

(3) the ditch or portion of a ditch so conveyed shall no longer be subject to the provisions of Minnesota Statutes, chapter 103E, except that any existing drainage liens shall remain in full force and effect until paid or satisfied; and

(4) the city of Elk River shall manage surface water within the area served by the ditch or portion of a ditch so conveyed pursuant to Minnesota Statutes, chapters 412 and 444, or other applicable law governing management of surface water by cities.

The county and the city may enter into any agreement or issue any document necessary to carry out the purposes of this act.

Sec. 4. EFFECT ON REMAINING DITCHES.

This act has no effect upon any ditch or portion of a ditch that is not the subject of an agreement as described in section 2.

Sec. 5. TOWN OF EMBARRASS; CERTAIN POWERS.

After March 14, 1989, the town of Embarrass, for all purposes, is deemed to be a town possessing the power enumerated in Minnesota Statutes, section 368.01, which status continues until altered or terminated pursuant to law.

Sec. 6. EFFECTIVE DATE.

Sections 1 to 4 are effective the day after the county board of Sherburne county and the city council of Elk River comply with Minnesota Statutes, section 645.021, subdivision 3. Section 5 is effective the day after the town board of the town of Embarrass complies with Minnesota Statutes, section 645.021, subdivision 3.

Presented to the governor May 15, 1995

Signed by the governor May 17, 1995, 1:50 p.m.

CHAPTER 176—H.F.No. 833

An act relating to local government; modifying certain provisions relating to comprehensive municipal planning in the metropolitan area; amending Minnesota Statutes 1994, sections 103B.235, subdivisions 3, 5, and by adding a subdivision; 462.355, by adding a subdivision; 473.858, subdivision 1; 473.859, subdivisions 1, 2, and 5; 473.864, subdivision 2; and 473.867, by adding a subdivision.

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

Section 1. Minnesota Statutes 1994, section 103B.235, subdivision 3, is amended to read:

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Subd. 3. **REVIEW.** After consideration but before adoption by the governing body, each local unit shall submit its water management plan to the watershed management organization for review for consistency with the watershed plan adopted pursuant to section 103B.231. The organization shall approve or disapprove the local plan or parts of the plan. The organization shall have 60 days to complete its review; provided, however, that the watershed management organization shall, as part of its review, take into account the comments submitted to it by the metropolitan council pursuant to subdivision 3a. If the organization fails to complete its review within the prescribed period, the local plan shall be deemed approved unless an extension is agreed to by the local unit.

Sec. 2. Minnesota Statutes 1994, section 103B.235, is amended by adding a subdivision to read:

Subd. 3a. REVIEW BY METROPOLITAN COUNCIL. Concurrently with its submission of its local water management plan to the watershed management organization as provided in subdivision 3, each local unit of government shall submit its water management plan to the metropolitan council for review and comment by the council. The council shall have 45 days to review and comment upon the local plan or parts of the plan with respect to consistency with the council's comprehensive development guide for the metropolitan area. The council's 45-day review period shall run concurrently with the 60-day review period by the watershed management organization provided in subdivision 3. The metropolitan council shall submit its comments to the watershed management organization and shall send a copy of its comments to the local government unit. If the metropolitan council fails to complete its review and make comments to the watershed management organization within the 45-day period, the watershed management organization shall complete its review as provided in subdivision 3.

Sec. 3. Minnesota Statutes 1994, section 103B.235, subdivision 5, is amended to read:

Subd. 5. **AMENDMENTS.** To the extent and in the manner required by the organization, all amendments to local water management plans shall be submitted to the organization for review and approval in accordance with the provisions of ~~subdivision~~ subdivisions 3 and 3a for the review of plans.

Sec. 4. Minnesota Statutes 1994, section 462.355, is amended by adding a subdivision to read:

Subd. 1a. PLAN UPDATE BY METROPOLITAN MUNICIPALITIES. Each municipality in the metropolitan area, as defined in section 473.121, subdivision 2, shall review and update its comprehensive plan and fiscal devices and official controls as provided in section 473.864, subdivision 2.

Sec. 5. Minnesota Statutes 1994, section 473.858, subdivision 1, is amended to read:

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Subdivision 1. Within three years following the receipt of the metropolitan system statement, every local governmental unit shall have prepared a comprehensive plan in accordance with sections 462.355, subdivision 4, 473.175, and 473.851 to 473.871 and the applicable planning statute and shall have submitted the plan to the metropolitan council for review pursuant to section 473.175. The provisions of sections 462.355, subdivision 4, 473.175, and 473.851 to 473.871 shall supersede the provisions of the applicable planning statute wherever a conflict may exist. If the comprehensive municipal plan is in conflict with the zoning ordinance, the zoning ordinance ~~supersedes the plan.~~ shall be brought into conformance with the plan by local government units in conjunction with the review and, if necessary, amendment of its comprehensive plan required under section 473.864, subdivision 2. After August 1, 1995, a local government unit shall not adopt any fiscal device or official control which is in conflict with its comprehensive plan, including any amendments to the plan, or which permits activity in conflict with metropolitan system plans, as defined by section 473.852, subdivision 8. The comprehensive plan shall provide guidelines for the timing and sequence of the adoption of official controls to ensure planned, orderly, and staged development and redevelopment consistent with the comprehensive plan. For purposes of this section, a fiscal device or official control shall not be considered to be in conflict with a local government unit's comprehensive plan or to permit an activity in conflict with metropolitan system plans if such fiscal device or official control is adopted to ensure the planned, orderly, and staged development of urbanization or redevelopment areas designated in the comprehensive plan pursuant to section 473.859, subdivision 5.

Sec. 6. Minnesota Statutes 1994, section 473.859, subdivision 1, is amended to read:

Subdivision 1. **CONTENTS.** The comprehensive plan shall contain objectives, policies, standards and programs to guide public and private land use, development, redevelopment and preservation for all lands and waters within the jurisdiction of the local governmental unit through 1990 and may extend through any year thereafter which is evenly divisible by five. Each plan shall specify expected industrial and commercial development, planned population distribution, and local public facility capacities upon which the plan is based. Each plan shall contain a discussion of the use of the public facilities specified in the metropolitan system statement and the effect of the plan on adjacent local governmental units and affected school districts. Existing plans and official controls may be used in whole or in part following modification, as necessary, to satisfy the requirements of sections 462.355, subdivision 4, 473.175, and 473.851 to 473.871. Each plan may contain an intergovernmental coordination element that describes how its planned land uses and urban services affect other communities, adjacent local government units, the region, and the state, and that includes guidelines for joint planning and decision making with other communities, school districts, and other jurisdictions for siting public schools, building public facilities, and sharing public services.

Each plan may contain an economic development element that identifies

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types of mixed use development, expansion facilities for businesses, and methods for developing a balanced and stable economic base.

The comprehensive plan may contain any additional matter which may be included in a comprehensive plan of the local governmental unit pursuant to the applicable planning statute.

Sec. 7. Minnesota Statutes 1994, section 473.859, subdivision 2, is amended to read:

Subd. 2. **LAND USE PLAN.** A land use plan shall include the water management plan required by section 103B.235, and shall designate the existing and proposed location, intensity and extent of use of land and water, including lakes, wetlands, rivers, streams, natural drainage courses, and adjoining land areas that affect water natural resources, for agricultural, residential, commercial, industrial and other public and private purposes, or any combination of such purposes. A land use plan shall contain a protection element, as appropriate, for historic sites, the matters listed in the water management plan required by section 103B.235, and the matters listed in section 473.204, and an element for protection and development of access to direct sunlight for solar energy systems. A land use plan shall also include a housing element containing standards, plans and programs for providing adequate housing opportunities to meet existing and projected local and regional housing needs, including but not limited to the use of official controls and land use planning to promote the availability of land for the development of low and moderate income housing.

Sec. 8. Minnesota Statutes 1994, section 473.859, subdivision 5, is amended to read:

Subd. 5. **URBANIZATION AND REDEVELOPMENT AREAS.** The comprehensive plans may designate, when appropriate, five year urbanization areas and shall specify in the capital improvement program the timing and sequence of major local public facilities and in the implementation program official controls which will ensure that urbanization occurs only in urbanization areas and in accordance with the plan.

The comprehensive plans may designate, when appropriate, redevelopment areas and may, as appropriate, specify in the capital improvement program the timing and sequence of local public facilities and in the implementation program the fiscal devices or official controls that will ensure that redevelopment occurs in accordance with the plan.

Sec. 9. Minnesota Statutes 1994, section 473.864, subdivision 2, is amended to read:

Subd. 2. By December 31, 1998, and at least once every ten years thereafter, each local governmental unit shall review and, if necessary, amend its entire comprehensive plan and its fiscal devices and official controls. Such review and, if necessary, amendment shall ensure that, as provided in section 473.865, the

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fiscal devices and official controls of each local government unit are not in conflict with its comprehensive plan. Upon completion of review and, if necessary, amendment of its comprehensive plan, fiscal devices, and official controls as required by this section, each local government unit shall either:

(a) submit to the metropolitan council the entire current comprehensive plan together with written certification by the governing body of the local government unit that it has complied with this section and that no amendments to its plan or fiscal devices or official controls are necessary; or

(b)(1) submit the entire updated comprehensive plan and amendment or amendments to its comprehensive plan necessitated by its review to the metropolitan council for review; and

(2) submit the amendment or amendments to its fiscal devices or official controls necessitated by its review to the metropolitan council for information purposes as provided by section 473.865.

Except as otherwise provided in this paragraph, local governments shall consider, in preparing their updated comprehensive plans, amendments to metropolitan system plans in effect on December 31, 1996. For metropolitan system plans, or amendments thereto, adopted after December 31, 1996, local governments shall review their comprehensive plans to determine if an amendment is necessary to conform to the metropolitan system plans. If an amendment is necessary, the local government shall prepare the amendment and submit it to the council for review by September 30, 1999, or nine months after the council transmits the metropolitan system plan amendment to the local government, whichever is later.

The periodic review required in this subdivision shall be in addition to the review required by section 473.856.

The metropolitan council may grant extensions to local government units in order to allow local government units to complete the review and, if necessary, amendment required by this subdivision. Such extensions, if granted by the metropolitan council, must include a timetable and plan for completion of the review and amendment.

Amendments to comprehensive plans of local governmental units and to capital improvement programs of school districts shall be prepared, submitted, and adopted in conformance with guidelines adopted by the metropolitan council pursuant to section 473.854.

Sec. 10. Minnesota Statutes 1994, section 473.867, is amended by adding a subdivision to read:

Subd. 6. ASSISTANCE FOR PLAN UPDATES. The council shall give priority for the use of loan and grant funds available under this section to local governmental units for review and amendment of local comprehensive plans

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and fiscal devices and official controls, as required by section 473.864, subdivision 2. The council shall consult with affected local governmental units to evaluate the need for technical and financial assistance.

Sec. 11. REPORT TO LEGISLATURE.

The council shall report to the legislature by January 15, 1996, on the results of its consultation with affected local governmental units on the need for technical and financial assistance as required under Minnesota Statutes, section 473.867, subdivision 6.

Sec. 12. APPLICATION.

This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Presented to the governor May 15, 1995

Signed by the governor May 17, 1995, 1:48 p.m.

CHAPTER 177—H.F.No. 446

An act relating to occupations and professions; establishing licensure for acupuncture practitioners by the board of medical practice; appropriating money; providing penalties; proposing coding for new law as Minnesota Statutes, chapter 147B.

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

Section 1. PURPOSE.

Acupuncture practice is recognized as a clearly defined system of health care with its own specialized body of knowledge. The knowledge and skills of the acupuncture practitioner directly affect the quality and safety of treatment received by the practitioner's client. It is therefore in the public interest to ensure that acupuncture practitioners meet the generally accepted standards of competence in the profession. The purpose of Minnesota Statutes, chapter 147B, is to limit the practice of acupuncture to persons who meet those standards of competence.

Sec. 2. [147B.01] DEFINITIONS.

Subdivision 1. APPLICABILITY. The definitions in this section apply to this chapter.

Subd. 2. ACUPRESSURE. "Acupressure" means the application of pressure to acupuncture points.

Subd. 3. ACUPUNCTURE PRACTICE. "Acupuncture practice" means a comprehensive system of health care using Oriental medical theory and its

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