

Sec. 5. Minnesota Statutes 1976, Section 641.18, is amended to read:

641.18 **SOLITARY CONFINEMENT.** When any prisoner is unruly or disobeys any regulation for the management of jails, the sheriff or jailer may order him kept in solitary confinement ~~on bread and water for not more than 20 days for each offense as provided in section 641.09.~~

Sec. 6. The commissioner shall appoint an advisory task force, to serve for a period of three years after the effective date of this act, consisting of at least nine persons and including representation from the judiciary serving the juvenile court, county probation officers, and county board members to assist in the development of standards for the correctional facilities defined in section 241.021, subdivision 1 (5), including group foster homes established under the direction of the juvenile court. The provisions of section 15.059, subdivision 6, shall govern the terms, compensation and removal of the members of the advisory task force.

Sec. 7. Section 2 of this act is effective September 1, 1979. Section 6 shall expire August 1, 1981.

Approved April 5, 1978.

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#### CHAPTER 779-H.F.No.2137

[Coded in Part]

*An act relating to natural resources; concerning water resources; revising certain provisions concerning dams, reservoirs, control structures, and waterway obstructions; appropriating money; amending Minnesota Statutes 1976, Sections 105.42, Subdivision 2; 105.482, Subdivision 2, and by adding a subdivision; 105.52; 105.53; Chapter 105, by adding a section.*

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

Section 1. Minnesota Statutes 1976, Section 105.42, Subdivision 2, is amended to read:

Subd. 2. Nothing in this section shall prevent the owner of any dam, reservoir, control structure, or waterway obstruction from instituting repairs which are immediately necessary in case of emergency. However, the owner shall notify the commissioner at once of the emergency and of the emergency repairs being instituted and, as soon as practicable, shall apply for a permit for the emergency repairs and any necessary permanent repairs. Nothing in this section shall apply to routine maintenance, not affecting the safety of the structures.

In case of an emergency where the commissioner declares that repairs or remedial action is immediately necessary to safeguard life and property, the repairs, remedial action, or both, shall be started immediately by the owner.

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Sec. 2. Minnesota Statutes 1976, Section 105.482, Subdivision 2, is amended to read:

Subd. 2. **DEFINITION.** For the purposes of this section, the term "local governmental unit" means ~~a county or city~~ any political subdivision of the state, or any two or more of these units subdivisions acting jointly.

Sec. 3. Minnesota Statutes 1976, Section 105.482, is amended by adding a subdivision to read:

**Subd. 7. PRIORITY LIST OF DAMS NEEDING REPAIR.** On the basis of his examinations of dams owned by the state or local governmental units, the commissioner shall report annually to the legislature those state or local governmental dams in need of repair or reconstruction in the order of priority he determines necessary considering danger to life, damage to property and those factors listed in subdivision 4.

Sec. 4. Minnesota Statutes 1976, Section 105.52, is amended to read:

**105.52 EXAMINATION AND REPAIR OF DAMS AND RESERVOIRS.** Upon complaint or upon his own initiative, the commissioner is authorized to examine any reservoir, dam, control structure, or waterway obstruction. In so doing the commissioner or his authorized agent shall be granted access at any reasonable time to examine the reservoir, dam, control structure, or waterway obstruction. If the commissioner determines that additional engineering investigations are necessary in order to determine the safety of the dam, reservoir, control structure, or waterway obstruction and the nature and extent of the necessary repairs or alterations, he shall notify the owner thereof to cause such investigations to be made at the owner's expense and filed with the commissioner for his use in determining the condition of the structures and the need for the repair, alteration or removal thereof. If the commissioner determines that such reservoir, dam, control structure, or waterway obstruction is unsafe or needs repair or alteration, he shall notify the owner thereof to repair, alter, or remove the same as the exigencies of the case may require, and shall issue an order to that effect in the same manner and subject to the same conditions as if the owner had made application for permit for the said repairs, alterations, or removal. *The engineering investigations or the work of repair, alteration, or removal shall be commenced and completed within such reasonable time as may be prescribed by the commissioner.*

Sec. 5. Minnesota Statutes 1976, Chapter 105, is amended by adding a section to read:

**[105.521] DAM EXAMINATION REPORTS; LIMITATIONS ON TRANSFERS OF DAMS.** No state department or agency and no county, city, town, or other governmental entity may purchase or accept as a gift any privately owned dam subject to permit requirements until after (1) the commissioner has examined the dam, (2) the commissioner has prepared a report of his examination and filed it with the legislature, and (3) the legislature has had an opportunity to consider the report and has not prohibited the purchase or gift during the legislative session in which the report is filed, or, if the report is filed when the legislature is not in session, the legislature has not

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prohibited the gift or purchase at the next succeeding session.

Sec. 6. Minnesota Statutes 1976, Section 105.53, is amended to read:

105.53 **APPLICATION.** Sections 105.37 to 105.55 shall not in any way supersede or amend the provisions of Minnesota Statutes 1945, Sections 92.45 and 110.13.

Nothing in sections 105.37 to 105.55 shall apply to authorize the commissioner to require a permit for the original construction of dams, reservoirs or control works in existence on and prior to July 1, 1937; except as may be necessary to protect the health and safety of the people of the state.

Sec. 7. **APPROPRIATION.** There is appropriated from the general fund to the commissioner of natural resources the sum of \$200,000 for the fiscal year ending June 30, 1979 for the examination of dams, reservoirs, control structures, and waterway obstructions. The sum of \$250,000 for the fiscal year ending June 30, 1979 is appropriated for the repair and reconstruction of state owned dams and for the state's share of grant-in-aid to local governmental units to repair and reconstruct dams. The commissioner of natural resources may increase the authorized personnel complement of the department of natural resources by not more than four positions to accomplish these purposes.

Sec. 8. **[105.535] RULES.** The commissioner of natural resources shall promulgate rules pursuant to this act by April 1, 1979. These rules shall include provisions which exclude from permit requirements, minor dams such as those less than six feet in height or which impound less than 50 acre-feet of storage at maximum storage elevations. This does not apply to any such barrier which is not in excess of six feet in height, regardless of storage capacity or which has a storage capacity at maximum water storage elevation not in excess of 15 acre-feet, regardless of height. Rules shall include a fee schedule to cover the cost of dam inspection and shall classify structures to adequately define risks and hazards involved in relation to public health, safety and welfare. The rules shall not impose a field inspection fee on any state agency, political subdivision of the state or federal governmental agency.

Sec. 9. **EFFECTIVE DATE.** This act is effective the day following final enactment.

Approved April 5, 1978.

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CHAPTER 780-H.F.No.2159

*An act relating to courts; increasing the maximum salary for district court reporters; permitting personal jurisdiction over non-residents for causes of action relating to tortious acts; revising the provision to accord with federal constitutional requirements; amending Minnesota Statutes 1976, Sections 486.05, Subdivision 1; and 543.19, Subdivision 1.*

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

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