

HOUSE RESEARCH

Bill Summary

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Subject: Metropolitan Council, Transfer of Interceptors

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Overview

This bill authorizes and provides a procedure for the metropolitan council to transfer to local units of government wastewater interceptors no longer needed under the council's comprehensive plan for wastewater collection, treatment, and disposal.

Section

1 **Transfer or disposal of nonmetropolitan interceptors.**

Subd. 1. Definitions. Defines terms for the purposes of this section.

Subd. 2. Nonmetropolitan status determination. Authorizes the metropolitan council to dispose of an interceptor no longer needed to implement the council's comprehensive plan for sewage collection, treatment, and disposal.

Subd. 3. Local benefit determination; transfer to benefitted community. For each interceptor which the council determines is not needed under subdivision 2, the council must determine whether or not the interceptor is of benefit for a local unit(s) of government. If the council determines that the interceptor is not of benefit, it must notify the affected local units which then have 90 days to notify the council if they disagree. If notified, the council must transfer the interceptor to the local unit at no cost, and the local unit is then responsible for operation and maintenance of the interceptor; otherwise, the council may dispose of the interceptor as it sees fit.

Subd. 4. Preliminary council determinations; notice to local government units. If the council determines that an interceptor is still of benefit to local units of government, it must provide written notice to the local units of its determination, as well as its determination about the condition of the interceptor, needed repairs, and costs of needed repairs.

Subd. 5. Contested case; administrative and judicial review. Authorizes local units of

government to contest the council's determinations under subdivision 4, by submitting a request for a hearing within 90 days. Hearings are to be conducted by the office of administrative hearings, with costs of hearings split evenly between the council and local units. The council must make a final decision after receiving the report of the office of administrative hearings, and aggrieved local units may make a judicial appeal.

Subd. 6. Council options. If the final determination under subdivision 5 is that the interceptor is not of local benefit, the council may dispose of it as it sees fit. If the interceptor is of benefit but not in good working condition, the council may continue to operate the interceptor itself, or repair it and then transfer it under subdivision 7. If the interceptor is finally determined to be of local benefit and in good working condition, then the council must transfer it under subdivision 7.

Subd. 7. Transfer agreement; local benefit charge; transfer to benefitted community. The council and local units of government determined to benefit from an interceptor must negotiate and enter into an agreement for the transfer of the interceptor. The agreement may contain a warranty whereby the council will pay for emergency repairs for up to ten years.

If the interceptor is not a storm sewer and is not transferred in its entirety, the council must charge a local benefits charge for the portions of the interceptor not transferred. If the interceptor is a storm sewer, then it is transferred by the later of: two years from the council determining it is not needed for the metropolitan system, or the day after the completion of any contested case proceedings.

Subd. 8. Power to operate, maintain, and repair facility. Authorizes the council to operate, maintain, and repair an interceptor until it is disposed of, and to provide emergency repairs under any warranty agreement after it is disposed of.

2 **Application.** Applies in the seven-county metropolitan area.

3 **Effective date.** Sections 1 and 2 are effective December 31, 2002.