

2024 Transportation & General Government Committee Members

Name	Title	Organization
Kristin Asher	Public Works Director	Richfield
Michelle Basham	Economic Development & Housing Director	Brooklyn Park
Josh Berg	Councilmember	Elko New Market
Kissy Coakley	Councilmember	Minnetonka
Marc Culver	City Engineer	Brooklyn Park
Inderia Falana	Government Relations Representative	Minneapolis
Jesse Farrell	City Engineer	Oakdale
**Anne Finn	IGR Director	League of MN Cities
Thomas Fletcher	Mayor	Greenwood
Gary Hansen	Councilmember	Eagan
Sean Hayford Oleary	Councilmember	Richfield
Debra Heiser	Engineering Director	St. Louis Park
Steven Huser	Government Relations Representative	Minneapolis
**Craig Johnson	IGR Representative	League of MN Cities
**Beth Johnston	IGR Representative	League of MN Cities
Dan Kealey	Councilmember	Burnsville
Brad Larson	City Administrator	Savage
**Daniel Lightfoot	IGR Representative	League of MN Cities
Brent Mareck	City Manager	Carver
Amáda Márquez Simula	Mayor	Columbia Heights
Mary McComber	Mayor	Oak Park Heights
Hugo McPhee	Deputy City Manager	Burnsville
Justin Miller	City Administrator	Lakeville
Alyssa Nelson	Assistant City Manager	Victoria
Heidi Nelson	City Administrator	Maple Grove
Kari Niedfeldt-Thomas	Mayor	New Brighton
Loren Olson	Senior Government Relations Representative	Minneapolis
**Hannah Pallmeyer	Government Affairs Liaison	Metropolitan Council
Chelsea Petersen	Assistant City Administrator	Shakopee
Eric Petersen	IGR Director	St. Paul
Nick Peterson	City Engineer	St. Paul
Andy Reiff	Councilmember	Victoria
Dan Ruiz	Public Works Director	Brooklyn Park
Dave Shoger	Public Works Director	Victoria
*Michael Thompson	Public Works Director	Plymouth
Katie Topinka	IGR Director	Minneapolis
**Owen Wirth	IGR Representative	League of MN Cities

Patrick Trudgeon	City Manager	Roseville
Wally Wysopal	City Manager	Fridley
Nyle Zikmund	City Administrator	Mounds View

*Committee Chair

**Guest/Non-City Official

July 22, 2024

TO: Transportation & General Government Policy Committee Members
FROM: Michael Thompson, Public Works Director, City of Plymouth
SUBJECT: Meeting Notice and Agenda

Monday, July 29, 2024
9:00 am – 11:30 am
Hybrid Meeting: Lake
Superior Room/LMC Building
Or
Join Zoom Meeting:

◆ Thank you for agreeing to be a policy committee member!

Attached are the materials for the first Transportation & General Government Policy Committee meeting. Please take the time to review the policies and come with your ideas and suggestions.

AGENDA

1. Call to order.
2. Introduction of Committee Chair and Members.
3. Policy Committee Process and Protocols (Patricia Nauman, Executive Director)
4. Policy Committee Memo Review (Michael Lund, Government Relations Specialist)
5. 2024 Legislative Session Review (Michael Lund, Government Relations Specialist)
6. Presentation: Transportation Policy Plan (TPP) Update
Bethany Brandt-Sargent, Senior Planner, Metropolitan Council
Jed Hanson, Senior Planner, Metropolitan Council
7. Discussion of policies, suggestions, and ideas for new policies.
8. Discuss ideas for speakers and new issues for consideration.
9. Other business.
10. Adjourn. (11:30 a.m.)

Future Committee Meetings:

Monday, August 26, 2024

Monday, September 23, 2024

To: Metro Cities Policy Committees
From: Patricia Nauman, Executive Director
Re: Policy Development Process and Protocol

General

Welcome to Metro Cities' policy development process! Each year, four legislative policy committees meet to recommend Metro Cities' legislative policies. Policies are then transmitted to the Metro Cities Board of Directors for adoption and forwarded to Metro Cities' membership for final adoption. Policies serve as the foundation for Metro Cities' work at the Legislature, Executive Branch and Metropolitan Council.

Purpose of Legislative Policies

Legislative policies reflect common needs, interests and goals of metropolitan municipalities and are adopted by consensus. General core principles that inform Metro Cities' policies are the need for sufficient local flexibility to address local public needs and services, opposition to state mandates that erode local control, and the need for a strong state and local partnership that recognizes the needs of metropolitan cities and the role they play in ensuring the state's economic and social well-being.

Speakers

Committees often host speakers to provide information on topics of pertinence to the work of the committee and may be suggested by committee members and staff. All speakers must be approved by Metro Cities' Executive Director.

Committee Participation and Voting

Members. Elected or appointed officials and staff of any member city may serve on any committee by indicating interest in email or through the sign-up process provided in advance of the committee process each year.

Members are encouraged to contribute ideas, feedback, and questions during the committee process. All comments and questions should be addressed through the Chair.

City officials and staff may serve on one or more committees but for voting purposes, each city has one vote on policies. Votes are made by acclamation unless a roll call vote is requested.

Guests. Non-members are welcome to attend committees as guests. Non-member attendees may observe meetings and provide general observations but may not vote on policies or raise specific issues for the committee's consideration.

Committee Etiquette

Discussion, feedback, and questions are welcome and should be addressed through the committee chair. Meetings will be held in a hybrid format. Members participating remotely should use the chat or hand raise function to raise a question or comment. Remote participants are asked to name yourself and your city, and to identify yourself when speaking.

July 22, 2024

To: Metro Cities Transportation and General Government Policy Committee
From: Mike Lund, Government Relations Specialist
Re: July 29th Policy Committee Memo

Thank you in advance for your participation on the Transportation and General Government Policy Committee. We look forward to working with you. Interest has been expressed in several topics for this year, including transportation funding and policy outcomes from the 2024 legislative session, PFAS treatment, and traffic safety.

The 2024 Legislative Session concluded on Monday, May 20th. The session ended with the passage of an unprecedentedly large omnibus bill containing provisions related to taxes, transportation, housing, labor, energy, agriculture, health, and more. Although it was a traditional bonding year, no agreement on a public borrowing package could be reached before final adjournment.

Throughout the 2024 session, Metro Cities responded to legislation preempting local control and decision-making authority. City associations were largely successful in defeating these bills, in no small part due to advocacy from city officials and staff.

The state continues to tackle the pervasive issue of PFAS, and legislation passed this year adds to those ongoing efforts. The omnibus environment and natural resources bill also includes supplemental funding for tree planting in metropolitan cities and throughout the metropolitan area's regional park system. The legislature passed an omnibus elections bill, which includes the Minnesota Voting Rights Act (MVRA) modeled on the federal Voting Rights Act.

One of the first laws passed this session dealt with the issue of school resource officers. Chapter 78 provides clarity on SROs, their duties, and the standard for use of force on the job. Another major change in the public safety space was a law replacing the Emergency Medical Services Regulatory Board (EMSRB) with a new Office of Emergency Medical Services.

Several important transportation-related provisions were passed and signed into law including gap funding for small cities before regular revenue from the Transportation Advancement Account is distributed to them. Important improvements to last year's greenhouse gas mitigation legislation were made and a pilot program for the use of traffic safety cameras was established. After last year's bill to address pay and working conditions for TNC drivers was vetoed, an agreement was struck and signed into law in 2024.

Specific legislative updates will be provided next week at the committee's first meeting.

TRANSPORTATION POLICIES AND FUNDING INTRODUCTION

Metro Cities supports a comprehensive transportation system as a vital component in planning for and meeting the physical, social, and economic needs of the state and metropolitan region.

A comprehensive transportation system includes streets and bridges, transit, and multi-modal solutions that work cohesively to best meet state, regional and local transportation needs.

Adequate and stable sources of funding are necessary to ensure the development and maintenance of a high quality, efficient and safe transportation system that meets these needs and that will position the state and region to be economically competitive in the years ahead. Failure to maintain a functional transportation system will have adverse effects on the state's ability to attract and retain businesses and create jobs.

Transportation funding and planning must be a high priority for state, regional and local policymakers so that the transportation system can meet the needs of the state's residents and businesses as well as projected population growth. Funding and planning for regional and statewide systems must be coordinated at the federal, state, regional and local levels to optimally achieve long-term needs and goals.

Legislative Update:

Article 1 of Chapter 127 includes a \$4.8 million appropriation to be used by MnDOT to develop one or more truck parking safety projects within the metropolitan district. The law requires MnDOT to partner with local units of government and/or established truck stop businesses.

Article 3 of Chapter 127 requires the MN Council on Disability to select and propose a statewide uniform disability parking space sign. Deadline for the installation of these signs is August 1, 2025 (for newly created parking facilities and when old signs are replaced).

Chapter 104, the omnibus transportation policy bill, prohibits a towing authority from towing a vehicle due to expired registration. The same section prohibits towing a vehicle at an expired parking meter regardless of any unpaid parking tickets.

Chapter 104 includes a requirement for MnDOT to conduct a comprehensive study to assess speed limits in cities that have adopted their own limits on city streets. The department is directed to determine whether cities are setting the appropriate speed limits for roadways based on engineering principles, safety considerations, and traffic flow. This report is due to the legislature by March 15, 2025.

TP-1 ROAD AND BRIDGE FUNDING

Under current financing structures that rely primarily on local property taxes and fees as well as cities' share of the Highway User Tax Distribution (HUTD) Fund, road and bridge needs in the metropolitan region continue to be underfunded. Metro Cities supports stable, sufficient, and sustainable statewide transportation funding and expanded local tools to meet the transportation system needs of the region and local municipal systems.

Consideration should be given to using new, expanded, and existing resources to meet these needs. Metro Cities supports the use of dedicated taxes and fees to fund transportation infrastructure.

In addition, cities lack adequate tools and resources for the maintenance and improvement of municipal street systems, with resources restricted to property taxes and special assessments. It is imperative that alternative revenue generating authority be granted to municipalities and that state resources be made available for this purpose to aid local communities and relieve the burden on the property tax system.

Metro Cities supports Municipal State Aid Street (MSAS) funding. MSAS provides an important but limited revenue source that assists eligible cities with street infrastructure needs and is limited to twenty percent of a city's street system.

Metro Cities supports state funding to assist cities over-burdened by cost participation responsibilities from improvement projects on state or county highways. Metro Cities supports flexibility in cost participation policies, especially for those cities with a disproportionate number of state or county highways in and around their local boundaries.

Metro Cities supports state funding for state highway projects, including congestion, bottleneck and safety improvements. Metro Cities also supports state financial assistance, as well as innovations in design and construction, to offset the impacts of regional transportation construction projects on businesses.

Metro Cities opposes statutory changes restricting the use of local funds for transportation projects. Metro Cities opposes restrictions on aesthetic related components of transportation projects, as these components often provide important safety and other benefits to projects.

Metro Cities supports further research into the policy implications for electric and automated vehicles on roadways, transit, and other components of transportation systems. Metro Cities encourages the state to study the impact of electric and automated vehicles on transportation related funding and policies.

Legislative Update:

Article 1 of Chapter 127 contains supplemental transportation appropriations. Most provisions of note are listed elsewhere in this document with a corresponding policy. This Article contains a \$15.56 million appropriation from the general fund to MnDOT for trunk highway and local road projects. These funds could be used for feasibility and corridor studies, project development, predesign and final design, engineering, environmental analysis and mitigation, right-of-way acquisition, construction, and associated infrastructure improvements. MnDOT is authorized to use these funds to make grants to local governments.

Article 2 of Chapter 127 includes \$15 million in trunk highway bonds for the corridors of commerce program and an additional \$15 million in trunk highway bonds for state road construction.

Article 3 of Chapter 127 includes changes to last year's greenhouse gas emissions impact assessment language including the move from a project-by-project assessment to a portfolio approach and the establishment of a technical group which will include local government representation. This technical advisory committee will be able to provide practical input as the greenhouse gas mitigation law continues to be implemented.

Article 3 of Chapter 127 establishes the MN Advisory Council on Infrastructure (MACI). The MACI will be responsible for defining and maintaining a vision for the future of Minnesota's infrastructure that provides for its proper management, coordination, and investment. The council will include a mix of voting and nonvoting members. It will not have any regulatory powers. The council is charged with developing a plan for statewide asset management and the law requires that MACI produce an annual report to the legislature.

TP-2 REGIONAL TRANSIT SYSTEM

The Twin Cities Metropolitan Area needs a multi-modal regional transit system as part of a comprehensive transportation strategy that serves all users, including commuters and the transit dependent. The transit system should be composed of a mix of high occupancy vehicle (HOV) lanes, high occupancy toll (HOT) lanes, a network of bike and pedestrian trails, bus rapid transit, express and regular route bus service, exclusive transit ways, light rail transit, streetcars, and commuter rail corridors designed to connect residential, employment, retail, and entertainment centers. The system should be regularly monitored and adjusted to ensure that routes of service correspond to current and forecasted changes in the region's transit service needs and priorities. Metro Cities supports strategic expansion of the regional transit system.

Current congestion levels and forecasted population growth require a stable, reliable, and growing source of revenue for transit construction and operations so that our metropolitan

region can meet its transportation needs to remain economically competitive. Metro Cities supports an effective, efficient, and comprehensive regional transit system as an invaluable component in meeting the multimodal transportation needs of the metropolitan region and to the region's economic vibrancy and quality of life.

Metro Cities recognizes that transit service connects residents to jobs, schools, health care, and activity centers. Transit access and service frequency levels should recognize the role of public transit in addressing equity, including but not limited to racial and economic disparities, people with disabilities and the elderly. Metro Cities supports efforts to transition the fleets of transit providers in the metropolitan region to low or zero emission buses and supports using equity and environmental criteria identified in transit providers' zero emission bus transition plans to prioritize the deployment of zero or low-emission buses.

Metro Cities opposes statutory changes restricting the use of local funds for planning or construction of transit projects. Restricting local planning and funding limits the ability of cities to participate in transit corridor planning and development. State and regional policymakers must coordinate with local units of government as decisions are made at the state level on transit projects that also involve municipal planning, funding, and policy decisions.

In the interest of including all potential options in the pursuit of a regionally balanced transit system, Metro Cities opposes the imposition of legislative moratoriums on the study, planning, design, or construction of specific transit projects.

Metro Cities supports a regional governance structure that ensures a measurably reliable and efficient system, recognizes the diverse transit needs of our region and addresses funding needs for all components of the system. These structures must work with and be responsive to the needs of the communities they serve.

Metro Cities supports an open and collaborative regional transportation planning process that fully engages all public transit providers as partners in ongoing policy development to achieve desired outcomes, including establishment of transit project criteria that promote fair and equitable selection of projects throughout the region and transparent regional distribution of available funding.

Metro Cities recognizes the need for flexibility in transit systems for cities that border the edges of the seven-county metropolitan area to ensure users can get to destinations outside of the seven-county area. Metro Cities encourages the Metropolitan Council to coordinate with collar counties so that riders can get to and from destinations beyond the boundaries of the region.

Metro Cities is opposed to legislative or Metropolitan Council directives that constrain the ability of metropolitan transit providers to provide a full range of transit services, including

reverse commute routes, suburb-to-suburb routes, transit hub feeder services or new, experimental services that may show a low rate of operating cost recovery from the fare box.

Metro Cities supports the autonomy of suburban transit providers to conduct operations to meet demonstrated and unique needs in their designated service areas independent from the operations of other regional transit providers. Metro Cities supports the ability of a new window to be established for cities to opt out of Metro Transit to either partner with or join an existing suburban transit provider or to establish their own transit service.

Suburban transit providers are concerned that funding challenges may be used to attempt to justify a repeal of their authorizing legislation and to consolidate transit services into a single regional entity. This would result in reverting to conditions existing nearly 40 years ago when inadequate service caused twelve suburbs to elect not to be part of the traditional transit system.

In the interest of safety and traffic management, Metro Cities supports further study of rail safety issues relating to water quality protections, public safety concerns relating to derailments, traffic implications from longer and more frequent trains and the sensitive balance between rail commerce and the quality-of-life impacts on the communities through which they pass.

Legislative Update:

Article 3 of Chapter 127 contains several provisions with impacts on transit in the region. The law requires the Department of Transportation (MnDOT) to provide staff and project assistance to the Metropolitan Council for future light rail construction projects. This includes review of bids, contracts, change orders, and cost estimates. This provision does not apply to SWLRT.

The law requires the Metropolitan Council to establish a zero-emission bus procurement transition strategy, which must be updated at least every three years (instead of the previous requirement of every five years). The next report is due in February 2025. The timeline set in the requirements would mean that any bus purchased in 2035 is a zero-emission vehicle.

MnDOT is required to study Metro Mobility and suggest any improvements to the Metropolitan Council's operation, oversight, and management of the services. This evaluation is due to the legislature by February 15, 2026.

Rail Safety provisions passed in 2024 include:

- *Article 1 of Chapter 104, the omnibus transportation policy bill, requires a railroad company to contact the applicable emergency manager and fire department within 15*

minutes of a rail incident involving a confirmed discharge or release of oil or some other hazardous substances (Current law requires the railroad to contact the fire chief).

- *Article 3 of Chapter 127 requires MnDOT to conduct a comprehensive study on wayside detector systems and other rail inspection technologies (Due January 15, 2026).*
- *Article 3 of Chapter 127 contains language regulating yardmaster hours of service.*
- *Article 3 of Chapter 123 authorizes railroads to employ railroad peace officers and outlines the responsibilities of any railroad company employing peace officers.*

TP-3 TRANSIT FINANCING

Shifting demographics in the metropolitan region will mean increased demand for various modes of transit in areas with and without current transit service. MVST revenue projections are unpredictable, and the Legislature has repeatedly reduced general fund support for Metro Transit, which contributes to persistent operating deficits for regional transit providers.

Operating subsidies necessary to support a regional system should come from regional and statewide funding sources and not local taxpayers. Until recently, state and regional resources for transit had diminished, with costs shifting to local taxpayers in the metropolitan area. A system of transit provides significant economic benefits to the state and metropolitan region and must be supported with state and regional revenue sources. In addition, capital costs for the expansion of the regional transit system should be supported through state and regional sources, and not the sole responsibility of local units of government. In 2023, 0.75% regional sales and use tax in the seven-county metropolitan region was established to provide funding for transit operations, maintenance, capital projects.

Metro Cities supports stable and predictable state and regional revenue sources to fund operating and capital expenses for all regional transit providers and Metro Mobility at a level sufficient to meet the growing operational and capital transit needs of the region and to expand the system to areas that lack sufficient transit service options.

Metro Cities continues to support an advisory role for municipal officials in decisions associated with local transit projects. Metro Cities supports the early engagement of local governments in transit project planning and development including project scoping, cost estimating, funding requests and coordination with overlapping initiatives to achieve successful corridor-based projects.

To promote stable and predictable distribution of Regional Transportation Sales and Use Tax receipts, Metro Cities supports a collaborative process by which the Metropolitan Council includes stakeholders in the creation of policy guiding the distribution of funds.

Metro Cities supports the creation of a city allocation from the Regional Transportation Sales Tax to aid cities with local transportation infrastructure.

Legislative Update:

Article 3 of Chapter 127 contains several provisions with impacts on the financing of the regional transit system. The law limits the Council to using only federal funds or direct appropriations to fund light rail capital construction costs.

The Metropolitan Council is required to produce a financial review detailing transportation revenues, expenditures, transfers, reserves, and balances for previous and future years. This report is due to the legislature annually by January 15. An update of this financial review is due annually by the earlier of the accounting close of a budget year or August 15.

The Metropolitan Council is required to report on the use of the metropolitan sales tax (authorized in 2023) every even-numbered year. The report must include sales tax collections over the past 5 years, estimates for the next 10 years, and uses of funds for projects and programs.

The law clarifies how ADA improvements and other bus rapid transit (BRT) project elements should be scoped and paid for. The law requires the Metropolitan Council to design and scope arterial BRT with sidewalk curb ramps and pedestrian signals that meet ADA standards at each intersection adjacent to a station if they are not currently ADA compliant or planned for upgrades. These costs will be split equally between the Metropolitan Council and the local road authority (city or county). Other project elements the Council is required to include in project designs and scopes include pavement markings and traffic signal priority improvements to intersections.

TP-4 STREET IMPROVEMENT DISTRICTS

Funding sources for local transportation projects are limited to the use of Municipal State Aid Street Program (MSAS), property taxes and special assessments. With increasing pressures on city budgets and limited tools and resources, cities are finding it increasingly difficult to maintain aging streets.

Street improvement districts allow cities in developed and developing areas to fund new construction as well as reconstruction and maintenance efforts.

The street improvement district is designed to allow cities, through a fair and objective fee structure, to create a district or districts within the city in which fees are raised on properties in the district and spent within the boundaries of the district.

Metro Cities supports the authority of local units of government to establish street improvement districts. Metro Cities also supports changes to special assessment laws to make assessing state- owned property a more predictable process with uniformity in the payment of assessments across the state.

Legislative Update:

No applicable legislative updates.

TP-5 HIGHWAY AND BRIDGE TURN BACKS & FUNDING

Cities do not have the financial capacity and in many cities the technical expertise other than through significant property tax increases, to absorb additional roadway or bridge infrastructure responsibilities without new funding sources. The existing municipal turnback fund is not adequate based on contemplated turn backs.

Metro Cities supports jurisdictional reassignment or turnback of roads (Minn. Stat. § 161.16, subd. 4) on a phased basis using functional classifications and other appropriate criteria subject to a corresponding mechanism for adequate funding of roadway improvements and continued maintenance.

Metro Cities does not support a wholesale turnback of county or state roads or bridges without the consent of the municipality and the total cost, agreed to by the municipality, being reimbursed to the city in a timely manner. The process for establishing state policies to assign a shared cost participation for newly constructed or rebuilt bridges over trunk highways to local officials, must include input by the local municipalities affected, and any assigned shared costs and responsibilities must be agreed to by the municipalities.

Legislative Update:

No applicable legislative updates.

TP-6 “3C” TRANSPORTATION PLANNING PROCESS: ELECTED OFFICIALS’ ROLE

The Transportation Advisory Board (TAB) was developed to meet federal requirements, designating the Metropolitan Council as the organization that is responsible for a continuous, comprehensive, and cooperative (3C) transportation planning process to allocate federal funds among metropolitan area projects. Input by local officials into the planning and prioritization of transportation investments in the region is a vital component of these processes.

Metro Cities supports continuation of the TAB with a majority of locally elected municipal officials as members and participating in the process.

Legislative Update:

No applicable legislative updates.

TP-7 ELECTRONIC IMAGING FOR ENFORCEMENT OF TRAFFIC LAWS

Enforcement of traffic laws with cameras and other motion imaging technology has been demonstrated to improve driver compliance and safety.

Metro Cities supports cities having the authority to use such technology, including photos and videos, to enforce traffic laws.

Legislative Update

Article 3 of Chapter 127 includes language authorizing the establishment of a 4-year traffic safety camera (red light and speed safety camera systems) pilot program to take place in the cities of Minneapolis and Mendota Heights. MnDOT is also authorized to implement a warning-based speed safety camera system in up to four trunk highway work zones. There is a \$1 million appropriation in Article 1 to fund the implementation of this pilot program. The law includes technical requirements for the camera systems to be used, engagement and notice to the public, and parameters for where camera systems can be placed throughout the participating communities.

TP-8 TRANSPORTATION NETWORK COMPANIES AND ALTERNATIVE TRANSPORTATION MODES

The introduction of transportation network companies (TNC) such as Lyft and Uber, vehicle sharing and other wheeled transportation modes such as bicycles and scooters, require the need for local officials to determine licensing and inspection requirements for these modes, and to address issues concerning management over public rights-of-way. Cities have the authority to license rideshare companies, inspect vehicles, license drivers, and regulate access to sidewalks and streets. The use of autonomous delivery robots and aerial drones in public rights-of-way is also becoming more prevalent and cities must maintain and enhance the authority necessary to regulate the use of these vehicles to ensure safe use of the public right of way.

Metro Cities supports the authority of local officials to regulate and establish fees on these transportation modes. Emerging and future transportation technologies have potentially significant implications for local public safety and local public service levels, the needs and impacts of which vary by community.

Legislative Update

Article 17 of Chapter 127 deals with Transportation Network Companies and is the result of negotiations between drivers and Uber/Lyft. The final agreement largely reflects the consensus

recommendations from the Governor's Committee on the Compensation, Wellbeing and Fair Treatment of TNC Drivers. Some of these consensus items relate to pay transparency, the broad structure for minimum compensation (per-mile and per-minute), deactivation policy requirements, driver support, and insurance requirements. The specific pay structure agreed to by stakeholders, drivers, legislators, and the TNCs themselves is a rate of \$1.28 per mile and \$0.31 per minute. A minimum driver compensation amount of \$5 is guaranteed for any ride they provide regardless of distance or time spent. The law makes the Department of Labor and Industry the responsible enforcement authority for these provisions.

The law preempts local government in all areas covered in this legislation but retains a city's ability to license TNCs. Local units of government can refuse or revoke licenses if a company is found to be in violation of Chapter 127 or local licensing requirements.

TP-9 AIRPORT NOISE MITIGATION

Communities closest to MSP and reliever airports are significantly impacted by noise, traffic, and other numerous expansion-related issues.

Metro Cities supports the broad goal of providing MSP-impacted communities greater representation on the Metropolitan Airports Commission (MAC). Metro Cities encourages continued communication between MAC commissioners and the cities they represent.

Balancing the needs of the MAC, the business community, and the airport host cities and their residents requires open communication, planning and coordination. Cities must be viewed as partners with the MAC in resolving differences that arise out of airport projects and the development of adjacent parcels. Regular contact between the MAC and cities throughout a project proposal process will enhance communication and problem solving. The MAC should provide full funding for noise mitigation for all structures in communities impacted by flights in and out of MSP.

Metro Cities supports noise abatement programs and expenditures and the work of the Noise Oversight Committee to minimize the impacts of MAC operated facilities on neighboring communities. The MAC should determine the design and geographic reach of these programs only after a thorough public input process that considers the priorities and concerns of impacted cities and their residents. The MAC should provide full funding for noise mitigation for all structures in communities impacted by flights in and out of MSP.

Legislative Update:

No applicable legislative updates.

TP-10 FUNDING FOR NON-MUNICIPAL STATE AID (MSAS) CITY STREETS

Cities under 5,000 in population are not eligible for Municipal State Aid. Cities over 5,000 residents have limited eligibility for dedicated Highway User Tax Distribution Fund dollars, which are capped by the state constitution as being available for up to twenty percent of streets.

Current County State Aid Highway (CSAH) distributions to metropolitan counties are inadequate to provide for the needs of smaller cities in the metropolitan area.

Cities need long-term, stable, funding for street improvements and maintenance. In 2023, the Legislature established the Transportation Advancement Account which distributes revenue from the retail delivery fee and the auto parts sales tax to counties, cities, townships, and a food delivery support account. Specifically, this account will distribute 27 percent of the revenue collected to cities under 5,000 in population and 15 percent to cities over 5,000 in population.

Metro Cities supported the distribution of revenue deposited into the Transportation Advancement Account to cities, providing sustainable funding for non-MSAS city streets. Metro Cities supports additional resources and flexible policies to meet local infrastructure needs and increased demands on city streets.

Legislative Update:

Article 1 of Chapter 127 includes a \$11.35 million appropriation for the small cities assistance account (distributed in one payment in July 2024).

Article 3 of Chapter 127 authorizes the use of small cities assistance funds and larger cities assistance funds for debt service obligations.

When established in 2023, the larger cities assistance account did not come with a list of eligible uses. Article 3 of Chapter 127 states that larger cities assistance funds can only be used for construction and maintenance of roads. The law clarifies that these funds are not subject to state-aid requirements (except for projects on municipal state-aid streets or county state-aid highways).

TP-11 COUNTY STATE AID HIGHWAY (CSAH) DISTRIBUTION FORMULA

Significant resource needs remain in the metropolitan area CSAH system. Revenues provided by the Legislature for the CSAH system have resulted in a higher number of projects being completed. However, greater pressure is being placed on municipalities to participate in cost sharing activities, encumbering an already over-burdened local funding system. When the alternative is not building or maintaining roads, cities bear not only the costs of their local systems but also as much as fifty percent of county road projects. Metro Cities supports special

or additional funding for cities that have burdens of additional cost participation in projects involving county roads.

Although only 5 percent of CSAH roads are in the metropolitan area, they account for nearly 37 percent of the vehicle miles traveled. The CSAH formula passed by the Legislature in 2008 helped to better account for needs in the metropolitan region but additional resources for the region are needed. Metro Cities supports a new CSAH formula more equitably designed to fund the needs of our metropolitan region.

Legislative Update:

No applicable legislative updates.

TP-12 MUNICIPAL INPUT/CONSENT FOR TRUNK HIGHWAYS AND COUNTY ROADS

State statutes direct the Minnesota Department of Transportation (MnDOT) to submit detailed plans, with city cost estimates, at a point one-and-a-half to two years prior to bid letting, at which time public hearings are held for community input. If MnDOT does not concur with requested changes, it may appeal. Currently, that process would take a maximum of three and a half months and the results of the appeals board are binding on both the city and MnDOT.

Metro Cities supports the municipal consent process and opposes changes to weaken municipal consent or adding another level of government to the consent process. Metro Cities opposes changes to current statutes that would allow MnDOT to disregard the appeals board ruling for state trunk highways. Such a change would significantly minimize MnDOT's need to negotiate in good faith with cities for appropriate project access and alignment and would render the public hearing and appeals process meaningless. Metro Cities also opposes the elimination of the county road municipal consent and appeal process for these reasons.

Legislative Update:

No applicable legislative updates.

TP-13 PLAT AUTHORITY

Current law grants counties review and comment authority for access and drainage issues for city plats abutting county roads.

Metro Cities opposes any statutory change that would grant counties veto power or that would shorten the 120-day review and permit process time.

Legislative Update:

No applicable legislative updates.

TP-14 MNDOT MAINTENANCE BUDGET

The state has failed in its responsibility for maintaining major roads throughout the state by requiring, through omission, that cities bear the burden of maintaining major state roads.

MnDOT should be required to meet standards adopted by cities through local ordinances, or reimburse cities for labor, equipment and material used on the state's behalf to improve public safety or meet local standards. Furthermore, if a city performs maintenance, the city should be fully reimbursed.

Metro Cities supports MnDOT taking full responsibility for maintaining state-owned infrastructure and property, including, but not limited to, sound walls and right of way within city limits. Metro Cities supports cooperative agreements between cities and MnDOT, which have proven to be effective in other parts of the state. Metro Cities supports adequate state funding for the maintenance of state rights-of-way.

Legislative Update:

No applicable legislative updates.

TP-15 TRANSIT TAXING DISTRICT

The transit taxing district, which funds the capital cost of transit service in the Metropolitan Area through the property tax system, is inequitable. Because the boundaries of the transit taxing district do not correspond with any rational service line nor is being within the boundaries a guarantee to receive service, cities within and outside of the taxing district are contributing unequally to the transit service in the metropolitan area. This inequity should be corrected.

Metro Cities supports a stable revenue source to fund both the capital and operating costs for transit at the Metropolitan Council. However, Metro Cities does not support the expansion of the transit taxing district without a corresponding increase in service and an overall increase in operational funds. To do so would create additional property taxes without a corresponding benefit.

Legislative Update:

No applicable legislative updates.

TP-16 COMPLETE STREETS

A complete street may include sidewalks, bike lanes (or wide paved shoulders), special bus lanes, comfortable and accessible public transportation stops, frequent and safe crossing opportunities, median islands, accessible pedestrian signals, curb extensions, narrower travel lanes and more.

A complete street in a rural area will differ from a complete street in a highly urban area, but both are designed to balance safety and convenience for everyone using the road.

Metro Cities supports options in state design guidelines for complete streets that would give cities greater flexibility to:

- Safely accommodate all modes of travel.
- Lower traveling speeds on local streets.
- Address city infrastructure needs.
- Ensure livability in the appropriate context for each city.

Metro Cities opposes state-imposed mandates that would increase street infrastructure improvement costs in locations and instances where providing access for alternative modes including cycling and walking are deemed unnecessary or inappropriate as determined by local jurisdictions.

Legislative Update

Article 3 of Chapter 127 authorizes cities to establish pedestrian malls within their right-of-way. Cities of the first class are now able to designate any local right-of-way as a pedestrian mall. All other cities can designate local rights-of-way as pedestrian malls so long as they are not part of a residence district. The law clarifies that any road segment turned into a pedestrian mall cannot be designated as part of the county state-aid or municipal state-aid system. If a proposed pedestrian mall intersects with another road authority's right-of-way the city must consult with that road authority and consider any impacts on traffic flow. If a proposed pedestrian mall borders another city, approval from that bordering city is required.

Article 3 of Chapter 127 amends the existing statute related to MnDOT's complete streets policy stating that it must include the integration of related principles of context-sensitive solutions, integration throughout the project development process, methods to evaluate the inclusion of active transportation facilities in a project, and consideration of consultation with other road authorities regarding existing and planned active transportation network connections. The law further amends this statute by requiring MnDOT to maintain guidance to accompany their

complete streets policy. This guidance must include an analysis framework that considers the identification of project characteristics, highway system categorization, relative emphasis for different road system users in the various highway categories, and an analysis of speed limit reductions and roadway design modifications to support safety and mobility.

Article 3 contains a \$243,000 appropriation from general fund for complete streets implementation at the department.

GG-1 MANDATES, ZONING & LOCAL AUTHORITY

To serve their local citizens and communities, city officials must have sufficient local control and decision-making authority. Metro Cities supports local decision-making authority and opposes statutory changes that erode local authority and decision making.

Minn. Stat. § 462.357, subd. 1, provide cities authority to regulate and set local ordinances for zoning. Metro Cities supports existing state laws that provide for this authority.

Metro Cities supports statutory changes that give local officials greater authority to approve or deny variances to allow flexibility in responding to the needs of the community. Metro Cities also supports the removal of statutory barriers to uniform zoning ordinance amendment processes for all cities, regardless of city size classification.

Metro Cities opposes the imposition of legislative mandates that increase local costs without a corresponding state appropriation or funding mechanism. Unfunded mandates potentially increase property taxes and impede cities' ability to fund traditional service needs.

To allow for greater collaboration and flexibility in providing local services, Metro Cities encourages the removal of barriers to coordination between cities and other units of government or entities.

Legislative Update:

This legislative session, there were several bills that would have pre-empted city zoning and land use authority. These bills did not pass. The bills include:

*HF 4009 (Kraft)/SF 3964 (Mitchell): Missing Middle Housing/Local Land Use Preemption Bill
Legislation that would have pre-empted local decision-making authority over zoning and land, titled the 'middle housing' bill, received hearings in the House and Senate. The bill required cities to allow for increased densities on any residential parcel, authorized accessory dwelling units by right, set minimum lot size requirements, prohibited cities from requiring more than one off street parking space per residential unit, created an expedited design review process, and limited local aesthetic mandates.*

Multifamily Housing Permitted in Commercial/Industrial Districts

There were multiple iterations of this legislation, starting as HF 4010 (Kozlowski)/SF 3980 (Pha), and then rolled into other bills, including an omnibus zoning preemption bill, SF 1370 and another bill, SF 4254.

This legislation would have required cities to approve or deny a building permit request within 60 days, would allow for multifamily residential developments as a permitted use in any zoning

district that allows for commercial uses, would restrict height requirements for multifamily housing developments, and would allow for affordable multifamily developments to exceed one or more maximum dimensional standards imposed by city zoning controls. The legislation would have required that a multifamily residential development be approved by a city if it is consistent with the comprehensive plan on the date of submission and complies with all state and municipal standards. This legislation was seriously considered in both bodies but did not advance out of the Senate State and Local Government Committee.

SF 3572 (Fateh): People Over Parking Act

The bill, known as the “People Over Parking Act”, would preempt a city from setting minimum parking mandates for residential, commercial, or industrial properties within its jurisdiction. The bill also included language prohibiting cities from conditioning the approval of a residential building permit, subdivision development or residential planned unit development on the creation of a homeowner’s association.

Prohibition of Aesthetic Mandates

Language that would prohibit a city from conditioning approval of a residential building permit, subdivision development, or planned unit development on the use of specific materials for aesthetic reasons, minimum square footage or floor area ratios for residential buildings, architectural design elements, garage square footage, and common space or common property necessitating a homeowner’s association was considered to be added to the omnibus Housing bill towards the end of session, but was removed.

Emergency Shelter Facilities

Legislation was considered that would have prohibited a city from either enacting, amending, and/or enforcing a zoning ordinance which would prohibit emergency housing facilities except for in areas zoned as residential or agricultural. This legislation did not advance.

GG-2 CITY ENTERPRISE ACTIVITIES

Creation of an enterprise operation allows a city to provide a desired service while maintaining financial and management control. The state should refrain from infringing on this ability to provide and manage services for the benefit of a local community and residents.

Metro Cities supports cities having authority to establish city enterprise operations in response to community needs, local preferences, or state mandates, or that help ensure residents’ quality of life.

Legislative Update:

See GG-29: Adult-Use Cannabis for update on municipal cannabis operations.

GG-3 WEAPONS ON CITY PROPERTY

Cities should be allowed to prohibit handguns and other weapons in city-owned buildings, facilities, and parks and to determine whether to allow permit-holders to bring guns into municipal buildings, liquor stores, city council chambers and city sponsored youth activities. It is not Metro Cities' intention for cities to have the authority to prohibit legal weapons in parking lots, on city streets, city sidewalks or on locally approved hunting land.

Metro Cities supports local control to prohibit or restrict the possession of dangerous weapons, ammunition, or explosives on local government-owned or leased buildings and land.

Legislative Update:

HF 2828 (Hussein) was given a hearing in the House Public Safety Committee. The bill would have authorized local governments to prohibit or restrict a person from possessing dangerous weapons, ammunition, or explosives within a building, or on land, owned or leased by the local government. This bill did not become law.

HF 3672 (Pinto) was given a hearing in the House Public Safety Committee. The bill repealed five sections of state law that preempt a local government's ability to pass firearm regulations. This bill did not become law.

GG-4 911 TELEPHONE TAX

Public safety answering points (PSAPs) must be able to continue to rely on state 911 revenues to pay for upgrades and modifications to local 911 systems, maintenance and operational support, and dispatcher training.

Metro Cities supports state funding for technology and training necessary to provide the number and location of wireless and voice over internet protocol (VoIP) calls to 911 on computer screens and transmit that data to police, fire and first responders.

Legislative Update:

Article 1 of Chapter 123, the omnibus public safety and judiciary supplemental finance and policy bill, includes a \$7 million appropriation from the 911 Fund for grants to regional emergency communications boards for digital geographic information system mapping for school facilities.

GG-5 800 MHZ RADIO SYSTEM

Metro Cities urges the Legislature to provide cities with the financial means to obtain required infrastructure and subscriber equipment (portable and mobile radios) as well as funding for operating costs, since the prime purpose of this system is to allow public safety agencies and other units of government the ability to communicate effectively.

Metro Cities supports the work of the Metropolitan Emergency Services Board (previously the Metropolitan Radio Board) in implementing and maintaining the 800 MHz radio system so long as cities are not forced to modify their current systems or become a part of the 800 MHz Radio System unless they so choose.

Legislative Update:

No applicable legislative updates.

GG-6 BUILDING CODES

Thousands of new housing units as well as commercial and industrial buildings are constructed annually in the metropolitan area. The State Building Code (SBC) sets statewide standards for the construction, reconstruction, alteration, and repair of buildings and other structures governed by the code. A building code provides many benefits, including uniformity of construction standards in the building industry, consistency in code interpretation and enforcement, and life- safety guidance.

Metro Cities supports an equitable distribution of fees from the Construction Code Fund, with proportional distribution based on the area of enforcement where fees were received. Metro Cities further supports efforts by the state, cities, and builders to collectively identify appropriate uses for the fund, including education, analysis of new materials and construction techniques, building code updating, building inspector training, and development of performance standards and identification of construction “best practices.”

Metro Cities supports including the International Green Construction Code as an optional appendix to the State Building Code to allow cities to utilize appropriate parts of those guidelines in their communities. Metro Cities also supports adopting the international energy conservation code to the state building code without amendments. Metro Cities does not support legislative solutions that fail to recognize the interrelationships among builders, state building codes and cities.

Metro Cities supports efforts to increase awareness of the potential impacts and benefits of requiring sprinklers in new homes and townhouses. Metro Cities supports discussion and the dissemination of information on these impacts via the code adoption process through the

Department of Labor and Industry. Metro Cities supports adopting and amending the State Building Code through the rulemaking process and opposes legislative changes to building codes absent unusual or extraordinary circumstances.

As energy costs continue to rise, more attention must be paid to the poor energy efficiency of much of the existing housing stock as well as commercial and industrial buildings. Homes and other buildings that are energy inefficient are more costly to maintain and create added cost to ownership and occupancy. Making homes and buildings more energy efficient will make them more affordable to operate and will help the state achieve energy demand goals and will reduce greenhouse gas emissions. This includes supporting legislation to increase the efficiency of buildings on a pathway toward net zero energy.

Metro Cities supports state funding and technical support for programs that provide support for property owners for weatherization and energy efficiency improvements, including programs available for local governments.

While a single set of coordinated codes helps provide consistency in code administration and enforcement, implementation of sustainable building design, construction, and operation does not readily integrate with the existing state building and energy code system. As a result, many cities are interested in adopting stronger local standards for sustainable development and conservation.

Metro Cities supports authorizing cities to employ stronger local standards for sustainable development and conservation that will help inform the state code development process.

The state should include an optional sustainable appendix to the State Building Code to allow cities to utilize appropriate parts of guidelines in their communities. Metro Cities also supports the state adopting an advanced energy building standard for buildings within the State Building Code and allowing cities to adopt their own enhanced standards.

Legislative Update:

Chapter 127 requires the Dept. of Labor and Industry to update residential energy code for new construction at least every three years to be consistent with the International Energy Conservation Code (beginning in 2026). The law change puts the residential energy code on a path toward achieving a 70 percent reduction in annual net energy consumption by 2038. DLI is required to submit a report to the legislature following each new code adoption.

Chapter 127 includes language that requires the Commissioner of Labor and Industry to study apartment buildings with a single egress above three stories up to 75 feet, and whether it would achieve life safety outcomes equal to or superior to currently adopted codes. The report must

include recommendations for code updates for single-egress buildings that are evaluated, and by report must be submitted to legislative committees with jurisdiction over housing and state building codes by December 31, 2025.

SF 4298 (Mitchell)/HF 3439 (Rehm) was heard in the Senate. This bill would have required single-family homes, two-family homes, and townhouses that provide on-site parking to provide not less than one electric-vehicle-capable space per dwelling unit or parking space, whichever is less. This legislation did not pass.

GG-7 ADMINISTRATIVE FINES

Administrative fines can be used to moderate local costs associated with traditional methods of citation, enforcement, and prosecution. Metro Cities supports the administrative fine authority that allows cities to issue administrative fines for defined local traffic offenses and supports further modifications to enhance functionality of this authority. Metro Cities continues to support cities' authority to use administrative fines for regulatory ordinances such as building codes, zoning codes, health codes, and public safety and nuisance ordinances.

Metro Cities supports the use of city administrative fines, at a minimum, for regulatory matters that are not duplicative of misdemeanor or higher-level state traffic and criminal offenses. Metro Cities also endorses a fair hearing process before a disinterested third party.

Legislative Update:

No applicable legislative updates.

GG-8 RESIDENTIAL PROGRAMS

Sufficient funding and oversight is needed to ensure that residents living in residential programs have appropriate care and supervision and that neighborhoods are not disproportionately impacted by high concentrations of residential programs. Historically, federal and state laws have discouraged the concentration of residential group homes so as not to promote areas that reinforce institutional quality settings.

Under current law, operators of certain residential programs are not required to notify cities when they intend to purchase single-family housing for this purpose. Cities do not have the authority to regulate the locations of residential programs. Cities have reasonable concerns about high concentrations of these facilities in residential neighborhoods, and additional traffic and service deliveries surrounding these facilities when they are grouped closely together. Municipalities recognize and support the services residential programs provide. However, cities also have an interest in preserving balance between residential programs and other uses in residential neighborhoods.

Providers applying to operate residential programs should be required to notify the city when applying for licensure to be informed of local ordinance requirements as a part of the application process. Licensing agencies should be required to notify the city of properties receiving licensure to be operated as residential programs.

Metro Cities supports changes to Minn. Stat. § 245A.11, subd. 4, to allow for appropriate non-concentration standards for all types of cities to prevent clustering. Metro Cities supports statutory modifications to require licensed agencies and licensed providers that operate residential programs to notify the city of properties being operated as residential programs. Metro Cities also supports the establishment of appropriate non-concentration standards for residential programs, to prevent clustering, and supports enforcement of these rules by the appropriate county agencies.

Legislative Update:

Chapter 108, the omnibus human services policy bill, exempts group homes and assisted living facilities with licensed capacities of six or fewer individuals from local rental licensing regulations. Cities are now no longer able to apply local rental ordinances to community residential settings found in section 245D.02, subd. 4a or section 1445G.45 subdivision 3.

GG-9 ANNEXATION

Attempts have been made in recent years to reduce tensions between cities and townships in annexations. A Municipal Boundary Adjustment Task Force worked to develop recommendations regarding best practices annexation training for city and township officials to better communicate and jointly plan potential annexations. While the task force defined differences between cities and townships, no significant advancements were made in creating best practices.

Metro Cities supports continued legislative efforts to develop recommendations regarding best practices and annexation training for city and township officials to better communicate and plan for potential annexations. Further, Metro Cities supports substantive changes to the state's annexation laws that will lead to better land use planning, energy conservation, greater environmental protection, fairer tax bases, clarification of fee reimbursement and fewer conflicts between townships and cities. Metro Cities also supports technical annexation changes that are agreed to by cities and townships.

Legislative Update:

No applicable legislative updates.

GG-10 STATEWIDE FUNDING SOURCES FOR LOCAL ISSUES WITH REGIONAL IMPACT

Many issues including, but not limited to, a metropolitan area groundwater monitoring network, emerald ash borer management, perfluoroalkyl and polyfluoroalkyl substances (PFAS/PFOS), and the cleanup of storm-water retention ponds, come with significant local costs, and have effects that reach beyond municipal boundaries.

Metro Cities supports the availability of statewide funding sources to address local issues that have regional or statewide significance or are caused by state or regional actions.

Metro Cities opposes any requirement to enact ordinances more restrictive than state law in exchange for access to these funds.

Legislative Update:

Article 1 of Chapter 116, the omnibus environment and natural resources bill, includes an additional \$350,000 from the environmental fund to prepare and implement a strategy to analyze PFAS in sewage sludge prepared for land application. Article 2 of Chapter 116 directs the MPCA to develop a strategy to test and screen sewage sludge prepared for land application in Minnesota for PFAS (by December 31, 2024).

Article 2 of Chapter 116 requires the MPCA and MN Dept. of Health to conduct and submit a report for the legislature on PFAS removal (due January 15, 2025). The report must provide recommendations for how the state might pay for the costs associated with providing safe drinking water to those with contaminated water sources. The report must also include strategies or fee mechanisms the state could use to require companies creating and using PFAS to prevent and remove PFAS from influent entering municipal wastewater facilities, and how they might pay for the cost of treating PFAS-contaminated effluent.

Legislation authored by Rep. Brand and Sen. Hoffman would have protected cities from liability under the Minnesota Environmental Response and Liability Act (MERLA) for PFAS in public water systems except in situations resulting from gross negligence or willful misconduct. This legislation did not become law.

Metro Cities advocated for inflow and infiltration mitigation funding as part of a bonding package. No bonding bill was passed this session.

GG-11 URBAN FOREST MANAGEMENT FUNDING

Urban forests are an essential local infrastructure component. Dutch elm disease, oak wilt disease, drought, storms, and emerald ash borer threaten public investments in trees and controlling these issues can be greatly consequential for city budgets. The Minnesota

Department of Natural Resources, through its Urban and Community Forestry program, and the Minnesota Department of Agriculture, through its Shade Tree and Invasive Species program, have regulatory authority to direct tree sanitation and control programs. Although these programs allow for addressing some tree disease, pest, and other problems, funding has been inadequate to meet the need of cities to build capacity for tree programs and respond to catastrophic problems.

Cities share the goal of the state's ReLeaf Program – promoting and funding the inventory, planning, planting, maintenance, and improvement of trees in cities throughout the state. In addition, economic and environmental gains for storm water management, climate change mitigation, air quality management, tourism, recreation, and other benefits must be protected from tree loss. A lack of timely investment in urban forests costs cities significantly more in the long run.

Metro Cities supports continued funding for state programs to assist cities with building and increasing capacity for urban forest management, meeting the costs of preparing for, and responding to, catastrophic urban forest problems and preventing further loss and increasing canopy coverage. Specifically, direct grants to cities are desperately needed for the identification, removal, replacement, and treatment of trees related to management of emerald ash borer (EAB).

Legislative Update:

Chapter 116, the environment and natural resources supplemental appropriations bill, contains a \$5 million appropriation from the heritage enhancement account in the game and fish fund for community tree-planting grants to local and tribal governments (via the MN Dept. of Natural Resources). Chapter 116 contains an additional \$3.188 million general fund appropriation for community tree planting grants in the metropolitan area and a \$1.4 million appropriation from the natural resources fund for tree planting within the metropolitan regional parks.

The tree-planting grant funds are to be prioritized for removing and replacing ash trees and for those projects located in certain census block groups based on their supplemental demographic index score. The Department of Natural Resources' ReLeaf program is changed later in the law to include a reference to the supplemental demographic index score.

GG-12 POLLINATOR HABITAT RESOURCES

Recent declines in the abundance of pollinator insects, such as bees and butterflies, have been identified by the United Nations Food and Agriculture Organization as a threat to food security, as these insects are an important method of plant pollination. According to the US Fish and Wildlife Service, the main threats facing pollinators are habitat loss, degradation, and

fragmentation. Pollinators lose food and nesting sites they need to survive when native vegetation is replaced by roadways, manicured lawns, crops, and non-native gardens. This can have added detriment to pollinators that migrate. Research has shown that increasing habitats can create the conditions for these insect populations to recover. Converting traditional grass lawns has been identified as one way to increase pollinator habitat.

The Minnesota Legislature created the Lawns to Legumes program, which provides grants to private homeowners to convert traditional lawns to pollinator friendly landscape. The program also funds demonstration neighborhoods, which are pollinator programs run by local governments and nonprofit organizations. Metro Cities supports state funding to programs such as Lawns to Legumes that create pollinator habitat on both public and private lands.

Legislative Update:

Chapter 116, the environment and natural resources supplemental appropriations bill, included \$800 thousand in additional funding for the Board of Water and Soil Resources' Lawns to Legumes Program.

GG-13 REGULATION OF HARMFUL SUBSTANCES AND PRODUCTS

In metropolitan regions where most cities share boundaries with other cities, local bans of harmful drugs and substances such as synthetic drugs, which have been found to be dangerous, do not eliminate access to these products unless all cities take the same regulatory action.

Metro Cities supports statewide regulation and prohibition of products or substances in circumstances where there is evidence that products present a danger to anyone who uses them, where there is broad local support for a ban and where corresponding regulatory issues have regional or statewide significance.

In addition, the Legislature should provide for the regulation of products that are known to damage water quality, sewer collection, and storm and wastewater treatment systems, not just at the treatment and infrastructure maintenance levels, but at the consumer and manufacturing levels, through accurate labeling of products, public education, and recycling and re-use programs.

Legislative Update:

No applicable legislative update, but the MPCA continues to implement Amara's Law, which prohibits the use of intentionally added PFAS in a host of project categories. These provisions are taking effect in stages between the years 2025 and 2032.

GG-14 WATER SUPPLY

Municipal water suppliers are charged with meeting the water supply needs of their communities and work to do so with safe, reliable, and cost-effective systems that are sustainable both for established cities and for all future growth.

The aquifers in the metropolitan area cross municipal boundaries and therefore require a coordinated regional approach to planning for their future availability. Currently, approximately 75% of municipal water supply in the metropolitan area comes from groundwater. With proper management of the resource, the current water supply in the region is adequate; however, Metropolitan Council projections predict localized declines in aquifer availability due to population growth estimates if current usage levels are maintained.

Regulation of water is complex and compartmentalized. Various agencies permit its use, plan for its availability, regulate stormwater, treat wastewater and protect the safety of water. To ensure that water supply remains adequate and sustainable across the region, we must understand how much water can be sustainably drawn from the aquifers and what effect increases in re-use, conservation and recharge can have on the sustainability and availability of both groundwater and surface water. Many of these strategies cross agency jurisdictions and will require improved coordination and cooperation.

Municipal water suppliers have made significant infrastructure investments in their systems based on calculated water availability and DNR permits. Proposals to reduce the reliance on groundwater by switching municipal water systems from groundwater to surface water supplies will come with significant costs that could place excessive burdens on local resources.

The outcomes and benefits of re-balancing the mix of groundwater and surface water use for specific municipalities and the region must be identifiable before any projects are undertaken. The sustainability of our water supply is an issue of regional and statewide significance and the expense of any necessary projects that benefit the region should not fall on individual cities. Any attempts to address water supply sustainability must also consider all water users, including municipal water suppliers, industry, private wells, agriculture and contamination containment.

The metropolitan region must consider the effects of groundwater use beyond the borders of the metropolitan area on the region's groundwater availability and the cost of treating contaminants in surface water that comes into the metropolitan area for use.

Metro Cities supports the removal of barriers to wastewater and storm water re-use, improved inter-agency coordination, clarifying the appropriate roles of local, regional, and state

governments with respect to water, streamlining and consolidating permit approval processes and the availability of statewide resources to plan for and ensure the future sustainability of water supply in the metropolitan area. Metro Cities also encourages the Metropolitan Council, in consultation with municipalities, to find ways to re-use wastewater and to develop other strategies to improve conservation.

Metro Cities supports state funding for costs associated with converting water supply from groundwater to surface water and funds to encourage and promote water conservation as a strategy to improve water sustainability and to improve and protect water quality.

Legislative Update:

No applicable legislative updates.

GG-15 PRIVATE WELL DRILLING RESTRICTION AUTHORITY

Cities are authorized to enact ordinances that disallow the placement of private wells within city limits to ensure both water safety and availability for residents and businesses. This authority is important for the appropriate management of local water supply conservation efforts.

Municipal water systems are financially dependent upon users to operate and maintain the system. A loss of significant rate payers resulting from unregulated private well drilling would economically destabilize water systems and could lead to contamination of the water supply.

Metro Cities supports current law that authorizes cities to regulate and prohibit the placement of private wells within municipal utility service boundaries and opposes any attempt to remove or alter that authority. Metro Cities supports funding that can be used to cap private wells.

Legislative Update:

No applicable legislative updates.

GG-16 ORGANIZED WASTE COLLECTION

Cities over 1,000 in population are required by law to ensure all residents have solid waste collection available to them. A city can meet the statutory requirement by licensing haulers to operate in an open collection system, authorize city employees to collect waste, or implement organized collection through one or multiple haulers to increase efficiency, reduce truck traffic and control costs to residents.

Metro Cities supports current laws that allow cities to work with existing haulers to achieve the benefits of organized collection or investigate the merits of organized collection without the pressure of a rigid timeline and requirement to pass 'an intent to organize' at the beginning of the discussion process. Metro Cities opposes any legislation that would further increase the cost

or further complicate the process cities are required to follow to organize waste collection or prohibit cities from implementing, expanding, or using organized waste collection. Metro Cities supports state funding to local governments to increase the availability of material and organic recycling.

Legislative Update:

Article 5 in Chapter 116 includes the “Packaging Waste and Cost Reduction Act.” This legislation establishes a manufacturer and producer-funded system aimed at reducing packaging and single-use plastic and the costs associated with its management. The law, as passed, preserves a local government’s authority to directly provide residential solid waste and recycling service and the ability to enter into or continue existing organized collection contracts for their residents.

GG-17 UTILITY FRANCHISE FEES, ACCOUNTABILITY AND COST TRANSPARENCY

Minnesota cities are authorized by Minn. Stat. 216B and Minn. Stat. § 301B.01 to require a public utility (gas or electric) that provides services to the city or occupies the public right of way within a city to obtain a franchise. Several metro area cities have entered agreements that require the utility to pay a fee to help offset costs of maintaining the right of way.

Cities are also adopting energy policies that use renewable energy resources to light or heat public facilities. Policies and programs have also been instituted in cooperation with the public utility franchisee to increase energy efficiency for all users. Cities also contract, at city expense, with public utilities to “underground” wires. State laws also require energy companies to provide more electric energy from renewable sources. The specific amounts vary by type of utility.

Metro Cities supports state policies adopted by legislation or through rules of the Public Utility Commission that provide cities with the authority to include city energy policies and priorities in a franchise or similar agreement with a franchisee.

Metro Cities supports greater accountability and transparency for city paid costs associated with underground utility and similar work performed by electric utilities as part of a local project.

Legislative Update:

Legislation was considered in the House that would have allowed for local governments to require franchise fees from a provider furnishing broadband, and to receive compensation for the use of the public right-of-way. HF 4182 (Freiberg), was laid over for possible inclusion in an omnibus House State and Local Government bill and was also included in the Omnibus House Commerce Policy bill. However, this legislation was not included in the final Commerce Policy bill.

Article 13 of Chapter 114, the omnibus commerce policy bill, establishes various safety requirements for the installation of telecommunications infrastructure located underground. These requirements go into effect within the seven-county metropolitan area on July 1, 2025.

GG-18 ELECTION ADMINISTRATION

Cities play a critical role in managing and ensuring the integrity of elections. Any changes made to election laws should not place undue financial or administrative burdens on local governments. Metro Cities supports reimbursement by the state to local units of government for any costs associated with changes to election laws.

State laws that allow the filling of municipal vacancies by special election on one of four days specified in law, can create logistical and financial challenges for municipalities.

Metro Cities supports changes to state laws that allow sufficient flexibility for municipalities in addressing vacancies in municipal offices.

Metro Cities supports laws to increase efficiencies in administering absentee ballots and early voting, to reduce the potential for errors, and to improve absentee balloting and early voting processes.

Metro Cities further supports:

- Laws allowing in-person absentee voters to place their ballots in a secure tabulator, and statutory changes to allow this for the duration of absentee voting.
- Establishing an earlier deadline for ending in-person absentee voting.
- Revising absentee ballot regulations to allow any person 18 and older to witness the absentee process and sign the envelope as a witness.
- Authorizing cities with health care facilities to schedule election judges to conduct absentee voting at an earlier date in health care facilities.
- Additional funding and flexibility for cities that administer absentee balloting and early voting given the extended early voting period and required hours of operation during evenings and weekends.

Legislative Update:

Chapter 112, the omnibus elections policy and supplemental budget bill contains several provisions of note for cities including a requirement that cities and counties establish temporary polling locations (for at least one day) on or near college or university campuses if the school or

a student organization requests one. This applies only to postsecondary institutions that provide on-campus student housing to 100 or more students. There is a \$200,000 general fund appropriation for the secretary of state to reimburse cities and counties for costs associated with this provision.

Chapter 112 requires any city administering absentee voting to use a .gov domain for their website by 2026.

Chapter 112 contains the Minnesota Voting Rights Act (MVRA), which prohibits voter suppression and vote dilution. The MVRA language includes a presuit notice process for assertions of suppression or dilution. A notice letter must be sent to local governments by the prospective plaintiff identifying the potential violation, the impacted protected class, and the remedy the potential plaintiff believes may address the violation. Political subdivisions must respond within 60 days and must work in good faith with the potential plaintiff.

The language includes a list of remedies that a court could order to correct violations. A polling place could change after the statutory deadline when required as a remedy to a potential violation.

The law authorizes a city to elect its council members by ward if an ordinance is adopted and submitted to voters for approval or when ordered by a court. A city is required to adopt an ordinance and put the question of moving to a ward-based election to the voters if at least 15 percent of those voting in the last city election sign a petition.

A Voting Rights Act cost sharing account is established for the purpose of reimbursing political subdivisions for presuit notice cost sharing expenses.

Other policy changes in Chapter 112 include:

- Changes to allowed forms of ID for students to register on election day.*
- Allowing for space on the registration application to describe one's place of residence if it lacks a specific physical address.*
- Expanded authority for a voter to submit an absentee ballot application electronically through the SOS website to include all local elections (except town elections).*
- Modifications to the witness requirement for absentee ballot return signature envelopes.*
- Change in procedure for maintenance of existing polling places. Only a local resolution is required if a jurisdiction wants to change the location of a polling place.*
- Changes to notice requirements to the county auditor, all amended deadlines changed from 74 days before an election to 84 days before election day.*

- *Requirement that in precincts using ballot tabulators, once the final count of ballots agrees with the number of ballots to be counted, election judges must immediately prepare the summary statement and seal the ballots for return to the county auditor.*
- *Changes to precinct summary statement requirements.*
- *Changes to recount procedures including the potential for the cost of the recount to fall on the jurisdiction conducting the recount.*
- *Changes to the timeline for postelection review.*
- *Expansion of the definition of “personal information” for election officials.*

The law moves funds from existing programs (the Voting Equipment Grant Account and local government drop box grants) to the Voting Operations, Technology, and Elections Resources (VOTER) account, which was established in 2023.

Article 4 of Chapter 112 deals with campaign finance. It amends the definition of “ballot question,” amends the definition of “local candidate,” and defines “employee of a political subdivision.” Article 4 requires the Minnesota Campaign Finance and Public Disclosure Board to study state and local lobbying activity. The report is due to the legislature by January 15, 2025.

HF 3276 (Frazier), a bill authorizing all cities to choose to adopt ranked choice voting for local elections was brought to the House floor late in the legislative session for a vote. This bill did not become law.

GG-19 REGULATION OF MASSAGE THERAPISTS

In the absence of statewide regulation for massage therapy practitioners, many cities have enacted local ordinances that require massage therapists to obtain a local professional license to assist law enforcement in differentiating between legitimate providers and illegitimate businesses fronting as massage therapy establishments.

Metro Cities supports statewide registration or licensure of massage therapists to aid local law enforcement efforts in this area. Metro Cities supports cities’ ability to continue to license massage therapy businesses.

Legislative Update:

No action was taken on the standalone bill (HF 973/SF 967) introduced last year, which would have established a state licensure framework for massage therapy and Asian bodywork therapy.

HF 5216 (Moller), the omnibus judiciary and public safety bill, was amended on the floor before its passage by the House to include language authorizing cities and counties to conduct federal background checks for individuals seeking a local cabaret or massage license. This language was not included in the public safety conference committee report and did not become law.

GG-20 PEACE OFFICER ARBITRATION REFORM

Many municipalities in the metropolitan area provide law enforcement services and employ licensed peace officers. To ensure the public's safety and trust, and to strengthen collaboration between citizens and peace officers, cities must have the authority to effectively govern local law enforcement agencies. City officials are ultimately responsible for the safety and protection of the local community.

Metro Cities supports statutory arbitration reforms to allow for the discipline, including removal, of law enforcement officers who have been found to have violated local law enforcement agency policies.

Metro Cities further supports a reasonable standard of review in law enforcement arbitration cases, which would limit the determination of arbitrators to whether the actions of an employer were reasonable and consistent with city and agency policies. Metro Cities further supports using administrative law judges (ALJs) or arbitration to address grievances and discipline related to police misconduct.

Legislative Update:

No applicable legislative updates.

GG-21 PUBLIC SAFETY TRAINING AND RESOURCES

Metro Cities acknowledges that the tasks public safety responders have been asked to address are increasingly the result of inadequate social services and programs. Metro Cities recognizes the need for adequate resources for social service and mental health services and programs to help reduce the need for public safety responders to perform these services.

Metro Cities supports ongoing state funding for public safety responders training, including training for crisis management, cultural awareness and implicit bias, mental health and de-escalation, and supports ongoing funding for equipment such as body cameras.

Metro Cities supports ongoing state funding for public safety innovation at the local level. This could include funding for imbedded social workers or mental health crisis response.

Metro Cities supports resources for the MN Department of Public Safety to acquire and store with a third-party vendor anti-scale fencing, pedestrian doors, and vehicle gates for local government facilities to improve equitable access to these de-escalation and safety tools.

Legislative Update:

Chapter 123, the omnibus public safety and judiciary supplemental finance and policy bill, contains \$9.667 million for direct assistance to crime victim survivors, \$100,000 for a law enforcement and fire department therapy dog grant program, \$7 million for a new digital geographic information system (GIS) mapping of school facilities, and \$150,000 for the Office of Addiction and Recovery for the Task Force on Holistic and Effective Responses to Illicit Drug Use.

Additional Public Safety provisions of note found in Chapter 123:

- *Traffic stop questioning limited.*
- *Odor of cannabis can no longer serve as the sole basis to search a vehicle.*
- *Independent investigation by BCA required for any officer-involved death.*
- *Prohibition on courses that train officers on the detection or use of “excited delirium,” and other similar terms.*
- *MN Dept. of Public Safety required to convene a working group to examine motor vehicle registration compliance by September 1, 2024.*

The omnibus transportation supplemental budget and policy bill establishes the Lights On grant program and includes a \$1.4 million appropriation to fund it.

GG-22 SCHOOL RESOURCE OFFICERS

In 2023, the Legislature included provisions in the omnibus education bill to limit the use of force toward students by school resource officers (SROs). The law has generated conflicting legal interpretations and created ambiguity for SROs on when use of certain restraints is authorized in school settings, and whether SROs retain the authority to use reasonable force, as provided by Minnesota Statutes 609.06.

Due to these ambiguities and potential civil and criminal liability risks, some local law enforcement agencies suspended or terminated SRO contracts with school districts. Although two opinions released by the Attorney General make the law clearer, it is possible that these opinions could be challenged, and result in legal consequences for SROs and their employers.

Metro Cities supports the Legislature and Governor working with stakeholders, including law enforcement, local government, and education organizations, to clarify laws pertaining to the authority SROs have in schools.

Legislative Update:

Chapter 78 defines “school resource officer” in law and specifies what an SRO’s duties include. The law makes clear that SROs have the authority to use reasonable force according to Minnesota Statutes, Section 609.06, which governs use of force. The law stipulates that SROs are not to be used to enforce school policies or to discipline students for violating school rules.

Beginning in September of 2025 officers serving as SROs will need to complete a training course, which will be developed by the Board of Peace Officer Standards and Training (POST) in consultation with the Dept. of Public Safety's School Safety Center. By the end of 2024, the POST Board is required to develop a model school resource officer policy. Law enforcement agencies with SRO programs will then be required to adopt a school resource officer policy by September 2025.

GG-23 STREET RACING

Street racing is an issue of increasing concern for cities across the metropolitan region. This activity is highly mobile, is strongly associated with other illegal activity and poses significant public safety risks for participants, third-party observers, and the general public.

Metro Cities supports modifications to state laws to prohibit street racing and activities associated with promoting and undertaking the activity of street racing. Specifically, Metro Cities supports statutory changes that address the activity and associated risks posed by street racing, sliding, and drifting. These could include penalties such as license suspension, minimum impoundment periods, and vehicle forfeiture.

Metro Cities supports state funding to help prevent and respond to street racing activity. This could include funding for State Patrol air supports and funding for costs, including overtime, associated with targeted law enforcement saturations and Toward Zero Deaths initiatives. Metro Cities also supports state resources to increase the Bureau of Criminal Apprehension's intelligence gathering capabilities and to enhance existing coordination efforts among law enforcement agencies.

Metro Cities further recognizes the importance and value of diversion programs that emphasize behavior modifications, which can help curb illegal activity and minimize recidivism.

Legislative Update:

Language was amended into the Senate judiciary and public safety bill that increased penalties for fleeing peace officers, being in a stolen vehicle, and obstructing traffic. These provisions were not included in the eventual conference committee report and did not become law.

GG-24 CARJACKING

The crime of carjacking has increased significantly in the metropolitan region, with serious consequences for individual and community public safety.

Metro Cities supports the consideration by the Legislature of statutory changes to address the severity of this crime. This includes state funding to help state and local law enforcement

agencies prevent and respond to carjacking. This could include funding for State Patrol air supports and for costs, including overtime, associated with targeted law enforcement saturations. Metro Cities also supports state resources to increase the Bureau of Criminal Apprehension's intelligence gathering capabilities and to enhance existing coordination efforts among law enforcement agencies.

Metro Cities further recognizes the importance and value of diversion programs that emphasize behavior modifications, which can help curb illegal activity and minimize recidivism.

Metro Cities supports consumer protection efforts that require motor vehicle manufacturers to offer antitheft protection devices on certain vehicles that have been shown to be especially susceptible to theft.

Legislative Update:

Language was amended into the Senate judiciary and public safety bill that increased penalties for fleeing peace officers, being in a stolen vehicle, and obstructing traffic. These provisions were not included in the eventual conference committee report and did not become law.

GG-25 COPPER AND OTHER METAL THEFT

Wire theft from streetlights, other public infrastructure, and private property negatively impacts communities, by reducing public safety for all transportation modes. These thefts also cost cities hundreds of thousands of dollars each year to replace and repair damaged streetlights.

Metro Cities supports efforts to curtail the theft of copper wires from public infrastructure and private property. Metro Cities supports statutory changes that would require appropriate controls on the purchase and sale of scrap copper and other metals.

Legislative Update:

Article 4 in Chapter 121 contains language requiring anyone selling scrap metal copper to obtain a license from the Dept. of Commerce. This license will cost \$250 annually. The law exempts individuals licensed to perform certain trades and there is a designated day twice each year where scrap metal dealers may purchase up to \$25 dollars of scrap metal copper from anyone who does not have an approved license to sell. The law requires a scrap metal dealer to record a seller's copper metal license, or the documentation used to support the individual's ability to sell copper because of their occupation. This chapter includes permissive language for the Dept. of Public Safety to convene a working group to discuss metal theft.

GG-26 EMERGENCY MEDICAL SERVICES

The Emergency Medical Services Regulatory Board (EMSRB) is the state regulatory entity that oversees and issues ambulance licenses and also has authority to designate exclusive emergency medical services (EMS) operating areas, or primary service areas (PSAs), for ambulance providers. Once a provider has been approved to operate in a PSA, the provider is authorized to serve the area for an indefinite period of time.

Currently, no other state health licensing board grants providers an exclusive operating area.

Health licensing boards play a critical role in setting professional standards and credentialing processes. However, the EMSRB has not imposed operational standards to ensure an area has adequate coverage and service levels such as response time requirements. Nor is there state oversight of ambulance billing rates. The current system does not require ambulance services to disclose the number of ambulances staffed, where an ambulance is responding from or any other important data points that would ensure a community is receiving quality ambulance services.

The lack of transparency within Minnesota's ambulance industry compromises accountability by EMS providers.

Metro Cities supports allowing local units of government to designate which licensed ambulance service provider(s) serve their community and to determine the appropriate level of service. Metro Cities further supports additional tools and local authority that ensure transparency by EMS providers.

Metro Cities supports decoupling the professional standards overview role from the service area determination. Metro Cities additionally supports regional balance in the membership of the EMSRB and a requirement that includes representatives of municipal ambulance services on the EMSRB. The EMSRB should be required to submit biennial reports on EMS service delivery data points for all local governments, to appropriate legislative committees.

Legislative Update:

Chapter 122 establishes the Office of Emergency Medical Services to replace the existing Emergency Medical Services Regulatory Board (EMSRB). The new office has three divisions: Medical Services, Ambulance Services, and Emergency Medical Service Providers. The law also establishes the Emergency Medical Services Advisory Council which will include two local government members. Another advisory body, The Labor and Emergency Medical Service Providers Advisory Council, will also include a medical service provider appointed by the League of Minnesota Cities.

Chapter 122 makes changes to the required qualifications for individuals authorized to provide emergency care for an ambulance service, those staffing a basic life-support (BLS) ambulance service, and those staffing advanced life (ALS) ambulances. The law includes other education, training, and qualification provisions.

Finally, Article 4 of this chapter appropriates \$24 million from the general fund for a one-time emergency ambulance services aid distribution. This aid program is designed to target rural, low-density service areas in greater Minnesota.

GG-27 RACE EQUITY

In the seven-county metropolitan region, people of color represent 28% of the population, and this percentage is expected to grow to 44% by 2050, according to the current population forecast from the Metropolitan Council. As racial and ethnic diversity increases in the region, people of color continue to experience significant barriers in housing, employment, criminal justice, public infrastructure, health, and education, and disparities are becoming more apparent. Across the metropolitan region, many cities are working to examine local policies and systems, to revise the delivery of public services, and to allocate resources to help advance race equity. All levels of government as well as the nonprofit and business sectors have roles to play in addressing race inequities and must work collaboratively to ensure that services and resources are considered, designed, and implemented in a comprehensive, purposeful, informed, and inclusive way to achieve race equity. Metro Cities supports:

- An examination and revision of state, regional, county and city laws, ordinances and policies to address racial disparities.
- State resources to assist with comprehensive data collection, disaggregation and sharing to ensure informed policy and funding decisions at all levels of government.
- Funding to assist in the development of tools and resources that advance racially equitable outcomes.
- Activating partnerships among state, regional and local governmental institutions, and other entities to advance race equity.

Legislative Update:

Chapter 123, the omnibus public safety supplemental finance and policy bill includes a \$50,000 appropriation for a report on violence against Latina women and queer Latines.

Other relevant provisions are listed with their corresponding policy (see tree-planting grants under GG-11, Social Equity license applicants for adult-use cannabis, etc).

GG-28 OPEN MEETING LAW

Public meetings in the State of Minnesota, including city council meetings and local boards and commissions, must be conducted in accordance with the Open Meeting Law under Minnesota Statute 13D. In response to the COVID-19 pandemic, cities successfully pivoted to working remotely while maintaining and even increasing transparency and accessibility.

Metro Cities supports amending the Open Meeting Law to allow city councilmembers and city board and/or commission members the ability to participate remotely in up to fifty percent of scheduled meetings each year without making their location open and accessible to the public as otherwise required under Minn. Stat. § 13D.02, subd. 1. Metro Cities also supports amending the Open Meeting Law to remove the three-times-per-year cap for medical and military exceptions.

Legislative Update:

Several bills related to the open meeting law and data practices were heard during the 2024 legislative session. None became law.

SF 4554 (Mann) would have completely removed the cap on how often members of a public body can participate in their meetings remotely. HF 4413 (Koegel)/SF 4456 (Mann) would have allowed members of an “advisory public body,” to participate remotely in no more than half of their meetings if certain requirements were met.

HF 4136 (Coulter)/SF 4132 (Mitchell) would have required a public body to identify on the record the legal issue or case being discussed prior to closing a meeting under the attorney-client privilege. The bill modified the personal liability for intentionally violating the open meeting law by increasing the financial penalty and changed the conditions under which a member of a public body must forfeit office. Finally, the bill increased the potential amount a plaintiff can be awarded for attorney fees and lowers the cap on attorney fees awarded to defendants if the court finds that the action was frivolous. The provision regarding forfeiture of office was included in the Senate Judiciary omnibus policy bill but was not included in the final language passed by the legislature.

HF 4120 (Koegel)/SF 4297 (Mitchell) would have required a public body to offer public comment periods as part of their meeting if it is their practice to do so. It also required that the public body allow a person to monitor public meetings from a remote location (to the extent practicable).

GG-29 ADULT-USE CANNABIS

The Minnesota Legislature legalized adult-use cannabis in 2023. The law establishes the Office of Cannabis Management, which will be responsible for licensing cannabis businesses and regulating the industry. The law includes a local registration process for cannabis business license holders where local governments are authorized to charge a registration and renewal fee. Responsible local governments are required to conduct compliance checks at cannabis businesses. Cities are authorized to establish, own, and operate a municipal cannabis store. The law also includes an optional, population-based limit on the number of retail locations in each city or county. It is vital that local governments retain the ability to suspend retail registrations for businesses that pose an immediate threat to public health or safety.

The law permits local units of government to establish reasonable restrictions on the time, place, and manner of cannabis business operations and includes a zoning compliance requirement for businesses where a local jurisdiction certifies that a business' plans are appropriate and in line with local requirements.

The law establishes a Local Cannabis Aid Account to provide aid to cities and counties.

The account will receive 20% of the of the revenue from the 10% gross receipts tax on cannabis products. Half of the local cannabis aid will go to counties and half will be distributed to cities based on the number of businesses located in each city.

Metro Cities opposes any efforts to reduce cities' local control and zoning authority related to cannabis. Metro Cities supports legislation providing cities the ability to prohibit cannabis businesses within their jurisdiction.

Metro Cities expects the Office of Cannabis Management to work closely with cities as this legislation is fully implemented. This includes working with local governments to create model ordinances and providing technical assistance on cannabis-related issues.

Metro Cities supports the ongoing evaluation of costs associated with the legalization of adult-use cannabis. Funding should be made available to cities without cannabis businesses if such studies show that those communities face additional budgetary pressures because of cannabis legalization.

Metro Cities supports the distribution of tax revenue from adult-use cannabis sales to cities based on the number of products sold and not the number of stores located in each municipality.

Legislative Update:

Chapter 121, the omnibus adult-use cannabis law, makes several technical and substantive changes requested by the Office of Cannabis Management (OCM) as they continue to implement the law passed last session legalizing cannabis in Minnesota.

Chapter 121 moves from a points-based system for awarding cannabis business licenses to a “qualified lottery,” where applicants meeting minimum standards are randomly selected to obtain licenses. Social equity applicants will have a separate lottery ahead of the general license lottery. The window for verified social equity applicants to receive preapproval from the OCM opens on July 24, 2024. The law makes changes to who does or does not qualify as a social equity applicant. The law identifies the maximum number of licenses the OCM can issue for certain license types.

Chapter 121 retains the local government certification where a city provides notice to the OCM that a proposed cannabis business complies with local zoning ordinances. The law changes the timing of when this local compliance certification occurs in the application and licensing process so that applicants receive a preliminary license before working with local governments to ensure compliance with local ordinances. If applicants receive local approval and complete the necessary steps with the OCM, they will then receive a fully endorsed license. Local governments have 30 days to determine whether the prospective business would comply with local zoning, land use laws, and state fire and building codes. The law removes the requirement that local units of government perform annual compliance checks and limits their responsibility to ensuring compliance with local ordinances.

Existing law allows for municipal cannabis stores. Article 2, Section 65, Subd. 7 in Chapter 121 requires the OCM to issue a license to a city or county seeking to establish, own, or operate a municipal cannabis store so long as the local government meets the minimum requirements and pays the application and license fee. The law also clarifies that a municipal cannabis store cannot count toward the statewide maximum for the number of licenses, nor can it count toward a self-imposed local cap on cannabis licenses (last year’s law allows for a population-based limit on the number of retail businesses operating within a given city and/or county).

Other changes contained in Chapter 121 include

- *Moving responsibility over the state’s hemp-derived cannabinoid market from the Department of Agriculture to the OCM.*
- *Changes to Minnesota’s medical cannabis program.*
- *Establishing a process to convert businesses registered to sell edible cannabinoid products to a lower-potency hemp license.*
- *Eliminates the prohibition on selling low-potency hemp products for on-site consumption to individuals who have consumed alcohol.*

- *Allows social equity applicants with license preapprovals for cultivation to start growing, with proof of compliance with local zoning, building codes. Will use the current administrative rules governing medical cannabis cultivation.*

2024 Transportation and General Government Resources

[Transportation Greenhouse Gas Emission Impact Working Group report \(PDF\)](#)

Transportation Advancement Account (TAA) Distributions (MnDOT)

Metro Counties

- [FY 2024 actual distribution by county \(PDF\)](#)
- [FY 2025 forecast distribution by county \(PDF\)](#)

Larger Cities Assistance Account

- [FY 2024 actual distribution by large city \(PDF\)](#)
- [FY 2025 forecast distribution by large city \(PDF\)](#)

Small Cities Assistance Account

- [FY 2024 actual distribution by small city \(PDF\)](#)
- [FY 2025 forecast distribution by small city \(PDF\)](#)

[Transportation Policy Plan Web Page](#) (Metropolitan Council)

[Water Policy Plan Web Page](#) (Metropolitan Council)

[2024 Legislative Changes to Chapter 342](#) (MN Office of Cannabis Management)

PFAS Resources

- [PFAS Web Page](#) (MPCA)
- [Monitoring PFAS](#) (MPCA)
- [Minnesota's PFAS Blueprint](#) (MPCA)
- [Per- and Polyfluoroalkyl Substances](#) (PFAS) (MDH)

[Minnesota Open Meeting Law](#) (Minnesota House Research Department)