

**CHAPTER 82—H.F.No. 1320**

*An act relating to Hennepin County; modifying regional park district provisions; providing for a longer term of office for the park superintendent; amending Minnesota Statutes 2004, sections 383B.68, subdivisions 1, 2, 4; 383B.70; 383B.702; 383B.703; 383B.71; 383B.72; 383B.73, subdivision 1; 398.10; 473.351, subdivision 1; 609.531, subdivision 1.*

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

Section 1. Minnesota Statutes 2004, section 383B.68, subdivision 1, is amended to read:

Subdivision 1. **AS PROVIDED IN THIS SECTION.** Effective January 1, 1983, and Notwithstanding any provision of sections 398.02 to 398.04, or any other law to the contrary, the Board of Park District Commissioners of the Hennepin County Three Rivers Park Reserve District shall consist of seven commissioners appointed or elected as provided in this section.

Sec. 2. Minnesota Statutes 2004, section 383B.68, subdivision 2, is amended to read:

Subd. 2. **TWO RESIDENTS APPOINTED BY COUNTY BOARD.** Two park district commissioners shall be appointed by the Board of Commissioners of Hennepin County. An appointee must be a resident of the Hennepin County Park Reserve Three Rivers Park District in order to qualify and serve as a park district commissioner. Each park district commissioner appointed pursuant to this subdivision shall serve for a four-year term. If a vacancy occurs among the commissioners appointed pursuant to this subdivision, the Board of Commissioners of Hennepin County shall appoint a successor.

Sec. 3. Minnesota Statutes 2004, section 383B.68, subdivision 4, is amended to read:

Subd. 4. **DECENNIAL REDISTRICTING.** After September 1, 1985, and after at least 30 days' notice and public hearing, the Board of Park District Commissioners of the Hennepin County Park Reserve Three Rivers Park District shall divide the territory of Hennepin County outside the city of Minneapolis into five districts, which constitute the Hennepin County Park Reserve Three Rivers Park District. Each district shall be composed of contiguous territory as regular and compact in form as practicable and as nearly equal in population as possible, provided that no district shall vary in population more than ten percent from the average of all the districts, unless compliance with this requirement requires division of a voting precinct. After each federal census and by the date prescribed for redistricting of election districts in section 204B.135, subdivision 2, after at least 30 days' notice and public hearing, the Board of Park District Commissioners of the Hennepin County Park Reserve Three Rivers Park District shall redistrict the territory of the Hennepin County Park Reserve Three Rivers Park District into new commissioner districts as necessary to comply with the provisions of this subdivision. The districts established pursuant to this subdivision shall remain effective until new districts are established. Any person aggrieved by a

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

districting plan established pursuant to this subdivision may challenge the plan in the same manner as a county commissioner districting plan may be challenged pursuant to section 375.025. The district court in reviewing any challenge to a districting plan under this subdivision shall proceed in the manner prescribed by section 375.025. Each districting plan established pursuant to this subdivision shall be filed in the office of the director of finance of Hennepin County or any successor office and shall be effective 31 days after its publication in a newspaper of general circulation in the county.

Sec. 4. Minnesota Statutes 2004, section 383B.70, is amended to read:

**383B.70 COMPENSATION OF COMMISSIONERS.**

Notwithstanding the provisions of section 398.05 or any other law, the compensation of commissioners of the suburban Hennepin regional Three Rivers Park District must be set by the board of park commissioners.

Sec. 5. Minnesota Statutes 2004, section 383B.702, is amended to read:

**383B.702 DEPOSITORIES.**

Notwithstanding section 398.18, the Hennepin County Three Rivers Park Reserve District may exercise the powers of a municipality under chapter 118A.

Sec. 6. Minnesota Statutes 2004, section 383B.703, is amended to read:

**383B.703 DISTRICT RENAMING.**

The Hennepin County Park Reserve Suburban Hennepin Regional Park District, a local government unit organized and existing under the provisions of sections 398.01 to 398.36, is renamed the Suburban Hennepin Regional Three Rivers Park District. The district so named is the legal successor in all respects of the Hennepin County Suburban Hennepin Regional Park Reserve District as originally previously named and constituted. All bonds, resolutions, contracts, and liabilities of the Hennepin County Suburban Hennepin Regional Park Reserve District are the bonds, resolutions, contracts, and liabilities of the Suburban Hennepin Regional Three Rivers Park District as so renamed and reconstituted. The boundaries of the Suburban Hennepin Regional Three Rivers Park District shall include all of Hennepin County except the city of Minneapolis.

Sec. 7. Minnesota Statutes 2004, section 383B.71, is amended to read:

**383B.71 TRAIL SYSTEM.**

In addition to the authority granted by chapter 398, the Hennepin County Three Rivers Park Reserve District is authorized to acquire, establish, operate and maintain trail systems.

Sec. 8. Minnesota Statutes 2004, section 383B.72, is amended to read:

**383B.72 LAND ACQUISITION; TOWN CONSENT.**

Notwithstanding the provisions of section 398.09, the Board of Park District Commissioners of the Hennepin County Three Rivers Park Reserve District, before

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

acquiring by purchase or condemnation real estate located within the boundaries of any organized town in Hennepin County, other than real estate located within an area designated for development of a park in the most recent revised plan which has been prepared by the district in accordance with section 398.19, and is on file on June 9, 1971, with the state department of parks, shall secure the consent of the town board of such town to such acquisition, by resolution duly adopted by such board.

Sec. 9, Minnesota Statutes 2004, section 383B.73, subdivision 1, is amended to read:

**Subdivision 1. LEVY.** To provide funds for the purposes of the Hennepin County Three Rivers Park Reserve District as set forth in its annual budget, in lieu of the levies authorized by any other special law for such purposes, the Board of Park District Commissioners may levy taxes on all the taxable property in the county and park district at a rate not exceeding 0.03224 percent of market value. Notwithstanding section 398.16, on or before October 1 of each year, after public hearing, the Board of Park District Commissioners shall adopt a budget for the ensuing year and shall determine the total amount necessary to be raised from ad valorem tax levies to meet its budget. The Board of Park District Commissioners shall submit the budget to the county board. The county board may veto or modify an item contained in the budget. If the county board determines to veto or to modify an item in the budget, it must, within 15 days after the budget was submitted by the district board, state in writing the specific reasons for its objection to the item vetoed or the reason for the modification. The Park Reserve District Board, after consideration of the county board's objections and proposed modifications, may reapprove a vetoed item or the original version of an item with respect to which a modification has been proposed, by a two-thirds majority. If the district board does not reapprove a vetoed item, the item shall be deleted from the budget. If the district board does not reapprove the original version of a modified item, the item shall be included in the budget as modified by the county board. After adoption of the final budget and no later than October 1, the superintendent of the park district shall certify to the office of the Hennepin County director of tax and public records exercising the functions of the county auditor the total amount to be raised from ad valorem tax levies to meet its budget for the ensuing year. The director of tax and public records shall add the amount of any levy certified by the district to other tax levies on the property of the county within the district for collection by the director of tax and public records with other taxes. When collected, the director shall make settlement of such taxes with the district in the same manner as other taxes are distributed to the other political subdivisions in Hennepin County.

Sec. 10, Minnesota Statutes 2004, section 398.10, is amended to read:

**398.10 PARK SUPERINTENDENT; EMPLOYEES.**

The board shall, by secret ballot, elect a park superintendent to serve as the chief administrative officer of the park district. Such election shall be for terms of not to exceed two five years and the superintendent shall serve at the pleasure of the board. No person shall be elected superintendent unless the person has had at least ten years experience in business or in public administration, at least five years of which shall

have been in a responsible administrative capacity and at least three years in the administration of parks or recreation. The salary of the superintendent shall be set by the board. The superintendent or a designee shall serve as secretary to the board. The secretary shall, promptly after selection, file with the board a bond in the penal sum of \$10,000, with good and sufficient sureties acceptable to the board of park district commissioners.

The board shall have power to appoint such officers, agents and employees as it deems necessary for the proper administration of the district. The officers, agents and employees shall perform such duties and receive such compensation as the board may determine and shall be removable at the pleasure of the board.

Sec. 11. Minnesota Statutes 2004, section 473.351, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** The definitions in this subdivision apply to this section.

(a) "Implementing agency" means the counties of Anoka, Washington, Ramsey, Scott, Carver, Dakota, the city of St. Paul, the city of Bloomington, the Minneapolis Park and Recreation Board, and the ~~Hennepin County~~ Three Rivers Park Reserve District.

(b) "Operation and maintenance expenditures" means the cost of providing for the operation and maintenance of waters, lands, and facilities that are a part of the metropolitan area regional park and open space system, including but not limited to, the provision of fire, police, maintenance, forestry, rehabilitation expenses pertaining to routine care, and the allocation of the administrative overhead costs of the regional park and open space systems.

(c) "Operation and maintenance money" means money appropriated by the legislature to the commissioner of employment and economic development for distribution by the Metropolitan Council.

(d) "Regional recreation open space systems" means those parks that have been designated by the Metropolitan Council under section 473.145.

Sec. 12. Minnesota Statutes 2004, section 609.531, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** For the purpose of sections 609.531 to 609.5318, the following terms have the meanings given them.

(a) "Conveyance device" means a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

(b) "Weapon used" means a dangerous weapon as defined under section 609.02, subdivision 6, that the actor used or had in possession in furtherance of a crime.

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

(c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

(d) "Contraband" means property which is illegal to possess under Minnesota law.

(e) "Appropriate agency" means the Bureau of Criminal Apprehension, the Minnesota Division of Driver and Vehicle Services, the Minnesota State Patrol, a county sheriff's department, the Suburban Hennepin Regional Three Rivers Park District park rangers, the Department of Natural Resources Division of Enforcement, the University of Minnesota Police Department, or a city or airport police department.

(f) "Designated offense" includes:

(1) for weapons used: any violation of this chapter, chapter 152, or chapter 624;

(2) for driver's license or identification card transactions: any violation of section 171.22; and

(3) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.631; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 609.895; 617.246; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

Presented to the governor May 20, 2005

Signed by the governor May 24, 2005, 2:15 p.m.

#### CHAPTER 83—S.F.No. 2259

*An act relating to public safety; reenacting the Minnesota Citizens' Personal Protection Act of 2003 with certain amendments; recognizing the inherent right of law-abiding citizens to self-protection through the lawful use of self-defense; providing a system under which responsible, competent adults can exercise their right to self-protection by authorizing them to obtain a permit to carry a pistol; providing criminal penalties; amending Minnesota Statutes 2004, sections 609.66, subdivision 1d; 624.714, subdivisions 1b, 2, 2a, 3, 8, 12, 17, as reenacted, by adding a subdivision.*

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

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