

CHAPTER 585—S.F.No. 2134

An act relating to natural resources; providing for analysis of hydroelectric generating capacity of publicly owned dams; clarifying provisions relating to the administration of and authorization for dam repair and reconstruction grants; appropriating money; amending Minnesota Statutes 1978, Section 105.482, Subdivisions 1 and 4; Minnesota Statutes, 1979 Supplement, Section 105.482, Subdivisions 3 and 5a; and Laws 1979, Chapter 300, Section 4, Subdivisions 1 and 5.

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

Section 1. Minnesota Statutes 1978, Section 105.482, Subdivision 1, is amended to read:

105.482 **DAMS; REPAIR, RECONSTRUCTION; GRANTS.** Subdivision 1. **PURPOSE.** The public health, safety, and welfare is promoted by the orderly repair and restoration of dams serving the public interest and by the use of existing dams for hydroelectric power generation wherever that use is economically justified and environmentally sound. In furtherance of this objective, it is the purpose of this section to facilitate the repair and restoration of dams owned by the state and local governmental units and to investigate and analyze hydroelectric generating capability of publicly owned dams.

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 105.482, Subdivision 3, is amended to read:

Subd. 3. **COMMISSIONER'S DUTIES.** From money appropriated for the following purposes from time to time, the commissioner of natural resources may repair or reconstruct state owned dams and may grant aid to local governmental units to repair or reconstruct dams owned by local governmental units and to make necessary engineering evaluations related to the repair or reconstruction. The engineering evaluations may include, but are not limited to, studies of the feasibility, practicality, and environmental effects of utilizing dams for hydroelectric power generation. Except as provided below, no grant to a local governmental unit shall exceed the amount contributed to the project by the local governmental unit from funds raised locally. A grant to study the feasibility, practicality and environmental effects of utilizing a dam for hydroelectric power generation may be for an amount not to exceed 90 percent of the costs of the study. Federal general revenue sharing money may be counted as funds raised locally, but other federal grants or loans shall be used to reduce equally the state share and the local share of project costs.

Sec. 3. Minnesota Statutes 1978, Section 105.482, Subdivision 4, is amended to read:

Subd. 4. **PROCEDURES.** The commissioner shall repair or reconstruct a state owned dam or make a grant to a local governmental unit only after making an investigation of the dam. A local governmental unit desiring a grant for the repair or reconstruction of a dam shall apply for the grant on forms supplied by the commissioner. The commissioner shall consider all relevant factors, including

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but not limited to the following in determining whether to repair or reconstruct a state owned dam or to make a grant to a local governmental unit: (a) the age and type of construction of the dam; (b) the use of the dam for water supply, flood control, navigation, hydroelectric power generation, recreation, wildlife management, scenic, or other purpose related to public health, safety, and welfare; (c) the consequences of abandonment, removal, or alteration of the dam; (d) prospective future uses of the dam; and (e) the relative importance of the dam to the statewide water resource program. Upon his own initiative or at the request of a governmental unit applying for a grant, the commissioner may hold a public hearing on the proposed repair or reconstruction in the manner provided in section 105.44, after giving the same notice as required for such a hearing. If the hearing is held at the request of a governmental unit, the costs of publishing notice and of taking and preparing the stenographic record shall be paid by the governmental unit. To receive a grant the local governmental unit shall enter into an agreement with the commissioner giving assurance that the governmental unit will operate and maintain the dam in a safe condition for the benefit of the public and shall agree to such other conditions as the commissioner deems reasonable.

Sec. 4. Minnesota Statutes, 1979 Supplement, Section 105.482, Subdivision 5a, is amended to read:

Subd. 5a. **LOANS.** When the commissioner of natural resources decides to *recommend to the legislature a dam repair or reconstruction grant to a local governmental unit*, he shall notify the local governmental unit and the commissioner of finance of the decision. The local government unit may then apply to the commissioner of finance on forms supplied by the commissioner of finance for a loan to cover up to 90 percent of the local share of project costs. The loan is repayable over a period not to exceed 20 years, with interest at a rate sufficient to cover the cost to the state of borrowing the money. Each local unit of government receiving a dam safety loan shall levy for the loan payment in that year and each year thereafter, until its loan is paid, (a) the amount of its annual loan payment, or (b) the amount of the required loan payment levy less the amount the local unit certifies is available from other sources for the loan payment. Upon approval of the project grant by the legislature, the commissioner of finance shall make the loan in an amount and on terms that are appropriate. Loans made pursuant to this subdivision shall not require approval by the electors of the local governmental unit as provided in section 475.58. All principal and interest payments received by the commissioner of finance in repayment of these loans are appropriated to the Minnesota state building bond account.

Sec. 5. Laws 1979, Chapter 300, Section 4, Subdivision 1, is amended to read:

Sec. 4. **APPROPRIATIONS.** Subdivision 1. **SMALL STATE AND LOCAL DAM PROJECTS.** ~~The sums set forth in this subdivision are~~ sum of \$500,000 is appropriated from the state building fund to the commissioner of natural resources for repair and reconstruction of state dams pursuant to section 105.482, subdivision 3, where the expenditures do not require legislative approval under section 105.482, subdivision 5, to be available ~~for the fiscal year ending June 30 in~~

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~~the years indicated. If the appropriation for either year is insufficient, the appropriation for the other year is available for it until expended. This sum may also be used to evaluate the hydroelectric generating capacity of publicly owned dams pursuant to section 105.482. From the appropriation made by this section, the commissioner of natural resources may grant to the University of Minnesota an amount not to exceed \$150,000 for the purposes of conducting feasibility studies of hydroelectric power generation and engineering evaluations of dam safety.~~

1980	1981
\$250,000	\$250,000

Sec. 6. Laws 1979, Chapter 300, Section 4, Subdivision 5, is amended to read:

Subd. 5. **BOND SALE; DEBT SERVICE.** To provide the money appropriated from the state building fund in subdivisions ~~2, 3 and 1~~ to 4 the commissioner of finance upon request of the governor shall sell and issue bonds of the state in an amount up to ~~\$3,275,000~~ \$3,775,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, Sections 16A.63 to 16A.67, and by the Constitution, Article XI, Sections 4 to 7.

Sec. 7. Sections 1 to 6 are effective the day following final enactment.

Approved April 16, 1980

CHAPTER 586—S.F.No. 251

An act relating to cooperative associations; validating elections of directors by mail voting; authorizing mail voting for directors of cooperative associations; providing for voting by members' spouses; amending Minnesota Statutes 1978, Section 308.071; and Chapter 308, by adding a section.

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

Section 1. Minnesota Statutes 1978, Section 308.071, is amended to read:

308.071 COOPERATIVE ASSOCIATIONS, ELECTION OF DIRECTORS. Subdivision 1. No action heretofore or hereafter taken by the board of directors nor the election of any director of any cooperative association organized under sections 308.05 to 308.18 shall be held to be invalid by reason of any ~~such~~ director ~~heretofore~~ having been elected at an election at which any stockholder voted by mail in accordance with provisions for mail votes existing in the articles of incorporation or bylaws of ~~such~~ cooperative association prior to January 1, 1956 the effective date of this act.

Subd. 2. ~~If voting by mail is authorized by the articles of incorporation or the bylaws of any such cooperative association, then any stockholder of such association may, at any election of any director of such association which shall be held hereafter and prior to January 1, 1958, vote by mail in the same manner as is~~

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