

(d) A permit under this subdivision becomes a license under section 221.035, subdivision 1, on August 1, 1998, and is subject to the provisions of section 221.035 until it expires.

Sec. 3. Laws 1994, chapter 589, section 8, as amended by Laws 1996, chapter 455, article 3, section 33, and Laws 1997, chapter 230, section 23, is amended to read:

Sec. 8. REPEALER.

Minnesota Statutes 1992, section 221.033, subdivision 4, is repealed. ~~Section 5 is repealed effective August 1, 1998.~~

Sec. 4. REPEALER.

(a) Minnesota Statutes 1996, sections 221.0335 and 221.035; Minnesota Statutes 1997 Supplement, section 221.0355, subdivision 15; and Laws 1997, chapter 230, section 24, are repealed.

(b) Minnesota Rules, parts 8870.0100; 8870.0200; 8870.0300; 8870.0400; 8870.0500; 8870.0600; 8870.0700; 8870.0800; 8870.0900; 8870.1000; and 8870.1100, are repealed.

Sec. 5. EFFECTIVE DATE.

Sections 1 to 4 are effective the day following final enactment.

Presented to the governor March 19, 1998

Signed by the governor March 23, 1998, 10:45 a.m.

CHAPTER 311—S.F.No. 1654

VETOED

CHAPTER 312—S.F.No. 2269

An act relating to water; clarifying provisions relating to hearings of the board of water and soil resources; increasing the level of exempted bids for watershed districts; modifying the public review period for wetland replacement plans; providing for notice of local wetland plan development to the commissioner of agriculture; requiring approval of certain wetland replacements; requiring a report on wetland law consolidation; amending Minnesota Statutes 1996, sections 103B.231, subdivision 9; 103D.105; 103D.641; and 103G.2242, subdivision 8; Minnesota Statutes 1997 Supplement, section 103G.2243, subdivision 1.

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

Section 1. Minnesota Statutes 1996, section 103B.231, subdivision 9, is amended to read:

Subd. 9. **APPROVAL BY THE BOARD.** After completion of the review under subdivision 8, the board of water and soil resources shall review the plan as provided in

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

sections 103D.401 and 103D.405. The board shall review the plan for conformance with the requirements of sections 103B.205 to 103B.255, and chapter 103D. The board shall not prescribe a plan, but may disapprove all or parts of a plan which it determines is not in conformance with the requirements of sections 103B.205 to 103B.255, and chapter 103D. If the capital improvement program is the subject of a dispute between counties, the board of water and soil resources shall make a final decision on the issue. The decision shall be binding on the organization and the counties involved. The board shall complete its review under this section within 90 days.

Sec. 2. Minnesota Statutes 1996, section 103D.105, is amended to read:

103D.105 BOARD HEARINGS.

Subdivision 1. **PROCEDURE.** (a) A rulemaking hearing must be conducted under chapter 14.

~~(b) A hearing in a proceeding to establish or terminate a watershed district must be conducted.~~

(b) Notwithstanding chapter 14, other hearings under this chapter, except hearings under paragraph (a), shall be conducted by the board under this section. The board may refer the hearing to one or more members of the board or an administrative law judge to hear evidence and make findings of fact and report them to the board.

Subd. 2. **PROCEDURE FOR NONCONTROVERSIAL PLANS OR PETITIONS.** (a) If the board finds that a watershed management plan or petition that would be given a hearing under subdivision 1, paragraph ~~(e)~~ (b), is noncontroversial, the board may, except in a proceeding to establish or terminate a watershed district, proceed under this subdivision.

(b) The board must give notice that the watershed management plan or petition has been filed. The notice must be made:

(1) by publication in a legal newspaper in each county affected by the watershed district;

(2) by mail to the auditor of each county affected by the watershed management plan or petition; and

(3) by mail to the chief executive officer of each city affected.

(c) The notice must:

(1) describe the actions proposed by the plan or petition;

(2) invite written comments on the plan or petition for consideration by the board;

(3) state that a person who objects to the actions proposed in the plan or petition may submit a written request for hearing to the board within 30 days of the last publication of the notice of filing of the plan or petition; and

(4) state that if a timely request for hearing is not received, the board may make a decision on the plan or petition at a future meeting of the board.

(d) If one or more timely requests for hearing are received, the board must hold a hearing on the plan or petition.

Sec. 3. Minnesota Statutes 1996, section 103D.641, is amended to read:

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

103D.641 **WORK WITHOUT BID.**

If the managers find that the estimated cost of repair, including all fees and costs incurred for proceedings relating to it, is less than \$20,000 \$25,000, it may have the work done by contract without advertising for bids.

Sec. 4. Minnesota Statutes 1996, section 103G.2242, subdivision 8, is amended to read:

Subd. 8. **PUBLIC COMMENT PERIOD.** Except for activities impacting less than 10,000 square feet of wetland, before approval or denial of a replacement plan under this section, comments may be made by the public to the local government unit for a period of 30 days of 15 days or more, as determined by the local government unit.

Sec. 5. Minnesota Statutes 1997 Supplement, section 103G.2243, subdivision 1, is amended to read:

Subdivision 1. **GENERAL REQUIREMENTS; NOTICE AND PARTICIPATION.** (a) As an alternative to the rules adopted under section 103G.2242, subdivision 1, and the public value criteria established or approved under section 103B.3355, a comprehensive wetland protection and management plan may be developed by a local government unit, or one or more local government units operating under a joint powers agreement, provided that:

(1) a notice is made at the beginning of the planning process to the board, the commissioner of natural resources, the pollution control agency, the commissioner of agriculture, local government units, and local citizens to actively participate in the development of the plan; and

(2) the plan is implemented by ordinance as part of the local government's official controls under chapter 394, for a county; chapter 462, for a city; chapter 366, for a town; and by rules adopted under chapter 103D, for a watershed district; and chapter 103B, for a watershed management organization.

(b) An organization that is invited to participate in the development of the local plan, but declines to do so and fails to participate or to provide written comments during the local review process, waives the right during board review to submit comments, except comments concerning consistency of the plan with laws and rules administered by that agency. In determining the merit of an agency comment, the board shall consider the involvement of the agency in the development of the local plan.

Sec. 6. **MINELAND RECLAMATION PERMITS.**

Notwithstanding Minnesota Statutes, section 103G.222, subdivision 1, the commissioner of natural resources shall approve the location of wetland replacements, through mineland reclamation permits authorized pursuant to Minnesota Statutes, section 93.481, for projects where replacement was begun prior to January 1, 1997, in accordance with individual permits issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344.

Sec. 7. **WETLAND LAW CONSOLIDATION REPORT.**

By March 1, 1999, the commissioner of natural resources, in conjunction with the executive director of the board of water and soil resources, shall submit a report to the

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

house and senate environment and natural resources committees regarding the simplification of wetland law by consolidating public waters wetlands laws with the wetlands conservation act. The report shall include a discussion of the problems and benefits of a consolidation.

Presented to the governor March 19, 1998

Signed by the governor March 23, 1998, 10:45 a.m.

CHAPTER 313—S.F.No. 2373

An act relating to civil commitment; modifying provisions governing release on pass for persons committed as mentally ill and dangerous; allowing temporary jail confinement of persons subject to commitment as sexual psychopathic personalities or sexually dangerous persons; clarifying various provisions and making conforming and technical amendments; amending Minnesota Statutes 1996, sections 253B.15, subdivision 9; and 253B.185, by adding a subdivision; Minnesota Statutes 1997 Supplement, sections 253B.03, subdivision 7; 253B.045, subdivisions 2 and 3; 253B.05, subdivision 3; 253B.07, subdivisions 5 and 7; 253B.09, subdivision 1; 253B.092, subdivisions 6 and 8; 253B.0921; 253B.095, subdivision 3; 253B.12, subdivision 1; 253B.141, subdivision 1; 253B.15, subdivisions 2, 3, 3a, 3b, and 5; 253B.18, subdivisions 4a and 5; and 253B.19, subdivision 3.

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

Section 1. Minnesota Statutes 1997 Supplement, section 253B.03, subdivision 7, is amended to read:

Subd. 7. **PROGRAM PLAN.** A person receiving services under this chapter has the right to receive proper care and treatment, best adapted, according to contemporary professional standards, to rendering further ~~court~~ supervision unnecessary. The treatment facility shall devise a written program plan for each person which describes in behavioral terms the case problems, the precise goals, including the expected period of time for treatment, and the specific measures to be employed. Each plan shall be reviewed at least quarterly to determine progress toward the goals, and to modify the program plan as necessary. The program plan shall be devised and reviewed with the designated agency and with the patient. The clinical record shall reflect the program plan review. If the designated agency or the patient does not participate in the planning and review, the clinical record shall include reasons for nonparticipation and the plans for future involvement. The commissioner shall monitor the program plan and review process for regional centers to insure compliance with the provisions of this subdivision.

Sec. 2. Minnesota Statutes 1997 Supplement, section 253B.045, subdivision 2, is amended to read:

Subd. 2. **FACILITIES.** Each county or a group of counties shall maintain or provide by contract a facility for confinement of persons held temporarily for observation, evaluation, diagnosis, treatment, and care. When the temporary confinement is provided at a regional center, the commissioner shall charge the county of financial responsibility for the costs of confinement of persons hospitalized under section 253B.05, subdivisions 1 and 2, and section 253B.07, subdivision 6 2b, except that the commissioner shall bill the

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