

otherwise be entitled.

Subd. 10. RULES. The commissioner of public welfare shall promulgate temporary rules to implement this section no later than March 15, 1980.

Sec. 2. For the purposes of section 1, there is appropriated from the general fund to the commissioner of public welfare for the biennium ending June 30, 1981, the sum of \$500,000.

Sec. 3. Minnesota Statutes 1978, Section 393.07, Subdivision 1a, is repealed.

Approved May 29, 1979.

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#### CHAPTER 257—H.F.No.277

*An act relating to shade tree disease control; authorizing grants for municipal shade tree removal and reforestation programs; amending Minnesota Statutes 1978, Sections 18.023, Subdivisions 1 and 3a; and 275.50, Subdivision 6.*

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

Section 1. Minnesota Statutes 1978, Section 18.023, Subdivision 1, is amended to read:

**18.023 SHADE TREE DISEASE CONTROL.** Subdivision 1. **DEFINITIONS.** As used in subdivisions 1 to 12 the terms defined in this subdivision shall have the meanings given them.

(a) "Metropolitan area" means the area comprising the counties of Hennepin, Ramsey, Anoka, Dakota, Washington, Scott and Carver.

(b) "Commissioner" means the commissioner of agriculture.

(c) "Municipality" means any home rule charter or statutory city or any town exercising municipal powers pursuant to section 368.01, or any general or special law, located in the metropolitan area; or any special park district as organized under chapter 398; or any special purpose park and recreation board organized under the city charter of a city of the first class located in the metropolitan area; or any county in the metropolitan area for the purposes of county owned property or any portion of a county located outside the geographic boundaries of a city or town exercising municipal powers; and any municipality or county located outside the metropolitan area with an approved disease control program.

(d) "Shade tree disease" means Dutch elm disease or oak wilt disease.

(e) "Wood utilization or disposal system" means facilities, equipment or systems

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used for the removal and disposal of diseased shade trees which includes the collection, transportation, processing or storage of wood and which aids in the recovery of materials or energy from wood.

(f) "Approved disease control program" means the municipal plan as approved by the commissioner to control shade tree disease.

(g) "Disease control area" means an area approved by the commissioner within which a municipality will conduct an approved disease control program.

(h) "Sanitation" means the identification, inspection, disruption of a common root system, girdling, trimming, removal and disposal of dead or diseased wood of elm or oak shade trees, including subsidies for trees removed pursuant to subdivision 4, on public or private property within a disease control area.

(i) "Reforestation" means the replacement of shade trees removed from public property and the planting of any species of tree as part of an approved a municipal disease control program. For purposes of this clause, "public property" shall include private property within five feet of the boulevard or street terrace in any city which has enacted an ordinance on or before January 1, 1977, that prohibits or requires a permit for the planting of trees in the public right of way.

Sec. 2. Minnesota Statutes 1978, Section 18.023, Subdivision 3a, is amended to read:

Subd. 3a. **GRANTS TO MUNICIPALITIES.** (a) The commissioner may, in the name of the state and within the limit of appropriations provided, make grants-in-aid to a municipality with an approved disease control program for the partial funding of municipal sanitation and reforestation programs. The commissioner may make grants-in-aid to any home rule charter or statutory city of more than 40,000 population in the metropolitan area as defined in subdivision 1 or a combination of such cities of 40,000 combined population under a joint powers agreement pursuant to section 471.59; or a home rule charter or statutory city of more than 20,000 population outside the metropolitan area or a combination of such cities of 20,000 combined population under a joint powers agreement pursuant to section 471.59 or any special purpose park and recreation board organized under a charter of a city of the first class or any non-profit corporation serving a city of the first class or any county having an approved disease control program for the acquisition or implementation of a wood utilization or disposal system.

(b) The commissioner shall promulgate rules, including temporary rules, for the administration of grants authorized by this subdivision. The rules shall establish and contain as a minimum:

(1) Procedures for grant applications;

(2) Conditions and procedures for the administration of grants;

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(3) Criteria of eligibility for grants including, but not limited to, those specified in this subdivision; and

(4) Such other matters as the commissioner may find necessary to the proper administration of the grant program.

(c) Grants-in-aid payments for wood utilization and disposal systems made by the commissioner pursuant to this subdivision shall not exceed 50 percent of the total cost of the system. Grants for sanitation and reforestation shall be combined into one grant program. Grants to any municipality for sanitation shall not exceed ~~45~~ 50 percent of sanitation costs approved by the commissioner including any amount of sanitation costs paid by special assessments, ad valorem taxes, federal grants or other funds. A municipality shall not specially assess a property owner any amount greater than the amount of the tree's sanitation cost minus the amount of the tree's sanitation cost reimbursed by the commissioner. Grants to municipalities for reforestation shall not exceed the lesser of 50 percent of the cost or ~~\$40 multiplied by the number~~ , but not more than \$50 per tree, of trees planted pursuant to the reforestation program and shall be limited for any municipality in any year to grants for not more than the number of trees removed on public property in the sanitation program in the previous year, except during the first year of any approved disease control program; provided that a reforestation grant to any county may include up to 90 percent of the cost, but not more than \$60 per tree, of the first 50 trees planted on public property in a town not described in subdivision 1 and of less than 1,000 population upon the town's application to the county. Reforestation grants to towns and home rule charter or statutory cities as described in subdivision 1 of less than ~~4,000~~ 4,000 population with an approved disease control program may include up to 90 percent of the cost, but not more than \$60 per tree, of the first 50 trees planted on public property with the approval of the 1979 application. The governing body of any municipality which receives a reforestation grant pursuant to this section shall appoint up to seven residents of the municipality or designate an existing municipal board or committee to serve as a reforestation advisory committee to advise the governing body of the municipality in the administration of the reforestation program. For the purpose of this subdivision, "cost" shall not include the value of a gift or dedication of trees required by a municipal ordinance but shall include documented "in kind" services or voluntary work for municipalities with a population of less than 1,000 according to the 1970 census.

(d) Based upon estimates submitted by the municipality to the commissioner, which shall state the estimated costs of sanitation and reforestation in the succeeding quarter under an approved program, the commissioner shall direct quarterly advance payments to be made by the state to the municipality commencing April 1, ~~1977~~ 1979. The commissioner shall direct adjustment of any overestimate in a succeeding quarter. A municipality may elect to receive the proceeds of its sanitation and reforestation grants on a periodic cost reimbursement basis.

(e) A home rule charter or statutory city, or county outside the metropolitan area or any municipality, as defined in subdivision 1, may submit an application for a grant authorized by this subdivision concurrently with its request for approval of a disease control program.

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Sec. 3. Minnesota Statutes 1978, Section 275.50, Subdivision 6, is amended to read:

Subd. 6. The cost to a governmental unit of implementing section 18.023, including sanitation and reforestation, as defined in section 18.023, subdivision 1, is a "special levy" and is not subject to tax levy limitations including those contained in sections 275.50 to 275.56 and in Laws 1969, Chapter 593, as amended by Laws 1974, Chapter 108, commencing with the levy made in 1976, payable in 1977, and terminating with the levy made in 1978 1980, payable in 1979 1981 : A governmental subdivision may make a supplementary levy in 1977, payable in 1978; for all costs of implementing section 18.023 incurred in calendar year 1977 for which a levy was not made in 1976; payable in 1977. For the purpose of calculating the tax levy limit base under section 275.54; for levy year 1977; taxes payable 1978; there shall be subtracted from the levy limit base of any governmental subdivision an amount equal to 42 percent of the amount levied under section 18.023 in levy year 1974; taxes payable 1975; and included in the levy limit base of the governmental subdivision as a result of Laws 1975; Chapter 437.

Sec. 4. [18.023] [Subd. 3b.] LIMITATION UPON GRANTS TO METROPOLITAN AREA. The commissioner shall not make grants for sanitation and reforestation or wood utilization and disposal systems in excess of 67 percent of the amounts appropriated for those purposes to the municipalities located within the metropolitan area, as defined in Minnesota Statutes, Section 18.023, Subdivision 1.

Sec. 5. Of the money appropriated for the biennium 1980-81 for grants for the combined sanitation and reforestation programs one-half is available for expenditure in the calendar year ending December 31, 1979 and one-half is available in the calendar year ending December 31, 1980. However, money not expended for grants for the combined sanitation and reforestation programs in the calendar year ending December 31, 1979 shall be available for grants for the combined sanitation and reforestation programs in the calendar year ending December 31, 1980.

Sec. 6. EFFECTIVE DATE. This act is effective July 1, 1979 and applies to costs incurred on and after January 1, 1979.

Approved May 29, 1979.

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#### CHAPTER 258—H.F.No.555

*An act relating to crimes; specifying the crime of offering substances purporting to be prohibited for sale; creating a new category of offense for assault; reclassifying assaults by degrees; specifying the crime of interference with privacy; reclassifying the pecuniary categories of the crime of theft; redefining certain felonies; authorizing agents of the bureau of criminal apprehension to obtain search warrants; clarifying the locus of venue; providing penalties; amending Minnesota Statutes 1978, Sections 609.02, by adding subdivisions; 609.11; 609.25, Subdivision 2; 609.341, Subdivisions 3 and 13, and by adding a subdivision; 609.343; 609.344; 609.345; 609.52, Subdivision 3; 609.563; 609.595, Subdivision 1; 611.033; 626.05, Subdivision 2; 626.11; 626.13; 627.01; Chapter 609, by adding sections;*

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