

**Section 1. VIRGINIA FIREFIGHTERS SURVIVOR BENEFITS.**

Notwithstanding any law to the contrary, the Virginia firefighters relief association may annually increase surviving spouse benefits by the lesser of:

(1) three and one-half percent; or

(2) the same annual percentage salary increase as granted to active first class firefighters by the city during the preceding calendar year.

Increases under this section shall be effective January 1 of each year.

**Sec. 2. LOCAL APPROVAL.**

Section 1 is effective retroactive to January 1, 1992, upon approval by the Virginia city council and compliance with Minnesota Statutes, section 645.021.

Presented to the governor April 14, 1992

Signed by the governor April 15, 1992, 1:09 p.m.

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**CHAPTER 466—S.F.No. 2298**

*An act relating to watershed districts; requiring counties to provide public notice prior to making watershed district manager appointments; modifying requirements for appointing watershed district managers; exempting watershed districts from permit fees charged by political subdivisions; requiring watershed district audits by certified public accountants or the state auditor under certain circumstances; clarifying procedures for appealing watershed district decisions; allowing recovery of attorney fees; amending Minnesota Statutes 1990, sections 103D.311, subdivisions 2 and 3; 103D.335, by adding a subdivision; 103D.355, subdivision 1; 103D.535, subdivision 1; and 103D.545, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 103D.*

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

Section 1. Minnesota Statutes 1990, section 103D.311, subdivision 2, is amended to read:

Subd. 2. **APPOINTMENT.** (a) At least 30 days before the terms of office of the first managers named by the board expire, the county commissioners of each county ~~affected by~~ responsible for appointing a manager to the watershed district must meet and appoint successors.

(b) The county commissioners must meet at least 30 days before the term of office of any manager expires and appoint a successor.

(c) A vacancy occurring in an office of a manager must be filled by the appointing county board.

New language is indicated by underline, deletions by ~~strikeout~~.

(d) Appointing county boards shall provide public notice before making appointments. Published notice must be given at least once by publication in a newspaper of general circulation in the watershed district at least 15 days before an appointment or reappointment is made. The notice must state that persons interested in being appointed to serve as a watershed district manager may submit their names to the county board for consideration.

Sec. 2. Minnesota Statutes 1990, section 103D.311, subdivision 3, is amended to read:

**Subd. 3. NOMINEES FOR CITY INITIATED AND METROPOLITAN WATERSHED DISTRICTS.** (a) If the establishment petition that initiated the watershed district originated from a majority of the cities within the watershed district, the county commissioners must appoint the managers from a list of persons nominated by one or more of the townships and municipalities located within the watershed district. If the district is wholly within the metropolitan area, the county commissioners shall appoint the managers from a list of persons nominated jointly or severally by the towns and municipalities within the district. The list must contain at least three nominees for each manager's position to be filled. The list must be submitted to the county boards affected by the watershed district at least 60 days before the manager's term of office expires. The county commissioners may appoint any managers from towns and municipalities that fail to submit a list of nominees.

(b) If the list is not submitted 60 days before the managers' terms of office expire, the county commissioners must appoint the managers from eligible persons residing in the watershed district.

(c) Managers of a watershed district entirely within the metropolitan area must be appointed to fairly represent the various hydrologic areas within the watershed district by residence of the manager appointed.

Sec. 3. Minnesota Statutes 1990, section 103D.335, is amended by adding a subdivision to read:

**Subd. 24. EXEMPTION FROM POLITICAL SUBDIVISION PERMIT FEES.** A watershed district is exempt from fees charged by political subdivisions for permits required for activities conducted under subdivisions 8 to 10.

Sec. 4. Minnesota Statutes 1990, section 103D.355, subdivision 1, is amended to read:

Subdivision 1. **REQUIREMENT.** The managers must have an annual audit completed of the books and accounts of the watershed district. The annual audit may be made by a public accountant or by the state auditor. The annual audit must be made by a certified public accountant or the state auditor at least once every five years, or when cumulative district revenues or expenditures exceed an amount established by the board in consultation with the state auditor.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 5. Minnesota Statutes 1990, section 103D.535, subdivision 1, is amended to read:

Subdivision 1. **WHAT CAN BE APPEALED.** (a) Any party alone or jointly may appeal to the district court or to the board an order of the managers made in a proceeding relating to a project and entered in the watershed district's record that determines:

- (1) the amount of benefits determined;
- (2) the amount of damages allowed;
- (3) the allowance of fees or expenses in any proceedings;
- (4) a matter in the proceeding that affects a substantial right; or

(5) an order of the managers authorizing or refusing to establish a project in whole or in part.

(b) Actions of the managers that do not relate to projects, including actions related to permits and actions to enforce watershed district rules, are not reviewable under this section.

Sec. 6. [103D.537] APPEALS OF RULES, PERMIT DECISIONS, AND ORDERS NOT INVOLVING PROJECTS.

(a) Except as provided in section 103D.535, an interested party may appeal a rule, permit decision, or order made by the managers by a declaratory judgment action brought under chapter 555 or by appeal to the board. The decision on appeal must be based on the record made in the proceeding before the managers. An appeal of a permit decision must be filed within 30 days of the managers' decision.

(b) By January 1, 1993, the board shall adopt rules governing appeals to the board under paragraph (a). A decision of the board on appeal is subject to judicial review under sections 14.63 to 14.69.

Sec. 7. Minnesota Statutes 1990, section 103D.545, is amended by adding a subdivision to read:

Subd. 3. ATTORNEY FEES AND COSTS. In any civil action arising from or related to a rule, order, or stipulation agreement made or a permit issued or denied by the managers under this chapter, the court may award the prevailing party reasonable attorney fees and costs.

Presented to the governor April 14, 1992

Signed by the governor April 17, 1992, 9:56 a.m.

New language is indicated by underline, deletions by ~~strikeout~~.