subdivision 4, is amended to read:

6.1 Subd. 4. **Chair; appointment, officers, selection; duties and compensation.** (a)
6.2 Until the completion of redistricting following the 2020 federal census, as required by
6.3 subdivision 3a, the chair of the Metropolitan Council shall be appointed by the governor
6.4 as the 17th voting member thereof by and with the advice and consent of the senate to
6.5 serve at the pleasure of the governor to represent the metropolitan area at large. Senate
6.6 confirmation shall be as provided by section 15.066. After the completion of redistricting
6.7 following the 2020 federal census, as required by subdivision 3a, the chair shall be elected
6.8 from the membership of the council by the members of the council for a four-year term
6.9 and may be removed pursuant to subdivision 2b.

6.10 The chair of the Metropolitan Council shall, if present, preside at meetings of the
6.11 council, have the primary responsibility for meeting with local elected officials, serve as
6.12 the principal legislative liaison, present to the governor and the legislature, after council
6.13 approval, the council's plans for regional governance and operations, serve as the principal
6.14 spokesperson of the council, and perform other duties assigned by the council or by law.

6.15 (b) The Metropolitan Council shall elect other officers as it deems necessary for
6.16 the conduct of its affairs for a one-year term. A secretary and treasurer need not be
6.17 members of the Metropolitan Council. Meeting times and places shall be fixed by the
6.18 Metropolitan Council and special meetings may be called by a majority of the members
6.19 of the Metropolitan Council or by the chair. The chair and each Metropolitan Council
6.20 member shall be reimbursed for actual and necessary expenses.

6.21 (c) Each member of the council shall attend and participate in council meetings
6.22 and meet regularly with local elected officials and legislative members from the council
6.23 member's district. Each council member shall serve on at least one division committee for
6.24 transportation, environment, or community development.

6.25 (d) In the performance of its duties the Metropolitan Council may adopt policies
6.26 and procedures governing its operation, establish committees, and, when specifically
6.27 authorized by law, make appointments to other governmental agencies and districts.

6.28 Sec. 9. Minnesota Statutes 2014, section 473.123, is amended by adding a subdivision
6.29 to read:

6.30 Subd. 9. **Ex officio members.** For purposes of transportation planning, as described
6.31 in section 473.146, subdivision 4, the following individuals shall be ex officio, nonvoting
6.32 members of the council:

6.33 (1) the commissioner of transportation or the commissioner's designee;

6.34 (2) the commissioner of the Pollution Control Agency or the commissioner's
6.35 designee; and

7.1 (3) one member of the Metropolitan Airports Commission appointed by the
7.2 commission.

7.3 Sec. 10. Minnesota Statutes 2014, section 473.123, is amended by adding a subdivision
7.4 to read:

7.5 Subd. 10. **Definitions.** (a) The definitions in this subdivision apply to this section.

7.6 (b) "Governing body" means the city council or town board.

7.7 (c) "Municipality" means a home rule charter or statutory city or town.

7.8 Sec. 11. Minnesota Statutes 2014, section 473.146, subdivision 4, is amended to read:

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

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

7.19 (1) the commissioner of transportation or the commissioner's designee;

7.20 (2) the commissioner of the Pollution Control Agency or the commissioner's
7.21 designee;

7.22 (3) one member of the Metropolitan Airports Commission appointed by the
7.23 commission;

7.24 (4) one person appointed by the council to represent nonmotorized transportation;

7.25 (5) one person appointed by the commissioner of transportation to represent the
7.26 freight transportation industry;

7.27 (6) two persons appointed by the council to represent public transit;

7.28 (7) ten elected officials of cities within the metropolitan area, including one
7.29 representative from each first-class city, appointed by the Association of Metropolitan
7.30 Municipalities;

7.31 (8) one member of the county board of each county in the seven-county metropolitan
7.32 area, appointed by the respective county boards;

7.33 (9) eight citizens appointed by the council, one from each council precinct; and

7.34 (10) one member of the council, appointed by the council.

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

8.2 (c) The advisory body described in paragraph (b) shall be dissolved and the council
8.3 shall fulfill all planning responsibilities upon agreement between the governor and local
8.4 governments that together represent at least 75 percent of the metropolitan area, including
8.5 the most populous home rule charter or statutory city.

8.6 Sec. 12. **APPLICATION.**

8.7 Sections 1 to 11 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
8.8 Scott, and Washington.

8.9 Sec. 13. **REPEALER.**

8.10 Minnesota Statutes 2014, section 473.123, subdivision 3, is repealed.

473.123 METROPOLITAN COUNCIL.

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.