

constructed before January, 1976, without providing to the buyer, prior to the time of sale, a copy of an energy disclosure report for the residence unless the buyer has been provided a copy of the form used in making an energy disclosure report and has declared in writing that he waives his right to a report. A residential energy audit meeting the audit standards of 42 U.S.C. 8211 et seq. may be substituted for the energy disclosure report required by this subdivision; and provided that no utility with a geographic audit plan approved by the agency shall be required to deviate from that geographic plan in order to provide a residential energy audit. After January 1, 1982, only residential energy audits meeting the audit standards of 42 U.S.C. 8211 et seq. shall qualify as an energy disclosure report. If the residence has been evaluated subsequent to April 6, 1978, No new evaluation shall be required for five years after the date of the evaluation, if a copy of the last evaluation has been delivered to the prospective buyer. The provisions of this subdivision shall not apply to the sale or conveyance of any residence to a public body or by a sheriff, constable, marshal or other public or court officer in the performance of his official duties as such, or to trustees in bankruptcy or any other person or persons acting under the direction or authority of any court, state or federal, in selling a residence, except as to a public sale ordered by a probate court, in which case this subdivision shall apply. The provisions of this subdivision are repealed effective June 30, 1990.

Sec. 6. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Approved May 27, 1981

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**CHAPTER 256 — H.F.No. 126**

*An act relating to waters; requiring posting and publication of notice of aeration operations by a permittee of the commissioner of natural resources; establishing a presumption of due care; changing and clarifying administrative provisions regarding watershed districts; permitting use of a map in lieu of the names of owners or descriptions of affected properties in a notification of a proposed watershed improvement in a watershed benefit; permitting Murray County and the city of Slayton to enter an agreement for the administration of county ditches; amending Minnesota Statutes 1980, Sections 112.36; 112.53, Subdivisions 1, 2 and 4; proposing new law coded in Minnesota Statutes, Chapter 378.*

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

Section 1. **[378.22] WATER AERATION SAFETY.**

Subdivision 1. **WARNING SIGNS.** Any permittee operating an aeration system on public waters within the state shall comply with the sign posting

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requirements of this section and applicable rules and orders of the commissioner of natural resources.

**Subd. 2. POSTING REQUIREMENTS.** Where an aeration system is used on the ice of public waters, signs shall be posted by the permittee at a height of from four to six feet in a rectangular pattern at each corner of the open water, with at least two additional signs between the corner signs on any side exceeding 100 feet in length.

Additional signs shall be posted by the permittee on the shoreline of the public waters at each public access point and other areas commonly used by the public for access to the lake. The signs shall comply with the applicable order of the commissioner of natural resources.

**Subd. 3. PUBLICATION OF NOTICE.** Advance public notice of the commencement of any aeration system, authorized by a permit from the commissioner of natural resources during periods of ice cover on public waters, shall be given by the permittee. Minimum notice shall consist of publication of the location and date of commencement of the system in a newspaper of general circulation in the area where the system is proposed to be operated at least two times between five and 20 days prior to commencement.

**Subd. 4. EVIDENCE.** In any action for negligence arising out of the conduct of aeration operations authorized by a permit from the commissioner of natural resources during periods of ice cover on public waters, evidence of compliance with the posting and publication requirements of this section and applicable rules, orders and permit provisions of the commissioner of natural resources shall be prima facie evidence of the exercise of due care by the permittee.

Sec. 2. Minnesota Statutes 1980, Section 112.36, is amended to read:

#### **112.36 ESTABLISHMENT OF DISTRICTS.**

**Subdivision 1. GENERAL POWER.** The board is hereby vested with jurisdiction, power, and authority, upon filing of a nominating petition, to establish a watershed district and define and fix the boundaries thereof, all areas of which shall be contiguous and which may be entirely within or partly within and partly without any county, and may include the whole or any part of any watershed or watersheds within the discretion of the board and may include the whole or any part of one or more counties, and to appoint the first board of managers thereof, as herein provided.

**Subd. 2. PURPOSES OF DISTRICT.** A watershed district may be established for any or all of the following conservation purposes:

- (1) Control or alleviation of damage by flood waters;
- (2) Improvement of stream channels for drainage, navigation, and any other public purpose;

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- (3) Reclaiming or filling wet and overflowed lands;
- (4) Providing water supply for irrigation;
- (5) Regulating the flow of streams and conserving the waters thereof;
- (6) Diverting or changing watercourses in whole or in part;
- (7) Providing and conserving water supply for domestic, industrial, recreational, agricultural, or other public use;
- (8) Providing for sanitation and public health and regulating the use of streams, ditches, or watercourses for the purpose of disposing of waste;
- (9) Repair, improve, relocate, modify, consolidate, and abandon, in whole or in part, drainage systems within a watershed district;
- (10) Imposition of preventive or remedial measures for the control or alleviation of land and soil erosion and siltation of watercourses or bodies of water affected thereby;
- (11) Regulating improvements by riparian landowners of the beds, banks, and shores of lakes, streams, and marshes by permit or otherwise in order to preserve the same for beneficial use;
- (12) Providing for the generation of hydroelectric power; and
- (13) Protecting or enhancing the quality of water in watercourses or bodies of water.

Sec. 3. Minnesota Statutes 1980, Section 112.53, Subdivision 1, is amended to read:

Subdivision 1. The managers shall by publication give notice of the pendency of the petition or resolution; the time and place for hearing thereon; that the engineer's and appraisers' reports, including the plans, have been filed with the managers and are subject to inspection. The notice shall contain a brief description of the proposed improvement, together with a description of the properties benefited or damaged, and the names of the owners thereof, the public and other corporations affected thereby as shown by the engineer's and appraisers' reports; ~~and~~. A map of the affected area may be included in the notice in lieu of the names of the owners or of the descriptions of the properties affected by the project or both. The notice shall require all parties interested in the proposed improvement to appear before the managers at the time and place designated in the notice and there present their objections, if any they have, and show cause why an order should not be made by the managers granting the petition and confirming the reports of the engineer and the appraisers and ordering the establishment and construction of the improvement.

Sec. 4. Minnesota Statutes 1980, Section 112.53, Subdivision 2, is amended to read:

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Subd. 2. **MAILING.** The managers shall give notice by mail, within one week after the beginning of publication, to the director and to each person, corporation, and public body ~~affected~~ that owns property benefited or damaged by the proposed improvement as shown by the engineers and appraisers report. The notice shall contain a brief description of the proposed improvement and state: that the engineer's and appraisers' report are on file with the managers and available for public inspection; the time and place of hearing; and that the addressee's name appears as an affected party.

Sec. 5. Minnesota Statutes 1980, Section 112.53, Subdivision 4, is amended to read:

Subd. 4. Where the improvement affects the lands and properties in more than one county, separate notices shall be prepared and published in each county affected showing only the general description of the proposed improvement and the names and descriptions of the properties affected in the county or, in lieu of the names or descriptions or both, a map of the area affected in the county. Notice by mail as provided in subdivision 2 shall be given.

Sec. 6. **MURRAY COUNTY DITCHES.**

Pursuant to agreement under Minnesota Statutes, Section 471.59, Murray County may delegate to the city of Slayton all or part of its powers and duties relating to all or part of any county ditch. The city may exercise any of the delegated powers within or outside the city in the same manner as the county.

Sec. 7. **EFFECTIVE DATE.**

Section 6 is effective the day after compliance with Minnesota Statutes, Section 645.021, Subdivision 3, by the governing bodies of Murray County and the city of Slayton.

Approved May 27, 1981

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**CHAPTER 257 — H.F.No. 157**

*An act relating to public welfare; providing that every birth to a minor shall be reported within three working days to the commissioner of public welfare; amending Minnesota Statutes 1980, Section 257.33.*

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

Section 1. Minnesota Statutes 1980, Section 257.33, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.