

(a) To Andrew McNaney, \$4,880.

(b) To Roberto Ramos, \$5,144.

Sec. 3. DEPARTMENT OF NATURAL RESOURCES.

\$33,858.25 is appropriated from the general fund to the commissioner of natural resources in fiscal year 2004 for payment to Craig Waddell, of Remer, Minnesota, as a full and final settlement of his claim against the state for losses suffered because of a moratorium imposed on raising logs from Minnesota lake bottoms.

Sec. 4. DEPARTMENT OF REVENUE.

\$38,843 is appropriated from the health care access fund to the commissioner of revenue in fiscal year 2004 for payment to Forest Pharmaceuticals, Inc., of St. Louis, Missouri, as a full and final settlement of its claim against the department for overpayment of MinnesotaCare taxes.

Sec. 5. DEPARTMENT OF TRANSPORTATION.

The payment by the department of transportation of \$2,500 from the trunk highway fund to Daniel and Florence Piekarski of Little Falls, Minnesota, as a full and final settlement of their claim against the department for costs of conversion to municipal water because of groundwater contamination, is authorized.

Sec. 6. EFFECTIVE DATE.

Sections 1 to 5 are effective the day following final enactment.

Presented to the governor May 30, 2003

Signed by the governor June 8, 2003, 7:25 p.m.

CHAPTER 16—H.F.No. 66

An act relating to public-policy-oriented entities; providing that public meetings are not required to fill metropolitan council vacancies within 12 months of initial appointment; authorizing the use of energy forward pricing mechanisms; requiring an analysis of the costs of regional improvements included in the long-range policy plans for metropolitan agencies; making changes in the metropolitan council's authority and procedures for requiring a change in a local comprehensive plan; eliminating per diems for the metropolitan parks and open space commission; providing for the direct charging by the metropolitan council of industrial dischargers for certain wastewater treatment user fees; adopting the metropolitan council redistricting plan; repealing authority for service improvement plan; eliminating certain reporting requirements; removing an obsolete requirement for metropolitan school districts to submit capital improvement plans to the metropolitan council for review; making conforming changes; changing the boundaries of certain districts; amending Minnesota Statutes 2002, sections 473.123, subdivision 3; 473.13, subdivision 1; 473.146, subdivision 1; 473.147,

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subdivision 1; 473.175, subdivision 1; 473.303, subdivision 6; 473.517, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 2002, sections 473.123, subdivision 3c; 473.1295; 473.1623; 473.704, subdivision 19; 473.863.

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

Section 1. Minnesota Statutes 2002, section 473.123, subdivision 3, is amended to read:

Subd. 3. **MEMBERSHIP; APPOINTMENT; QUALIFICATIONS.** (a) Sixteen members must be appointed by the governor from districts defined by this section. Each council member must reside in the council district represented. Each council district must be represented by one member of the council.

(b) In addition to the notice required by section 15.0597, subdivision 4, notice of vacancies and expiration of terms must be published in newspapers of general circulation in the metropolitan area and the appropriate districts. The governing bodies of the statutory and home rule charter cities, counties, and towns having territory in the district for which a member is to be appointed must be notified in writing. The notices must describe the appointments process and invite participation and recommendations on the appointment.

(c) The governor shall create a nominating committee, composed of seven metropolitan citizens appointed by the governor, to nominate persons for appointment to the council from districts. Three of the committee members must be local elected officials. Following the submission of applications as provided under section 15.0597, subdivision 5, the nominating committee shall conduct public meetings, after appropriate notice, to accept statements from or on behalf of persons who have applied or been nominated for appointment and to allow consultation with and secure the advice of the public and local elected officials. The committee shall hold the meeting on each appointment in the district or in a reasonably convenient and accessible location in the part of the metropolitan area in which the district is located. The committee may consolidate meetings. Following the meetings, the committee shall submit to the governor a list of nominees for each appointment. The governor is not required to appoint from the list.

(d) Before making an appointment, the governor shall consult with all members of the legislature from the council district for which the member is to be appointed.

(e) Appointments to the council are subject to the advice and consent of the senate as provided in section 15.066.

(f) Members of the council must be appointed to reflect fairly the various demographic, political, and other interests in the metropolitan area and the districts.

(g) Members of the council must be persons knowledgeable about urban and metropolitan affairs.

(h) Any vacancy in the office of a council member shall immediately be filled for the unexpired term. In filling a vacancy, the governor may forgo the requirements of

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paragraph (c) if the governor has made appointments in full compliance with the requirements of this subdivision within the preceding 12 months.

Sec. 2. [473.1293] ENERGY FORWARD PRICING MECHANISMS.

Subdivision 1. DEFINITIONS. The following definitions apply in this section.

(a) "Energy" means natural gas, heating oil, diesel fuel, or any other energy source, except electric, used in metropolitan council operations.

(b) "Forward pricing mechanism" means either:

(1) a contract or financial instrument that obligates an entity to buy or sell a specified amount of an energy commodity at a future date and at a set price; or

(2) an option to buy or sell the contract or financial instrument.

Subd. 2. AUTHORITY PROVIDED. Notwithstanding any other law to the contrary, the council may use forward pricing mechanisms for budget risk reduction.

Subd. 3. CONDITIONS. (a) Forward pricing transactions made under this section must be made only under the conditions in paragraphs (b), (c), and (d).

(b) The amount of energy forward priced must not exceed the estimated energy usage for council operations for the period of time covered by the forward pricing mechanism.

(c) The holding period and expiration date for any forward pricing mechanism must not exceed 24 months from the trade date of the transaction.

(d) Separate accounts must be established for each operational energy for which forward pricing mechanisms are used under this section.

Subd. 4. WRITTEN POLICIES AND PROCEDURES. Before exercising authority under subdivision 2, the council must have written policies and procedures governing the use of forward pricing mechanisms.

Subd. 5. OVERSIGHT PROCESS. (a) Before exercising authority under subdivision 2, the governing body of the council must establish an oversight process that provides for review of the council's use of forward pricing mechanisms.

(b) The process must include:

(1) internal or external audit reviews;

(2) quarterly reports to, and review by, an internal investment committee; and

(3) internal management control.

Sec. 3. Minnesota Statutes 2002, section 473.13, subdivision 1, is amended to read:

Subdivision 1. **BUDGET.** (a) On or before December 20 of each year the council, after the public hearing required in section 275.065, shall adopt a final budget covering its anticipated receipts and disbursements for the ensuing year and shall decide upon

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the total amount necessary to be raised from ad valorem tax levies to meet its budget. The budget shall state in detail the expenditures for each program to be undertaken, including the expenses for salaries, consultant services, overhead, travel, printing, and other items. The budget shall state in detail the capital expenditures of the council for the budget year, based on a five-year capital program adopted by the council and transmitted to the legislature. After adoption of the budget and no later than five working days after December 20, the council shall certify to the auditor of each metropolitan county the share of the tax to be levied within that county, which must be an amount bearing the same proportion to the total levy agreed on by the council as the net tax capacity of the county bears to the net tax capacity of the metropolitan area. The maximum amount of any levy made for the purpose of this chapter may not exceed the limits set by the statute authorizing the levy.

(b) Each even-numbered year the council shall prepare for its transit programs a financial plan for the succeeding three calendar years, in half-year segments. ~~The financial plan must contain the elements specified in section 473.1623, subdivision 3.~~ The financial plan must contain schedules of user charges and any changes in user charges planned or anticipated by the council during the period of the plan. The financial plan must contain a proposed request for state financial assistance for the succeeding biennium.

(c) In addition, the budget must show for each year:

(1) the estimated operating revenues from all sources including funds on hand at the beginning of the year, and estimated expenditures for costs of operation, administration, maintenance, and debt service;

(2) capital improvement funds estimated to be on hand at the beginning of the year and estimated to be received during the year from all sources and estimated cost of capital improvements to be paid out or expended during the year, all in such detail and form as the council may prescribe; and

(3) the estimated source and use of pass-through funds.

Sec. 4. Minnesota Statutes 2002, section 473.146, subdivision 1, is amended to read:

Subdivision 1. **REQUIREMENT.** The council shall adopt a long-range comprehensive policy plan for transportation, airports, and wastewater treatment. The plans must substantially conform to all policy statements, purposes, goals, standards, and maps in the development guide developed and adopted by the council under this chapter. Each policy plan must include, to the extent appropriate to the functions, services, and systems covered, the following:

(1) forecasts of changes in the general levels and distribution of population, households, employment, land uses, and other relevant matters, for the metropolitan area and appropriate subareas;

(2) a statement of issues, problems, needs, and opportunities with respect to the functions, services, and systems covered;

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(3) a statement of the council's goals, objectives, and priorities with respect to the functions, services, and systems covered, addressing areas and populations to be served, the levels, distribution, and staging of services; a general description of the facility systems required to support the services; the estimated cost of improvements required to achieve the council's goals for the regional systems, including an analysis of what portion of the funding for each improvement is proposed to come from the state, metropolitan council levies, and cities, counties, and towns in the metropolitan area, respectively, and other similar matters;

(4) a statement of policies to effectuate the council's goals, objectives, and priorities;

(5) a statement of the fiscal implications of the council's plan, including a statement of: (i) the resources available under existing fiscal policy; (ii) the adequacy of resources under existing fiscal policy and any shortfalls and unattended needs; (iii) additional resources, if any, that are or may be required to effectuate the council's goals, objectives, and priorities; and (iv) any changes in existing fiscal policy, on regional revenues and intergovernmental aids respectively, that are expected or that the council has recommended or may recommend;

(6) a statement of the relationship of the policy plan to other policy plans and chapters of the metropolitan development guide;

(7) a statement of the relationships to local comprehensive plans prepared under sections 473.851 to 473.871; and

(8) additional general information as may be necessary to develop the policy plan or as may be required by the laws relating to the metropolitan agency and function covered by the policy plan.

Sec. 5. Minnesota Statutes 2002, section 473.147, subdivision 1, is amended to read:

Subdivision 1. **REQUIREMENTS.** The metropolitan council after consultation with the parks and open space commission, municipalities, park districts and counties in the metropolitan area, and after appropriate public hearings, shall prepare and adopt a long-range system policy plan for regional recreation open space as part of the council's metropolitan development guide. The plan shall substantially conform to all policy statements, purposes, goals, standards, and maps in development guide sections and comprehensive plans as developed and adopted by the council pursuant to the chapters of the Minnesota Statutes directly relating to the council. The policy plan shall identify generally the areas which should be acquired by a public agency to provide a system of regional recreation open space comprising park district, county and municipal facilities which, together with state facilities, reasonably will meet the outdoor recreation needs of the people of the metropolitan area and shall establish priorities for acquisition and development. The policy plan shall estimate the cost of the recommended acquisitions and development, including an analysis of what portion of the funding is proposed to come from the state, metropolitan council levies, and

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cities, counties, and towns in the metropolitan area, respectively. In preparing or amending the policy plan the council shall consult with and make maximum use of the expertise of the commission. The policy plan shall include a five year capital improvement program, which shall be revised periodically, and shall establish criteria and priorities for the allocation of funds for such acquisition and development. The legislature in each bonding measure shall designate an anticipated level of funding for this acquisition and development for each of the two succeeding bienniums.

Sec. 6. Minnesota Statutes 2002, section 473.175, subdivision 1, is amended to read:

Subdivision 1. **FOR COMPATIBILITY, CONFORMITY.** The council shall review the comprehensive plans of local governmental units and the capital improvement programs of school districts, prepared and submitted pursuant to Laws 1976, chapter 127, sections 1 to 23, to determine their compatibility with each other and conformity with metropolitan system plans. The council shall review and comment on the apparent consistency of the comprehensive plans and capital improvement programs with adopted plans of the council. The council may require a local governmental unit to modify any comprehensive plan or part thereof which may if, upon the adoption of findings and a resolution, the council concludes that the plan is more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans. A local unit of government may challenge a council action under this subdivision by following the procedures set forth in section 473.866.

Sec. 7. Minnesota Statutes 2002, section 473.303, subdivision 6, is amended to read:

Subd. 6. **COMPENSATION.** Members and the chair shall be paid \$50 for each day when the member or chair attends one or more meetings, or provides other services, as authorized by the commission, and serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of duties as determined by the metropolitan council.

Sec. 8. Minnesota Statutes 2002, section 473.517, is amended by adding a subdivision to read:

Subd. 10. DIRECT CHARGING OF INDUSTRIAL USERS. (a) The term "industrial discharger" for the purposes of this subdivision means a recipient of wastewater treatment services that is required by council rules or procedures to have a permit issued by the council in order to discharge sewage to the metropolitan disposal system.

(b) The council may directly impose on all or any category of industrial dischargers all or any portion of the costs that would otherwise be allocated among and paid by local government units under subdivision 1. Any amounts imposed directly on industrial dischargers by the council under this subdivision must be deducted from the amounts to be allocated among and paid by local government units under subdivision 1, and any charges imposed by a local government unit for the same purpose are of no

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further force and effect from and after the effective date of the council's direct charges. Charges imposed under this subdivision are in addition to any other charges imposed on industrial dischargers by a local government unit and must be paid by the industrial discharger at such intervals as may be established by the council. The council may impose interest charges upon delinquent payments.

(c) Charges by the council to industrial dischargers under this subdivision including any interest charges, as well as any other charges or related fees owed by the industrial discharger pursuant to a discharge permit issued by the council for the subject property, are a charge jointly and severally against the owners, lessees, and occupants of the property served. The council may certify such unpaid amounts to the appropriate county auditor as a tax for collection as other taxes are collected on the property served. The proceeds of any tax collected pursuant to the council's certification must be paid by the county treasurer to the council when collected. Certification does not preclude the council from recovery of delinquent amounts and interest under any other available remedy.

Sec. 9. PLAN ADOPTED.

Metropolitan council redistricting plan MC03, on file with the geographical information systems office of the legislative coordinating commission and published on its Web site on May 14, 2003, is adopted as the metropolitan council redistricting plan.

Sec. 10. METES AND BOUNDS DESCRIPTION.

Within 90 days after enactment of this act and in accordance with Minnesota Statutes, section 2.91, the revisor of statutes shall prepare a metes and bounds description of the metropolitan council districts in a form suitable for publication in Minnesota Statutes and file it with the secretary of state.

Sec. 11. REPEALER.

Minnesota Statutes 2002, sections 473.123, subdivision 3c; 473.1295; 473.1623; 473.704, subdivision 19; and 473.863, are repealed.

Sec. 12. APPLICATION.

Sections 1 to 11 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 13. FORTY-FIFTH DISTRICT.

Subdivision 1. SENATE DISTRICT. Senate district 45 consists of that district as described in the order of the Minnesota special redistricting panel in Zachman v. Kiffmeyer, No. C0-01-160 (March 19, 2002).

Subd. 2. HOUSE DISTRICTS. Notwithstanding the order of the Minnesota special redistricting panel in Zachman v. Kiffmeyer, No. C0-01-160 (March 19, 2002), senate district 45, as described in that order, is divided into two house districts as follows:

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(a) House district 45A consists of house district 45A as described in that order, except for the portion of that house district 45A described as follows:

Beginning at the intersection of the center lines of 35th Avenue North and Nevada Avenue North, then south along the center line of Nevada Avenue North to the center line of 34th Avenue North, then west along the center line of 34th Avenue North to the center line of Winpark Drive, then north along the center line of Winpark Drive to the center line of 35th Avenue North, then west along the center line of 35th Avenue North to the center line of Winnetka Avenue North, then north along the center line of Winnetka Avenue North to the north municipal boundary line of Crystal, then west along that municipal boundary line to the west municipal boundary line of Crystal, then south along that municipal boundary line to the center line of 33rd Avenue North, then east along the center line of 33rd Avenue North to the center line of Wisconsin Avenue North, then north along the center line of Wisconsin Avenue North to the center line of 35th Avenue North, then east along the center line of 35th Avenue North to the center line of Utah Avenue North, then south along the center line of Utah Avenue North to the center line of 33rd Place North, then east along the center line of 33rd Place North to the center line of Winnetka Avenue North, then south along the center line of Winnetka Avenue North to the center line of 32nd Avenue North, then east along the center line of 32nd Avenue North to the center line of Nevada Avenue, then north along the center line of Nevada Avenue to the center line of Valley Place, then east along the center line of Valley Place to the center line of Louisiana Avenue North, then north along the center line of Louisiana Avenue North to the center line of 35th Avenue North, then west along the center line of 35th Avenue North to the center line of Nevada Avenue North, which was the place of beginning.

(b) House district 45B consists of that portion of senate district 45 not included in house district 45A.

Sec. 14. EFFECTIVE DATE.

Sections 1 to 13 are effective the day following final enactment.

Presented to the governor May 30, 2003

Signed by the governor June 8, 2003, 11:15 p.m.

CHAPTER 17—H.F.No. 67

An act relating to elections; repealing certain changes made in the definitions of major and minor political parties; repealing Laws 2003, First Special Session chapter 9, article 2, sections 41, 42.

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

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